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Page: 1/3

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**DIALOGUE ON PLASTICS POLLUTION AND ENVIRONMENTALLY SUSTAINABLE
PLASTICS TRADE**

CENTER FOR INTERNATIONAL ENVIRONMENTAL LAW (CIEL) STATEMENT

Pre-Plenary Meeting – 23 November 2023

DOCUMENT DE SÉANCE NON OFFICIEL¹

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* In Original language only/En langue originale seulement/En el idioma original solamente.

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WTO Dialogue on Plastic Pollution

CIEL's Written Statement

23 November 2023

STATEMENT FOR DISTRIBUTION

Your excellencies,
Distinguished Members of the WTO,

We would like to warmly congratulate you on all the commendable work you have undertaken this year. As we have mentioned many times in the past, we believe that the WTO plays and will continue to play a vital role in achieving the objective of ending plastic pollution, and we greatly welcome its contribution to the INC process.

We would also like to thank you for circulating the revised draft of the Ministerial Declaration to all stakeholders, and for making this process so transparent and inclusive. We trust that our contributions this year have been useful, and we look forward to supporting this process in 2024.

The third session of the Intergovernmental Negotiating Committee (INC-3) for an International Legally Binding Instrument on Plastic Pollution concluded last Sunday in Nairobi. While it achieved several victories, an agreement on Intersessional Work was not concluded. Nonetheless, we believe that the work accomplished and prepared here at the WTO will be crucial in providing additional information on how DPP members have approached trade-related measures to combat plastic pollution at the national level.

In this regard, the reports of the WTO Secretariat, the work undertaken by many stakeholders, and the compilations attached to the Ministerial Declaration are of vital importance. They will provide essential and critical information signaling that trade measures at the domestic level to fight plastic pollution are already happening, and much more is needed from the INC through the adoption of trade related measures in the international legally binding instrument on plastic pollution, including in the marine environment.

However, in the context of alternatives and substitutes, or promoted solutions, despite the revised version of the Ministerial declaration stating that the actions, suggestions or opportunities listed in the declaration and compilations can be taken on a voluntary basis, some of the wording in the

declaration seems to indicate that they are collectively agreed and collectively perceived as to be the way forward.¹

We understand that these compilations:

- i) Are based on individual State notifications instead of being collectively agreed;
- ii) Are not based on common criteria and definitions; and
- iii) Have not been subject to any form of scientific and socio-economic evaluations.

Therefore, we hope that these elements will be reflected in the final draft to prevent future complications in the INC process; and we hope that the documents produced here will be presented and discussed in the INC process, as they will be definitely useful as a basis for discussions.

Additionally, while the declaration “recognize[s] the need to periodically update the compilations based on global, regional and domestic efforts, as well as on technical and scientific developments”, it will be essential to also mention that: “[t]hese compilations are also subject to review following the adoption of the international legally binding instrument on plastic pollution, including in the marine environment”. This would ensure that there is no disconnection between the DPP and the INC process.

Furthermore, we observed that the suggested actions do not mention plastic waste. Given that this element is acknowledged in the preamble, which also recognizes the Basel Convention, we hope that it will be added to the list of proposed actions.²

In conclusion, we would like to reiterate the value of the work accomplished at the WTO this year and its potential to inform the INC process. We hope that you will find these suggestions helpful, and we are available to provide more detailed elements in writing.

Please accept, Excellencies and colleagues, the assurances of our highest consideration.

Helionor de Anzizu

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¹ Draft Ministerial Declaration circulated on the 9th of November 2023: “We agree on the importance of international cooperation on the following actions and agree to pursue such actions on a voluntary basis, individually and collectively, in the spirit of international cooperation while recognizing different domestic capacities and priorities for action”.

² Draft Ministerial Declaration circulated on the 9th of November 2023: “Promote trade-related cooperation, including through implementing trade-related measures to reduce unnecessary or harmful plastics, plastic products, [and plastic waste] and ”.