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UN Plastics Negotiations INC-4: Outcomes & Key Achievements.

FINAL OUTCOME

With just one meeting left to finalise the UN plastics treaty text by the end of 2024, governments saw themselves under increased pressure to advance critical work on the [Revised Zero Draft](#) of the future instrument, prepared by the INC Secretariat in December 2023.

Parties engaged constructively from the onset and were able to streamline the nearly 70-page revised draft text to a certain extent, combine text options and remove duplicates where possible. However, all positions and options remain on the table and sharp disagreements became obvious, in particular in discussions on scope; reduction and phase-out measures for primary plastic polymers, chemicals and polymers of concern, problematic and avoidable plastic products; trade measures; financial mechanisms.

Even items considered as ‘early wins’ and ‘low hanging fruits’, such as elements of product design, Extended Producer Responsibility (EPR), waste management, and fishing gear, have proven to be more difficult than assumed and we saw wider concerns and issues related to these issues emerging in the negotiations.

Seven days of highly complex negotiations finally ended on Tuesday, 30 April at 3am in the morning, after the closing plenary got interrupted for several hours as Parties tried to work in ‘huddles’ to find a balanced compromise on the way forward on essential intersessional work ahead of the [fifth session \(INC-5\)](#) in November. Parties eventually agreed to establish two (2) ad hoc intersessional open-ended expert groups with the objective to:

- a. develop an analysis of potential sources and means that could be mobilised for implementation of the objectives of the instrument; as well as
- b. analyse criteria and non-criteria-based approaches, with regard to plastic products and chemicals of concern in plastic products and product design, focusing on recyclability and reusability of plastic products considering their uses and applications.

Parties also decided to use the compilation of their work, that includes advanced draft texts from this session as a basis for negotiations at INC-5 and also established an Open-ended Legal Drafting Group, which will begin work at INC-5, to ensure the legal clarity of the new instrument on plastic pollution. Please refer to the [Contact Group 1 and 2 non-papers \(outcomes as of 29 April 2024\)](#) for more details on the results of the meeting.

KEY ISSUES IN NEGOTIATION ROOMS

Negotiations throughout the week were conducted in two Contact Groups. Contact Group 1, co-chaired by Palau and Germany, was mandated to consider the technical elements addressed in Parts I and II of the revised zero text, including any relevant proposed annexes. Contact Group 2, co-chaired by Australia and Ghana, was mandated to consider the implementation measures addressed

in Parts III-VI of the draft text, including any relevant proposed annexes. Contact Group 1 was divided into three Sub-groups, and that Contact Group 2 be divided into two Sub-groups.

After an initial technical streamlining exercise, Parties commenced textual negotiations on validated streamlined text for several provisions, integrating a swathe of additional bracketed textual proposals and new concepts and elements to the existing text, as well as the retention of the no text option for several core provisions.

Part I

Objective

With regards to the ILBI's objective, Parties agreed to merge the existing two options into one single option, expressing broad support for a short and concise objective and proposing new text elements and concepts (animal and plant health, biodiversity, legacy plastic, circular economy). Divergent views still exist on several key elements, including on whether the Treaty objective should be to 'end plastic pollution' or 'to protect human health and the environment from the adverse effects of plastic pollution'. [See current draft text here](#) (Part I, item 2).

Principles

Several countries expressed preference for a no-text option, noting that relevant principles and approaches important for the implementation of the ILBI could be included in the relevant provisions. Others considered a stand-alone section on this matter as essential and provided several additions. [See current draft text here](#) (Part I, item 4).

Scope

While many Parties stressed that the scope is well defined by UNEA resolution 5/14, others expressed preference for merging several of the options to fully define the scope of the ILBI. Some delegations offered language to limit the scope of the full lifecycle to plastic products and their waste. [See current draft text here](#) (Part I, item 5).

Part II

Primary Plastic Polymers

Parties' positions remain highly polarised with a group of countries and several other countries calling strongly for no provision on primary plastic polymers with the view that this goes beyond the mandate of the UNEA 5/14 resolution to end plastic pollution. On the other hand, a broad group of countries considers that in order to address plastic pollution, it is imperative to address it at its source with strong measures to bring production of primary plastic polymers to sustainable levels, with some supporting mandatory global rules and others supportive of voluntary provisions. There is also a clear divide on the interpretation of sustainable production and consumption referenced in the UNEA resolution.

A [proposal from Perú and Rwanda](#) for a global target for the production of primary plastic polymers (reducing 40% of the global use of primary plastics polymers by 2040 from 2025 levels) and requirement for Parties to submit statistical data on annual production, imports and exports of primary plastic polymers was strongly opposed by several countries, while others expressed their support. [See current draft text here](#) (Part II, item 1).

Chemicals of Concern

Many delegations proposed globally binding provisions, as opposed to nationally determined measures, to control or regulate the use of chemicals, groups of chemicals, and polymers, through lists outlined in annexes, and implemented through domestic measures as reflected in national plans. Several conference papers and text proposals were submitted by groups of countries and countries, including by Norway, Cook Islands and Rwanda ([approach for criteria & lists](#), [annex on criteria & lists](#)); EU ([text proposal](#)); Irak ([approach for planned open-ended expert group](#)). The proposal by Norway et al. suggests two lists to be outlined in an annex, which differentiate between chemicals in plastics that are to be banned/eliminated and groups of chemicals that are to be avoided and minimized. Criteria for identifying these were also presented, as well as initial proposals for chemicals and groups of chemicals to be included in those lists.

Several countries strongly called for a no text option, emphasising that the issues goes beyond the mandate of UNEA resolution 5/14 and that duplications with relevant existing legal instruments and frameworks, such as the Global Framework on Chemicals, BRS Conventions and relevant global regional subregional and sectoral bodies must be avoided. [See current draft text here](#) (Part II, item 2).

Problematic and avoidable plastic products

A group of countries supported a global mandate that could include a list of products subject to a ban, or phase down and phase out measures. Another group of countries called for nationally determined measures, stressing that because there is no uniform understanding on the definition of “problematic” and “avoidable” plastic products, there could not be support for a global mandate to regulate them.

Furthermore, some countries highlighted the risk of adverse socio-economic impacts resulting from regulating certain products. Suggestions were made for the need for intersessional work before INC-5 to generate criteria for establishing definitions on problematic and avoidable plastic products, with some stressing that these criteria should be established at the national level, considering national circumstances. Some countries called for deletion of references to trade in this section so as not to contravene WTO principles. One country noted that some short-lived plastics are not necessarily problematic or avoidable, and, pointing to their high recycling rate in some jurisdictions, stated that these cannot be defined as causing plastic pollution. [See current draft text here](#) (Part II, item 3)

Product design, composition, and performance

There is broad support for measures to enhance the design of plastic products, with some countries preferring legally binding provisions, in line with a set of minimum product design criteria and requirements for specific product or sector categories containing plastics contained in an annex and within a specific timeframe. Others called for a national approach for developing requirements for product design as design and performance standards, that takes into consideration differences of the characteristics and use methods of its products in each country, such as the infrastructure for recycle and waste management, the production technologies for plastic products and the availability of recycled materials. [See current draft text here](#) (Part II, item 5)

Extended Producer Responsibility (EPR)

While many Parties see EPR as critical policy tool for countries to achieve the objective of the ILBI, different views were expressed whether the current provisions should mandate or encourage the use of EPR and what it should cover. Several countries expressed preference for no text option and introduced numerous brackets on existing language, including on the 'extended' element of the EPR. Countries further emphasised that a one-size-fits-all approach is simply not implementable and that designing and implementing an EPR system in particular for developing countries is complex, requiring careful consideration of local contexts and circumstances. The need for guidelines to define the right elements for schemes and systems was also mentioned, with an option for the Governing and Subsidiary Bodies to establish them. [See current draft text here](#) (Part II, item 7)

Trade in listed chemicals, polymers and products

Several Parties emphasised the role that trade measures can play in supporting the achievement of ILBI's objective, with some countries supporting global/harmonised rules prohibiting the export/import of chemicals, polymers and problematic and avoidable plastic products as well as products that do not meet design standards, as controlled by the future instrument and listed and defined by the Treaty's annexes.

Several delegations considered that the trade measures under discussion would have severe economic and trade implications that go beyond WTO rules and principles, with some expressing concern that they would be used for discriminatory and/or protectionist purposes. Progress on this item could not be made and it was decided to resume discussions on this sensitive matter at a later stage. [See current draft text here](#) (Part II, item 10).

Just Transition

Parties were able to reduce options from 3 to 2, expressing a range of divergent views. Many Parties noted that just transition should apply to an individual person in vulnerable situations rather than to countries. Many stressed the importance of international human rights instruments, the UN guidelines on business and human rights as well as the ILO Just Transition guidelines. Some emphasised the important link to finance and noted just transition pathways as preferred concept. [See current draft text here](#) (Part II, item 12).

Part III

Financing mechanisms and resources

On financing, which is certainly one of the high-stake issues to be addressed at INC-5, we saw highly difficult and complex discussions with regards to the establishment of a dedicated financing mechanism/fund, with currently all options for a new stand-alone and independent fund, a mechanisms building on and linked to an existing mechanism/fund, such as the Global Environment Facility Trust Fund, as well as hybrid solution(s) on the table.

On the possibility of a global plastic fee, which some countries and stakeholders see as a possible income generator, most countries noted that such a fee would not be implementable and referred to EPR as adequate instrument in this regard. On contributors and resource mobilisation for the new funding mechanism, we saw divergent views on the need to mobilise all possible sources, including private sector contributions, and across both domestic and international spheres. Some noted that

domestic resource mobilisation efforts are nationally determined and should not be subject to international scrutiny and that putting a lot of pressure on developing countries, and also private sector, should be avoided.