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UN Plastics Negotiations INC-5: FINAL OUTCOME AND OVERVIEW OF KEY ISSUES

We would like to share with you some key insights and outcomes from the [fifth session of the Intergovernmental Negotiating Committee \(INC-5\)](#) to develop an “international legally binding instrument (ILBI) on plastic pollution, including in the marine environment”, that took place in Busan, Republic of Korea from 25 November – 1 December 2024.

INC-5 brought together over 3,360 delegates representing 170 Member States and over 440 Observer organisations including business, academia and civil society – marking the largest INC gathering to date. ICC, as the voice of the real economy, participated actively in the meeting, hosted daily business briefings throughout the week to discuss the progress of negotiations and engaged with several key countries and negotiating groups on the [ICC business priorities for an effective legally binding instrument](#).

PROCEEDINGS AND FINAL OUTCOME

Final outcome

After seven days of highly complex negotiations, the closing plenary of the session ended on Monday 2 December at 2.50am, with the common conclusion by delegates that time had run out to resolve all outstanding issues and that a resumed session of the Committee was necessary to afford additional time for further negotiations to develop a legally binding instrument to address plastic pollution. In this regard, delegates agreed to use the Chair’s latest [draft text](#) circulated on Sunday the 1st of December, as a starting point for negotiations, without prejudice for Members to propose modifications, additions, deletions and with the understanding that ‘nothing is agreed until everything is agreed’. Some delegates preferred convening the session within the first half of 2025 in order not to lose the momentum built in Busan whilst others called for the session to be held in July or August 2025 to account for the substantial work required in the interim. The date and location of the resumed session (INC5.2) will be determined and communicated in due course. In addition, the possibility of organizing a Ministerial segment will be explored at the end of the next session.

Whilst INC-5 did not achieve the intended objective of concluding an agreement in Busan, it is broadly recognized that some important steps have been taken over the past week, with the opportunity to further build on these discussions to forge consensus towards an agreement that is fit for purpose in addressing plastic pollution.

Please find attached a copy of the ICC business statement posted on the INC-5 website for the opening of the session as well as the statement delivered at the closing of INC-5.

Proceedings

INC-5 represented the envisaged last round of negotiations to finalise the text of the future international legally binding instrument (ILBI) and delegates saw themselves under increased pressure to advance critical work on the future instrument, based on the [third iteration of the INC Chair’s non-paper](#) which had been presented as a basis for negotiations in advance of the session. The document was developed in an effort to streamline discussions from the original 70-pg [compilation text](#) emanating from INC-4.

In the INC Chair’s organisation of work, four Contact Groups were established to address specific Articles in the proposed text, where delegates had the opportunity to review the text and make relevant proposals, with a view to submitting any agreed articles to the Legal Drafting Group to ensure that the text was drafted in a legally sound manner. However, despite concerted efforts to work through the text in the dedicated contact groups, clear divergences came to the fore on

critical issues and persisted throughout the week, in particular on provisions related to plastic products and chemicals of concern, supply, finance, definitions and principles, as well as the voluntary/mandatory nature of the provisions. Even areas considered to have broader convergence such as product design and waste management were more difficult to work through than envisaged. As countries embarked on line-by-line negotiations, we saw an expansion of texts with various language options proposed, which soon resembled yet another compilation text. The pace of progress was disconcertingly slow at the start of the week, with much frustration expressed by all delegates in Wednesday's mid-week stock-take plenary, the majority of whom were dissatisfied with the process and ability to advance effectively on the treaty text.

On Thursday, as Contact Groups were requested to complete their work by 9pm, the pace was frantic, as delegations strived to produce text that could be reviewed by the Legal Drafting Group. However, despite the sense of urgency, negotiations in contact groups produced bloated texts which were heavily bracketed, and in some instances the Contact Group Co-Chairs were left with the task of transmitting diverging proposals from Member States to the INC Chair.

In an effort to take things forward constructively, the INC Chair produced a [new non-paper](#) on the 29th of November, taking into consideration existing texts and proposals from individual Members or groups of countries, including the diverging elements and options for consideration. Thereafter, a series of informal consultations ensued behind closed doors with Members and Heads of Delegation until early hours of the morning on Sunday, the 1st of December, with the aim of finding potential landing zones where redlines had been previously presented.

On the afternoon of the 1st of December, yet another iteration of the [Chair's Text](#) was circulated which delegates reviewed in regional meetings and other closed-door settings. The text contained a footnote explaining that it was developed building on the outcomes of the informal consultations on Saturday, 30 November 2024, and contributions from the Co-Chairs of the contact groups and facilitators of the informal consultations.

Alas, by then time for further negotiations had run out and there was a general view by delegates that the document was too far off from a text that could be agreed upon, with many lamenting that the text did not reflect all views presented and glaringly omitted key elements. The most contentious issues still remain to be resolved, with delegates foregoing the prospect of any agreement at INC-5 and conceding that more time would be needed to advance the negotiations further. All Parties agreed to use the Chair's latest text as a basis for the next session on the proviso that the document would be open for further amendments.

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KEY ISSUES IN NEGOTIATION ROOMS

An overview of the key issues raised during the discussions in the Contact Groups is provided below for your reference. Please note that the outline is provided using the relevant Articles noted in the latest text, with the exception of elements that are currently missing from the previous draft. Members are invited to view the numerous proposals submitted by Member States available at the following [link](#), should this be of interest.

Article 1: Objective

Parties agreed to use the text in the INC Chair's non-paper as a basis for negotiation and expressed broad support for a short and concise objective. Delegates recalled the mandate contained in UN Environment Assembly (UNEA) resolution 5/14, discussing, inter alia, the inclusion of the full life cycle of plastic, biodiversity, animal health, sustainable development, safe circular economy for plastics, and plastic waste management. Some delegates noted that a number of these can be included in other parts of the future ILBI, such as in the scope or preamble. Divergent views still exist on several key elements, including on whether the ILBI's objective should primarily be to 'end plastic pollution' or 'to protect human health and the environment from the adverse effects of plastic pollution', with the latter being reflected in the latest version of the text.

Scope

Delegates discussed a possible provision on scope (which was not included in the Chair's non-paper), with one proposal stating the ILBI would apply "from the design of plastic products to the environmentally sound management of plastic waste," and would "exclude feedstock such as

hydrocarbons, monomers and polymers in primary forms made thereof.” This proposal was supported by several countries, whilst others suggested amendments to extend the scope to plastic production. Many other countries stressed there is no need for a standalone provision on scope as it is covered by UNEA resolution 5/14 and would be incorporated within relevant individual provisions. Some delegations suggested deferring discussions on scope until other parts of the text are defined. The latest version of the text does not include a section on scope, with a number of delegates expressing dissatisfaction with the omission, as it is considered to be central to the instrument.

Preamble

Delegates discussed including reference to science-based decision making, the One Health approach, and the human right to clean and healthy environment. Delegations expressed their preference of adding specific issues, such as: reference to the challenges of landlocked countries; distinguishing the special circumstances of SIDS from those of developing countries; equal importance in the recognition of science-based decision making and traditional and Indigenous knowledge systems; recognition of economic impacts of regulating plastics; avoiding disguised restrictions in international trade; highlighting that plastics are not pollutants as well as acknowledging their economic importance; and, recognizing the importance of small and medium-sized enterprises in waste management.

Principles

Text on principles was not included in the non-paper and Parties debated whether a standalone provision is needed, with some delegates arguing that these are better located in the preamble or operational provisions, which would avoid duplication. Other delegates insisted on the importance of having a standalone article on principles, to give clear guidance on the interpretation and implementation of the ILBI. Delegates addressed specific principles, such as the precautionary principle, CBDR, polluter pays principle, principle of sovereignty and the sovereign right to exploit resources of states, best available science, and recognition of the special circumstances of SIDS. Some delegates warned against selectively quoting isolated and specific principles from the Rio Convention and expressed preference to have a broader reference to the Rio Convention in the Preamble. The different options are reflected in the Chairs latest text.

Article 2: Definitions

The Russian Federation introduced their submission on [definitions](#), including for: plastics; plastic products; microplastics; and plastic pollution. This proposal received support from some delegations as a good starting point, with others considering these restrictive. Some noted that the proposed definition for plastic pollution excludes mention of microplastics and other leakages and highlighted that the definition of microplastics excludes “intentionally added microplastics.” Divergence also emerged on the agreed dimensions of microplastics, with many delegations considering the size of microplastics to be below 5 mm. Delegations shared opposing views about defining plastic pollution more expansively than plastic waste. Many suggested focusing only on the most relevant definitions, with others recommending only including agreed definitions from other multilateral environmental agreements and bodies. Some delegations called for a definition on primary plastic polymers, with others opposing, noting that these will not be included in the ILBI. In comparison to the previous version of the Chair’s text, which included the full list of proposed definitions and the various options, the latest version includes a limited selection of definitions. A request was made by the Russian Federation to revert to the definitions included in the 29 November version of the text.

Article 3: Plastic products (new title) [Previous title: Plastic products and chemicals of concern as used in plastic products]

Several states provided submissions on articles related to plastic products and chemicals of concern. Discussions on both these issues proved contentious, with some delegations strongly opposed to an article on this issue, considering this a “red line” in their positions. They noted that chemicals of concern are already addressed by other chemical conventions, and that the mandate of the INC is to address plastic pollution, not chemicals or plastic products. Proposals also included reference to trade measures that could conflict with World Trade Organization rules. Several delegations highlighted that the proposals are highly divergent and that many of the proposals deal with two different issues: plastic products, and chemicals of concern. Alternatively, a large group of countries were of the view that to deliver on the UNEA mandate a strong provision was needed addressing chemicals of concern in plastic products. An area of commonality that

was highlighted among the differing proposals, is the need for criteria to identify problematic plastic products.

The revised article in the latest Chair's text, accompanied by a footnote indicating "pending further consultations", calls on parties to take measures to address certain plastic products, including the potential prohibition of their manufacture, export, or import if they meet specified criteria. It also requires parties to report on the measures adopted, the outcomes achieved, and any challenges encountered in their implementation, and creates a request for the conference of the parties (COP) to establish a Scientific-Technical-Economic-Social Review Committee, with a mandate to, inter alia, develop guidance and provide relevant information to assist Parties in the implementation of the measures taken to implement the provision. The current version of the text includes suggested plastic products for inclusion in an Annex, which draws from some proposals submitted by Members.

This Article still remains very contentious with a clear divide between countries who attest to its necessity to protect human health and the environment, and those who call for the article to be struck from the instrument.

Article 4: Exemptions

Parties highlighted that this provision is closely linked to the provision on plastic products and chemicals of concern and were of the view that it would be premature to discuss this element without having agreed on those provisions first. One regional group stated their preference for global unified measures that apply to all parties, noting that exemptions would be an important provision for flexibility. Other delegations called to delete this article, in alignment with their view that plastic products and chemicals of concern should not be included in the ILBI. Another delegation suggested including provisions on exemptions within draft article 3. Some delegations underscored the need to highlight the national circumstances of countries. The article is retained in the current version of the text with a footnote pending further consultations on Article 3.

Article 5 : Product design

Delegations engaged in textual negotiations on the article that proposed measures for the design of plastic products, with main divergences including: the legally binding nature of this provision; whether the measures would be based on criteria-based global requirements; and whether these measures would recognize national circumstances, the principle of common but differentiated responsibilities (CBDR), and the precautionary principle. The article in the current text calls on parties to improve plastic product design, in pursuit of circular economy approaches, in order to achieve specific objectives and for the Conference of the Parties to establish a process and schedule of work for the development of specific guidance for priority plastic products, through a sectoral approach, to assist Parties in their implementation of the Article. Cooperation is encouraged with international organisations for the development of international rules, standards, and guidelines.

Article 6: [Supply] [Sustainable Production]

The Chair's non-paper did not provide specific text on this article and several delegations and groups submitted proposed treaty text. Amongst the proposals were suggestions to adopt a global target to reduce the production and consumption of primary plastic polymers to sustainable levels and promote circular economy, taking measures across the life cycle of plastics, with an assessment every five years. The proposal was viewed as being imperative in the instrument to address the full life cycle of plastics and address plastic pollution at its source. The like-minded and Arab groups of countries strongly opposed the inclusion of this article noting that it does not align with the mandate of the ILBI; impacts value chain security and creates market distortions; impacts emergency preparedness; disproportionately impacts developing countries; overfocuses on restrictive measures; and stifles innovation and circular economy initiatives. Others also noted that any suggestions for reducing production should include a thorough assessment of risks and consequences for states and highlighted the crucial difference between plastic waste management and primary polymer production.

The revised draft article, also subject to ongoing informal discussions, contains a zero option, in addition to draft treaty text. The text mandates the COP to: adopt, as an annex, a global target to reduce the production of primary plastic polymers to sustainable levels; adopt, at COP 1, the reporting format, timing, methodologies and guidance for the implementation of the article; and

every five years, based on a scientific, technical and economic assessment by the subsidiary body, to review progress in the implementation of the article and, as appropriate, update the global target. The text requires each party to: take measures across the full life cycle of plastics to achieve the global target; and report statistical data on production, imports and exports of primary plastic polymers, and the measures taken to achieve the global target.

Article 7: Releases and leakages (previously emissions and releases)

Some Parties expressed concern with the inclusion of this article, calling for its deletion, with one delegate of the strong view that emissions were already sufficiently addressed within the remit of the UN Framework Convention on Climate Change and its Paris Agreement and stressed the need to avoid duplication of efforts. Some clarity was provided that the reference to emissions referred to releases throughout the plastics life cycle, including microplastics, plastic pellets, flakes and powders. The title was adapted to refer to releases and leakages as reflected in the current text with an obligation for Parties to take measures to prevent, reduce, and, where possible, eliminate their release into the environment.

Article 8: Waste management

Parties considered a provision requesting parties to take measures ensuring that plastic waste is managed in an environmentally sound manner, with debates on whether the provision would take into account national circumstances and capabilities, and relevant guidelines developed under the Basel Convention. Divergence emerged on whether the provision should be legally binding or voluntary. Proposals were made to specify that measures be “appropriate,” and would encompass those of a “legal, administrative, or other” nature. Delegations also debated whether the provision should include reference to CBDR and the waste hierarchy. Further proposals were made to also take into account guidelines adopted by the future conference of the parties (COP), and/or guidelines developed under other relevant agreements and organizations. Delegates suggested that relevant waste systems and infrastructure should be “environmentally sound” and “disaster resilient,” and refer to specific stages of waste management. Some delegates noted the need for further discussion on the definition of terms such as a “circular economy approach.”

Article 9: Existing plastic pollution

Although there was initial debate on whether the article should rather refer to legacy plastic pollution, the original title has been maintained with a provision that Parties should, taking into account national circumstances and capabilities, take appropriate removal measures in an environmentally sound manner. Delegates had limited time to discuss this article at length.

Article 10 : Just Transition

Much to the disconcert of many delegates for whom this article is integral, there was insufficient time to discuss this article, although several proposals submitted were taken into account by the Chair in drafting the current text in the article.

Article 11: Finance

Amongst various proposals presented two proposals stood out for consideration, namely two main multi-party proposals with one championed by a group of [developing countries](#) (Africa Group, GRULAC, Cook Islands, Fiji and Federated States of Micronesia), which set out a path for a dedicated, standalone financial mechanism funded, primarily, by developed countries. The other, spearheaded by [a group of developed countries](#) (USA on behalf of Australia, Canada, EU, Iceland, Japan, New Zealand, Norway, Switzerland, and the United Kingdom), favoured the Global Environment Facility as the financial mechanism, and outlined means to mobilize finances from a wide range of sources, including from any and all countries.

From the ensuing discussions areas of convergence were identified, namely support for establishing a financial mechanism providing dedicated financial support for implementation of the treaty; where public funding will be an important part of the mechanism, the need for special consideration for SIDS and LDCs in the mechanism, emphasising the prioritisation of these groups in fund allocation and support, agree broadly on what it should fund. There was partial convergence regarding alignment of sources of funding – public/private and multilateral – with some focus on private sector finance and others on the central role of public funding. Key divergences emerge on the responsibility for providing resources – some see developed countries bearing responsibility and some are of the view that all countries based on capacity should contribute; as well as on the role of aligning financial flows; and finally on the preferred approach

for a fund – a dedicated multilateral fund or an existing mechanism. There were also conflicting views regarding the recipients of funding as ‘developing countries’ or ‘countries most in need’.

The Chair’s latest text attempts to bring the two proposals closer together, however strong views were expressed to retain the key elements of the Africa Group, which is supported by over 100 countries. This article remains one of the more contentious issues for further discussion.

Article 12: Capacity Building, Technical Assistance and Technology Transfer, including International Cooperation

Discussions with delegates indicated that this is a provision that is important to all for inclusion in the treaty text. In the line editing a range of options were introduced regarding which parties are responsible for providing assistance. The text with consolidated input was submitted to the Chair for consideration. The latest text provides for developed country Parties to provide timely and appropriate capacity-building, technical assistance and safe technology transfer including on concessional and preferential terms as mutually agreed, to developing countries to developing country Parties, in particular, LDCs and SIDS, to assist them in implementing their obligations under this instrument and calls for the Conference of the Parties at its first meeting to make recommendations on how capacity building, technical assistance and safe technology transfer could be further enhanced.

Article 13: Implementation and Compliance

Many references were made from developing countries regarding the need for a mechanism that is facilitative, non-punitive and non-adversarial and expert-based in nature, as well as recognise challenges faced by developing countries in implementation. These elements have been reflected in the Chair’s text.

Article 14 : National plans

Substantive discussions were held on this article with diverging views on the voluntary/mandatory nature of the provision. The current text retains both options for further deliberation noting that “each Party [shall] [may] develop, taking into account respective national circumstances, a national plan that contains actions and measures the Party intends to take to implement this Convention. Each Party [shall] [may] develop, taking into account respective national circumstances, a national plan that contains actions and measures the Party intends to take to implement this Convention.

Article 15: Reporting

The group engaged in textual negotiations, with several delegations including language that recognizes the different capacities of countries and provides support for reporting, with one delegation stating that all parties should be obligated to provide reports on an equal basis. Discussions ensued on whether reporting requirements for developed countries should be explicitly mentioned and whether financial and technical support are conditions for reporting requirements. Some delegations added references for reporting on specific provisions of the ILBI, which was opposed by others. Delegations also proposed additional provisions regarding timeframes and suggested modifying the need to have different types of reports.

Article 16: Effectiveness evaluation and monitoring

Delegates noted the need to clarify what effectiveness refers to, as it can relate to the effectiveness of implementation, measures, or support, among others. Many delegates agreed to include socio-economic information for evaluation. They also discussed a non-exhaustive list of information sources with suggestions to include, among others, Indigenous Peoples’ knowledges, sciences, and practices, with free, prior, and informed consent, and global, regional, and local monitoring information. They further debated the timing for the first evaluation, with a point raised that the six years suggested in the non-paper is too far in the future.

Article 17: Information exchange

Under information exchange, they considered, among other issues, whether this should be a mandatory or voluntary provision, how to include the knowledge of Indigenous Peoples, whether to include a reference to “green chemistry,” and matters related to the protection of confidential information.

Article 18: Awareness, education and research

On draft article 18, delegates considered, *inter alia*, whether measures are to be mandatory or voluntary, whether to revise the title to “public information, awareness, education and research,” and whether advancing scientific and technical research should also apply to improving methods for monitoring or “modelling” or “accessing” plastic pollution, including in “the marine environment.”

Article 19: Health

Views diverged on whether health should be addressed in a standalone provision, throughout the ILBI and/or in overarching provisions, or not at all. Some pointed to duplication of work under other organizations, specifically the World Health Organization (WHO), stressing “lack of scientific evidence demonstrating health risks of microplastics.” Several other delegations underscored the importance of addressing this issue, noting health implications of plastic pollution. Some delegations noted flexibility on the placement of health provisions in the ILBI, stating it is a cross-cutting issue. Support was indicated, among others, for the One Health approach, as well as for collaboration with the WHO and the Food and Agriculture Organization of the UN.

Article 20: Conference of the Parties

Some delegations suggested that COP 1 should be convened by an “interim secretariat,” and not UN Environment Programme (UNEP) whilst others called to include a voting option to adopt its rules of procedure and financial rules, when consensus cannot be achieved. On a list of issues that the COP will keep under review, some states suggested deleting reference to annexes under the ILBI and decisions related to convening meetings. Others called for this list to include issues of compliance and work programmes. They considered submissions to establish subsidiary bodies on, respectively: scientific, technological, socioeconomic, and cultural advice; and scientific, socioeconomic, and technical issues. They also considered establishing a subsidiary body on implementation.

Article 21: Secretariat

Discussions focused on its functions, including whether it will facilitate: assistance in implementation of the ILBI on requests; and coordination on implementing means of implementation. Proposals were also made for the secretariat to compile and publish national reports, and national implementation plans, and assist in the exchange of information. Views were also expressed on which entity is to perform the secretariat functions, with some indicating strong preferences for UNEP, and others preferring that COP 1 decide to entrust these functions to (an)other international organization(s), or an independent entity.

Article 22: Settlement of disputes

Whilst some delegates expressed support of the existing text from the non-paper, which was a copy/paste of the Minamata Convention and considered to work well; other delegates suggested changes including the removal of references to annexes at this stage as well as the reference to regional economic integration organization with the view that it should be focused on State Parties. Other proposals included a reference to cooperate to prevent disputes. Alternatively, there were diverging views as to whether settlement of disputes by peaceful means should be mandatory or voluntary.

Article 23: Amendments to the Convention

Some Parties expressed the view that agreement on amendments to the Convention would be reached by consensus only, whilst a rather majority preferred to retain the original text that provided for a three-fourths majority vote if agreement is not reached.

Article 24: Adoption and amendments of annexes

Delegations debated whether the ILBI would contain annexes at all. Others called for “consensus” on the amendment of annexes. Some requested deferring discussions on this issue, noting that there was no clarity yet on the nature of annexes under the future ILBI. Others preferred forwarding the Non-Paper text on this article to the legal drafting group (LDG), noting that this is standard treaty language.

Article 25: Right to vote

Delegations considered whether voting should apply to both procedural and substantive matters and were unable to agree. Views diverged on the voting rights of regional economic integration organizations (REIOs).

Articles 26-32: signature; ratification, acceptance, approval or accession; entry into force; reservation; withdrawal; depositary; and authentic texts.

On text related to reservations and withdrawal, delegates considered whether to retain the original language, delete the article, modify it using language from the High Seas Treaty, or defer discussions.

Delegates considered whether entry into force should occur after 90 or 120 days, and the number of states necessary for entry into force (50, 60, or 97). These options are included in the Chair's text for consideration.