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'A' ITEM NOTE

From: General Secretariat of the Council
To: Council

No. Cion doc.: 11329/22 + ADD 1 - COM(2022) - 342 final

Subject: Council Decision authorising the opening of negotiations on behalf of the European Union for an international agreement on plastic pollution
- Adoption

1. In March 2022, the UN Environment Assembly (UNEA) adopted Resolution 5/14 entitled “End Plastic Pollution: towards an international legally binding instrument”. The Resolution sets up an Intergovernmental Negotiating Committee (INC) mandated to negotiate an international legally binding instrument on plastic pollution, including in the marine environment. The first meeting of the INC will take place on 28 November – 2 December 2022 in Punta del Este, Uruguay.
2. Against this background, the Commission submitted on 13 July 2022 to the Council a Recommendation for a Council Decision authorising the opening of negotiations on behalf of the European Union for an international agreement on plastic pollution (doc. 11329/22 + ADD 1).

3. The Working Party on International Environment Issues (Global) discussed the Commission Recommendation and a first Presidency compromise proposal on 27 September 2022. As no agreement was reached, the Presidency decided to pass the file on to the Working Party on Environment for further work.
4. In its meeting of 6 October 2022, the Working Party on Environment examined a new compromise proposal of the Presidency for a draft Council Decision authorising the opening of negotiations for an international agreement on plastic pollution (doc. 13150/22) without reaching agreement on the text. The main contentious issue concerned the wording in Article 1 of the draft Decision and the first paragraph of the draft negotiating directives regarding the extent to which the Commission will be authorised to negotiate on behalf of the Union.
5. On 14 October 2022, the Permanent Representatives' Committee discussed a further Presidency compromise proposal (doc. 13316/22) and approved the text without amendment. The Commission made a statement with regard to the inclusion of a substantive legal basis in the Decision and to the scope of its authorisation to negotiate as set out in Article 1 of the Decision. This statement is included in the Addendum to this note and will be added to the minutes of the Permanent Representatives' Committee's meeting of 14 October 2022 and to the minutes of the Council.
6. Against this background, the Council is invited to adopt the draft Council Decision authorising the opening of negotiations on behalf of the European Union for an international agreement on plastic pollution, as set out, after finalisation by the lawyer linguists, in document 13510/22 + ADD 1.