



Council of the
European Union

145420/EU XXVII. GP
Eingelangt am 16/06/23

Brussels, 16 June 2023
(OR. en)

10617/23

ENV 689
CLIMA 305

NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Second session of the Intergovernmental Negotiating Committee (INC-2) to Develop an International Legally Binding Instrument on Plastic Pollution (Paris, 29 May – 2 June 2023) - Information from the Presidency and the Commission

Delegations will find in the Annex an information note from the Presidency and the Commission on the above subject, to be dealt with under "Any other business" at the Council (Environment) meeting on 20 June 2023.

**Second session of the Intergovernmental Negotiating Committee (INC-2) to Develop an
International Legally Binding Instrument on Plastic Pollution
(Paris, 29 May – 2 June 2023)**

- Information from the Presidency and the Commission -

The second (of five) meeting(s) of the Intergovernmental Negotiating Committee (INC-2) established at the fifth meeting of the United Nations Environment Assembly in Nairobi to develop an international legally binding instrument on plastic pollution by the end of 2024, took place in Paris, France, 29 May - 2 June 2022. It gathered more than 1,656 participants from 169 countries and the EU, and over 300 observer organizations.

The outcomes of INC-2 largely correspond to the EU and its Member States' objectives for the meeting. In particular, Members agreed on a mandate to the Chair to develop a zero draft of the future instrument for INC-3. Members further elected all Bureau members through a secret ballot, following a challenge by Russia of the Western European and Others Group (WEOG) and Eastern European Group (EEG) nominees. However, the meeting failed to agree on a mandate for intersessional work that would advance discussions on certain matters between the negotiating sessions.

The meeting started with discussions on **organisational and procedural matters**, where certain countries did not allow the discussions on substance to start unless the Rules of Procedure reflected clearly that any decision on substance to be taken by the INC is to be made by consensus (by putting the brackets around Rule 38 on voting). India, China, Iran, Kingdom of Saudi Arabia, and other Gulf states were particularly vocal in that regard. This led to a deadlock in discussions for three full days, until a solution was found for the INC to adopt an interpretive statement that there were differing views on this issue, to be included in the report of the meeting. It is the interpretation of the EU and its Member States that the chair will still have the possibility to put certain issues to a vote, which might be of importance in the final stages of the negotiations.

The **substantive discussions** at INC-2 were largely based on the Options paper on potential elements of the future instrument, prepared by the INC Secretariat ahead of the meeting. The Options paper built on the submissions provided by Stakeholders and Members as input to this process. The INC managed to complete the task of collecting views from Members on all elements.

As expected, measures on plastic production faced opposition by a range of countries, whereas others argued that any such measures should be voluntarily and only nationally determined. Many called for global targets to be set, supported by national targets. In general, while most also signaled support for the instrument to include provisions on banning, phasing out and/or reducing the use of problematic and avoidable plastic products, as well as chemicals of concern, some others clearly objected to any global bans. These countries were also in general calling for national actions and voluntary commitments/soft law i.e. adopting a “bottom up” approach throughout the discussion.

Waste management continues to be a fundamental issue to be addressed by for many delegations and there is broad consensus that the future instrument should include core obligations on this.

When discussing the **Means of Implementation** there was general support for the need of capacity building, technology transfer on mutually agreed terms and technical assistance. All delegations also agreed that there was a need for a **financial mechanism** to support the implementation of the Instrument. However, the discussion was divisive on the framework of the financial mechanism, its resources and the underlying principles. There was general support for a periodic harmonized **reporting and assessment framework** regarding **monitoring requirements**, possibly to be included in the National action plans.

Apart from agreeing on a mandate for the Chair to develop a zero draft, the members also requested the Secretariat to allow submissions by members on issues not discussed at INC-2 (principles, scope) and on potential areas of intersessional work to inform the INC-3 discussions. It was also agreed for a preparatory meeting to be convened before INC-2 to discuss these issues. The INC Members agreed on all future remaining venues: INC-3 in Nairobi Kenya; INC-4 in Ottawa, Canada, INC-5 in the Republic of Korea.

The EU and its Member States will remain actively engaged throughout the INC process and continue to support measures at all stages of the plastics lifecycle, such as reduction of the production of primary plastic, design criteria for circularity and ban/phase-out of unnecessary and avoidable plastic products and chemicals of concern, while recognizing the importance of measures to ensure environmentally sound management of plastic waste.
