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#### NOTE

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From:	General Secretariat of the Council
To:	Delegations
Subject:	Fourth session of the Intergovernmental Negotiating Committee to develop an international legally binding instrument on plastic pollution, including in the marine environment (INC-4) (Ottawa, Canada, 23 - 29 April 2024) - Information from the Presidency and the Commission

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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 17 June 2024.

**Fourth session of the Intergovernmental Negotiating Committee to develop an international legally binding instrument on plastic pollution, including in the marine environment (INC-4)**

**(Ottawa, Canada, 23 - 29 April 2024)**

**- Information from the Presidency and the Commission -**

The Intergovernmental Negotiating Committee to prepare a new legally binding instrument on plastic pollution (INC) was established at the fifth session of the United Nations Environment Assembly (UNEA 5) in Nairobi in March 2022, with a mandate to conclude negotiations by the end of 2024. Its fourth meeting (INC-4) took place in Ottawa, Canada, from 23 to 29 April 2024. This meeting gathered more than 2500 participants representing governments, UN entities and other international organisations, academia, civil society, and the private sector. A high-level event and a partnership day with stakeholders preceded the meeting.

One more meeting of the INC is planned in Busan, Republic of Korea, from 25 November to 1 December (INC-5). The session is expected to be the conclusion of the negotiations and will be followed by a diplomatic conference of plenipotentiaries for the adoption and opening for signature of the instrument. The location of this Conference to take place in Spring 2025 is yet to be defined.

*Progress of work on the draft treaty text*

The main task of this INC session was to streamline and consolidate the revised draft text following INC-3. The work was conducted in two contact groups. The first group was dedicated to the core obligations, control measures and horizontal issues, and the second one – to the means of implementation, implementation measures, institutional arrangements and final provisions. The substantive work was conducted in five subgroups dealing with specific elements of the draft text.

Some members of the INC, mainly major oil producing countries, insisted on a first round of general discussions in the contact groups, which resulted in protracted discussions throughout the meeting and considerably delayed the progress of the negotiations.

The subgroups worked independently and not all of them managed to advance sufficiently. Negotiations will continue at INC-5 whereas on other parts they will only start. Overall, the progress on the text during INC-4 was limited and it still contains various options and multiple brackets.

#### *Key elements of divergence*

There seems to be broad agreement among delegations that most of the provisions that were included in the revised draft text should be part of the future instrument.

However, there was a divergence of views about the scope and objective of the future instrument, which is related to the different understanding of the “full lifecycle” concept. Most controversies concerned provisions related to upstream measures, mainly concerning primary plastic polymer production and, to a lesser degree, chemicals (and polymers) of concern and problematic and avoidable plastic products.

Furthermore, delegations were not aligned on the level of detail and legally binding nature of the provisions.

Regarding the financial mechanism to support the implementation of the obligations under the instrument, a main open point remained its form (new dedicated fund; an existing mechanism (e.g., the GEF); or a hybrid approach combining both). A lengthy discussion also took place on whether to first discuss the financial mechanism, or resource mobilisation and the broader financial landscape. Additionally, the proposal by Ghana on the global plastic fee remained on the table and is likely to be subject to further discussions.

#### *Outcomes of INC-4*

The texts resulting from the different subgroups will be consolidated to use as a basis for the negotiations at INC-5.

Importantly, the Committee agreed on intersessional work in view of INC-5, in the form of two ad hoc Open Ended Expert Groups. One of these groups will work on "identifying and analysing criteria and non-criteria 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". The other expert group will deal with means of implementation and will specifically "analyse potential sources and means that could be mobilised for implementation of the objectives of the instrument including options for the establishment of a financial mechanism, alignment of financial flows, and catalysing finance".

Finally, the Committee also agreed on the establishment of a legal drafting group that will start its work at INC-5.

Given the widely diverging views of the INC members and with limited time left to negotiate, it will be of paramount importance to step up efforts at all levels in the run-up to INC-5 and during its meeting at the end of November, to secure that an ambitious outcome and an effective treaty can be concluded within the timeline assigned by the United Nations Environment Assembly.

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