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VERSION**

**Ad hoc open-ended working group to
prepare for the work of the intergovernmental
negotiating committee to develop an international
legally binding instrument on plastic pollution,
including in the marine environment
Dakar, Senegal, 30 May – 1 June 2022**

**Draft report of the ad hoc open-ended working group to prepare
for the work of the intergovernmental negotiating committee to
develop an international legally binding instrument on plastic
pollution, including in the marine environment**

Introduction

1. In its resolution UNEP/EA5/Res.14, the United Nations Environment Assembly (UNEA) of the United Nations Environment Programme (UNEP) requested the UNEP Executive Director to convene an ad hoc open-ended working group to prepare for the work of the intergovernmental negotiating committee that is to develop an international legally binding instrument on plastic pollution, including in the marine environment. The resolution further stipulates that the ad hoc open-ended working group is to discuss, in particular, the timetable and organization of the work of the intergovernmental negotiating committee, taking into account the provisions and elements identified in paragraphs 3 and 4 of the resolution.
2. The meeting of the ad hoc open-ended working group to prepare for the work of the intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment took place from 30 May to 1 June 2022 in Dakar.

I. Opening of the meeting.

3. The meeting was opened at 10.00 a.m. on 30 May 2022. Opening remarks were made by Ms. Inger Andersen, Executive Director of UNEP, Mr. Abdou Karim Sall, Minister for Environment and Sustainable Development, Senegal, and Ms. Leticia Carvalho, secretary of the ad hoc open-ended working group.

II. Election of officers.

4. In accordance with rule 63, paragraph 3 of the rules of procedure of the United Nations Environment Assembly, as applied to the working group, the open-ended working group elected the following officers to serve on its Bureau:

Chair: Mr. Ndiaye Cheikh Sylla (Senegal)
 Vice-Chairs: Ms. Asha Challenger (Antigua and Barbuda)
 Ms. Meri Harutyunyan (Armenia)
 Mr. Faisal Alahdal (Saudi Arabia)

5. Mr. Felix Wertli (Switzerland) was elected to serve as Rapporteur.

III. Adoption of the agenda and other organizational matters:

A. Adoption of the agenda

10. The participants adopted the following agenda on the basis of the provisional agenda set out in document OEWG/PP.1/1:

1. Opening of the meeting.
2. Election of officers.
3. Adoption of the agenda and other organizational matters:
 - (a) Adoption of the agenda;
 - (b) Organization of work;
 - (c) Adoption of the rules of procedure of the meeting.
4. Preparation of the work of the intergovernmental negotiating committee:
 - (a) Timetable and organization of work;
 - (b) Draft rules of procedure;
 - (c) Organization of the forum for the exchange of information and activities related to plastic pollution.
5. Other matters.
6. Adoption of the report of the meeting.
7. Closure of the meeting.

B. Organization of work

6. In carrying out their work, the meeting participants had before them working and information documents pertaining to the various items on the agenda for the meeting (UNEP/PP/OEWG/1/1) as outlined in the annotated agenda (UNEP/PP/OEWG/1/1/Add.1) and the scenario note for the meeting prepared by the Executive Director of UNEP (OEWG/PP.1/2).

7. The meeting participants agreed that work would be conducted in plenary sessions from 10.00 a.m. to 1.00 p.m. and from 3.00 p.m. to 6.00 p.m. on Monday 30 May and Tuesday 31 May, and from 10.00 a.m. to 1.00 p.m. on Wednesday 1 June.

8. The meeting was informed of the multi-stakeholders dialogues to be held each lunchtime themed as follows: Just and inclusive transition to a plastic pollution-free economy; Inspiring consumers, civic and youth action to transform the plastic value chain; and Upscaling and redirecting finance, incentives and trade. The summary of the outcome is annexed to this report.

9. The meeting of the ad hoc open-ended working group was conducted in the six official United Nations languages. To facilitate broad participation, the meeting was convened as a hybrid meeting allowing for online participation.

10. The chair invited participants to make any general statements on behalf of groups of countries, sectors or stakeholder groups. All participants who took the floor expressed their appreciation to the Government of Senegal for its welcome and hospitality.

11. Regional statements were made by the representative of a regional economic integration organization; a representative of the African region; a representative of the Asia and the Pacific region; a representative of the Group of Latin America and Caribbean Countries and a representative speaking on behalf of the Western European and others group (Australia, Canada, Japan, Monaco, New Zealand, Norway, Switzerland and the United States).

12. *[to be completed]*

13. Further, participants thanked UNEP and the secretariat for its preparation of the ad hoc open-ended working group and the relevant documentation in the short time lead time since the adoption of the UNEA resolution 5/14.

14. *[to be completed]*

C. Adoption of the rules of procedure of the meeting

15. The ad hoc open-ended working group agreed to apply the rules of procedure of the United Nations Environment Assembly to its meeting.

D. Attendance

16. The meeting was attended by representatives of the following States: *[to be completed]*

17. The following United Nations agencies, specialized agencies and intergovernmental organizations were represented as observers: *[to be completed]*

18. The following non-governmental organizations were represented as observers: *[to be completed]*

IV. Preparations for the work of the intergovernmental negotiating committee

19. The chair introduced the item recalling that by UNEA resolution 5/14, the ad hoc open-ended working group had been requested to propose the timetable and organisation of work of the intergovernmental negotiating committee, taking into account the provisions and elements identified in paragraphs 3 and 4 of that resolution.

20. The chair proposed to take up the item of the timetable and organization of work in three parts: part 1 relating to the number of sessions of the intergovernmental negotiating committee; part 2 on the timetable of the committee, and part 3 addressing documentation to be prepared by the secretariat for the first session of the committee.

A. Timetable and organization of work

21. The secretariat introduced document UNEP/PP/OEWG/1/3 on approaches to the work of the intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment.

22. The secretariat noted that two scenarios were outlined in the document, one of five sessions and one of four sessions. Either option would be followed by a diplomatic conference of plenipotentiaries to be held in 2025 for adopting the instrument and opening it for signature. The document provided details on each option, as well as a note on hosting such sessions and the requirement to report to UNEA at its sixth session in February 2024.

23. In the ensuing discussion all representatives spoke in favour of holding five sessions of the intergovernmental committee, some advocating a minimum of five sessions. A few representatives suggested that the committee could itself decide whether there was a need for additional sessions. Representatives stressed the need for sufficient time between sessions of the committee to prepare for each session, in particular for regional consultations and for the secretariat to develop the necessary

documentation and disseminate them in a timely manner. A few representatives voiced the option of having longer sessions, up to seven or eight days.

24. One representative said that the date and the venue should be made known, and the documentation circulated, at least two months in advance, while another said even six months between sessions might be insufficient noting that the bureau would also have to meet in the intersessional period.

25. The working group then turned to the timetable to prepare for the committee, in particular the timing of its first meeting. The chair suggested the working group acknowledge that the actual timing would depend on the committee's approach to, and progress with, dealing with issues. Further, the committee might need to adjust any timetable that the working group recommend to it, in light of its experience and progress.

26. In the ensuing discussion representatives urged the secretariat to avoid overlap with meetings of other multilateral environmental agreements when planning the dates of the committee meetings. Noting that the document provided for only four months between the first and second sessions of the committee, one representative, speaking on behalf of a regional economic integration organization, said that this would constitute insufficient time for the secretariat of the intergovernmental negotiating committee and the bureau to reflect on the strategic orientation from the first session, to prepare documentation and for stakeholders to prepare for the meeting. She said a balance between negotiating time and preparation time was essential and documentation should be sent to participants at least six weeks before the meeting. She voiced a preference for in-person meetings but did not object to hybrid sessions if conditions so required. She added that her organization would be open to support any host country convening the diplomatic conference in 2025.

27. The working group took up the issue of documentation to be prepared for the intergovernmental negotiating committee meeting at its first session. The chair said that, notwithstanding the wealth of information already available there may be a need for additional documentation that the secretariat could be requested to provide to facilitate the work of the committee.

28. In the ensuing discussion, many representatives said that it would be premature to have a chair's text or zero draft of elements of a legally binding instrument already available at the first session. Several suggestions were made on documentation to be developed by the secretariat to inform the first session of the committee.

29. The secretariat was requested to prepare a note outlining the different options for consideration by the working group on both the number of sessions and the timetable. The secretariat also was requested to include in the note a provisional list of documents that it would make available to the committee at its first session. **[to be completed]**

B. Draft rules of procedure

30. The chair introduced this sub-item noting that two issues needed addressing: whether to recommend the draft rules of procedure as set out in document UNEP/PP/OEWG/1/4 to the intergovernmental negotiating committee for its consideration and possible adoption at its first meeting; and whether sessions of the committee should be held in a hybrid format to allow for online participation in parallel to in-person participation.

31. The secretariat introduced document UNEP/PP/OEWG/1/4 on draft rules of procedure for the work of the intergovernmental negotiating committee to end plastic pollution, including in the marine environment. She said to carry out its mandate, the committee may either decide to apply the rules of procedure of the United Nations Environment Assembly, with changes as required, to its proceedings; or to adopt its own rules of procedure, as in the case of other intergovernmental negotiating committees for international legally binding instruments in the field of the environment. It was noted that the rules of procedure for the recent intergovernmental negotiating meetings were based on the rules of procedure for the UNEP Governing Council.

32. The secretariat had prepared a draft of the rules of procedure, based on the rules of procedure of United Nations bodies and established practice and on the work of other intergovernmental negotiating committees including the work of the intergovernmental negotiating committee to prepare a global legally binding instrument on mercury, which is the most recent example of rules of procedure developed for the negotiation of a multilateral environmental agreement.

33. In the ensuing discussions on the draft rules of procedure, several representatives addressed the issue of in-person, hybrid and online participation at sessions of the committee. All representatives who took the floor voiced a preference for in-person sessions for negotiations and substantive issues, some

suggesting that, in exceptional cases, online sessions could be envisaged for the purpose of information exchange or to address administrative issues.

34. *[to be completed]*

C. Organization of the forum for the exchange of information and activities related to plastic pollution.

35. *[to be completed]*

V. Other matters.

36. *[to be completed]*

VI. Adoption of the report of the meeting.

37. *[to be completed]*

VII. Closure of the meeting.

38. *[to be completed]*

ADVANCE

ANNEX**Summary of the multi-stakeholder dialogues
on solutions along the plastics life cycle****Introduction**

On Sunday 29 May 2022, a day of multi-stakeholder dialogues was held with the intention to engage and hear the voices of stakeholders that will be impacted by an international legally binding instrument on plastic pollution, but who would normally not participate directly in the negotiations. Four panels were convened as follows: to set the context; thinking upstream: product and material innovation and design; innovative business models; keeping the value of resources at their end of life: environmentally sound management of plastic waste.

Each panel was guided by a moderator and brief remarks were heard from four main speakers. Those were followed by a discussion with the audience and a conclusion from the moderator. The following is a summary.

Multi-stakeholder dialogues on solutions and innovations to end plastic pollution in the context of the ad hoc open-ended working group to prepare for the intergovernmental negotiating committee on plastic pollution

The multi-stakeholder dialogues in the context of the ad hoc open-ended working group were intended to provide a space to discuss solutions and innovations across the plastics life cycle, and ensuring that all stakeholders can lean in and be heard. The dialogues started at 10.00 a.m. on Sunday 29 May 2022, with four panels structured around a life cycle approach to end plastic pollution. The hybrid event was opened by UNEP's Executive Director and Senegal's Minister for Environment and Sustainable Development, followed by over 200 participants in person and close to 200 online.

This first day of dialogues laid out key elements of the approach to address the root causes of plastic pollution such as the need for a systems change, which connects actions upstream and downstream in the plastics life cycle, with specific and ambitious targets on actions to reduce, reuse and recycle. A recurrent message was the importance of the design phase, not only of products and materials, but also of the ways in which business models deliver services. Speakers highlighted the role of policies and regulations in ensuring more sustainable consumption and production systems, such as by making available necessary information about chemicals content in products, promoting the phase-out of chemicals of concern and of materials that are hard or impossible to recycle, through actions, responsibility and accountability from all actors. Coordination with existing policy frameworks such as the Basel and Stockholm Conventions will need to be maximized to avoid duplication. Finally, speakers stressed the need for a sustainable transition towards a new plastics economy, with specific consideration for informal waste pickers that currently ensure the closure of the loop in many economies.

Context setting session

The first dialogue provided the context, brought the voice of informal waste-pickers into the room and articulated the scientific perspective on the solutions available, and the magnitude of the change required. The interventions highlighted that the problem of plastic pollution is diverse, real, and affects communities, societies, the economy as well as the environment. There is no silver bullet or single-solution to plastic pollution: solutions must encompass the full life cycle of plastics to achieve the necessary system change. Therefore, we must understand the interests and the needs of and we must involve all stakeholders across the life cycle of plastics, including waste pickers. The scale of change required in the near term is significant, but with concerted action and the necessary legislative drivers to create an enabling environment, it can be achieved. Research demonstrates that there are social and economic benefits, in addition to environmental ones, in shifting to a new circular plastics economy.

Panel 1 - Thinking Upstream: Product and material innovation and design

This panel provided important messages from the scientific community on the sourcing and production of plastics, as well as insight on what industry is already doing to integrate different sources of feedstock for

plastic manufacturing. The panellists also discussed challenges and opportunities of investing in upstream innovations to deliver at scale. In a new plastics economy, the way in which plastic products are designed, additives used, and feedstock to produce plastics is sourced in the first place, will need to change significantly. Sustained investment and incentives upstream in the plastics system will enable us to improve the design of materials and products to support circular economy objectives of higher reuse and recycling. Additional drivers to support this would include fiscal policy (removing perverse incentives to virgin plastics) and investment incentives.

We need to innovate upstream to reduce chemicals of concern, pollution, and waste. Four main strategies could help reduce plastic pollution by 80 per cent by 2040: 1) evaluate the need to use material to deliver the service that are sought after, and eliminate avoidable plastic; 2) redesign for reuse and replace single use items; 3) explore opportunities for alternative materials when these result in reduced impacts over the life cycle; 4) connect the different parts of the value chain to ensure that products and materials will be cycled back at the end of their life.

Panel 2 - Innovative business models

In addition to the perspective from a multi-stakeholder platform, the South Africa Plastics Pact, industry was well represented in the panel addressing the innovative business models needed to transition to a new plastics economy. Both big business and start-ups, together with a very engaged audience, highlighted that new business models are being tested in and adapted to different countries. Specifications and standards will help to operate at scale; for instance, through lists of materials or substances to be phased out. Speakers also reflected on the importance of undertaking life cycle assessments to fully understand the impact and opportunities of innovative business models.

Transitioning to a circular economy for plastics creates huge opportunities for businesses as it can improve economic, environmental, and societal outcomes overall, and particularly can create job opportunities. Instrumental in securing a long-term change at scale are: the participation of the entire supply chain, access to technologies, the design of integrated policies, including enabling economic instruments and extended producer responsibility, that support reduction, reuse and recycling of plastics. Right pricing, convenience for consumers and accessibility of collection systems will also need to be considered. Scale can be secured by engaging not only the business to consumers market, but also strengthening business to business relations and relying on government support.

Speakers recalled that leveraging existing infrastructure for new business models is strategically important to manage the carbon footprint of innovative business models.

Panel 3 - Keeping the value of resources at their End of Life: Environmentally sound management of plastic waste.

The first day of dialogues closed with a focus on the downstream of the plastics life cycle and what it means to ensure an environmentally and socially sound management of plastic waste. The importance of the design phase came up strongly, with speakers referring to the need for products to be designed to be cycled back at the end of their use, not to become waste, tackling planned obsolescence and extending the product lifetime, as well as adequate labelling of products materials for adequate sorting at their end of life. In other words: when a product cannot be recycled this denotes a flaw in the design, not of the recycling infrastructure. Effective collection, sorting, and environmentally sound plastic waste management practices, tailored to different locations and conditions, will require significant innovation and investment to help build necessary capacity and capability and ensure access to technologies and equipment. Municipalities will need to be empowered to scale up opportunities associated with integrated waste management and the informal waste sector will need to be adequately included in plans to improve waste management. At the same time, local governments can facilitate permits for activities that contribute to circularity.

Further information including video extracts from the dialogues can be found in <https://www.unep.org/events/unep-event/multi-stakeholder-dialogues-part-open-ended-working-group-oewg>

[to be completed] N.B. summaries of the dialogues that took place on Monday 30 May, Tuesday 31 May and Wednesday 1 June will be added to this summary.