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**Intergovernmental negotiating committee to develop  
an international legally binding instrument on plastic  
pollution, including in the marine environment**

**Second session**

Paris, 29 May–2 June 2023

Item 3 (c) of the provisional agenda\*

**Organizational matters: organization of work**

**Scenario note for the second session of the intergovernmental  
negotiating committee to develop an international legally  
binding instrument on plastic pollution, including in the marine  
environment**

**Note by the Chair of the intergovernmental negotiating committee**

**I. Introduction**

1. In resolution 5/14 of 2 March 2022 entitled “End plastic pollution: towards an international legally binding instrument”, the United Nations Environment Assembly of the United Nations Environment Programme (UNEP) requested the Executive Director of UNEP to convene an intergovernmental negotiating committee to begin its work during the second half of 2022, with the ambition of completing that work by the end of 2024.
2. The Executive Director convened the first session of the intergovernmental negotiating committee in Punta del Este, Uruguay, from 28 November to 2 December 2022. The report of that session is available in document UNEP/PP/INC.1/14. Pursuant to the mandate from the committee agreed on at that session, the secretariat developed and circulated a note on potential options for elements towards an international legally binding instrument, based on a comprehensive approach that addresses the full life cycle of plastics as called for by United Nations Environment Assembly resolution 5/14 (UNEP/PP/INC.2/4).
3. The present scenario note seeks to assist Member States in their preparations for the second session of the intergovernmental negotiating committee and to propose a way forward intended to maximize the limited time available for negotiations. The scenario note should be read in conjunction with the meeting documentation prepared by the secretariat, a list of which is provided in annex I to the note. The provisional agenda for the second session is contained in document UNEP/PP/INC.2/1.

**II. Meeting objectives**

4. The second session of the Committee provides an opportunity to move forward in considering, understanding and articulating the main elements of the future legally binding instrument. The objectives of the second session of the committee are (a) to advance the development of the

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\* UNEP/PP/INC.2/1.

international legally binding instrument on plastic pollution, including in the marine environment, using document UNEP/PP/INC.2/4 as a basis; (b) to identify areas where more information is required to inform and support the negotiations, including any mandate for document(s) to be prepared for consideration at the third session and any other additional work to be carried out during the intersessional period; and (c) to decide on the necessary procedural and organizational matters for the continuation of effective negotiations.

5. At its second session, the committee may wish to focus its discussions on the elements set out in the annex to document UNEP/PP/INC.2/4, taking into account the options identified therein, with a view to identifying an emerging consensus and developing a streamlined but comprehensive list of options that best address the mandate set out in resolution 5/14.

### **III. Modalities for the session**

6. For safety reasons, the selected venue can accommodate a maximum of 1,500 participants. Secondary floating badges will therefore be issued and provided to each delegation. These badges will be required to enter the building. The number of badges per delegation and organization will be determined once registration closes on Friday, 28 April 2023. More information on this topic will be provided in due course through a notification to all registered participants.

7. Meetings of the session will take place from 29 May to 2 June, giving the committee five days to make substantial progress in delivering on its mandate. Following the second session, the committee will have three more sessions to conclude negotiation of the instrument.

8. In order to support the regions in preparing together for the session, the meeting venue has been reserved for a full day of regional consultations on Sunday, 28 May. In addition, there will be an opportunity for regional meetings to be held every morning throughout the week.

9. Plenary meetings of the second session of the intergovernmental negotiating committee will be conducted in the six official languages of the United Nations. The session will be held in person only, with the plenary meetings being live-streamed.

### **IV. Opening of the session**

10. The second session of the intergovernmental negotiating committee will open at 10 a.m. on Monday, 29 May. I intend to invite a representative of the Government of France, as the host country of the session, the Executive Director of UNEP, and the Executive Secretary of the intergovernmental negotiating committee to make brief statements. Noting the very limited time available during the week, I propose that, in the interest of time, we do not take general statements during the opening of the session. I intend to propose in advance of the meeting a set of modalities offering the possibility for Member States and stakeholders to make general statements, either in writing or in video form, to be made available on the session website. My intention is to move swiftly through the opening of the session to launch our work on the substance of the negotiations as quickly as possible.

### **V. Election of officers of the intergovernmental negotiating committee**

11. At its first session, the intergovernmental negotiating committee agreed to defer the election of the vice-chairs of the committee and the designation of a rapporteur to allow for informal consultations on the matter.

12. Under item 2 of the provisional agenda, on the election of officers, the intergovernmental negotiating committee is expected to elect, at the beginning of its second session and following the intersessional consultations, its 10 vice-chairs, one of whom shall act as rapporteur.

13. Since the first session of the intergovernmental negotiating committee, I have been consulting with regional groups to advance towards consensus on all the nominated candidates for the Bureau, and will continue to do so. However, should no agreement be reached on the matter by the time we reach item 2 of the provisional agenda, the secretariat will arrange, as appropriate, for the conduct of elections through a secret ballot in accordance with the draft rules of procedure. Further details on the conduct of elections will be set out in document UNEP/PP/INC.2/INF/2.

## **VI. Organizational matters**

### **A. Rules of procedure**

14. At its first session, the intergovernmental negotiating committee agreed that the draft rules of procedure, as contained in document UNEP/PP/INC.2/3, would apply to its work provisionally until their adoption. It also agreed that it would consider the adoption of the rules of procedure during its second session.

15. During the intersessional period, I have been holding consultations with the regional groups on resolving the outstanding brackets in rule 37 with a view to adopting the rules of procedure as soon as possible. I plan to report to the committee on the outcomes of the consultations and to suggest a way forward based on those outcomes.

### **B. Adoption of the agenda**

16. At its first session, the intergovernmental negotiating committee agreed to forward for adoption at its second session the provisional agenda set out in document UNEP/PP/INC.2/1. The annotated provisional agenda is set out in document UNEP/PP/INC.2/Add.1. I will invite the committee to adopt the agenda set out in document UNEP/PP/INC.2/1.

### **C. Organization of work**

17. The work of the intergovernmental negotiating committee will start with plenary meetings, with the expectation that contact groups will be convened from day 1 of the session, as appropriate.

18. Taking into consideration United Nations practice, contact group meetings will be held in English only. Proposals for the conduct of the work in plenary and contact group meetings are set out below.

### **D. Preparation of an international legally binding instrument on plastic pollution, including in the marine environment**

#### **1. Initial consideration in a plenary meeting**

19. Under item 4 of the provisional agenda, on preparation of an international legally binding instrument on plastic pollution, including in the marine environment, following an introduction by the secretariat of document UNEP/PP/INC.2/4, groups of States, individual delegations and observers will be invited to deliver their general views on document UNEP/PP/INC.2/4, with a view to moving swiftly to contact groups.

20. Statements will be limited to five minutes each for statements made on behalf of a group of States, three minutes each for statements by representatives of individual Member States and two minutes each for statements by observers, time permitting. I will ensure that the time limit for statements is strictly enforced, and a clock will be provided to help participants keep time. I strongly encourage statements in plenary meetings to be made by groups of States and in a succinct manner, focusing on general comments on document UNEP/PP/INC.2/4. Specific and technical statements can be most useful and informative when made in the contact groups to be established.

#### **2. Establishment of contact groups and modalities of their work**

21. Following the discussions at the first session of the intergovernmental negotiating committee and consultations during the intersessional period, I will propose that the committee establish two contact groups with a view to making as much progress as possible on identifying areas of consensus and narrowing down potential options, using the annex to document UNEP/PP/INC.2/4 as the basis for their work. I will propose that one contact group consider options in relation to the elements set out in sections A and B of part II of the annex to the above-mentioned document. The second contact group would consider options for the elements set out in sections C, D and E of part II of the annex to the document.

22. Noting the discussions at the first session of the intergovernmental negotiating committee and the submissions reflected in document UNEP/PP/INC.2/4, the contact groups could be mandated to consider the potential options and make recommendations in plenary meetings on the following:

(a) Identifying potential options or combinations of potential options for elements which would best achieve the desired outcomes of the future instrument;

(b) Identifying any remaining gaps in order to address the global challenges of plastic pollution, including in the marine environment;

(c) Considering which potential options would require further intersessional work, including through research and analysis, to be undertaken prior to the third session of the committee and identifying appropriate modalities for such intersessional work.

23. At this stage, I propose that no more than two contact group meetings be held at the same time. I plan to undertake consultations in advance of the session regarding the possible co-facilitators for the contact groups and to make a proposal for consideration and designation by the intergovernmental negotiating committee.

24. The discussion within the two contact groups may lead to considering the need to create, as appropriate, additional contact groups or to conduct additional informal consultations. Should that be the case, meetings would need to be scheduled to guarantee that no more than two contact group meetings or informal consultations are held simultaneously.

25. The intergovernmental negotiating committee may wish to allow contact groups to set up informal consultations on specific topics within their mandates. In scheduling informal consultations, the limited capacity of smaller delegations should be considered. I will work closely with the co-facilitators of both contact groups during the session, including through daily meetings, to ensure close coordination between the work of the contact groups, both in terms of substance and with respect to logistical arrangements.

26. Any contact groups established by the committee will need to conclude their work by the end of day on Thursday, 1 June, with a view to making any outcomes of their work available in time for consideration by the intergovernmental negotiating committee in the plenary meeting on Friday, 2 June.

27. Given the need to make as much progress as possible at this session on the core elements of the future instrument, I propose that the contact groups do not address issues contained in appendix II to document UNEP/PP/INC.2/4, such as introductory elements, including preamble, definitions, scope, and principles, and institutional arrangements, including governing body, subsidiary bodies, scientific and technical cooperation and coordination, and secretariat, at this stage. While equally important, consideration of these elements may be best addressed at a later stage to benefit from a more defined scope of obligations and implementation measures. I do, however, propose to use the plenary meeting on 2 June to have a round of statements on these elements so as to advance work on them in the lead-up to the third session of the committee.

### **3. Consideration of the work of any contact groups and further work**

28. To enhance synergies in the work of the contact groups and to benefit from any guidance of the committee as a whole, I propose to hold a short stocktaking plenary meeting, provisionally in the afternoon of Wednesday, 31 May. At this meeting, I would like to invite the co-facilitators of the contact groups to report back on the progress of their work.

29. I propose to convene a plenary meeting of the intergovernmental negotiating committee on Friday, 2 June to consider the reports of the contact groups and any outcomes from their work, and to agree on the outcomes of the second session and on further work, including considerations related to any elements of the future instrument not addressed at the second session, as specified in paragraph 27 above.

### **4. Dates and venues of subsequent sessions**

30. I propose to take up item 3 (d) of the provisional agenda, on dates and venues of subsequent sessions of the intergovernmental negotiating committee, during the plenary meeting on Friday, 2 June. The committee may wish to recall that the Government of Kenya made an offer to host the third session of the committee from 13 to 17 November 2023 in Nairobi, Kenya, that the Government of Canada made an offer to host the fourth session of the committee in April or May 2024 in Canada, and that the Government of the Republic of Korea made an offer to host the fifth session of the committee in October or November 2024 in the Republic of Korea. The committee may wish to take note of these offers with appreciation and to determine the dates and venues of its third, fourth and fifth sessions so as to enable effective and early preparations. I propose to take up this issue during the plenary meeting on Friday, 2 June, followed by the provisional agenda of the third session and other matters.

## 5. Provisional agenda of the third session

31. I would like to take up item 3 (e) of the provisional agenda, on the provisional agenda of the third session, during the plenary meeting on Friday, 2 June. The intergovernmental negotiating committee may wish to consider the provisional agenda for its third session and agree to forward it for adoption at the third session in accordance with rule 3 of the draft rules of procedure. The secretariat will circulate a provisional agenda in due time for consideration by the committee.

## 6. Other matters

32. I would like to take up item 5 of the provisional agenda, on other matters, during the plenary meeting on Friday, 2 June. Should any Member States wish to raise any other matters under this item, I invite you to alert me during the plenary discussions on item 3 (b), on adoption of the agenda, which will be taken up during the plenary meeting on 29 May.

## 7. Adoption of the report and closure of the session

33. Any decisions agreed on by the intergovernmental negotiating committee will be tabled for adoption during the plenary meeting on Friday, 2 June. The draft report of the session will be a comprehensive and substantive report, prepared by the Rapporteur with the support of the secretariat and under my overall guidance. To enhance the transparency of the process and guide the intersessional work in the lead-up to the third session of the committee, the report will attempt to capture both the proceedings of the session and summaries of the substantive discussions, including any outcomes presented by the contact groups. The draft report is to be prepared and circulated as an official in-session document and will capture proceedings and discussions until the session held on Wednesday, 31 May. It will be tabled for adoption in that format. I will ask the committee to entrust the Rapporteur with the finalization of the report, with the assistance of the secretariat and under my overall guidance, including the proceedings of the final two days, as soon as possible after the session.

## 8. Possible outcomes of the second session of the intergovernmental negotiating committee

34. In approaching the second session, I invite participants to consider what they might hope to achieve by the end of the session, including the following possible outcomes:

(a) Agreeing on the organization of work during the session, and in particular establishing contact groups with clear mandates;

(b) Considering the note by the secretariat on potential options for elements towards an international legally binding instrument, based on a comprehensive approach that addresses the full life cycle of plastics (UNEP/PP/INC.2/4);

(c) Identifying headings and topic areas that will require further work, including through research and analysis, and areas where agreement is likely to be reached more readily;

(d) Agreeing on a potential option or a set of potential options under each heading;

(e) Agreeing on a mandate for a zero-draft text of the instrument for consideration at the third session of the committee;

(f) Agreeing on any intersessional work to be carried out prior to the third session of the committee, including the possibility of setting up expert groups to conduct further work on substantive and implementation matters;

(g) Agreeing on the dates, venue and provisional agenda of the third session, and, if possible, the dates and venues of all future sessions;

(h) Discussing stakeholder engagement in moving forward, including specific activities to be conducted in the margins of the third session;

(i) Deciding on the process for funding stakeholder participation at future sessions of the committee.

35. I appreciate the dedication shown by participants to continuing to engage with a constructive spirit and build on the growing momentum we have built over the past year. I look forward to working with you to advance our work at the second session.

Ambassador Gustavo Meza Cuadra  
Chair of the intergovernmental negotiating committee

## Annex

### List of documents for the second session<sup>1</sup>

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#### *Working documents*

UNEP/PP/INC.2/1	Provisional agenda
UNEP/PP/INC.2/1/Add.1	Annotated provisional agenda
UNEP/PP/INC.2/2	Scenario note for the second session of the intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment
UNEP/PP/INC.2/3	Draft rules of procedure for the work of the intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment.
UNEP/PP/INC.2/4	Potential options for elements towards an international legally binding instrument, based on a comprehensive approach that addresses the full life cycle of plastics as called for by United Nations Environment Assembly resolution 5/14

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#### *Information documents*

UNEP/PP/INC.2/INF/1	United Nations Environment Assembly resolution 5/14
UNEP/PP/INC.2/INF/2	Note on the conduct of voting
UNEP/PP/INC.2/INF/3	Dates and venues of subsequent sessions of the intergovernmental negotiating committee
UNEP/PP/INC.2/INF/4	Additional information linked to potential options for elements towards an international legally binding instrument

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<sup>1</sup> The secretariat is finalizing the list of documents.