

## Contact Group 2 - Co-facilitators proposal to streamline compilation of revised zero draft text<sup>1</sup>

This document captures the co-facilitators' suggestions to streamline the compilation of the contact group's revised zero draft text, following discussions of contact group 2 during INC3.<sup>2</sup>

### 2. Capacity-building, technical assistance [and technology transfer]

**OP1** [[All] Parties][Developed countries] shall [and stakeholders are encouraged to][provide] [cooperate to [enable], within their respective capabilities,] the provision of [new and additional] timely, [sustainable,] [comprehensive] [enduring] [and adequate][and appropriate] capacity-building and [financial and] technical assistance [including on research and development]<sup>3,4</sup> to [all] developing countries [most in need], in particular, to least developed countries and SIDS [and environmentally and ecologically vulnerable developing countries][as well as countries with special geographical conditions or characteristics that are considered vulnerable to plastic pollution including archipelagic states], to assist them in implementing their obligations under this *instrument*\* [and to retain such capacity once built]. [Capacity building activities should place emphasis on supporting partners and stakeholders, in particular women, youth, workers of the informal (waste) sector, Indigenous Peoples and Local Communities (IPLC) and other vulnerable groups, both in the development and implementation of such measures.][Capacity-building should be country-driven, based on and responsive to national needs, and foster country ownership of Parties, in particular, for developing country Parties.]

**OP1 Alt** [No text]

**OP2** [The *governing body*\* shall] [taking into consideration the developing countries Parties' needs expressed through their national implementation reports][keep under] review [no later than at its third meeting, and thereafter on a regular basis the] capacity-building and technical assistance to support the implementation of this *instrument*\* [and promote cooperation and coordination [as appropriate] with other multilateral environmental agreements and other relevant initiatives to increase the effectiveness of capacity-building and technical assistance.]

**OP2 Alt** Developed country parties should cooperate to enhance the capacity of developing country Parties to implement this *instrument*, and guarantee sustainability and capacities developed.

**OP2 Alt 2** [No text]

**OP2 Bis** Technical assistance and capacity building pursuant to paragraph 1 and provisions on compliance may be delivered through regional, subregional and national arrangements, including existing regional and sub regional centres, through other multilateral and bilateral means, and through partnerships, including those involving the private sector and/or other stakeholders. Cooperation and coordination with relevant other

**Commented [A1]: Co-fac comment** – for consistency with the content of alternative proposals, this has been relocated to OP1

<sup>1</sup> **Note:** Due to the significant number of submissions received, there may be some missing submissions in this version.

<sup>2</sup> **Note:** The proposals are not listed in any order of priority.

<sup>3</sup> **Note:** Members may wish to include a definition of "technology transfer on mutually agreed terms" either in the provision on 'definitions' or in the provision on 'technology transfer on mutually agreed terms'. The glossary of terms prepared for the committee's first session, UNEP/PP/INC.1/6, refers to the following definition: "Technology transfer means the transmission of know-how, equipment and products to governments, organizations or other stakeholders. It usually also implies adaptation for use in a specific cultural, social, economic and environmental context". (UNEP, Glossary of Terms for Negotiators of Multilateral Environmental Agreements (Nairobi, 2007), p. 91.)

<sup>4</sup> **Note:** Particular focus areas for capacity-building, technical assistance or technology transfer may need to be further defined and elaborated when there is a better understanding of the substantive obligations under this *instrument*\*.

multilateral environmental agreements, as appropriate, should be sought to increase the effectiveness of technical assistance and its delivery.

**OP3** [Developed country Parties and other] Parties [within their respective capabilities] shall promote and facilitate [supported by the private sector and other relevant partners and stakeholders][as appropriate] the development, transfer [on [fair and most favourable terms, including on concessional and preferential terms, as] mutually agreed [terms]], [and] [diffusion of and access to] up-to-date environmentally sound [and endogenous [economical and efficient]] technologies to address plastic pollution [to developing country Parties, in particular the least developed countries and small island developing States, and Parties with economies in transition, to strengthen their capacity to effectively implement this *Instrument*] [, including through [reduce, reuse, recycle, refill, repair, and non-plastic substitute] [safe and sustainable][environmentally sound and sustainable] alternatives and non-plastic substitutes [with due consideration to proprietary rights]]. [In implementing this provision, Parties shall promote and facilitate innovation and investment in pursuit of new technologies and innovative solutions[, and shall facilitate access to essential technologies, [including with respect to financial resources and proprietary rights.]]]

**OP3 Alt** [No text]

**OP3 Bis** Each party shall compel EPR schemes to provide technology for processing and recovery of plastic products.

**Commented [A2]:** *Co-fac comment* – we have replicated this provision in the section relating to financing

**Part III.2 Alt**

[Article 3] Technology [transfer]

1. [[Developed country parties should cooperate to facilitate and enhance technology transfer for developing country Parties to implement this instrument.](#)]
2. [Parties shall promote and facilitate the development, transfer [on mutually agreed terms], diffusion of and access to up-to-date [environmentally sound] technologies addressing plastic pollution [in an environmentally sound manner, including those related to collecting, sorting, processing and recycling of plastic waste as well as those related to safe and sustainable alternatives and non-plastic substitutes]. In implementing this provision, Parties shall promote and facilitate innovation and [inclusive] investment in pursuit of new technologies and innovative solutions, and shall facilitate access to essential technologies, [including with respect to financial resources and] proprietary rights.]
2. [Each Party shall ensure freedom of trade and technology transfer in the areas related to the implementation of the *instrument*\*. In particular, no prohibition or restriction shall be instituted or maintained on trade in equipment and transfer of technologies related to combating plastic pollution, enhancing waste management and plastic waste recycling, as well as any other activities covered by the *instrument*\*.]
4. [[Support, including financial support, shall be provided to developing country Parties for the implementation of this Article, including for strengthening cooperative action on technology development and transfer at different stages of the technology cycle.](#)]

**Part III.2 Alt 2 Capacity Building, Technical and Scientific Cooperation, Technology Transfer**

4. A cooperation mechanism\* is hereby established.

The cooperation mechanism\* shall provide for:

- a. A clearing-house platform to enable parties to access, provide and disseminate information with respect to activities taking place pursuant to the provisions of this *instrument\**;
- b. Assist parties to identify their needs for cooperation in science, technology and innovation regarding the provisions of this *instrument\**;
- c. Facilitate the matching of capacity building needs with the support available and with providers for the transfer of technology, including governmental, non-governmental or private entities interested in participating as donors in the transfer of technology, and facilitate access to related know-how and expertise;
- d. Facilitate scientific, technical and technological cooperation to meet these identified needs;
- e. Promote training activities for the benefits of parties that are developing countries;
- f. Facilitate and monitor other multilateral, regional and bilateral cooperation available to parties that are developing countries;
- g. Perform such other functions as may be determined by the *governing body\** or assigned to it under this *instrument*.

5. A cooperation mechanism\* committee is hereby established.

6. The committee shall coordinate the functioning and supervise the efficiency and effectiveness of the cooperation mechanism\*. It shall submit reports and recommendations that the *governing body\** shall consider and take action on as appropriate.

7. The committee shall consist of members to serve objectively in the best interest of this *instrument\**, nominated by parties, taking into account gender balance and equitable geographical distribution. The terms of reference and modalities for the operation of the committee shall be decided by the *governing body* at its first meeting.

## Appendix 1

### Contact Group 2 - Co-facilitators proposal to streamline compilation of revised zero draft text<sup>5</sup> - with changes tracked

To aid transparency, this appendix shows the co-facilitators' suggestions to streamline the compilation of the contact group's revised zero draft text. Suggestions are shown as tracked changes, against the most recent compilation text published on the INC3 webpage on 18 November 2023.

<b>Part III</b>	2. Capacity building, technical assistance and technology transfer
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#### 3. Capacity-building, technical assistance ~~and technology transfer~~

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#### ~~2. *Part III.2 Header Alt.* Capacity building, technical assistance and technology transfer~~

~~3. ~~[[All] Parties][Developed countries] shall [and stakeholders are encouraged to][provide] [cooperate to [enable], within their respective capabilities,] the provision of [new and additional] timely, [sustainable,] [comprehensive] [enduring] [and adequate][and appropriate] capacity-building and [financial and] technical assistance [including on research and development]<sup>6,7</sup> to [all] developing countries [most in need], in particular, to least developed countries and SIDS [and environmentally and ecologically vulnerable developing countries][as well as countries with special geographical conditions or characteristics that are considered vulnerable to plastic pollution including archipelagic states], to assist them in implementing their obligations under this *instrument*\* [and to retain such capacity once built]. [Capacity building activities should place emphasis on supporting partners and stakeholders, in particular women, youth, workers of the informal (waste) sector, Indigenous Peoples and Local Communities (IPLC) and other vulnerable groups, both in the development and implementation of such measures.][Capacity-building should be country-driven, based on and responsive to national needs, and foster country ownership of Parties, in particular, for developing country Parties.]~~~~

~~1.~~

~~*OPI Alt* Parties shall cooperate to enable, within their respective capabilities, the provision of timely, sustainable, comprehensive and adequate capacity building and technical assistance, to developing countries, in particular, to least developed countries and SIDS, to assist them in implementing their obligations, under this *instrument*\* and to retain such capacity once built. Capacity building activities should place emphasis on supporting stakeholders, in particular women, youth, workers of the informal (waste) sector, Indigenous Peoples and Local Communities (IPLC) and other vulnerable groups, both in the development and implementation of such measures.~~

~~*OPI Alt 2* Parties shall cooperate to enable, within their respective capabilities, the provision of timely sustainable, comprehensive and adequate appropriate capacity building and technical assistance to developing countries Parties most in need, in particular, to least developed countries and SIDS, to assist them in implementing their obligations under this *instrument*\* and to retain such capacity once built.~~

<sup>5</sup> Note: Due to the significant number of submissions received, there may be some missing submissions in this version.

<sup>6</sup> Note: Members may wish to include a definition of "technology transfer on mutually agreed terms" either in the provision on 'definitions' or in the provision on 'technology transfer on mutually agreed terms'. The glossary of terms prepared for the committee's first session, UNEP/PP/INC.1/6, refers to the following definition: "Technology transfer means the transmission of know-how, equipment and products to governments, organizations or other stakeholders. It usually also implies adaptation for use in a specific cultural, social, economic and environmental context". (UNEP, Glossary of Terms for Negotiators of Multilateral Environmental Agreements (Nairobi, 2007), p. 91.)

<sup>7</sup> Note: Particular focus areas for capacity-building, technical assistance or technology transfer may need to be further defined and elaborated when there is a better understanding of the substantive obligations under this *instrument*\*.

~~*OPI Alt 3* Parties shall cooperate to enable, within their respective capabilities, the provision of timely, sustainable, comprehensive and adequate capacity-building and technical assistance, to developing countries, in particular, to least developed countries and SIDS, to assist them in implementing their obligations under this instrument\* and to retain such capacity once built.~~

~~*OPI Alt 4* Parties shall cooperate to enable, within their respective capabilities, the provision of NEW AND ADDITIONAL, timely, sustainable, comprehensive and adequate capacity-building and technical assistance, to ALL developing countries, in particular, to least developed countries and SIDS, to assist them in implementing their obligations under this instrument\* and to retain such capacity once built.~~

~~*OPI Alt 5* Developed countries shall provide comprehensive, and enduring capacity-building and technical assistance to developing countries, in particular least developed countries and Small Island Developing States (SIDS). Capacity-building should be country-driven, based on and responsive to national needs, and foster country ownership of Parties, in particular, for developing country Parties.~~

~~*OPI Alt 6* Parties shall **provide** cooperate to enable, within their respective capabilities, the provision of timely, sustainable, comprehensive and adequate capacity-building and technical assistance to developing countries, in particular, to least developed countries and SIDS, to assist them in implementing their obligations under this instrument\* and to retain such capacity once built.~~

~~*OPI Alt 7* Parties shall, and stakeholders are encouraged, to cooperate to enable, within their respective capabilities, the provision of timely, sustainable, comprehensive and adequate capacity-building and technical assistance, including on research and development, to developing countries, in particular, to least developed countries and SIDS and environmentally and ecologically vulnerable developing countries, to assist them in implementing their obligations under this instrument\* and to retain such capacity once built.~~

~~*OPI Alt 8* All Parties shall cooperate to enable, within their respective capabilities, the provision of timely and appropriate, capacity-building and technical assistance to assist in the implementation of obligations under this instrument\* and to retain such capacity once built.~~

~~*OPI Alt 9* [Parties shall cooperate to provide, within their respective capabilities, timely and appropriate capacity-building, technical assistance, and technology transfer to developing country Parties, in particular to least developed countries, small island developing States, as well as countries with special geographical conditions or characteristics that are considered vulnerable to plastic pollution including archipelagic states]; to assist them in implementing their obligations under this instrument\* and to retain such capacity once built.~~

~~*OPI Alt 10* Developed countries Parties shall cooperate to enable **provide**, within their respective capabilities, the provision of timely, sustainable, comprehensive and adequate, **financial and technical** assistance to **enhance** capacity-building and technical assistance to **of** developing countries, in particular, to least developed countries and SIDS, to assist them in implementing their obligations under this *instrument\** and to retain such capacity once built.~~

*OPI Alt 9* No text

2. [The governing body\* shall] [taking into consideration the developing countries Parties' needs expressed through their national implementation reports][keep under] review [no later than at its third meeting, and thereafter on a regular basis the] capacity-building and technical assistance to support the implementation of this instrument\* [and promote cooperation and coordination [as appropriate] with other multilateral environmental agreements and other relevant initiatives to increase the effectiveness of capacity-building and technical assistance.]

**OP2 Alt** Developed country parties should cooperate to enhance the capacity of developing country Parties to implement this instrument, and guarantee sustainability and capacities developed.

**OP2 Alt 2** [No text]

~~**OP2 Alt 3** The governing body shall, taking into consideration the developing countries Parties' needs expressed through their national implementation reports, keep under review capacity-building and technical assistance to support the implementation of this instrument and promote cooperation and coordination with other multilateral environmental agreements and other relevant initiatives to increase the effectiveness of capacity-building and technical assistance.~~

~~**OP2 Alt 3** The governing body\* shall review no later than at its third meeting, and thereafter on a regular basis the capacity-building and technical assistance to in support the implementation of this instrument\*.~~

~~**OP2 Bis** The governing body\* shall promote cooperation and coordination, as appropriate, with other multilateral environmental instruments and other relevant initiatives to increase the effectiveness of capacity-building and technical assistance.~~

**OP2 BisTer** Technical assistance and capacity building pursuant to paragraph 1 and provisions on compliance may be delivered through regional, subregional and national arrangements, including existing regional and sub regional centres, through other multilateral and bilateral means, and through partnerships, including those involving the private sector and/or other stakeholders. Cooperation and coordination with relevant other multilateral environmental agreements, as appropriate, should be sought to increase the effectiveness of technical assistance and its delivery.

**Commented [A3]: Co-fac comment** – for consistency with the content of alternative proposals, this has been relocated to OP1

3. [Developed country Parties and other] Parties [within their respective capabilities] shall promote and facilitate [supported by the private sector and other relevant partners and stakeholders][as appropriate] the development, transfer [on [fair and most favourable terms, including on concessional and preferential terms, as] mutually agreed [terms]], [and] [diffusion of and access to] up-to-date environmentally sound [and endogenous][economical and efficient]] technologies to address plastic pollution [to developing country Parties, in particular the least developed countries and small island developing States, and Parties with economies in transition, to strengthen their capacity to effectively implement this Instrument] [, including through [reduce, reuse, recycle, refill, repair, and non-plastic substitute] [safe and sustainable][environmentally sound and sustainable] alternatives and non-plastic substitutes [with due consideration to proprietary rights]]. [In implementing this provision, Parties shall promote and facilitate innovation and investment in pursuit of new technologies and innovative solutions[, and shall facilitate access to essential technologies, [including with respect to financial resources and proprietary rights.]]]

*OP3-Alt* Parties within their respective capabilities shall promote and facilitate supported by the private sector and other relevant stakeholders, the development, transfer on mutually agreed terms, diffusion of and access to up-to-date environmentally sound technologies to address plastic pollution, including through safe and sustainable alternatives and non-plastic substitutes with due consideration to proprietary rights. In implementing this provision, Parties shall promote and facilitate innovation and investment in pursuit of new technologies and innovative solutions, and shall facilitate access to essential technologies, including with respect to financial resources and proprietary rights.

*OP3-Alt 2* Developed country Parties and other Parties within their capabilities shall promote and facilitate, supported by the private sector and other relevant stakeholders as appropriate, development, transfer and diffusion of, and access to, up-to-date environmentally sound economical and efficient technologies to address plastic pollution to developing country Parties, in particular the least developed countries and small island developing States, and Parties with economies in transition, to strengthen their capacity to effectively implement this Instrument.

*OP3-Alt 3* Parties shall promote and facilitate the development, transfer on terms FAVORABLE TO DEVELOPING COUNTRIES, INCLUDING IN CONCESSIONAL AND PREFERENTIAL TERMS, diffusion of and access to up-to-date environmentally sound technologies to address plastic pollution, including through safe and sustainable alternatives and non-plastic substitutes. In implementing this provision, Parties shall promote and facilitate innovation and investment in pursuit of new technologies and innovative solutions, and shall facilitate access to essential technologies, including with respect to financial resources and proprietary rights.

*OP3-Alt 4* The governing body shall keep under review capacity building and technical assistance to support the implementation of this instrument\* and promote cooperation and coordination with other multilateral environmental agreements and other relevant initiatives to increase the effectiveness of capacity building and technical assistance.

*OP3-Alt 5* Parties shall promote and facilitate the development, transfer on mutually agreed terms, diffusion of and access to up-to-date environmentally sound technologies to address plastic pollution, including through safe and sustainable alternatives and non-plastic substitutes. In implementing this provision, Parties shall promote and facilitate innovation and investment in pursuit of new technologies and innovative solutions, and shall facilitate access to essential technologies, including with respect to financial resources and proprietary rights.

*OP3-Alt 6* Parties shall promote and facilitate the development, transfer on mutually agreed terms, diffusion of and access to up-to-date environmentally sound technologies to address plastic pollution, including through safe and sustainable alternatives and non-plastic substitutes. In implementing this provision, Parties shall promote and facilitate innovation and investment in pursuit of new technologies and innovative solutions, and shall facilitate access to essential technologies, including with respect to financial resources and proprietary rights.

*OP3-Alt 7* Parties shall promote and facilitate the development, transfer on fair and most favourable terms, including on concessional and preferential terms, as mutually agreed, diffusion of and access to up-to-date environmentally sound and endogenous technologies to address plastic pollution, including through safe and sustainable alternatives and non-plastic substitutes. In implementing this provision, Parties shall

**Commented [A4]:** Co-fac comment – this appears as the original text in OP2

promote and facilitate innovation and investment in pursuit of new technologies and innovative solutions, and shall facilitate access to essential technologies, including with respect to financial resources and proprietary rights.

*OP3 Alt 8* Parties shall promote and facilitate the development, and transfer on mutually agreed terms, of up-to-date environmentally sound technologies to address plastic pollution, including through environmentally sound, and sustainable alternatives and non-plastic substitutes. In implementing this provision, Parties shall promote and facilitate innovation and investment in pursuit of new technologies and innovative solutions, and shall facilitate access to essential technologies, including with respect to financial resources and proprietary rights.

*OP3 Alt 9* Parties shall promote and facilitate the development, transfer on mutually agreed terms, diffusion of and access to up-to-date environmentally sound technologies to address plastic pollution, including through [reduce, reuse, recycle, refill, repair, and non-plastic substitute]. In implementing this provision, Parties shall promote and facilitate innovation and investment in pursuit of new technologies and innovative solutions, and shall facilitate access to essential technologies, including with respect to financial resources and proprietary rights.

*OP3 Alt 10* Parties shall promote and facilitate the development, transfer on mutually agreed terms, diffusion of and access to up-to-date environmentally sound technologies to address plastic pollution, including through safe and sustainable alternatives and non-plastic substitutes. In implementing this provision, Parties shall promote and facilitate innovation and investment in pursuit of new technologies and innovative solutions, and shall facilitate access to essential technologies, including with respect to financial resources and proprietary rights.

*OP3 Alt 11* [No text]

*OP3 Bis* Each party shall compel EPR schemes to provide technology for processing and recovery of plastic products.

**Commented [A5]:** *Co-fac comment* – we have replicated this provision in the section relating to financing

### **Part III.2 Alt [Article 3] Technology transfer**

1. Parties shall promote and facilitate the development, transfer, diffusion of and access to up-to-date technologies addressing plastic pollution in an environmentally sound manner, including those related to collecting, sorting, processing and recycling of plastic waste as well as those related to safe and sustainable alternatives and non-plastic substitutes. In implementing this provision, Parties shall promote and facilitate innovation and investment in pursuit of new technologies and innovative solutions, and shall facilitate access to essential technologies, including with respect to financial resources and proprietary rights.

2. Each Party shall ensure freedom of trade and technology transfer in the areas related to the implementation of the instrument\*. In particular, no prohibition or restriction shall be instituted or maintained on trade in equipment and transfer of technologies related to combating plastic pollution, enhancing waste management and plastic waste recycling, as well as any other activities covered by the instrument\*.

### **Part III.2 Alt2 [New Article] Technology**

1. Developed country parties should cooperate to facilitate and enhance technology transfer for developing country Parties to implement this instrument.

2. Parties shall promote and facilitate the development, transfer on mutually agreed terms, diffusion of and access to up-to-date environmentally sound technologies to address plastic pollution. In implementing this provision, Parties shall promote and facilitate innovation and inclusive investments in pursuit of new technologies and innovative solutions, and shall facilitate access to essential technologies, proprietary rights.

3. Support, including financial support, shall be provided to developing country Parties for the implementation of this Article, including for strengthening cooperative action on technology development and transfer at different stages of the technology cycle.



**Part III.2 Alt 2 Capacity Building, TECHNICAL AND SCIENTIFIC COOPERATION, technology transfer**

4. A cooperation mechanism\* is hereby established.

The cooperation mechanism\* shall provide for:

- a. A clearing-house platform to enable parties to access, provide and disseminate information with respect to activities taking place pursuant to the provisions of this instrument\*;
- b. Assist parties to identify their needs for cooperation in science, technology and innovation regarding the provisions of this instrument\*;
- c. Facilitate the matching of capacity building needs with the support available and with providers for the transfer of technology, including governmental, non-governmental or private entities interested in participating as donors in the transfer of technology, and facilitate access to related know-how and expertise;
- d. Facilitate scientific, technical and technological cooperation to meet these identified needs;
- e. Promote training activities for the benefits of parties that are developing countries;
- f. Facilitate and monitor other multilateral, regional and bilateral cooperation available to parties that are developing countries;
- g. Perform such other functions as may be determined by the governing body\* or assigned to it under this instrument.

5. A cooperation mechanism\* committee is hereby established.

6. The committee shall coordinate the functioning and supervise the efficiency and effectiveness of the cooperation mechanism\*. it shall submit reports and recommendations that the governing body\* shall consider and take action on as appropriate.

7. The committee shall consist of members to serve objectively in the best interest of this instrument\*, nominated by parties, taking into account gender balance and equitable geographical distribution. the terms of reference and modalities for the operation of the committee shall be decided by the governing body at its first meeting.