

***Ad hoc* intersessional open-ended expert groups established by the Intergovernmental Negotiating Committee to develop an international legally binding instrument on plastic pollution, including in the marine environment**

CONCEPT NOTE

At its fourth session (INC-4), the Intergovernmental Negotiating Committee to develop an international legally binding instrument on plastic pollution, including in the marine environment, decided to establish two *ad hoc* intersessional open-ended expert groups. The *ad hoc* intersessional open-ended expert groups (hereafter “expert groups”) are not part of the negotiations under the Committee but are established to inform and help advance the work of the Committee.

The Secretariat has prepared this concept note under the guidance of the expert groups’ Co-chairs, in consultation with the INC Chair, to guide the organization and conduct of intersessional work.

1. Mandated work for the two expert groups

The two expert groups were established with the following mandates¹:

Expert Group 1

An *ad hoc* intersessional open-ended expert group to **develop an analysis of potential sources, and means that could be mobilized, for implementation of the objectives of the instrument, including options for the establishment of a financial mechanism, alignment of financial flows, and catalyzing finance**, for the consideration by the Committee at its fifth session (INC-5).

The expert group will take as a starting point the reports of the Co-chairs of the contact group two established at INC-4 and the draft text on means of implementation (Part III Section 1) contained in the compilation document of the draft text.

Co-chairs: Ms. Kate Lynch of Australia and Mr. Oliver Boachie of Ghana.

Expert Group 2

An *ad hoc* intersessional open-ended expert group to **identify and analyze criteria and non criteria based 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**, for the consideration by the Committee at its fifth session.

The expert group will be informed by the reports of the Co-chairs of the contact group one established at INC-4 and the compilation document of the draft text.

Co-chairs: Mr. Axel Borchmann of Germany, Ms. Gwen Sisor of Palau and Mr. Luay Almuhtar of Iraq.

¹ See Annex 1 for the full text of the Committee’s decision.

2. Modalities and proposed approaches for the intersessional expert groups

a. **Nomination of experts from Members of the Committee**

As decided by the Committee, both expert groups will be open to the participation of all Members of the Committee.

Members will be invited by the Secretariat to nominate experts to participate in the work of the groups and communicate their details, through their national focal points, to the Secretariat, at the latest by **24 June 2024**. Members are requested to **indicate in their nomination letters the expert group to which each expert is nominated**.

b. **Proposed approach**

The work of the expert groups will be facilitated by their respective Co-chairs with the support of the Secretariat. The work will be conducted in English only.

The Committee requested the two expert groups to commence their work using electronic means, and the Secretariat to organize, subject to availability of financial resources, an in-person meeting for the expert groups in the intersessional period before INC-5.

The in-person expert groups meeting is scheduled to take place at the United Nations Conference Centre, Bangkok (UNCC) from 24 to 28 August 2024. The expert groups meeting will be conducted in English only.

The in-person meeting will be complemented by up to three virtual meetings per expert group. This will include an online preparatory meeting per group ahead of the in-person meeting to facilitate planning and common understanding on organization of work and expected outcomes, and provide a logistical update by the Secretariat.

To ensure efficient and consistent work of the groups, it is strongly encouraged that the nominated experts participate throughout the entire process of the expert groups.

c. **In-person meeting for the expert groups (24 - 28 August 2024)**

For Members eligible for travel support, the Secretariat will provide travel support for one (1) nominated expert for expert group 1 and one (1) nominated expert for expert group 2 to attend the in-person meetings. Eligible countries are invited to clearly indicate, in their expert nomination letters (see above section 2. a.), the name of the expert(s) designated to receive travel support for attendance at the in-person meeting.

The in-person expert groups meeting will take place daily from 24 to 28 August:

Morning sessions: 9.30 am to 12.30 pm

Afternoon sessions: 2.00 pm to 5.00 pm

Further registration and logistical details have been communicated by the Secretariat on 30 May 2024².

To ensure equal opportunity and balanced representation among Members and due to space limitations in the venue, Members of the Committee are encouraged to consider the number of experts designated to attend the in-person meeting. Should the number of nominated experts exceed the existing capacity of the venue, floating badges will be issued to access the meeting rooms.

Documentation for the meeting will be distributed 3 weeks ahead of the meeting in English only, including but not limited to:

Expert Group 1

- (i) Agenda; and
- (ii) Co-chairs' synthesis of factual information related to the topics mandated for intersessional work - this could include information collected through the online meetings and potential questionnaires by the Co-chairs.

Expert Group 2

- (i) Agenda; and
- (ii) Co-chairs' synthesis of factual information related to the topics mandated for intersessional work - this could include information collected through the online meetings and potential questionnaires by the Co-chairs.

d. Technical resource persons

Furthermore, the Secretariat, in consultation with the Chair, will invite up to 12 selected technical resource persons per expert group, to help inform the work, taking into account:

- Technical expertise, experience and knowledge;
- Balance of expertise, experience and knowledge amongst the technical resource persons considering the range of Observers, including civil society;
- Regional and geographic representation;
- Gender balance; and
- Language proficiency.

3. Expected outcomes of the expert groups

The outcomes from the groups shall be without prejudice to Members' national positions and the outcome of negotiations conducted by the Committee.

The outcomes will be presented in the form of Co-chairs' reports for consideration by the Committee at INC-5 and will include, but not be limited to, the following:

² Updates relevant to the intersessional work can be found at <https://www.unep.org/inc-plastic-pollution/ioeeg>

Expert Group 1

- i. Analysis of potential sources, and means that could be mobilized, for implementation of the objectives of the instrument, including options for the establishment of a financial mechanism, alignment of financial flows, and catalyzing finance;
- ii. Issues identified by the expert group for consideration by the Committee at INC-5; and
- iii. A substantive report.

Expert Group 2

- i. Identification and analysis of criteria and non criteria based 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;
- ii. Issues identified by the expert group for consideration by the Committee at INC-5; and
- iii. A substantive report.

Annex

Decision on Intersessional work at INC-4 (advance unedited / as amended in plenary)

1. The Committee decides to establish an *ad hoc* intersessional open-ended expert group to develop an analysis of potential sources, and means that could be mobilized, for implementation of the objectives of the instrument, including options for the establishment of a financial mechanism, alignment of financial flows, and catalyzing finance, for the consideration by the Committee at its fifth session.
2. The expert group will take as a starting point the reports of the Co-chairs of the contact group two established at INC-4 and the draft text on means of implementation (Part III Section 1) contained in the compilation document of the draft text. The expert group will be open to participation of all Members.
3. The Committee agrees that the work of the expert group will be co-chaired by **Ms. Kate Lynch of Australia and Mr. Oliver Boachie of Ghana.**
4. The Committee also decides to establish an *ad hoc* intersessional open-ended expert group to identify and analyze criteria and non criteria based 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, for the consideration by the Committee at its fifth session.
5. The expert group will be informed by the reports of the Co-chairs of the contact group one established at INC-4 and the compilation document of the draft text. The expert group will be open to participation of all Members.
6. The Committee agrees that the work of the expert group will be co-chaired by **Mr. Axel Borchmann of Germany, Ms. Gwen Sisior of Palau, and Mr. Luay Almkhtar of Iraq.**
7. The Committee requests the two expert groups to commence their work using electronic means, following conclusion of INC-4 and requests the secretariat to support the organization of their work.
8. The Committee also requests the secretariat to organize, subject to availability of financial resources, an in-person meeting for the expert groups in the intersessional period before INC-5.
9. The Committee further requests the secretariat, in consultation with the Chair, to invite selected technical resource persons to help inform the work of the expert groups.
10. The outcomes from the groups shall be without prejudice to the Parties' national positions and the outcome of negotiations conducted by the Committee.