Co-facilitators' summary of Contact Group 2[1]

Focus on Sections C: Means of Implementation. D: Implementation measures. E: Additional matters.

Co-facilitated by Ms. Kate Lynch of Australia and Mr. Oliver Boachie of Ghana.

I. National Action Plans

There was convergence on development of National Action Plans (NAPs)[2] to coordinate and support implementation of the legally binding instrument across the plastics lifecycle at the national level. The instrument should have an obligation for countries to develop a NAP, which could be viewed as a backbone for its implementation. The NAP should take into account national circumstances with some suggesting tailored approaches for developing countries and small island developing States (SIDS). Development of the NAP should be complemented or supported by robust collaboration and consultation with stakeholders.

It was stressed by some that development of NAPs must not be the only legally binding provision of the future instrument, and that it should not be viewed as an objective in itself.

Some saw the need to set out targets and commitments which could align with the global instrument. Details on NAPs could also include provision of indicators against which progress could be tracked at the national level and recorded across the lifecycle. Others saw the NAP as a nationally-driven process whereby countries would undertake their own target-setting, review and update or resubmission.

There was convergence on the value of harmonized templates and guidance for NAPs, potentially with a minimum set of NAP elements, with some Members emphasizing that such guidance should not be legally binding. Some stressed the importance of harmonization of NAPs, with more prescriptive guidance being provided on targets, indicators and timelines, taking into account national circumstances, to promote their transparency and comparability across parties.

Further discussion on where/how NAPs would be gathered and published would be required, including whether existing plans could be used initially.

The linkage between preparation of NAPs and periodic national reporting was noted. It would be important to establish a baseline for a NAP and undertake periodic reviews. NAPs could be used to capture quantitative data, but it was noted that NAP requirements should not duplicate existing mechanisms. It was generally agreed that NAPs should be evidence based. Caution on the possible burden of developing and regularly reporting on NAPs was mentioned, with some noting that a financial mechanism could assist parties in the development and implementation of their NAPs.

There were divergent views on the evaluation of NAPs, including which entit(ies) should conduct such evaluation, and at what frequency. Some delegations noted a potential role for an established scientific, technical and economic panel, while others noted that NAPs should be assessed domestically.

There was convergence on the need for scientific and technical bod(ies) to ensure an evidence-based instrument with a strong science-policy interface. The role of such a bod(ies) could be further considered once the obligations of the instrument had been more fully developed. Coordination with the ongoing process to develop a science-policy panel (SPP) on chemicals, waste and pollution prevention would be important in this regard. See Research section below for further information.

II. Exchange of information

Convergence on scope and focus of exchange of information could include that outlined in subparagraph 35 (a) of the options paper:

[1] This summary is presented without formal editing.

[2] Some preferred the terminology National Implementation Plan to capture the role of the plan in national implementation of the instrument.

- Best practices, knowledge, research and technologies;
- Sustainable consumption and production, environmentally sound waste management, sources of plastic pollution, human and animal exposure to plastic pollution and the associated risks and reduction options, among policymakers, stakeholders and the public;
- Exchange information, if any, on the wisdom of indigenous systems and practices.

In addition, capacity building for gathering information and data is needed for developing countries.

There was also agreement on certain elements in subparagraph 35 (b) including to:

- Build on ongoing voluntary initiatives;
- Use the multi-stakeholder action agenda to share knowledge and highlight successes, as well as to replicate and scale sustainable solutions;
- Use regional and sub-regional networks for information exchange, lessons learned and capacity-building;
- Promote cooperation with other countries and international organizations;
- Organize events on the sidelines of governing body sessions to exchange best practices;
- Learn from other processes.

Some saw disclosure of information and labelling schemes as closely linked to the core obligations of the instrument. Some concern was expressed over the suggestion on provisions for mandatory disclosures, with some Members pointing out that there could be overlaps with other multilateral environmental agreements (MEAs) or with World Trade Organization (WTO) obligations or issues of confidentiality. These also needed to be considered in light of the capacity of small and medium-sized enterprises.

Prior informed consent for transboundary movements would need to be considered in light of existing provisions of certain MEAs.

III. Stakeholder engagement

There was broad support for a multistakeholder action agenda to promote active and meaningful participation in the development and implementation of the instrument and to accelerate action (cf. paragraph 40 of the options paper). Recognition of the role of indigenous peoples and local communities (IPLCs) and the informal sector in a just transition were seen as of particular importance.

Existing bodies, partnerships and other initiatives should be leveraged.

IV. Awareness raising and education

There was convergence of the role of awareness raising and education, including calls from several Members for these to be obligatory, in promoting (from subparagraph 34 (a)):

- Behaviour change;
- Capacity development;
- Sharing of information on environmental impact, sustainability, reduction of plastic use and demonstrated successes;
- Increased awareness and understanding of the instrument's goals and objectives.

Reference to and leveraging of indigenous, traditional and local knowledge systems and to building on voluntary and regional networks should also be included.

V. Research

The importance of a science-backed and evidence-based instrument was underscored. There was broad support for utilising a scientific and technical body to evaluate scientific data, socio-economic data and impacts, problematic plastics, polymers and chemicals of concern (both during the development of the

instrument and in its implementation). Mechanisms for scientific bodies under other MEAs could be considered. Close collaboration with the ongoing Science Policy Panel process would be needed to avoid duplication and strengthen areas of commonality.

Views on the types of research to be undertaken converged on (from subparagraphs 38 (a)–(c)):

- The state of current knowledge;
- The impact of plastic pollution;
- Potential avenues for addressing the problem.

Some raised the opportunity for a knowledge sharing platform.

VI. Cooperation and coordination

There was broad support for cooperation and coordination (para. 39), with a range of entities, including international organisations such as International Maritime Organization (IMO), WTO, Food and Agriculture Organization (FAO), standards-setting organisations such as ISO and ASTM, in addition to international private sector organisations, consumer goods organisations and specialized institutes. The instrument should ensure complementarity with existing MEAs and other international agreements, particularly in relation to legally binding obligations.

Cooperation between governments and the private sector was underscored as being of particular importance. Cooperation and coordination under existing MEAs such as Minamata and the BRS Conventions could serve as a model for the instrument.

The dynamics of cooperation were extensively discussed, with differing modalities being recommended including South-South cooperation, North-South cooperation, triangular cooperation and public-private partnerships.

VII. Financial assistance

Overall, there was support for a comprehensive approach to means of implementation by securing finance, facilitating technology transfer and supporting capacity building and technical assistance.

There was convergence that a financing mechanism should provide an enabling framework, assisting parties in meeting their obligations under the new instrument. It would be needs driven and given the breadth and complexity of issues to be addressed, needs assessments would need to be carried out on a periodic basis.

Many Members chose to refer to a financial "mechanism" as opposed to or in addition to financial assistance which added emphasis to the need for predictable, sustainable, adequate, accessible and timely financing under the instrument. Some called for separate articles on financial mechanism and financial resources.

There were divergent views on whether a new dedicated multilateral fund should be established, potentially modelling the Multilateral Fund for the Implementation of the Montreal Protocol, and/or whether existing financing mechanisms should be leveraged, such as the Global Environment Facility – possibly through a dedicated window.

Those supporting establishment of a new dedicated multilateral fund for plastics saw benefit in having an independent, standalone mechanism that would report to the governing body of the new instrument. Such a mechanism could prioritise those with the greatest need, in particular taking into account the special circumstances of SIDS and Least Developed Countries (LDCs).

Those supportive of leveraging existing mechanisms such as the GEF highlighted that this would avoid the additional resources and time associated with the establishment of a new mechanism and help to promote an integrated approach with other global environmental issues of concern relating to ecosystems, climate and circular economy.

Some supported a hybrid mechanism whereby the establishment of the fund could be outlined in the instrument, but the governance structure and funding mechanisms could be modelled on, adapted to or hosted by an existing environmental fund. Such an approach could help leverage existing resources and expertise while maintaining a unique identity and purpose for the multilateral fund.

In terms of funding sources for a financial mechanism, there was general alignment that public, private, international and domestic sources of funding could be harnessed. While there was divergence about specifically referencing the principle of common but differentiated responsibilities, there was general agreement that funding should be directed to address significant issues in areas of greatest need and where there is limited capacity. Some emphasized the need for public funds to be made available by developed countries to developing countries.

There was recognition that additional sources of financing beyond a multilateral fund could be required to tackle plastic pollution, particularly that which was beyond areas of national jurisdiction, or the remediation of legacy plastic waste. Additional financing could be secured through the establishment of dedicated fee systems using both market and non-market-based approaches. In addition, global financial flows should be leveraged. Some noted that the prescription by the instrument of fees, taxes, levies or an EPR system at the global level would require further discussion. Many noted that these fell firmly within national remits. Concerns were also raised that the imposition of such measures without readily available alternatives could have adverse economic and social consequences and that these impacts should be considered.

It was acknowledged by many that different sources of finance would play different roles in relation to implementation of the treaty obligations.

There was general agreement that further discussion would be beneficial on innovative funding opportunities. Some cautioned that credit schemes would require external and independent verification.

VIII. Capacity building

There was broad support for the establishment of capacity-building programmes that are country-driven, based on periodic needs assessment and responsive to specific priorities and national circumstances. Developing-country parties, especially LDCs and SIDS, could receive special attention and support. In addressing capacity building needs, it should be recognized that Members are at different stages of development and have different priorities.

Capacity building, along with technical assistance, could be delivered through regional, subregional and national arrangements, including existing regional centres, such as those under the BRS Conventions, and through partnerships.

It was suggested that models under existing MEAs could be built upon.

IX. Technology transfer

There was some support for a separate dedicated article on technology transfer, with some citing the need for a clear definition of what is meant by technology transfer and how it works on mutually agreed terms. The linkage to the 2030 agenda and the target on transfer of environmentally sound technologies to developing countries (SDG 9) could be referenced.

As reflected in existing MEAs, there would be an opportunity for developed country Parties to 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 alternative technologies to developing country Parties, in particular LDCs and SIDS, and Parties with economies in transition, to strengthen their respective capacities. In support of technology transfer, investment in research and innovation for aspects such as eco-design, alternative materials and technologies should be supported.

Mechanisms for technology transfer would need to recognize intellectual property rights, transfer and licensing agreements.

Some called for separate recognition of the importance of technological cooperation between parties and with stakeholders.

X. Technical assistance

It was agreed that similar to other means of implementation, technical assistance needs should be country driven and based on periodic needs assessment. Technical assistance could focus on support for development of appropriate infrastructure, development of alternatives, exploring new technologies and enhancing skills and knowledge of key stakeholders.

More attention could be given to technical assistance related to monitoring, reporting and verification systems and procedures at the national level. Additionally, a mechanism for States to benefit from expertise could be facilitated through establishment of a scientific and technical panel.

XI. Compliance

There was general agreement that an implementation and compliance mechanism should be facilitative/enabling. Some Members also emphasized the non-adversarial and non-punitive nature of the mechanism. Preference was expressed for including provisions on such a mechanism, including the possible establishment of a committee, within the instrument itself, with different views on which details would be included in the instrument, and which details could be subsequently determined by the governing body. A variety of views were expressed on the scope of consideration of the mechanism and options to initiate consideration of implementation and compliance issues. The challenge of discussing provisions to address compliance at a stage when obligations under the instrument had not yet been defined was pointed out by some Members. Some also noted the linkage between compliance, national reporting and means of implementation.

XII. Periodic assessment and monitoring of progress

The importance of enshrining provisions on periodic assessment and monitoring of progress in the instrument was recognized. Different views were expressed on the purpose of periodic assessment and monitoring. One possible purpose identified was to assess gaps in capacity. There was openness to using various sources of information for periodic assessment and monitoring, including information from NAPs, subsidiary bodies and scientific literature and civil society, and a note of caution on the choice with regard to sources of information. The importance of periodicity was emphasized, with views expressed on the need to ensure sufficient time for implementation and results, and suggestions provided on an incremental approach to developing modalities for such process.

XIII. National reporting

There was strong support for establishing national reporting as a legal obligation under the instrument, with core elements to be defined in the instrument. Such an obligation would apply to all parties, with some room for flexibility and/or financial support for developing countries and SIDs and an option to progressively increase or expand reporting over time. Different views were expressed on the scope of the reporting. The need to avoid undue burdens relating to reporting, especially on developing countries and SIDS, was emphasized, as was the need to avoid duplication with reporting requirements under existing multilateral environmental agreements. The value of presenting data and information in a comparable manner through, e.g., a common reporting framework or template was recognized.

XIV. Proposals for any intersessional work

Members identified possible intersessional work on the areas set out in the annex to this summary. The development of zero draft for INC-3 was identified as the highest priority. Interest was expressed in relation to

intersessional work on all areas listed in the annex, with differing views on the prioritization, timing and clustering of these topics. No matters identified in annex were considered necessary for completion ahead of zero draft and many Members noted that intersessional work could proceed in parallel. Some Members indicated that there would be greater clarity on additional intersessional work in light of discussions in contact group 1 and after the development of the zero draft. Members recognized different modalities available for intersessional work and stressed that no decisions should be taken during the intersessional period.

Annex

Intersessional work – matters identified

A. To consider the potential role, responsibilities and composition of a science and technical body [to support negotiation and/or implementation of the agreement]
B. To consider potential scope of and guidance for National Action Plans [including optional and/or suggested elements]
C. To identify current provisions within existing MEAs [and other instruments] on cooperation and coordination that could be considered
D. To consider how other MEAs provide for monitoring, and suggest best practice
E. To consider options to define 'technology transfer on mutually agreed terms'
F. To further consider how a potential financing mechanism could work [including a new standalone mechanism, a hybrid mechanism, or an existing mechanism]
G. To identify options to mobilise and align private and innovative finance (including in relation to matters at 24(e))
H. To map current funding and finance available [to address plastic pollution] and determine the need for financial support for each Member
I. To identify capacity building and training needs for each Member.