

Ad-hoc open-ended working group (OEWG) in view of the Intergovernmental Negotiating Committee (INC) on plastic pollution

May 30th – June 1st 2022, Dakar, Senegal

Written submission from the European Union and its 27 Member states on recommendations for the organization of work of the INC

Sequencing of work

The EU and its MS would like to highlight the following elements as recommendations for the sequencing of work of the INC:

- In order to follow a **form-follows-function approach**, the EU and its MS recommend that the structure of work of the INC is carefully considered and shaped the way we see the potential substantive provisions of the future instrument.
- It is the view of the EU and its MS that **not all items have to be discussed simultaneously** and shall therefore be carefully staggered as the negotiations evolve.
- In order to proceed effectively, it will be useful to focus on **strategic issues** (scope, objectives, vision, targets and key provisions) during INC1. In addition, initial discussion on overarching institutional matters (form of the instrument, governance) could take place, while being aware that such discussions are only a starting point and will be completed later on in the process once there is a clearer vision on the strategic issues. These discussions should mainly be held in plenary to ensure full ownership and transparency.
- Once the discussion on a vision, overarching objectives and institutional aspects that will frame the overall orientation for the whole process has sufficiently progressed in plenary, the EU and its MS will encourage the INC Chair and Bureau to consider **breaking down the discussions into subsidiary groups**.
- More technical working groups could meet to discuss **the substantive issues**, also in parallel, in order to define the means to reach the objectives and vision of the agreement.
- **Two parallel working groups may be realistic**. However, **the EU and its MS would recommend to remain flexible and keep the possibility to hold up to three simultaneous groups when required**. The comprehensive topic of plastic pollution and limited time of two years to negotiate should be taken into account in this process. In addition, informal discussions on specific topics that require more time could be held in parallel to the two/three working groups when necessary to advance the process.
- Regarding the creation of a **legal group** to support the INC in the development of the instrument, the EU and its MS support the proposal from the INC Secretariat (on para 21 of document UNEP/PP/OEWG/1/3) to have it established at INC2, bearing in mind that

the start of its work may be determined by the progress of discussions. The EU and its MS recognize the merits of such legal drafting group, which would be tasked with assisting thematic discussions in drafting the substantive text into a language suitable for legal provisions, once a common understanding is found on the substance.

- However, the EU and its MS also recognize that such legal group might be relevant as from INC1 to support the discussions in plenary when strategic institutional aspects will be addressed including the form of the instrument, compliance, legal questions and/or articulation with other relevant legal instruments, etc.
- While the EU and its MS favor that the question of **financing** should be addressed after there is sufficient progress on the substantive issues, the EU and its MS remain flexible to start initial consideration of financial issues (e.g. where resources need to be mobilized, whether domestic or international resources need to be mobilized, etc) early on to accommodate views of others and to facilitate the progress in the negotiations.

Organization of work (proposed clustering):

- The INC will need to address the wide-ranging variety of issues inherent to plastic pollution. In line with the scope of the resolution, the EU and its MS will recommend that the INC consider to organize its work and structure the discussions into several clusters that represent the different stages of the lifecycle of plastics both as a material and as products.
- **The EU and its MS would therefore recommend the discussion to be clustered in 3 thematic focus areas based on the following different steps of the lifecycle and types of provisions we would foresee in the new instrument, while recognizing the necessary interlinkages between them:**
 - **(1) Sustainable design and production¹;**
 - **(2) Reduction of plastic consumption and use and waste prevention²;**
 - **(3) Waste management including collection, sorting, and recycling**
- The perimeter of each workstream shall remain flexible and be framed in a way that discussions can be concretely and easily translated into the paragraphs and provisions of the new instrument.
- The structure of the discussion and the agenda may change as the negotiations progress. The EU and its MS will support **a flexible organization of work** to ensure a smooth advancement of the negotiations from the start to the end of the process, as long as the different following key elements are proportionally addressed: circular economy,

¹ This could possibly include discussion on collection, sorting and recycling which are inevitably linked with product design.

² This could possibly include discussions on provisions such as ban, phase out and reduction of certain types of plastic products, additives, harmful substances as well as intentionally added microplastics.

sustainable design and production, sustainable consumption and use, and waste management.

- The structure of the INC should allow to **build bridges between the different workstreams** as some issues must be seen in close connection.
- Therefore, it will be important to **leave flexibility for the INC, and in particular to the Chair, to organize discussions as appropriate.**
- The EU and its MS believe that the possible working groups would benefit from different **dedicated co-facilitators**. It will be up to the INC Bureau to create the groups and appoint the co-facilitators, taking into account geographical and gender balance.