

Contact Group 3 - Articles 11 and 12

Status of work as of 11 August 2025 (23.30)

1. The text below reflects that status of work of Contact Group 3 on articles 11 and 12, as of 11 August 2025.

Article 11

2. The Contact Group heard a report back from the informal on Article 11 held on Saturday, 10 August. The outcome of that informal was that further discussions were needed, and no text was produced.
3. During the discussions, a delegation raised that the Co-Chairs' iteration of Article 11, issued on Sunday, 11 August, did not reflect its position regarding the distinction between recipient Parties and contributors to the financial mechanism. They underlined that there is no agreement on this matter and considered it may need to be addressed in a horizontal manner across the entire draft text of the agreement. They proposed amending the text to reflect this in a footnote. Other delegations expressed reservations, noting the absence of clarity on when and how such discussions would take place and recalling that it is not within the current mandate of the Contact Group to prescribe such a process. This divergence was noted for the record.
4. An informal meeting took place thereafter to look into the different options of the financial mechanism. In the subsequent Contact Group meeting, some delegations suggested transmitting the iteration prepared by the Co-Chairs and uploaded on 11 August to the Chair for his guidance and to facilitate discussions at a different level. Others preferred to continue textual negotiations on the basis of the current iteration. The Co-Chair proposed, and the Group agreed, that she would report to the Chair tomorrow morning on the views expressed and seek his guidance on the way forward in relation to work on Article 11.
5. The text of article 11 has not changed from the Co-Chairs iteration dated 11 August.

Article 12

6. Brazil presented a revised proposal for paragraph 5 on the establishment of a mechanism for International Cooperation, which had already incorporated feedback from delegations gathered in the informal-informal with respect to their first proposal submitted on the portal earlier in the session. Views and edits to the paragraph from Members were added. The Group is still pending discussions on paragraphs 6 and 7 in order to complete a full reading of all provisions of the article.
7. During the discussions, the same delegation that had raised this matter under Article 11 reiterated its view that the current formulation of recipient Parties and contributors to the financial mechanism represents only one possible approach and is not necessarily agreed. They considered that this issue may need to be addressed in a horizontal manner across the entire draft text of the agreement and proposed that it be recorded in the Co-Chairs' summary. Other Members expressed reservations about including such a reference, noting the absence of clarity on how and when this discussion would take place, and recalling that this was neither agreed within the group nor within the current mandate of the Contact Group to prescribe such a process. This divergence was noted for the record.
8. The text with edits to date for article 12 is presented below.

Article 12 – [International cooperation] [Cooperation in] Capacity building, technical assistance and technology transfer[, including international cooperation]

1. _____[Developed country] Parties **[with the capacity to do so]** shall [cooperate to] provide **[effective]** timely and [appropriate] **[adequate]** capacity-building, **[knowledge sharing on fair and equitable terms]** technical assistance **[affordable and environmentally safe]** and [safe] **[environmentally sound]** **[voluntary]** **[promote]** technology transfer **[guided by a life-cycle approach to plastics]** **[relevant to addressing plastic pollution]** **[on a grant basis, and]** [including on concessional and preferential] **[as appropriate]** **[on mutually agreed]** terms [as mutually agreed], to **[Parties most in need]** **[developing countries]** to developing country Parties, [in particular] **[including]** **[those with significant capacity constraints]**, **[In particular recognizing the special circumstances of LDCs and SIDS.]** **[such as]** LDCs and SIDS **[as well as countries with economies in transition]**, to assist them [in implementing] **[in fulfilling the objectives of this instrument]** their obligations under this instrument. Capacity-building **[shall be demand driven, transparent]** [should be country-driven], based on, and responsive to, nationally determined needs and priorities. **[The unilateral measures especially those with coercive nature shall not impede Parties in particular developing countries to access capacity building support and technology transfer.]**

Co-chairs' proposal:

Parties are encouraged to cooperate to fulfil the objectives of this Convention. Developed country Parties shall **[take the lead in providing]** **[provide]** effective, timely and appropriate capacity building, technical assistance and environmentally sound technology transfer[, including on concessional and preferential terms where mutually agreed][on voluntary and mutually agreed terms], to assist developing country Parties and countries with economies in transition in implementing their obligations under this Convention. Cooperation and provisions shall be transparent and based on nationally determined needs and priorities of recipient country Parties, taking into account the special circumstances of LDCs and SIDS.

2. Capacity building, technical assistance and **[/or]** technology transfer pursuant to [paragraph 1] **[this article]** may be delivered through regional, subregional and national arrangements [, including existing regional and subregional and national centres, [through]] other multilateral and bilateral means, [and through partnerships], including north-south, south-south [and triangular cooperation] [, **as appropriate]** **[cooperation and coordination with other multilateral environmental agreements in the field of chemicals and waste to increase the effectiveness of technical assistance]** [. This cooperation should promote, among others and **as appropriate,**] [and those involving] **[partnerships involving]** the private sector **[as well as]** [or other stakeholders[, [as well as]] Indigenous Peoples [and] **[as well as]** [local communities][, [and through collaboration with] **[and]** local and subnational governments [, as appropriate]]].

3. **[Developed country]** [Parties [shall] **[must]** [cooperate to] promote and facilitate **[,working with supported by]** **[the private sector and]** other relevant stakeholders, **as appropriate,**] [the] development, transfer, **[and]** diffusion of and access to **[up-to-date environmentally sound]** **[and affordable]** **[environmentally sound]** **[environmentally safe]** technologies **[including on a grant basis,]** **[addressing plastic [waste] pollution in an environmentally sound manner, including those related to collecting, sorting, processing and recycling of plastic waste, [excluding chemical recycling]]]** **[relevant to addressing plastic pollution]** **[on voluntary and mutually agreed terms]** [including on concessional and preferential terms [as mutually agreed]] **[including the waiving of intellectual property rights]**, [to developing [countries.]]] [, **countries with economies in transition]** **[to parties most in need]** **[country Parties, in particular the least developed countries and small island developing states, [land-locked developing states]** **[geographically disadvantaged states]** to strengthen their

capacity to effectively implement this [instrument] [Convention.]] In implementing this [provision] [article], [developed country] Parties shall promote and facilitate research, innovation, [and investment in developing country Parties as well as] technical and scientific cooperation [as well as][[and investment] in pursuit of [new and] innovative environmentally sound technologies and solutions].

3bis. [Each Party shall ensure freedom of trade and technology transfer [within the principle of prior agreed consent] in the areas related to the implementation of the Convention. 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 Convention]

[4. [Parties [shall cooperate] [are encouraged to cooperate] [shall promote] cooperation] [, including] [and coordination with MEAs and IGOs and others to facilitate the delivery of capacity building, technical assistance and technology transfer, to support delivery to developing country Parties] with relevant intergovernmental organizations [and instruments] and other entities[and parties], including relevant scientific organisations and bodies and private sector entities, as appropriate[, to support the effective implementation of [this instrument.] [the [Convention] [instrument] and the achievement of its objective, while avoiding any duplication of efforts [as working on integration of the initiatives].]]]

5. [A Mechanism for International Cooperation [on capacity building, technical assistance and technology transfer][on technology and capacity building] is hereby established, under the authority of the Conference of the Parties, to facilitate international cooperation in the implementation of the instrument by supporting [developing country] [recipient] Parties[,][most in need] [Parties experiencing fiscal constraints] as referred to in paragraphs 1, 2, 3 and 4, including through initiatives of [variety of stakeholders] [governmental [in particular developed country Parties], non-governmental, and private entities.]]

5bis. [The Mechanism shall be transparent, inclusive, [accessible,] cost-effective, country-driven, efficient and [oriented to avoid the creation of additional layers to access to cooperation][and shall provide access modes that are tailored to the unique challenges and opportunities faced by [developing country] [recipient] Parties[,][most in need] [Parties experiencing fiscal constraints], particularly LDCs and SIDS [and LLDCs]], in accordance with the terms of reference and modalities for governance and operation to be developed and adopted by the Conference of the Parties at its first session.] [A [consultative] board of advisors, composed of senior experts elected by the Conference of the Parties from nominations of the Parties and [relevant observers organizations], shall provide recommendations, including on transparent and inclusive criteria under this paragraph.] [Such ToR and modalities shall take into account the [special] requirements [and needs] of developing [state][country] Parties [as well as] [particularly] the special circumstances of small islands developing states and least developed countries.] [and landlocked developing countries.]

5 alt bis. [The terms of reference and modalities for governance and operation to be developed and adopted by the Conference of the Parties at its first session [, and] shall take into account transparency, inclusiveness, cost-effectiveness, country-driven, efficiency and oriented to avoid the creation of additional layers to access to cooperation.]

5ter. [The overall effectiveness of implementation of this instrument by developing country Parties will be related to the effective implementation of this article.]

6. The Conference of the Parties, at its first meeting, shall make recommendations on how capacity building, technical assistance and [safe] technology transfer could be further enhanced under this Article [, [and develop] [[including] the terms of reference and modalities of the [Mechanism for International Cooperation [Mechanism]]].

7. [In implementing this Article, [developed country] Parties [shall] [recognize the] [should take into account to the specific needs and] [give full recognition to the] [special] [requirements] [circumstances] of [developing country] [Parties most in need], in particular [the least developed countries[,] [and] small island developing States[, [landlocked developing countries], [geographically disadvantaged States], [coastal African

States], [archipelagic States], [developing middle-income countries] [and countries with economies in transition]] **[those with significant capacity constraints, such as LDCs and SIDS]]].**

7 Bis. [International cooperation requires a fair and open international trade system conducive to economic growth in developing country Parties. Developed country Parties shall refrain from implementing unilateral trade measures related to plastic pollution and shall submit biennially a report on their compliance with this legally binding obligation.]