

Contact Group 3 - Articles 12

Status of work as of 13 August 2025 (12.20)

1. The text below reflects the status of work of Contact Group 3 on articles 11 and 12, as of 13 August 2025.

Article 12

2. The Contact Group focused on completing its first reading of paragraphs 6 and 7, with related discussions on paragraph 7bis/8.
3. As the co-chairs streamlined text proposal for paragraph 1 of Article 12 was not discussed in the Contact Group, the co-chairs will not put this version of the paragraph forward to the Chair.
4. This completes the first reading of the Contact Group of Article 12. The text with edits to date for Article 12 is presented below.

Article 11

5. The text of Article 11 remains the same as the co-chairs' iteration dated 10 August 2025.

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] ~~[on a grant basis, and]~~ technology transfer [guided by 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.]

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.] [[this article.] [the [Convention] [instrument] and the achievement of its objective, while avoiding any duplication of efforts [as working on integration of the initiatives].]]]-]~~

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5. ~~[—A Mechanism for International Cooperation [on capacity building, technical assistance and technology transfer] [shall be cost-effective, accessible and efficient. A 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] [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]¹ [recipient] Parties[,], [most in need] ~~[recipient]~~ ~~[, 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]~~par], non-governmental, and private entities.]]-~~

5-bis. ~~[—The Mechanism shall be transparent, inclusive, [accessibility], 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] ²-[recipient] Parties[,], [most in need] [Parties experiencing fiscal constraints] ~~developing country Parties, 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,~~

¹ ~~[This text reflects one potential formulation of recipient parties, recognising that this is an issue that needs to be resolved in a cross-cutting manner throughout the draft text of the agreement.]~~

² ~~[This text reflects one potential formulation of recipient parties, recognising that this is an issue that needs to be resolved in a cross-cutting manner throughout the draft text of the agreement.]~~

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-4.~~ [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-.]ter

5ter. [The overall effectiveness of implementation of this instrument by ~~developing~~ developing parties 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][~~to to assess effectiveness and efficiencies of modalities~~] on how capacity building, technical assistance and [safe] [environmentally [friendly] [sound] and affordable] technology transfer [on voluntary and mutually agreed terms] could be [further enhanced] [provided] 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]-[Parties experiencing fiscal constraints]-[Parties vulnerable to plastic pollution], 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]] [developing and upper middle income countries][those with significant capacity constraints, such as LDCs and SIDS]].

[7-Bis.]-[8.] [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 [and unilateral coerciveness measures][related to plastic pollution and shall submit biennially a report on their compliance with this legally binding obligation.]