Response from the Environmental Investigation Agency (EIA) to the Chair's Guiding Questions for the Second Informal in-person Meeting of Heads of Delegation to the Intergovernmental Negotiating Committee on Plastic Pollution, Bangkok, September 2026

Shortcut to the cluster responses:

- Cluster A: National plans, Reporting, Implementation and compliance, Information exchange and Effectiveness evaluation
- Cluster B: Releases and leakages, Existing and legacy plastic pollution, Plastic waste management, Plastic products design and Plastic products
- Cluster C: Capacity-building, technical assistance, technology transfer, including international cooperation and Financial resources and mechanism
- Cluster D: Preamble, Objective, Principles and approaches, Definitions, Just transition, Public information, awareness, education and research, Secretariat and Final provisions

Overview of response

This document sets out EIA's comments on the guiding questions circulated ahead of the informal in-person Heads of Delegation (HoD) meeting in Bangkok, along with reflections and recommendations relevant to the approach for the meeting. It takes into account previous versions of guiding questions, communications from the Chair, the outcomes of the intersessional meetings to date and the intended outcome of the Bangkok meeting.

The September HoD meeting is a key moment to inform the next version of the treaty text and to seek agreement on modalities and approaches for future formal negotiating sessions and the preparation of a working text. Note that EIA has responded within the cluster structure provided for the meeting; however, that is without prejudice to whether the structure adequately reflects the state of negotiation, and it should not be read as an acceptance that matters falling outside the questions are of lower priority. With that in mind, we have provided some overarching comments before responding to the questions directly, as follows:

Cross-cutting reflections

- **Full lifecycle.** The focus of negotiations should remain on a comprehensive full lifecycle approach to ending plastic pollution that delivers the mandate of UNEA Resolution 5/14 and a holistic package of measures that can facilitate interventions and implementation mechanisms at each stage. The adequacy of each provision should be tested against that mandate.
- **Flexibility.** Flexibility is not confined to national circumstances. Flexibility can also provide pathways for groups of Parties to move forward on provisions where there is already broad alignment. Flexibility mechanisms should be explored as part of the mix of legal approaches for reaching agreement, particularly regarding the treaty structure. For more information on flexibility mechanisms, see *Flexibility Mechanisms in the Global Plastics Treaty*.
- **Rules of procedure.** Continuing ambiguity as to the application of the provisionally adopted rules of procedure is itself an obstacle to agreement. A clear statement from the Chair as to how those

rules are to be applied, consistent with the practice of comparable processes, would allow members to prepare on a settled basis.

- **Using the Aid to Negotiations to guide conversations.** The *Aid,* as currently drafted, does not capture the current level of progress made in the negotiations. While this was to be expected, certain issues require dedicated time at HoDs to ensure the next iteration better reflects this. Therefore, while the guiding questions may create opportunities for further exchanges, a broader conceptual discussion of additional issues is required.
- **DipCon resolution:** While the treaty text should set out the core legal obligations to end plastic pollution, the mandate in the DipCon resolution can consolidate understanding and provide additional clarity on implementation pathways, institutional arrangements and future work programmes. The DipCon resolution should provide certainty where further clarification and technical work are needed and kick-start implementation and activities. This could include mandates for intersessional expert processes, scientific and technical assessments, methodologies, reporting formats and preparatory work for decisions to be taken by the Conference of the Parties (COP). By establishing clear timelines and deliverables in the mandates of the DipCon resolution, countries can set out roadmaps for resolving technical questions, allowing countries to preserve progress on more technical aspects without requiring their full elaboration before treaty adoption.
- **Observer participation.** While we welcome the opportunity to provide technical comments, modalities for observer access and participation in future sessions should be agreed in Bangkok. Deferral has the practical effect of excluding expertise from the sessions that inform the text and is disproportionately harmful to less resourced countries.

Guiding questions as starting point in Cluster discussions
Cluster A

First, Countries will recall that the *Options for Elements* paper from INC-2 and *Zero Draft* from INC-3 grouped the provisions into categories, one of which was implementation measures. Cluster A on implementation measures should be understood as a ***single implementation architecture***, rather than a set of procedural provisions.

The treaty needs to establish a clear cycle in which Parties implement their binding obligations through national plans; monitoring and reporting generate comparable information on implementation, plastic flows and pollution; compliance processes identify and address implementation gaps; and periodic effectiveness evaluation determines whether collective action is sufficient and what needs to change.

This architecture is essential to ensure the treaty can demonstrate progress toward its objective of ending plastic pollution. It should be based on ***common indicators, definitions, methodologies and reporting formats***, while allowing implementation to reflect national circumstances and capacities.

The treaty should also establish ***clear long-term objectives and targets*** against which implementation can be assessed. Treaty objectives are meaningless if we cannot measure how well countries are implementing them, and implementation measures are meaningless if we do not know what they are meant to achieve. Members should come to Bangkok prepared to address this gap.

1. **What purposes are National Plans expected to serve as a contribution to the achievement of the objectives of the instrument?**

National plans should be the primary mechanism through which Parties translate the treaty's binding obligations into concrete actions. The treaty should avoid creating a system in which national plans become

a collection of voluntary aspirations. The binding treaty provisions should establish ***what Parties must achieve***; national plans should explain ***how each Party will implement those obligations nationally***.

National plans should therefore:

- Identify the treaty obligations, targets and measures relevant to the Party
- Set out the actions, legislation, policies and institutional arrangements needed to implement those obligations
- Establish national baselines, timelines and, where appropriate, quantifiable national objectives that can be assessed against the treaty's collective obligations and targets
- Identify gaps in legislation, infrastructure, data, institutional capacity and enforcement, and the financial, technical, technology or capacity support required to address them
- Provide a mechanism for coordination with international, regional and sectoral instruments and programmes

National plans should contain ***common elements and minimum information requirements*** established under the treaty, including common indicators and reporting parameters. This is necessary to allow information from different Parties to be compared and aggregated and to assess collective progress.

Plans should be living instruments that are periodically reviewed and updated in light of implementation experience, new data, identified gaps and the findings of effectiveness evaluations. Where baseline information is unavailable, the initial plan should identify the data gap and the steps and timeframe needed to address it; lack of data should not delay implementation.

Reporting should create a continuous implementation cycle in which national action generates data, common reporting enables progress assessment, assessment identifies gaps and support needs, and those findings inform revised national plans and stronger implementation to achieve the objective of ending plastic pollution.

Support should be integrated into this cycle, where low-income Parties identify needs through their national plans, with those needs feeding into assessments, the financial mechanism, technology transfer and capacity-building processes. Support itself should be tracked and reported to assure effectiveness and distinguish between implementation gaps and insufficient support.

2. **How could provisions on reporting, implementation and compliance, information exchange, and effectiveness evaluation support the overall implementation of the instrument, and what is the relationship between these articles?**

EIA recommends these provisions should operate as ***one mutually reinforcing system***: interconnected parts of a coherent treaty architecture with mutual dependence.

Monitoring generates evidence of the state and trends of plastic pollution and its impacts; reporting provides comparable information on measures taken and statistical data across the plastics lifecycle; information exchange supports implementation and access to scientific and technical knowledge; implementation and compliance processes identify and address challenges and gaps; and effectiveness evaluation brings these information streams together to determine whether collective action is sufficient to achieve the objectives and targets of the instrument.

EIA notes that Cluster A ***does not include monitoring***. The *Aid* also deletes a number of references to monitoring. Monitoring, like the other elements of Cluster A, is a necessary cross-cutting function of the treaty; therefore, Bangkok should rectify this omission.

<u>Monitoring</u>

Monitoring should establish baselines and track changes in plastic pollution and its impacts over time.

It should complement, rather than duplicate, statistical reporting. Monitoring can show the presence and evolution of plastic pollution in the environment, while statistical reporting provides information on the activities, sources and pathways that contribute to that pollution.

Monitoring should therefore use ***harmonised indicators, definitions and methodologies*** wherever appropriate, allowing trends to be compared across Parties and over time.

Monitoring should cover relevant environments and pollution pathways, including where appropriate releases and leakages of microplastics and other forms of plastic pollution.

For more information on monitoring, see *Essential Elements: Reporting and Monitoring*.

Reporting

Reporting should provide a common and comparable evidence base for implementation and effectiveness evaluation. It should include both ***(i) qualitative reporting*** on the measures taken by Parties to implement their treaty obligations; and ***(ii) quantitative reporting*** of statistical data relevant to the plastics lifecycle.

Statistical reporting should cover the relevant stages of the lifecycle, including, as appropriate:

- Production, imports and exports of plastic polymers and products
- Production, imports and exports of chemicals and polymers used in the production of plastic polymers, plastics and plastic products
- Manufacture, import and export of regulated plastic products across their lifecycle
- Generation, import and export of plastic waste
- Collection, sorting, recycling and disposal of plastic products
- Sources and pathways of leakage and pollution, including microplastics

Reporting should use common definitions, formats, indicators and methodologies adopted by the COP to enable comparison and aggregation. Statistical data collection is essential to assess whether the treaty effectively reduces plastic pollution by monitoring changes in underlying plastic flows.

Reporting should be regular, comprehensive and directly linked to treaty obligations and evaluation cycles. A standalone reporting provision should outline the main obligation and provide a legal basis for the COP to adopt reporting formats, methods, indicators and cycles. Substantive provisions should specify the information required to demonstrate implementation. Reporting requirements should be integrated into relevant obligations and managed through a central mechanism.

Reporting should function as an implementation tool rather than just a procedural obligation. It should highlight gaps in implementation and capacity, guide corrective actions and mobilise specific financial and technical support. It should also be integrated with monitoring systems and effectiveness evaluations.

Implementation should involve ***multistakeholder consultation and coordination***, including civil society, local authorities and other relevant actors, consistent with national implementation planning under other instruments. Parties should also consider national coordination mechanisms or focal points to ensure

effective information flows between domestic authorities and the international level, and that data supports both domestic implementation and international reporting.

Reporting should be regular and sufficiently comprehensive to identify trends, implementation gaps and emerging issues. It should not be treated as a procedural exercise: the information generated should directly support implementation, compliance, effectiveness evaluation and future decision-making.

For more information on reporting, see *Back to Basics: Reporting*.

Implementation and compliance

The treaty should establish a ***clear implementation and compliance mechanism focused on the instrument's binding obligations***.

The mechanism should be primarily facilitative, helping Parties identify and overcome barriers to implementation and distinguishing between gaps arising from insufficient capacity or support and failures to implement treaty obligations.

It should be able to:

- Review information on implementation
- Identify individual and systemic implementation gaps
- Recommend measures to address those gaps
- Identify financial, technical and capacity-building needs
- Feed recurring or systemic problems into the COP's consideration of future action

Both ***facilitative and, where appropriate, stronger measures*** should be available to support compliance. The mechanism should be linked directly to national plans, reporting and effectiveness evaluation so that identified implementation problems result in corrective action rather than simply being recorded.

Information exchange

Information exchange should ensure that information generated through ***national planning, monitoring, reporting and review can be accessed and used to improve implementation***. The treaty should facilitate:

- sharing of relevant data and technical information
- exchange of good practices and lessons learned
- peer learning and technical cooperation
- identification of implementation and capacity gaps

A centralised clearinghouse mechanism, managed by the Secretariat, should serve as a platform for national plans, reported data and best practices. This will enhance transparency, coordination, access to technical information and foster cooperation among Parties.

Information exchange should also be complemented by financial, technical and capacity-building mechanisms so that identified needs can be matched with appropriate support.

Effectiveness evaluation

Effectiveness evaluation should be framed as an outcome-based process that determines ***whether the treaty is achieving its objectives and whether additional or strengthened action is required***.

It should take place through regular and predictable review cycles and draw on:

- Monitoring data
- Statistical reporting
- Information on implementation
- Agreed indicators and baselines
- Independent scientific assessments

Evaluation should assess progress against the objectives, targets and agreed indicators and identify:

- Trends in plastic pollution
- Implementation gaps
- Emerging risks
- Systemic barriers to implementation
- Additional measures needed to achieve the treaty's objectives

The process should be both ***retrospective and forward-looking***: assessing what has happened, why progress has or has not occurred, and what needs to change.

The effectiveness evaluation should therefore feed directly into future COP decisions, implementation planning and strengthened measures. The review cycle should support ***continuous improvement and progression in implementation***, rather than simply recording existing levels of action. A strong science-policy interface is essential to ensure that evaluations are informed by independent scientific expertise.

For more information on effectiveness evaluation, see *Back to Basics: Effectiveness Evaluation*.

3. What will be the role of information exchange in the overall implementation of the instrument and how can it contribute to its effectiveness?

Information exchange should support implementation by ensuring that planning, implementation, monitoring, reporting, review and updating operate as an integrated process rather than separate obligations. Information generated through reporting and monitoring should support compliance assessment, effectiveness evaluation and future decision-making under the instrument.

The instrument should incorporate dedicated mechanisms for information exchange, including data sharing, feedback loops and alignment with regional and international systems, to ensure information flows across levels of governance. Effective implementation will require coordinated institutional arrangements that assign clear responsibilities and ensure alignment across implementation, reporting and review functions.

As enabling measures, provision should include:

- Common reporting formats, indicators and methodologies to ensure data submitted by Parties is comparable and can be aggregated to support collective assessment and decision-making
- A centralised clearing-house mechanism, facilitated by the Secretariat, to host national plans, reported data, technical guidance and good practices, thereby improving transparency, coordination and cooperation between Parties
- Structured technical reviews and peer-learning processes to enable Parties to identify effective approaches, interpret reported information and apply lessons learned to national implementation, consistent with existing practice under other MEAs

- Clear links between information exchange and implementation, including identifying capacity gaps and mobilising targeted financial, technical, and capacity-building support
- A strengthened role for the Secretariat, including reviewing and synthesising Party reporting, identifying trends and implementation gaps, facilitating scientific and technical exchange and providing analytical outputs to support decision-making by the COP. This approach reflects established practice under the Montreal Protocol, Basel Convention and CITES.

Provision on information exchange should be closely linked to reporting, compliance and effectiveness evaluation to ensure that information generated through implementation directly informs future action under the instrument.

Cluster B

Several matters within the mandate are not the subject of any question in any cluster. EIA notes those subjects here, so their omission from our answers below should not be taken as agreement that they should not be discussed in Bangkok; we propose setting aside dedicated time for these topics before advancing to a new draft treaty text. The examples below would be a logical fit within Cluster B.

- **Sustainable Production and Consumption of Plastics.** Despite forming a part of the scope of Resolution 5/14, this issue has not formed part of the agenda for informal HoDs or appeared meaningfully in the *Aid*. What remains are passing references in the preamble and Article 5 (plastic product design). In the absence of any new proposals on production, and until such time as a new proposal with similar levels of support is put forward, any draft text should reflect the proposal supported by 103 countries at INC-5.1 (see here and here) with brackets to reflect that divergent views exist. Omitting this topic from the Bangkok discussion is a missed opportunity, given the lack of in-person negotiating time and the need for dedicated conceptual exchanges before advancing to the next INC. We recommend dedicating time to areas of perceived divergence, as well as areas of alignment, and exploring how these provisions can be combined with language in the diplomatic conference resolution to ensure they can be developed further in future. For an example of how text and DipCon language could work, please see our briefing.
- **Microplastics**. Microplastics make up a significant share of plastic pollution and are uniquely vulnerable to transboundary harm requiring international solutions. Collectively preventing their release must be a core goal of the treaty, requiring measures to report, monitor and mitigate their loss from all sources and pathways. A treaty that fails to act on microplastics would not merely leave a gap in implementation; it would leave unaddressed one of the very forms of pollution that gave rise to this negotiating process in the first place. For more information on microplastics, see *Back to Basics: Microplastics*.
- **Sectoral approaches**. Dedicated work programmes and their considerations have been extensively discussed in negotiations. The *Aid* lacks clarity on how it will incorporate these approaches, especially by their inclusion in Article 7 on Plastic Waste Management rather than where they were previously negotiated on the Releases and Leakages Article. Proposed programmes for sectors such as agriculture, fisheries and aquaculture, textiles and packaging aim to support implementation of core measures, serving as mechanisms to coordinate and advance efforts in high-emission sectors. The treaty should outline a procedural process for establishing such programmes, with the DipCon Resolution potentially facilitating interim planning. See *Plastic Pollution: Different Sectors, Different Solutions*. For more information on packaging, see *Back to Basics: Packaging*. For more information on fishing gear, see *Plastic Fishing and Aquaculture Gear in the Global Plastics Treaty*.

- **Human health**. Human health is explicitly recognised within the mandate of UNEA Resolution 5/14 and reflected in the treaty objective, yet it is not addressed through any dedicated questions and only limited consideration in the *Aid*. This omission requires further consideration, given growing evidence linking adverse health impacts to plastics across their full lifecycle. Effective protection of human health will depend on embedding health considerations across substantive obligations rather than treating it as a standalone issue. The treaty should therefore provide procedural pathways for integrating health considerations across relevant provisions, while further work could advance understanding of priority health risks, monitoring methodologies and implementation approaches to protect human health across the full lifecycle of plastics.

1. What considerations should guide decisions on determining which plastic products will require possible global measures, actions or cooperation?

On plastic products and chemicals of concern in plastic products, our recommendation is that sufficient negotiating time has been dedicated to plastic products that may lead to plastic pollution, with several proposals put forward that could form the basis of draft text, with brackets to preserve divergent views at this stage. This work builds on an extensive comparison of national and regional approaches to product bans and phase-outs, which are currently fragmented and do not account for the transboundary movement of plastic products; hence the general consensus that a global approach is needed to address this fragmentation, harmonise regulations and provide market certainty.

The work undertaken by Switzerland and Mexico contains key elements for national and global approaches, as follows:

- At the national level, an obligation for each Party to identify, reduce, and where feasible phase out particularly problematic or harmful plastic products, including those containing chemicals of concern. The proposal contains criteria to identify such plastic products.
- At the global level, a list of plastic products, including those containing chemicals of concern, is to be phased out. Recognising the need to account for national circumstances, the proponents of this work have supported the possibility of defining exceptions for essential use, extended time frames, and the ability for a Party to opt out, which should provide adequate flexibility to support implementation.
- Given the support expressed for these proposals at INC 5.1 and INC 5.2, and the substantive intersessional work undertaken to advance thinking on this topic, this work should serve as the starting point for further discussion.

On the issue and the role of the DipCon resolution, a couple of potential approaches could support finalising this work and providing clarity. Countries could agree on the criteria for listing plastic products and chemicals and an initial list for inclusion in an annex at INC 5.4, or they could empower COP-1 to adopt the criteria and initial list and use the mandates in the DipCon resolutions to preserve progress (*i.e.* the criteria negotiated to date) and set out a mandate, such as:

> **Treaty Text**
> Each Party shall take appropriate measures to reduce, and where feasible not allow, the manufacture, export or import of plastic products and chemicals used or present in plastic products that are listed in Annex [X] that meet one or more of the criteria adopted by the Conference of the Parties.

The Conference of the Parties shall, at its first meeting, adopt the criteria referenced in paragraph [X] and regularly review and update the plastic products and chemicals present in plastic products listed in Annex [X].

DipCon Resolution
Requests the Committee, in developing proposals for adoption by the Conference of the Parties at its first session on criteria for plastic products and chemicals present in plastic products (Article X, paragraph X), to be guided by the following:

(a) are likely to be littered or to enter the environment or pose a risk to human health or the environment;
(b) contain a chemical, or group of chemicals, of concern to human health or the environment;
(c) are not capable of being reused or recycled in practice and at scale; and
(d) may disrupt the circular economy on a large scale.

In addition, based on the criteria developed in the proposals, the Committee should develop an initial list of plastic products and chemicals present in plastic products to be listed in Annex [X] for consideration and adoption by the Conference of the Parties at its first session.

On plastic product design, establishing a clear vision for product design is essential to mitigate plastic pollution and reduce toxic exposure in line with resource efficiency and circular economy principles and the waste hierarchy. Moreover, a binding global obligation on product design will send market signals to unlock investment in plastics management across the lifecycle. Product design, recognising the needs and priorities of different sectors, should be at the heart of the future instrument, providing a straightforward demand-side approach to reduce virgin material use, promote resource efficiency, the circular economy and chemical simplification and facilitate environmentally sound end-of-life treatment.

A strong provision on product design, one that is flexible and allows for strengthening over time, will contain certain core elements, namely to:

- Require parties to ensure products manufactured and imported comply with the product design and performance criteria adopted by the COP
- Empower the COP to adopt, and update as appropriate, product design and performance criteria for plastic products
- Require the COP, at its first session, to adopt an indicative list of principles and a schedule of work, following a sectoral approach, to inform the development of product design and performance criteria as well as guidelines to assist parties with implementation

In implementing this article, Parties may wish to ensure products comply with the product design and performance criteria agreed by the COP through various means. This may include domestic legislation and regulation, or reliance on domestic, regional or international standards, coupled with appropriate certification and enforcement for goods manufactured and placed on the market within the national jurisdiction. Moreover, guidelines could promote the effective and harmonised operation of reuse systems, extended producer responsibility and deposit-refund schemes, as examples.

In addition to the treaty text, the accompanying DipCon resolution should set out the process for developing key aspects during the intersessional period between DipCon and COP-1. Intersessional work could include:

- Development of an indicative list of design principles, for example for material reduction and optimisation, longevity, safety, transparency, use and reuse (including reuse systems), repairability and refurbishability, Reduction of microplastic emissions, and recyclability;
- Development of a schedule of work, following a sectoral approach, identifying priority products and sectors;
- Preparation of guidelines to assist parties with implementation.

2. What type of enabling factors should be considered to address existing and legacy plastic pollution, including the process to identify and evaluate the locations or accumulation zones and subsequent remediation efforts?

The instrument should recognise that addressing existing and legacy plastic pollution is necessary but cannot replace upstream measures such as reducing production and consumption, improving product design, and preventing future leakage across the full lifecycle. Provisions should support environmentally sound management (ESM) and contain existing waste, including by strengthening collection, sorting and disposal systems to prevent further leakage from legacy sources such as landfills, open dumping and unmanaged waste streams. Monitoring assessments require sufficient data to identify accumulation zones and ongoing pollution sites.

To support effective action, the treaty should establish ***a mechanism to identify, assess, prioritise and remediate existing and legacy plastic pollution***, drawing on approaches developed under other multilateral environmental agreements for contaminated sites. This could include guidance adopted by the COP covering:

- Identification and characterisation of polluted sites, accumulation zones and leakage pathways
- Monitoring and mapping methodologies
- Environmental and human health risk assessments
- Criteria for prioritising remediation activities
- Evaluation of costs, benefits and effectiveness
- Validation and monitoring of remediation outcomes

Monitoring and assessment systems should generate sufficient, comparable data to identify pollution hotspots, legacy dump sites, abandoned landfills, abandoned, lost or otherwise discarded fishing gear (ALDFG), pellet pollution incidents and other priority accumulation zones. Particular attention should be given to identifying continuing sources of leakage, as remediation is unlikely to succeed where pollution continues to enter the environment.

The instrument should prioritise ***remediation rather than simple removal***, recognising that effective remediation may include containment, ecosystem restoration, rehabilitation and measures to prevent recontamination, alongside physical clean-up of plastic waste. Remediation efforts should be risk-based and focused on situations where pollution poses demonstrated risks to human health, ecosystems, biodiversity or livelihoods.

Targeted clean-up and restoration activities will remain important, particularly in high-risk areas. However, provisions should include ***clear environmental and social safeguards*** to ensure remediation activities are conducted in an environmentally sound and ecologically sensitive manner. In particular:

- Remediation activities should apply the precautionary approach
- Actions should avoid transferring harm from one environmental medium to another

- Large-scale technological clean-up approaches should be subject to independent assessment
- Environmental impact assessments should be undertaken where activities may cause significant environmental harm or where impacts remain uncertain
- Best available techniques and best environmental practices should be applied
- Remediation outcomes should be independently monitored and transparently reported

The treaty should avoid creating incentives for end-of-pipe solutions and technofixes that risk worsening environmental outcomes or diverting attention from systemic measures. Experience from marine clean-up proposals demonstrates that some large-scale removal technologies may entail significant ecological risks, high costs and uncertain environmental benefits. The treaty should therefore prioritise evidence-based, proportionate and ecologically sensitive interventions. See more on clean-up technologies here.

Enabling provisions should also support ***sector-specific interventions,*** particularly for ALDFG, which remains a significant and ongoing source of marine plastic pollution. Dedicated measures could include retrieval programmes, gear marking and tracing, collection infrastructure, port reception facilities and prevention measures designed to avoid future losses.

Provisions on existing and legacy pollution should be closely linked to monitoring, reporting and effectiveness evaluation. Parties should report on the location of accumulation zones, pathways of leakage, remediation activities undertaken and environmental outcomes achieved, allowing the COP to assess effectiveness, identify gaps and refine future priorities. This would help ensure that remediation contributes to long-term systemic change rather than short-term pollution management

Financing remediation

Addressing legacy pollution will require ***dedicated financial, technical and capacity-building support***, particularly for low-income countries and Small Island Developing States that face disproportionate remediation burdens. Financial support should cover not only clean-up activities, but also site assessment, monitoring, ecosystem restoration, emergency response, capacity-building and strengthening the waste management systems needed to prevent further leakage. The treaty should therefore establish or mandate a dedicated remediation funding mechanism consistent with the polluter-pays principle and informed by Extended Producer Responsibility (EPR) approaches.

The treaty should establish the remediation fund or provide a clear mandate and timeframe for its establishment, as part of the instrument's broader financial architecture. It should also set out key principles to guide its operation. A useful precedent is Article 13 of the Minamata Convention on Mercury, which establishes the financial mechanism while leaving detailed operational arrangements to subsequent COP decisions.

If the treaty text does not include all elements necessary to operationalise the fund, the accompanying DipCon resolution could establish a process to develop the required modalities and institutional arrangements before COP-1 or 2. The issues addressed may be like the agreed Cali Fund,[i] and could include:

- Consideration of governance models and arrangements and potential hosting institutions
- Identification of potential approaches to operationalise the polluter-pays principle, including industry contributions and EPR approaches
- Development of a governing instrument for the fund, as necessary

- Development of the terms of reference for a governing body or steering committee
- Identification of secretarial services to be provided to the fund
- Development of an indicative list of costs and activities to be covered by the fund
- Identification of factors to be considered when reviewing funding arrangements, e.g. effectiveness of mobilisation of private sector finances.

3. How can Parties cooperate in the implementation of effective waste management policies, taking into account the different national circumstances and needs?

Effective waste management requires a full lifecycle approach. Waste management systems cannot address plastic pollution alone if products and materials entering those systems are inherently difficult, hazardous or uneconomic to manage. The treaty should therefore combine upstream, midstream and downstream measures, including product design and transparency to facilitate reuse and recycling; restrictions on chemicals of concern to ensure material safety; and elimination or reduction of problematic and unnecessary products that place disproportionate burdens on waste management systems.

The treaty should establish ***minimum requirements for ESM,*** while allowing Parties flexibility in how they achieve them according to national circumstances. Parties should develop national systems for ***separate collection, reuse, recycling and environmentally sound disposal***, supported by measurable targets in national plans and strategies. These could include sector- or product-specific collection and recycling targets, reuse targets for relevant product categories and measures to prevent leakage throughout collection, transport, sorting, recycling and disposal.

The treaty should also ***prohibit or phase out waste management practices that cause or contribute to plastic pollution or harm human health and the environment***, including open burning and other uncontrolled or environmentally harmful treatment practices. Recycling should not be considered environmentally sound where it results in significant releases of plastics or hazardous substances.

EPR should be viewed as a key policy approach to incentivise and fund improved waste management and to ensure the burden of financing waste management is linked to those responsible for placing plastic products on the market.

Cooperation should be supported through ***common definitions, reporting methodologies and indicators***, enabling Parties to track waste generation, collection, reuse, recycling, disposal and leakage and to assess progress over time. International cooperation should also *facilitate* ***technology transfer, technical assistance, capacity-building and access to finance***, particularly where Parties lack the infrastructure or institutional capacity needed to meet treaty requirements. This should include support for strengthening waste management systems before and alongside measures to reduce plastic waste generation.

Cluster C

1. What elements must be considered to ensure that all available financial sources, including public finance, are effectively mobilized for the implementation of the instrument?

The financial mechanism should provide grant-based support for enabling activities and incremental costs, reviewed periodically for the next replenishment period based on an analysis of developing countries' needs for implementation and compliance.

Contributions should be mandatory for developed countries and for developing countries in a position to do so, with a focus on prioritising financial support for least developed countries (LDCs) and small island developing states (SIDS). Adequacy would be determined through a needs assessment for the next replenishment period, focusing on implementation and compliance with legal obligations.

A new dedicated multilateral fund should provide financial support for enabling activities, incremental costs and clearinghouse functions, serving as the principal operating entity for implementation and compliance. GEF should serve in a complementary role, providing additional financial support to cover costs not otherwise supported by the new dedicated multilateral fund.

Recent proposals have pushed toward a hybrid approach, but the treaty text and accompanying DipCon resolution need to clarify the respective roles and responsibilities of the various operating entities.

2. What role should the private sector have in facilitating the mobilization of financial resources, capacity building and technical assistance, and what elements could be considered under the financial mechanism to promote such a role?

The instrument can send the most effective signals to the private sector by providing long-term policy certainty to enable investment (and de-risking) in sustainable solutions, green alternatives and prevention programmes. Examples of areas where investment certainty is required include scaling reuse and refill systems, particularly for packaging and beverage containers; deposit return systems; repair initiatives; and other investment in genuinely safe, sustainable and environmentally sound alternatives to single-use and fossil-based plastics.

In areas where public financing is less likely to play a role, the private sector can facilitate direct investment in waste collection and sorting systems, mechanical recycling infrastructure and other ESM waste treatment options and circular economy business models, supported by different finance mixes including dedicated investment funds, green bonds and so on. Blended finance structures and co-investment can help share risk as solutions scale and support capacity building and technical assistance in recipient countries for environmentally sound circular solutions.

Certain market-based measures such as taxes, fees, EPR schemes and other polluter-pays approaches would play a critical role in the policy toolbox of financial incentives to establish accountability and a level playing field for the private sector. This would be underpinned by clear, harmonised, global regulations across the plastics lifecycle. Additional work should also explore subsidies that incentivise the continued expansion of virgin plastic production and undermine markets for traceable and safe recycled content.

To remediate existing plastic pollution, private-sector financing would be a necessary part of the financial mechanism, given plastic producers' and companies' responsibility to ensure the ESM of plastics placed on the market. Various models already exist in which the private sector pays contributions either into treaty funds or channels investments through innovation and national implementation funds.

3. **What provisions related to technology transfer could foster international cooperation, considering the capacity differences between countries?**

Technology transfer should be recognised as a key means of implementation, enabling developing countries to fulfil treaty obligations while accounting for different national capacities and circumstances. As with other MEAs, technology transfer is most effective when delivered alongside capacity-building, technical assistance and financial support. For example, the Montreal Protocol combines finance, technical assistance, and institutional strengthening to support implementation.

Technology transfer should support the dissemination of environmentally sound technologies, expertise and best practice across the full lifecycle of plastics. It should not be limited to equipment transfer, but should also include the knowledge, training and institutional support necessary for implementation. Similar approaches have been adopted under UNFCCC, the Paris Agreement and the CBD, where technology transfer is linked to financial support, capacity-building and nationally identified needs.

To enable measures, provisions should:

- Ensure technology transfer is linked to the financial mechanism, recognising that access to technologies will depend on adequate, predictable and accessible financial support.
- Priorities environmentally sound technologies and systems that support the waste hierarchy, including waste prevention, reuse, refill systems, product design and non-toxic circularity.
- Support the transfer of technical expertise, operational knowledge and best practices alongside physical technologies to facilitate implementations.
- Include safeguards to ensure technology transfer is needs-based, responds to nationally identified priorities and does not facilitate the transfer of obsolete, polluting or otherwise harmful technologies. It should be transferred with the informed consent of recipient countries.
- Promote regional and subregional cooperation, including through implementation networks, training programmes and knowledge-sharing platforms that can support countries with limited technical and institutional capacity.
- Recognise the close relationship between technology transfer, capacity-building, technical assistance and financial resources, while retaining separate provisions to reflect the different nature of these obligations.

Cluster D

1. **Which principles and approaches could be useful in guiding the effective implementation of the instrument, and how could these be best reflected in the instrument?**

A limited set of core principles, including the precautionary approach, the waste hierarchy and the polluter pays principle, should guide decision-making across the instrument, supported by complementary approaches such as transparency and life cycle thinking. For example:

- The precautionary approach should enable early action in the face of scientific uncertainty, particularly for chemicals and product design
- The waste hierarchy should provide a clear framework for prioritisation, emphasising prevention, reduction and reuse over downstream measures
- The polluter pays principle should ensure financial and operational responsibility for pollution, including the costs of collection, treatment and remediation

There is no need for a standalone article on principles. These examples of principles should be clearly signposted in the preambular language, providing overall direction and interpretative guidance, while

being operationalised through concrete measures across the text. Embedding principles in this way ensures they function as a practical framework for decision-making and implementation, rather than remaining high-level or declaratory in nature. The preamble should provide context, motivation, and background and provide guidance for future interpretation. The preamble is the most logical place to include reference to related existing legal instruments and reflect on the political, scientific, environmental and human imperative that has informed the development of the new instrument. Including references to existing instruments and the rationale can avoid lengthy repetition in the binding obligations and help streamline the text.

2. How can actions related to public information, awareness, education, and research support implementation?

Public information, awareness-raising and education should be recognised as enabling activities eligible for support under the financial mechanism, so that behavioural change is directly resourced and tied to implementation.

Transparency and the right to know should underpin public information: harmonised disclosure of the material composition and chemical content of plastics along the full lifecycle should be required, supported by a centralised database with clear modalities for who reports, in what format, and who may access the information. Improved access to this information supports consumer choice, business action and behavioural change at scale.

Awareness, education and research programmes should be reflected in the national action plans and coordinated with capacity-building and technical assistance, ensuring that information translates into action at the national level.

3. Considering the progress achieved so far in the discussions related to issues such as the Secretariat and definitions, does the current formulation in the Aid to Negotiations reflect the level of detail required?

The ***Secretariat should have a clearly defined and strengthened role*** in reviewing and synthesising Party reports, identifying trends and gaps, requesting additional information where necessary, facilitating scientific and technical knowledge exchange, and producing analytical outputs to inform COP decision-making and continuous improvement. This could build on established MEA models: CITES enables the Secretariat to review Party reports and request additional information; the Basel Convention provides for compiling national reports alongside technical guidance and capacity-building; and the Montreal Protocol links reporting, Secretariat analysis and technical bodies to identify gaps and mobilise targeted support.

Contacts at EIA

Christina Dixon, Ocean Campaign Lead: christinadixon@eia-international.org
Tim Grabiel, Senior Lawyer and Policy Advisor: timgrabiel@eia-international.org
Amy Youngman, Legal and Policy Specialist: amyyoungman@eia-international.org
Hannah Hughes, Ocean Campaigner: hannahhughes@eia-international.org

[i] United Nations Convention on Biological Diversity (2024). *CBD/COP/DEC/16/2 Digital sequence information on genetic resources.* Available here.