



*Brussels, 30 October 2023*

To the kind attention of:  
the European Commission,  
the EU Spanish Presidency,  
EU Member States' focal points

**Subject: Civil society calling for ambitious EU position in the Plastics Treaty negotiations**

Dear Sir/Madam,

In view of the upcoming third round of negotiations on an international legally binding instrument (ILIB) on plastic pollution (INC-3), the civil society organisation signatories to this letter would like to reiterate the importance of an ambitious position of the EU and its Member States in these negotiations, especially with regards to two critical pillars of an effective plastics treaty - controls on plastic production and adequate financing to support implementation.

### **Primary Plastic Production**

It is our belief that we stand at a critical juncture for protecting and advancing the provisions on primary plastic production in the treaty text and we urge the EU to be vocal advocates for legally binding provisions to freeze and phase down production - not just of problematic plastics, but all plastics - to sustainable levels as a priority.

At the time of writing, our planet just recorded the four hottest months on record—June, July, August, September—with devastating environmental, economic and social impacts worldwide. In 2019, plastics generated 1.8 billion metric tonnes of greenhouse gas (GHG) emissions—3.4 percent of global emissions—with 90 percent associated with plastics production and, by 2050, these emissions could quadruple to 15 percent of global emissions.

It is imperative that the new instrument is designed not only to protect human health and the environment from plastic pollution but that it is also crafted to keep us on track for a 1.5 °C world. Recent studies have demonstrated that without legally binding measures to freeze and phase-down the production of primary polymers, our best-case scenario is merely a stabilisation of greenhouse gas (GHG) emissions at their current levels. These levels are already undermining the attainment of the Paris Agreement's 1.5°C goal. The European Climate law sets out a legally binding target of net-zero emissions by 2050 and an interim target to reduce emissions by 55 per cent by 2030. Without dealing with production we will not just miss 1.5 °C and fail to meet these targets - we will fly right past them, with disastrous effects for people and the planet.

A freeze and phase-down in production to sustainable levels is also a priority to enable effective measures in the rest of the life cycle. Waste management systems are completely overwhelmed

despite demand reduction measures and massive investments, and controls in production are needed to enable effective and safer solutions.

Beyond the need to reduce overall or aggregate primary plastic production of all polymer types to sustainable levels, expedient, binding and globally harmonised action to protect human health and the environment from chemicals and polymers of concern on an accelerated timeline is required with certain polymers, monomers, and groups of chemicals targeted for elimination at the outset. Studies have identified more than 13,000 chemicals used in plastics of which 3,200 are identified as chemicals of potential concern based on existing hazard types and of which 6,000 have no hazard data, many of them could also be chemicals of potential concern. Only 128 chemicals of concern are regulated under the Stockholm Convention, Minamata Convention and Montreal Protocol, representing around 4% of all identified chemicals of potential concern and 1% of all chemicals in plastics.

The precautionary approach must be applied with regards to the use of chemicals in plastics. We strongly support the EU position to advance discussions on this matter, in particular its proposal “to establish an intersessional expert group to develop the criteria for listing specific polymers and substances of concern [...], and to develop initial list(s) of such specific polymers and substances of concern” and we urge the EU to spare no efforts to ensure the creation of such a group.

### **Financial Mechanism**

We believe a newly established dedicated multilateral fund created alongside the new instrument will be required to deliver new, additional, stable, accessible, adequate, timely and predictable financial assistance, particularly for “enabling activities” and “incremental costs of compliance”. The dedicated multilateral fund should be the crown jewel of the new instrument, without which the objectives are set up to fail before implementation begins. To supplement core external donor funding, additional funds should be mobilised from a range of sources, including the private sector to operationalise the polluter pays principle. The financial mechanisms should furthermore be structured to complement and facilitate access to existing funds such as the Global Environment Facility (GEF).

Further discussion will be required on the nature of the new fund or funds, the operationalisation of the polluter pays principle and how to ensure equitable and stable access, in particular for most impacted countries. Similarly, more detailed conversation on the types of activities that need to be funded also need to be further discussed. We urge the EU to prioritise both the establishment of a new fund, and the call for intersessional work to advance these conversations.

### **Link to European Priorities**

We call on the EU to also ensure consistency between EU policy and its hope in the Treaty negotiations. We trust that the EU ambition in the Chemicals Strategy for Sustainability, the Restriction Roadmap and the ongoing processes to restrict certain chemicals and polymers of concern will be matched in the EU position in the Treaty negotiations, and in leading intersessional work on the issue.

Addressing microplastics pollution will also require effective control measures in the Treaty. We welcome the reference to microplastics and pellets in EU pre-session submissions and recognise the proposed EU regulation to address pellet loss. We encourage the EU to show leadership during

negotiations for ambitious legally-binding measures for all sources of microplastics, and urge the Commission to reflect that leadership and ambition by taking long-awaited promised action in the EU. As microplastics “deserves to be a cornerstone in the future instrument,” we urge the Commission not to set a precedent domestically that introduces loopholes or minimises scope in efforts to eliminate microplastic emissions.

We also hope to see the EU reflect ambitious positions in the Treaty negotiations on plastic waste trade and on the restriction of short-lived plastics. We continue to urge the Commission’s proposals on the EU Waste Shipment Revision to reflect existing international obligations and the strong public support for an EU plastic waste export ban and welcome EU support for the overall strengthening of plastic waste trade governance in the treaty. We hope the treaty reflects measures in line with the EU Single-Use Plastics Directive and the Packaging and Packaging Waste Regulation, where there is also strong public support for the reduction of single-use packaging and products including through reuse.

### **Next steps**

We saw at INC-2 that procedural issues threatened to derail the negotiations with serious consequences, with a handful of predominantly plastic producing countries holding the negotiations to ransom. We are very concerned that similar attempts will be made at INC-3 and each subsequent INCs until this issue is settled in a way that will allow the conclusion of an ambitious treaty. We urge the EU to be adequately prepared for such discussion and coordinate in advance with partners to actively tackle and settle this issue once and for all.

The lack of a mandate for intersessional work has hampered progress and it is now imperative that negotiations on matters of substance can advance. We recommend that the EU takes a strong position on delay and derail tactics, and upholds its long standing ambition without falling prey to the coordinated intimidation strategies of low ambition countries.

We believe that for the negotiations to stay on track a first reading of the text must be completed by the end of the week and a mandate provided for the Chair to prepare a first draft for INC-4 alongside a clear programme for intersessional work (on production and financing in particular). We are looking to the EU as advocates for a strong and ambitious treaty rooted in science, to work tirelessly to keep the negotiations on track, limit the risk of procedural delays and push for the outcomes to be met.

Our movement will have a diverse and substantial delegation at INC-3, with expertise across all of the provisions in the zero draft. We would welcome the opportunity to participate in a stakeholder meeting in Nairobi with the EU delegation to exchange views on our priority topics.

Yours Sincerely,

Christina Dixon, Ocean Campaign Lead, Environmental Investigation Agency (EIA)  
David Azoulay, Managing Attorney and Environmental Health Program Director,  
Center for International Environmental Law (CIEL)  
Ioana Popescu, Coordinator of the Rethink Plastic alliance  
Justine Maillot, European coordinator for the Break Free From Plastic movement  
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