

# TESS

Forum on Trade  
Environment & the SDGs

## Review of State of Play & Vision for Potential Next Steps

WTO Dialogue on Plastic Pollution  
Pre-plenary

Carolyn Deere Birkbeck, Director, TESS  
16 February, 2023

# TESS

Forum on Trade  
Environment & the SDGs

## POLICY BRIEF

### The WTO Dialogue on Plastics Pollution: Overview and State of Play

*Carolyn Deere Birkbeck, Mahesh Sugathan, and Simon Ardila Eraso*

December 2022

#### Key Insights

- Trade plays a central role in the global plastics economy. In 2021, the value of trade across the life cycle of plastics reached close to \$1.2 trillion and nearly 370 million metric tonnes of plastic at different points in the life cycle crossed international borders.
- Trade policies are directly relevant to the expanding plastics economy and plastic pollution. They can lock in or exacerbate unsustainable production and consumption

➡ Offers introduction for government officials & stakeholders on origins, purpose & work of the DPP.

- reviews work of DPP so far & workplan
- introduces other relevant processes, conventions & organisations beyond WTO on plastic pollution
- outlines three DPP work streams
- presents overview of options for cooperation identified to date by co-sponsors & stakeholders
- includes compilation of relevant resources and links

<https://tessforum.org/media/2022/12/TESS-Policy-Brief-The-WTO-Dialogue-on-Plastics-Pollution.pdf>

# Context & opportunity

May 2019	Basel Convention 'Plastic Waste Amendments'
November 2020	Launch of the Informal Dialogue (16 co-sponsors of the statement)
December 2021	Ministerial Statement on Plastic Pollution and Environmentally Sustainable Plastics Trade (now w/ 75 co-sponsors)
January 2022	Workplan & three workstreams
May 2022	UNEA Resolution calling for negotiations on internationally legally binding instrument on plastic pollution
June 2022	MC12 Ministerial Statement from co-leads
June 2023	INC 2 of plastics treaty, preceded by report on options for elements
February 2024	MC13 – concrete, pragmatic and effective outcomes? + UNEA
December 2024	Conclusion of Plastics Treaty (entry into force 2029?)

# MC13: Possible concrete, pragmatic, effective outcomes?

## DPP Workstreams

Cross-cutting issues\*  
(WS1)

Workstream on  
promoting trade to  
tackle plastic pollution  
(WS2)

Workstream on  
circularity & reduction  
to tackle plastic  
pollution (WS3)

\* topics include capacity building and technical assistance; fostering international cooperation on transparency and data; cooperation and collaboration with other international organizations and processes, and collective approaches.

## MC13 Ministerial Statement: Vision

- Political statement highlighting broad priorities for cooperation & action
  - Reaffirm & build on spirit, language & balance of issues in MC12 Statement
  - Provide guidance for future work
  - Accompanied by Annexes, including compilation of voluntary pledges by members
- 
- A 'gift' to the treaty process on key supporting actions
  - Not legally binding

# MC13 Ministerial Statement: Potential content

1. Reaffirm launch statement & value/need for trade-related cooperation
2. Highlight progress on shared work to date
3. Underline shared vision on principles underpinning cooperation
4. Highlight priorities on which members commit/agree to cooperate as a next step
5. Guidance for future work, including issues for ongoing exploration
6. Encourage new members
7. Commit to further progress on concrete, pragmatic & effective outcomes for MC14

# MC13 Statement (1): Preambular principles

*Reflecting understandings in MC12 Launch Statement, DPP members could reiterate guiding principles:*

- Supporting negotiations on the legally-binding international instrument on plastic pollution, as well as ongoing exchanges so work of DPP is guided by treaty discussions
- Deepening cooperation & collaboration with other international organizations, secretariats and processes, ensuring complementarity and avoiding duplication
- Focusing on trade-related aspects & actions that participating Members could take collectively to support global efforts to reduce plastic pollution
- Recognising challenges facing developing countries, particularly LDCs & SIDS, in addressing trade-related aspects of plastic pollution & sustainable development goals
- Emphasising role of WTO in promoting transparency & good practices
- Committing to continued open engagement with relevant stakeholders

## MC13 Statement (2): Potential shared priorities

- Identify 5-6 priorities on which there is broad convergence and potential for concrete actions among DPP members
- Draw on already-agreed language in MC12 statement
- Sample of potential shared priorities (see next slide)

Workstream 1  
(cross-cutting)

Promote transparency and understanding of trade flows across the life cycle of plastics, including flows of plastics embedded in or associated with internationally traded goods. Cooperate with WCO & customs authorities to pursue HS amendments & other trade instruments for more effective monitoring & regulation of plastics trade & improve information on chemical & material characteristics of traded products (WS 1)

Address trade-related capacity building & technical assistance needs of developing members with regard to plastic pollution, in particular LDCs & vulnerable SIDS, including through Aid for Trade (WS1/W2)

Workstream 2  
(promote)

Promote trade that contributes to ending plastic pollution & support circularity, including trade in environmentally sustainable & effective non-plastic substitutes & alternatives & re-use systems, with a focus on those of interest to developing & least developed members, including SIDS & opportunities for MSMEs (WS2)

Promote trade in goods & services, including access to, transfer, and uptake of technologies for environmentally sound waste management (collecting, sorting, recycling) & clean up, appropriate to local development circumstances & needs (WS2)

Workstream 3  
(reduce)

End export and import of goods that are restricted or banned domestically or through relevant multilateral environmental agreements (are primary plastics, additives, plastics products, items & wastes) (WS3)

Reduce trade in unnecessary or harmful plastics & plastic products, and phase out trade in problematic plastics, starting with commonly targeted single-use plastics, as well as packaging associated with trade, that are not essential for medical or sanitary purposes, with special attention to challenges for developing members (WS3)

# MC13 Statement (3): Sample of topics for continued work

- Encourage specific voluntary pledges
- Continue transparency efforts, share experiences, identify further concrete options, including:
  - best practices on design & implementation of trade-related environmental measures
  - expand transparency & notification of tariff & non-tariff measures
  - intensify focus on 'harder' trade-related issues (coordination on standards, fees, EPR schemes, subsidies to primary plastics, etc)
  - update Annex lists where relevant, reflecting evolution of plastics treaty discussions
- Continue to cooperate with relevant IOs & processes on trade-related issues, dimensions & policies
  - through the on standards, criteria and labelling (e.g., including for environmentally sound substitutes & re-use systems), including through plastics treaty process, ISO & the Basel & Stockholm Conventions
  - addressing challenges arising for developing country producers & exporters (e.g., with UNCTAD)
  - advancing implementation of trade-related measures in MEAs (e.g., Basel)
- Continue liaison with plastic treaty process, including sharing insights from DPP dialogue

# MC13 Statement (4): Possible annexes

## Possible lists (open, illustrative and evolving), :

- To restrict: plastics and products to be controlled (banned, restricted)
- To promote: A++ environmentally sound & effective non-plastic substitutes & alternatives
- To promote: A++ technologies, goods, services for environmentally sound waste management
- To address: capacity building & technical assistance needs
- To promote: best practices for trade-related action to reduce plastic pollution

## Voluntary pledges

- Matrix of options for trade-related actions organised according to priorities in statement
  - Members select priorities & options for concrete trade-related actions to which they make voluntary pledges, individually or with others (à la carte)

# Possible next steps

- Identify shared MC13 priorities, focusing on topics of convergence & high potential impact
- Identify information needs related to shared priorities
- Compile Annexes, drawing also from submissions in plastics treaty process
- Identify matrix of potential trade-related actions for each shared priority in order to guide potential pledges, focusing on actions where there is potential convergence
- Structure 2023 workplan to support MC13 outcomes

*and meanwhile*

- Advance proposals on HS amendments at WCO
- Complete responses & analysis of DPP surveys on trade-related measures & AfT needs
- Continue to expand DPP membership, inform CTE, deepen linkages w/ plastics treaty process

# TESS

Forum on Trade  
Environment & the SDGs

To read the HS policy brief and research paper, see:

<https://tessforum.org/news/publications/plastic-pollution-and-trade-across-the-life-cycle-of-plastics-options-for-amending-the-harmonized-system-to-improve-transparency-2/>

TESS | Forum on Trade  
Environment & the SDGs

## POLICY BRIEF

### Plastic Pollution and Trade Across the Life Cycle of Plastics: Options for Amending the Harmonized System to Improve Transparency

*Carla Vaca Eyzaguirre and Carolyn Deere Birkbeck*

May 2022

#### Key Insights

- In March 2022, governments agreed at the United Nations Environment Assembly to launch negotiations to forge an international instrument on plastic pollution by the end of 2024.
- To tackle the plastic pollution crisis, a growing number of countries are implementing policies to better regulate international trade in plastic waste and an array of plastic products and inputs.
- With trade across the life cycle of plastics worth over \$1 trillion, trade plays a key role in the global plastics economy and trade policies are important in shaping international plastics trade.
- A critical missing piece for effective, evidence-based policymaking to tackle plastic pollution is reliable and disaggregated data on cross-border trade flows across the life cycle of plastics.
- As the collection of trade data is underpinned by the World Customs Organization's (WCO) Harmonized System (HS), this international nomenclature is an important starting point for a more granular picture of trade flows across the life cycle of plastics.
- This policy brief identifies gaps and challenges in the HS that are relevant to efforts to tackle plastic pollution. It then puts forward options for amending the HS that would facilitate monitoring and regulation of trade flows across the life cycle of plastics.
- Drawing from the range of potential HS amendment options identified, the paper recommends a subset of options that could feasibly be pursued in the current 2022–2027 HS amendment cycle at the WCO.
- The options also serve to inform international cooperation on how trade policies could support efforts to tackle plastic pollution, including through negotiations for a new international instrument on plastic pollution, implementation of the Basel Convention "plastic waste amendments", and the Informal Dialogue on Plastics Pollution and Environmentally Sustainable Plastics Trade (IDP) at the World Trade Organization.