



Australian Government

Department of Foreign Affairs and Trade

WTO DIALOGUE ON PLASTICS POLLUTION

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Australian Permanent Mission to the World Trade
Organisation

Coordinator of the Dialogue on Plastics Pollution alongside
Barbados, China, Ecuador, Fiji and Morocco

Date: 29 October 2024

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13th Ministerial Conference (MC13) Outcomes



MC13 STATEMENT

Series of **principles** and **six actions** for trade to be a key contributor to the solution.

Related to each agreed action, a **factual compilation document** is attached to the Statement, consisting of **trade-related practices** already being adopted to tackle plastics pollution.

DPP: MC13 OUTCOMES



- Ministerial Statement containing 6 trade-related actions aimed to:
 - i. **increase transparency of trade flows** of plastics (e.g. of single-use plastics, plastic films and hard-to-recycle plastics) as well as those embedded in traded goods but not captured by trade data (a.k.a. 'hidden flows') – examples in the compilations include:
 - breakdown domestic customs classification to facilitate monitoring, evaluation, reporting and regulation of trade in polymers, chemicals, additives and plastics
 - identify customs and related technological solutions and cooperate with the private sector, on standards, product identifiers and other applications.
 - ii. **reduce plastics** that are **harmful** to the environment or human health, or **unnecessary** single-use plastics and plastics packaging – examples in the compilations include:
 - eco-design and labelling requirements, recycling targets and/or recyclability requirements
 - bans on single-use plastics and other goods
 - import and export licences on plastic wastes
 - iii. **promote non-plastic substitutes, alternatives, services and technologies** – examples in the compilations include:
 - Support measures, including grants and direct payments, preference in public procurement, tax concessions, and non-monetary support to specific non-plastic substitutes (e.g. seaweed, bamboo), alternative plastics (e.g. bio-polypropylene, corn-based resins) and services (e.g. re-use/re-fill systems, environmental impact assessments)
 - iv. **improve the capacity of developing countries** to use trade as a tool to tackle plastic pollution – examples in the compilations include:
 - specific suggestions for the Aft Global Review to help better identify plastic-related projects and needs (e.g. prior categorisation of existing plastic-related programmes; introduction of specific questions; sharing case studies; organizing trainings)
 - specific needs most often identified in the Dialogue: domestic private sector engagement and partnerships; access to technology; civil society engagement; technical assistance on policy implementation



DPP Points of Focus

Workstream on Crosscutting Issues:

1. How to support the INC process and its implementation,
2. How to enhance transparency of trade flows of plastic,
3. How to enhance capacity of developing Members to integrate trade as part of the solution to plastic pollution,

Workstream on Reduction, focus areas are:

4. To continue to identify members Trade related Plastics Measures, potentially building domestic inventories and supporting internal coordination,
5. To identify potential best practices from Members collective experiences,
6. And, to identify opportunities for greater harmonization, alignment or interoperability of Trade related Plastics Measures, starting by focusing on single-use plastics.

Workstream on Promotion, we will focus on:

7. How to facilitate access to technologies and services, including for environmentally sound waste management technology,
8. Identify opportunities for enhanced trade cooperation on non-plastic substitutes and alternatives, starting with standards.



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What are Trade-related Plastic Measures (TrPMs)?



Sustainability requirements

- Bans/restrictions on importation [and exportation] of [recyclable] waste (incl export licenses)
- Import licensing for plastic bag components
- Minimum recycled content
- Requirements applicable to minimum thickness, (re)usability
- Exclusion of certain components
- Design requirements / guidelines
- Labelling requirements



Taxes and other market tools

- Env / chemical taxes (appl. to plastics)
- deposit schemes [incl. EPR schemes]
- [preferential] Tariffs on certain goods (incl. Tariff quotas)
- Packaging fees
- Trade defence tools (e.g. applied to substitutes)



Support measures

- Preferential tax treatment to alternatives/substitutes
- Direct grants to R&D
- Government procurement requirements/preferential rates for goods with recycled content
- Expenditure on resource utilization of agricultural wastes, incl. recycling of waste plastic films

General numbers and state of play of Dialogue's Survey on trade-related plastics measures (TrPMs)

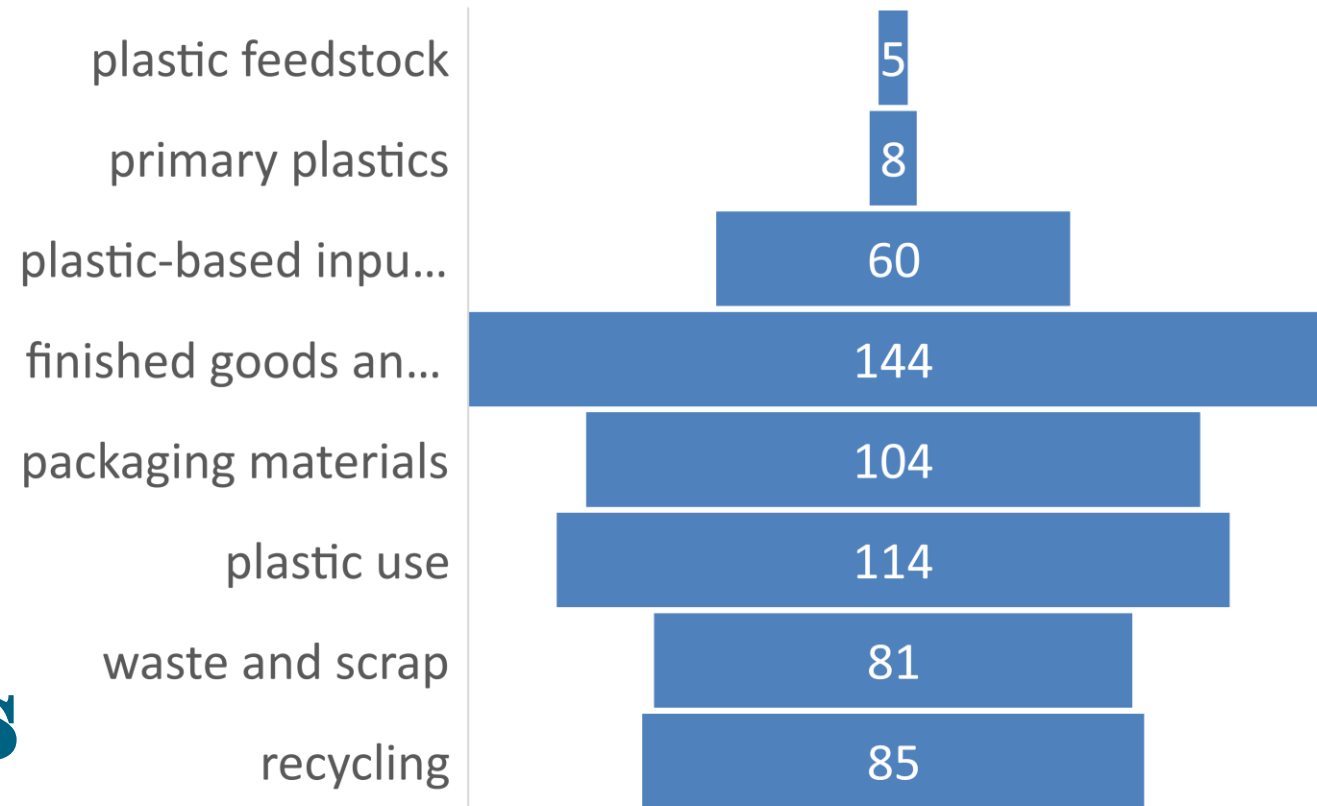
~ **220**
TrPMs

85

Members

From all regions and mostly developing and LDCs (75%+, by member or measure)

Stage in value chain life cycle



This document has been prepared under the Secretariat's own responsibility and is without prejudice to the positions of Members or to their rights and obligations under the WTO.

INTRODUCTION TO WTO AND MEAS DEBATE

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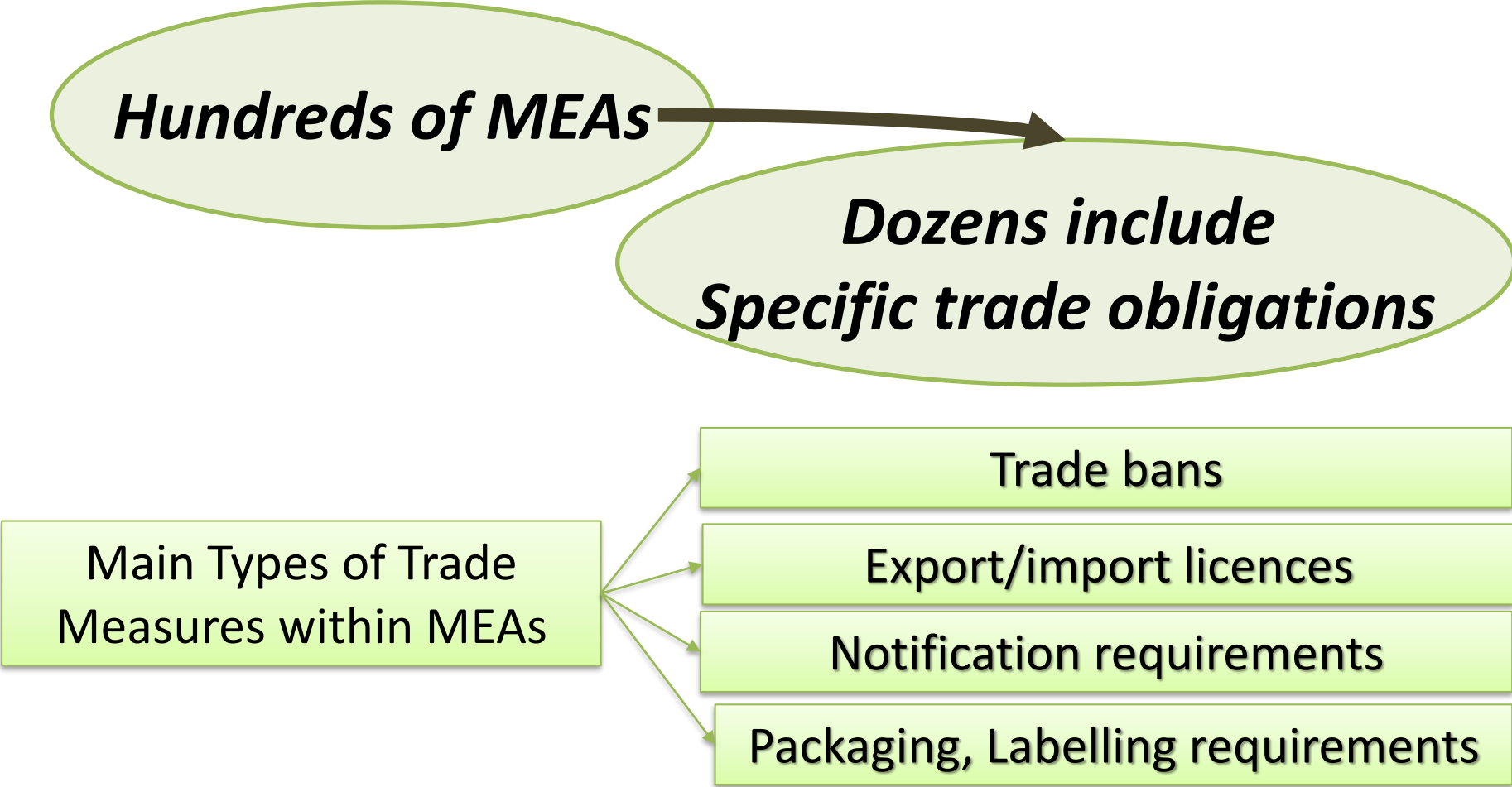


WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
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TRADE RULES AND MULTILATERAL ENVIRONMENTAL AGREEMENTS (MEAs)

ENSURING CONSISTENCY, EXPLORING SYNERGIES

Hundreds of MEAs



***Dozens include
Specific trade obligations***

Trade bans

Export/import licences

Notification requirements

Packaging, Labelling requirements

Main Types of Trade
Measures within MEAs

MAIN MEAS WITH TRADE MEASURES

Montreal Protocol



United Nations
Climate Change



Convention on
Biological Diversity



BASEL / ROTTERDAM / STOCKHOLM
CONVENTIONS



Convention on International Trade in
Endangered Species of Wild Fauna and Flora

WTO MEA Matrix - https://www.wto.org/english/tratop_e/envir_e/envir_matrix_e.htm

MATRIX ON TRADE-RELATED MEASURES PURSUANT TO SELECTED MULTILATERAL ENVIRONMENTAL AGREEMENTS

NOTE BY THE SECRETARIAT¹

Revision

1. This Matrix provides background information on trade-related measures pursuant to selected Multilateral Environmental Agreements (MEAs). This revision, prepared in consultation with the MEA Secretariats, presents updated information (e.g. membership, decisions and other major developments) on MEAs.²

2. The WTO Secretariat periodically updates this document in light of developments. In this revision, the Agreement on Port State Measures, the Paris Agreement on Climate Change, and the Kigali Amendment to the Montreal Protocol have been added to the Matrix. The Matrix now includes information on the following MEAs, including Agreements, Conventions and Protocols:

- Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES);
- Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR);
- International Convention for the Conservation of Atlantic Tunas (ICCAT);
- United Nations Fish Stocks Agreement (UNFSA);
- Agreement on Port State Measures (PSMA);
- International Tropical Timber Agreement (ITTA);
- International Plant Protection Convention (IPPC);
- Convention on Biological Diversity (CBD);
- Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity;
- Cartagena Protocol on Biosafety to the Convention on Biological Diversity;
- Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety;
- Montreal Protocol and the Vienna Convention on Substances that Deplete the Ozone Layer;
- United Nations Framework Convention on Climate Change (UNFCCC), the Kyoto Protocol and the Paris Agreement;
- Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal;
- Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade;
- Stockholm Convention on Persistent Organic Pollutants; and
- Minamata Convention on Mercury.

WTO AS A SET OF TRADE RULES

WTO Basic Principles

Non discrimination
(among partners and between imported
and domestic products)

Prohibition of quantitative restrictions

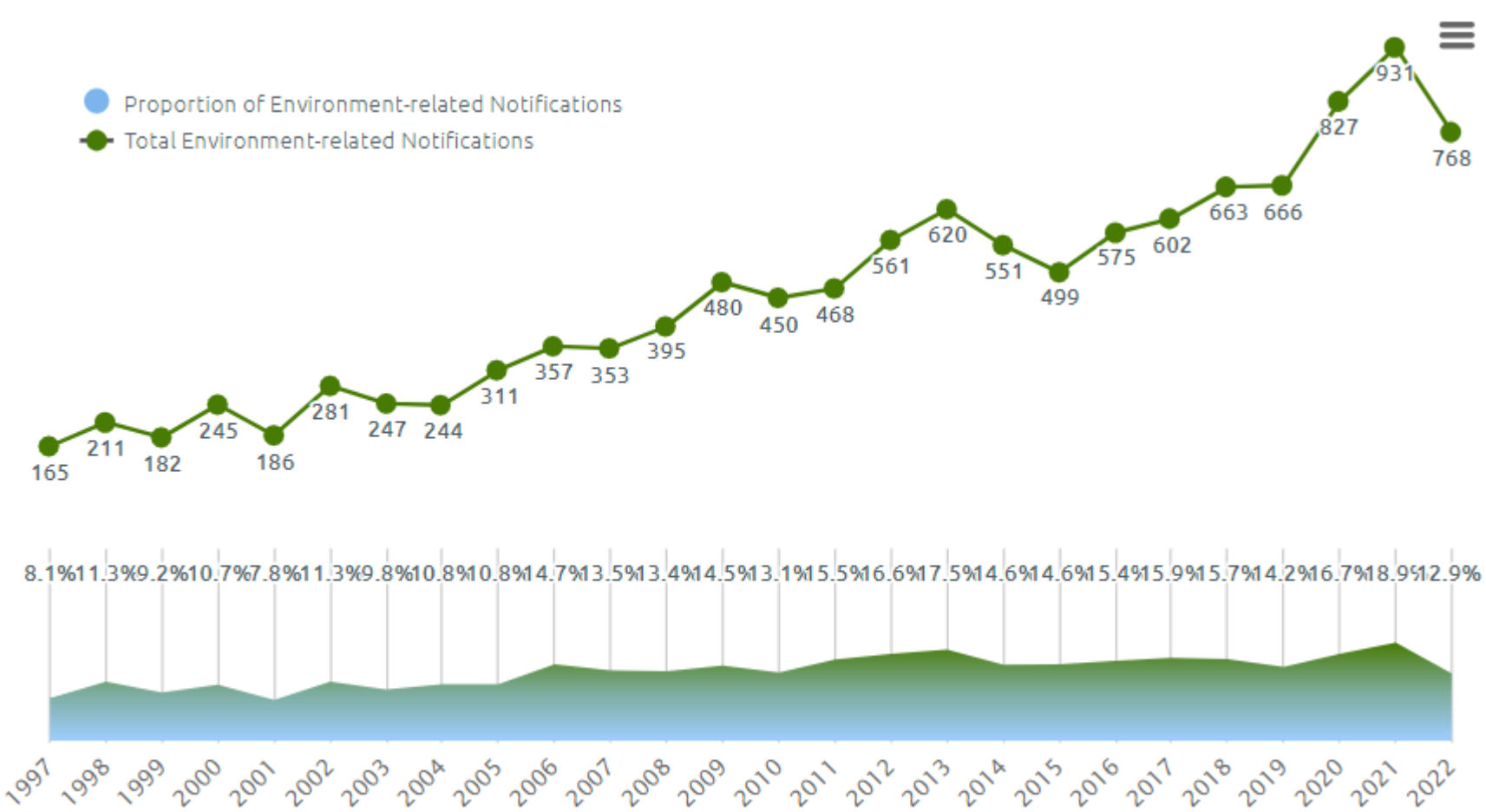
No unnecessary barriers to trade

Transparency



WTO AS A SET OF RULES

Key policy instrument	Key objective	Key WTO Agreements
<i>Environmental requirements</i> , e.g. Product/production specifications, voluntary/mandatory, characteristics/performance, labelling	Improve resource use & reduce pollutants, e.g. for energy efficiency	TBT Agreement (SPS, GATT, GATS, TRIPS...)
<i>Price & market mechanisms</i> , e.g. Environmental taxes, Emission Trading Schemes (ETS)	Internalize env'tal costs, e.g. for environmental pollution or degradation	GATT (TRIMs, GATS...)
<i>Support programs</i> , e.g. R&D, fiscal, price and investment measures	Promote development & deployment of green technologies	SCM Agreement (AG, TRIMs, GATT...)



Environment-related notifications (1997-2022)

8661

Environment-related notifications

18197

Environment-related measures

**Almost 2000 measures for
“MEA Implementation and
compliance”**

No measure taken under an MEA has ever been found to be contrary to WTO rules...

WTO members can differentiate between polluting and greener products but must avoid unjustifiable or arbitrary discrimination or unnecessary or disguised barriers to trade
[GATT Art. XX, other provisions]

Discrimination is not the same as differentiation!

What to keep in mind when developing a trade-restrictive environmental measure

Even when negatively affecting trade, measures can be justifiable if they pursue a legitimate objective and if certain conditions are fulfilled, including



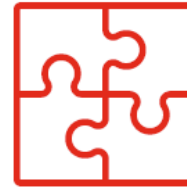
Coherence

The trade restriction or difference in treatment between domestic and imported products provided by the measure is justified by the legitimate objective and not to protect domestic sectors.



Mindful and holistic

The measure is part of a holistic environmental policy and considers the impact on other countries, as well as on other national, regional and international efforts on the same topic.



Fit-for-purpose

The measure can efficiently contribute to the legitimate objective in a balanced way or is part of a national conservation policy also restricting domestic production or consumption.



Flexible

The measure is result-oriented and takes into account alternative measures to address the same challenge as effectively, albeit through different methods, including due to national and regional environmental conditions.

**THANK YOU FOR
YOUR ATTENTION !**



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