

POLICY BRIEF

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

Carolyn Deere Birkbeck, Mahesh Sugathan, and Simon Ardila Eraso

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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 patterns but also be harnessed to support efforts to end plastic pollution.
- As the core multilateral fora for international trade diplomacy and cooperation, the World Trade Organization (WTO) has an important role to play in fostering trade-related cooperation on plastic pollution.
- The member-led WTO Dialogue on Plastics Pollution was launched in November 2020 and is co-sponsored by 75 members, representing over 75% of global trade in plastics.
- The Dialogue aims to foster trade cooperation on plastic pollution within the framework of the WTO's rules and mechanisms while complementing, supporting, and preventing duplication with efforts and processes in other international fora.
- As governments continue negotiations for on an international legally binding instrument to end plastic pollution, Dialogue members have the opportunity to identify options for trade-related cooperation and foster concrete outcomes at the WTO and beyond that can support this global effort.
- This policy brief is intended as an introduction for government officials and stakeholders keen to understand more about the origins and work of the Dialogue. It reviews the Dialogue's evolution, purpose, and work. It also presents an overview of key options for trade-related cooperation identified to date.

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1. Introduction

Trade plays a central role in the global plastics economy. It connects producers and consumers in different countries across a diversity of product value chains.

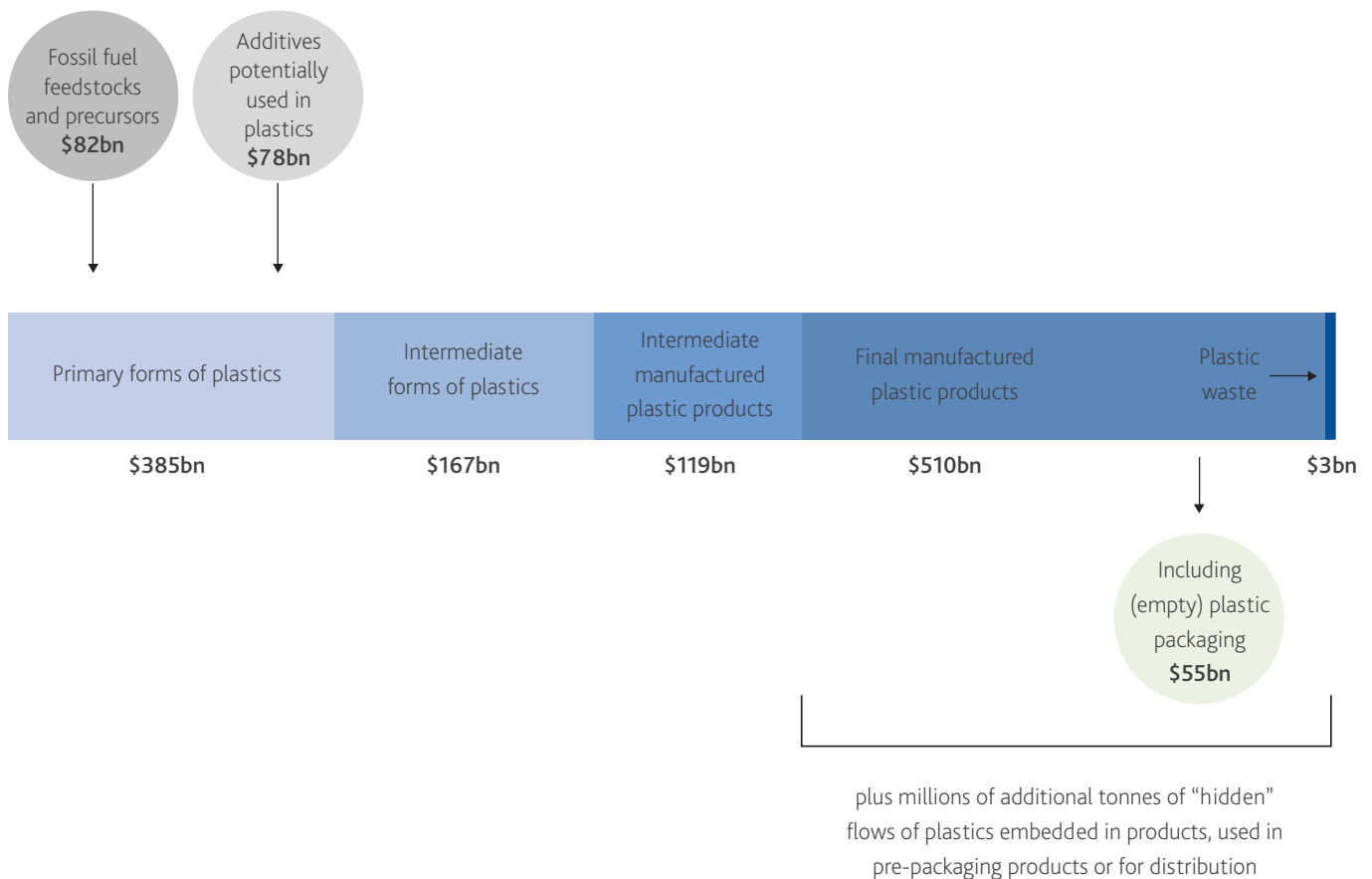
In 2021, the value of trade across the life cycle of plastics reached close to \$1.2 trillion and nearly 370 million metric tonnes of plastic at different points in the life cycle crossed international borders (UNCTAD, n.d.-d). This includes trade in primary plastics (such as resins and fibres), a vast range of plastic products, and plastic waste (see Figure 1). The full value and volume of cross-border flows of plastics is far higher if trade flows of products that are pre-packaged in plastics or that contain plastic items and parts (embedded plastics) as well as packaging associated with transportation are included. There is also significant transboundary trade in fossil fuel-based feedstocks, chemical precursors, and additives used to make plastics. At key points along the plastic value chain, trade represents a significant share of overall global production. In 2020, for instance, exports of primary plastics represented an estimated 56% of the world's primary plastic production (Barrowclough et al., 2020, p. 14).

Trade flows across the life cycle of plastics are relevant to plastic pollution for several reasons. First, trade in plastic waste to countries with inadequate waste management capacity exacerbates the leakage of plastics into the environment. Second, trade in plastic products, as well as products containing plastics and distributed with associated plastic packaging, adds to the pollution burden of importing countries, which is especially relevant for countries with limited capacity for environmentally sound waste management. Third, in the global plastic economy, international trade flows play a central role in the international supply chains, production systems, and consumption trends that drive the expansion of plastic production and plastics pollution.

Trade policies are directly relevant to the plastics economy and to efforts to reduce plastic pollution. Trade policies influence markets for plastics, shaping both business and consumer behaviour. They can undermine efforts to tackle plastic pollution by locking in or exacerbating unsustainable production and consumption patterns. Trade policies can also be harnessed to support plastic pollution reduction efforts, and many governments are taking action in this regard.

Figure 1. International Trade Flows Across the Life Cycle of Plastics (2021)

The total value of exports across the life cycle of plastics was at least \$1.18 trillion in 2021
(at least 5% of the total value of global trade)



Source: UNCTAD (n.d.-d).

Box 1. List of Co-Sponsors of the WTO Dialogue on Plastics Pollution (as of 1 December 2022)

Albania; Angola; Australia; Austria; Barbados; Belgium; Bolivia; Bulgaria; Cabo Verde; Cambodia; Cameroon; Canada; Central African Republic; Chad; Chile; China; Colombia; Costa Rica; Croatia; Cyprus; Czech Republic; Denmark; Ecuador; Estonia; European Union; Fiji; Finland; France; Gambia; Germany; Greece; Honduras; Hong Kong, China; Hungary; Iceland; Ireland; Italy; Jamaica; Japan; Kazakhstan; Korea, Republic of; Latvia; Lithuania; Luxembourg; Macao, China; Maldives; Malta; Mauritius; Mexico; Morocco; Netherlands; New Zealand; Norway; Panama; Paraguay; Peru; Philippines; Poland; Portugal; Romania; Russian Federation; Samoa; Saudi Arabia, Kingdom of; Singapore; Slovak Republic; Slovenia; Spain; Suriname; Sweden; Switzerland; Thailand; Tonga; United Kingdom; Uruguay; and Vanuatu.

As the core multilateral fora for international trade diplomacy and cooperation, the World Trade Organization (WTO) has an important role to play in fostering trade-related cooperation on plastic pollution. This potential has been recognized by WTO members, with the launch in November 2020 of an Informal Dialogue on Plastics Pollution and Environmentally Sustainable Plastics Trade.¹ The initiative is currently sponsored by a diverse group of 75 WTO members from all regions, including developed, developing, and least developed countries, as well as small island developing states. Collectively, these members represent over 75% of global trade in plastics. Now operating under the title WTO Dialogue on Plastics Pollution (the Dialogue), this member-led initiative aims to foster trade cooperation on plastic pollution within the framework of the WTO's rules and mechanisms while complementing, supporting, and preventing duplication with efforts and processes in other international fora.²

From the outset, the Dialogue has shared the overarching objectives of existing and emerging intergovernmental frameworks to tackle plastic pollution, aiming to add value through a distinctive focus on trade and trade-related dimensions. At the multilateral level, the most relevant existing trade-related instrument is the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (the Basel Convention), where governments agreed in 2019 to a set of plastic waste amendments that prohibit trade in plastic waste, with some

exceptions subject to prior informed content procedures (see Section 3.2). In March 2022, 175 governments agreed at the United Nations Environment Assembly (UNEA) to launch negotiations on a legally binding instrument on plastic pollution, with the goal of addressing the full life cycle of plastics and concluding an agreement by the end of 2024. While the negotiations are at a very early stage, the fact that sustainable production and consumption of plastics is a core focus of the treaty means that attention to international supply chains and trade in the course of negotiations is likely.

This policy brief reviews the evolution of the work of the Dialogue over its first two years and presents an overview of options for cooperation that have been identified to date by co-sponsors and stakeholders involved in the Dialogue. The paper is intended as an introduction for government officials and stakeholders keen to understand more about the origins, purpose, and work of the Dialogue. It begins with a review of the Dialogue's process to date and current workplan, followed by an introduction to a sample of conventions, processes, and organizations beyond the WTO that are especially relevant to trade and plastic pollution. The policy brief then outlines the three workstreams around which members have agreed to organize their work. Finally, it offers a preliminary overview of policy options identified and under discussion in the Dialogue so far in relation to each of the three workstreams.

1. Committee on Trade and Environment, Communication from Australia, Barbados, Canada, China, Fiji, The Gambia, Jamaica, Kazakhstan, Morocco, New Zealand, Switzerland and Thailand, WTO Informal Dialogue on Plastics Pollution and Environmentally Sustainable Plastics Trade, WTO Doc. WT/CTE/W/250 (December 15, 2020). Also see WTO (n.d.-a).
2. World Trade Organization, Ministerial Statement on Plastics Pollution and Environmentally Sustainable Plastics Trade, WTO Doc. WT/MIN(21)/8/Rev.2 (December 10, 2021).

2. Evolution and Goals of the WTO Dialogue on Plastics Pollution

In November 2020, a group of 16 WTO members, led by China and Fiji, co-sponsored the launch of an Informal Dialogue on Plastics Pollution and Environmentally Sustainable Plastics Trade. The initiative sought to explore how improved trade cooperation within the WTO framework could support domestic, regional, and global efforts to “reduce plastics pollution and transition to a more circular and environmentally sustainable global plastics economy” (see Box 2 for full text).

The initial Dialogue statement identified the following priorities: to improve transparency, monitoring of trade trends, promote best practices, cooperate with other international processes and efforts, identify scope for collective approaches, strengthen policy coherence, and assess capacity and technical assistance needs.³ In the second half of 2021, the

WTO Secretariat produced a Factual Report at the request of the Dialogue’s co-sponsors summarizing the interventions of governments and stakeholders.⁴

Following several sessions of informal deliberations in 2021, 67 WTO members, representing around 75% of plastics trade, subsequently adopted a Ministerial Statement on Plastics Pollution and Environmentally Sustainable Plastics Trade in December 2021 (see Annex 1 for the full statement).⁵ The initiative is coordinated by six WTO members: Australia, Barbados, China, Ecuador, Fiji, and Morocco. Now supported by 75 WTO members, the co-sponsors agree in the ministerial statement to intensify their work with a view to identify actions to support global efforts to reduce plastic pollution and a transition towards environmentally sustainable plastics trade.

Box 2. Initial Statement of the Informal Dialogue on Plastics Pollution and Environmentally Sustainable Plastics Trade

1. The rising environmental, health and economic cost of plastics pollution is a concern that increasingly unites all countries and regions, large and small, developed and developing. The COVID-19 pandemic has only amplified these concerns, underscoring the world’s vulnerability to natural crises, and reinforcing the importance of building more resilient and sustainable economies.
2. Given the growing need for coordinated global action – and recognizing the important trade dimension of this challenge – we, as interested Members, are launching an open-ended informal dialogue on plastics pollution and environmentally sustainable plastics trade, in which all WTO Members are invited and encouraged to participate.
3. Aiming to complement existing international processes in other fora – and avoid duplication - the informal dialogue will explore how improved trade cooperation, within the rules and mechanisms of the WTO, could contribute to domestic, regional and global efforts to reduce plastics pollution and transition to a more circular and environmentally sustainable global plastics economy. Possible subjects for discussion include improving transparency, monitoring trade trends, promoting best practices, strengthening policy coherence, identifying the scope for collective approaches, assessing capacity and technical assistance needs, and cooperating with other international processes and efforts.
4. We believe that the informal dialogue should be a key part of broader WTO discussions to advance our shared trade and environmental sustainability objectives.

Source: Committee on Trade and Environment, WTO Informal Dialogue on Plastics Pollution and Environmentally Sustainable Plastics Trade (IDP), *Communication from Australia, Barbados, Canada, China, Fiji, The Gambia, Jamaica, Kazakhstan, Morocco, New Zealand, Switzerland and Thailand*, WTO Doc. WT/CTE/W/250 (December 15, 2020).

3. Committee on Trade and Environment, WTO Informal Dialogue on Plastics Pollution and Environmentally Sustainable Plastics Trade (IDP), *Communication from Australia, Barbados, Canada, China, Fiji, The Gambia, Jamaica, Kazakhstan, Morocco, New Zealand, Switzerland and Thailand*, WTO Doc. WT/CTE/W/250 (December 15, 2020).
 4. World Trade Organization, Informal Dialogue on Plastics Pollution and Environmentally Sustainable Plastics Trade (IDP), *Factual report*, WTO Doc. INF/TE/IDP/W/3 (October 4, 2021).
 5. World Trade Organization, Ministerial Statement on Plastics Pollution and Environmentally Sustainable Plastics Trade, WTO Doc. WT/MIN(21)/8/Rev.2 (December 10, 2021).

The ministerial statement in December 2021 delineates three main areas of common interest.

First, Dialogue members agreed to intensify work on areas of common interest with a view to identifying actions that participating members could take collectively to support global efforts to reduce plastics pollution. This includes, among others:

- “Identifying ways to improve the understanding of global trade in plastics, including flows of plastics embedded in internationally traded goods or associated with them (such as plastic packaging), and enhance transparency regarding trade policies relevant to reducing plastic pollution and more environmentally sustainable plastics trade.
- Sharing experiences of effective approaches to move towards more circular, resource efficient and environmentally sustainable plastics trade.
- Addressing trade-related capacity building and technical assistance needs of developing members, in particular least developed members and vulnerable SIDS [small island developing states].⁶
- Considering plastic pollution and environmentally sustainable plastics trade in Aid for Trade with environmentally sustainable objectives.”

Second, members emphasized the importance of continuing to engage and support actions in other international processes, including:

- “Enhancing cooperation with other international organizations in areas such as definitions, scope, standards, design, and labelling for plastics (including plastic packaging) and capacity building that would promote a more environmentally sustainable plastics

sector, including through relevant international processes, and intensifying our work and continued cooperation on areas of common interest, such as the ongoing discussions towards a new global instrument on plastics at UNEA-5, the International Organization for Standardization (ISO) and the Basel Convention.

- Identifying effective trade policies or measures to support the implementation of actions under other international processes and efforts and strengthening cooperation and policy coherence within rules and mechanisms of the WTO.
- Identifying actions needed to improve gathering of data on trade flows and supply chains, including by utilizing the Harmonized Commodity Description and Coding System (HS Convention) of the World Customs Organization [WCO] or other trade instruments or standards, such as UN/CEFACT, and the flow of information about the chemical and material characteristics of plastic products traded internationally.”

Third, members agreed to hold dedicated discussions with a view to identify best practices and share experiences regarding:

- “How trade-related cooperation could help to support efforts to reduce unnecessary or harmful plastics and plastic products, including single-use plastics and plastic packaging associated with international trade that are not essential for medical or sanitary purposes, with special attention to issues and challenges arising for developing members.
- How to promote trade in goods and services including the use of technologies that can reduce plastic pollution, such as: environmentally sustainable waste management technologies; environmentally sustainable and effective substitutes and alternatives; and reused and recycled plastics, including by incentivizing

6. Specific priorities identified in the statement include supporting their efforts to: “move towards more circular plastics economies; improve the environmentally sound management, recovery and recycling of plastics; facilitate access to key technologies; expand trade in environmentally sustainable and effective substitutes and alternatives encourage collaboration with the relevant stakeholders through, inter alia, the exchange of knowledge and experience relating to the development of and access to environmentally sustainable and effective (including cost and functionally effective) substitutes and alternatives to single-use plastics; develop and strengthen local capacities to produce environmentally sustainable and effective substitutes and alternatives to single-use plastics; and design and implement trade policies to address plastic pollution.”

increased reuse and recycling of plastics (considering evidence of their long-term impacts), and identifying technologies for environmentally sustainable and effective substitutes and alternatives of interest to developing members and least developed members, including SIDS which are especially vulnerable to marine litter and plastic pollution, and opportunities for their MSMEs [micro, small, and medium-sized enterprises].”

Finally, the co-sponsors agreed in their 2021 ministerial statement to “look for concrete, pragmatic, and effective outcomes on these actions and understandings at the latest by MC13 [Thirteenth WTO Ministerial Conference],” “to regularly update members to ensure progress and cooperation on implementing actions,” and to inform

WTO members about their work, including through the Committee on Trade and Environment.

In early 2022, a communication by the coordinators sought feedback on and established a workplan to achieve the goals set out in the 2021 ministerial statement. The workplan for 2022 established four Dialogue plenaries across the year, as well as three workstreams (see Table 1) to advance work between the plenary sessions through informal discussions or workshops.⁷

A key feature of both the 2020 and 2021 ministerial statements as well as the workplan for 2022 is the commitment to a balanced agenda reflecting the varied interests of a diversity of the co-sponsoring WTO members.

Table 1. WTO Dialogue on Plastics Pollution: Workstream Plan in 2022

Workstreams	Topics included in the Workstream Plan
<i>Workstream 1: Crosscutting Issues</i>	<ul style="list-style-type: none"> Capacity building and technical assistance; fostering international cooperation on transparency and data; cooperation and collaboration with other international organizations and processes, and collective approaches.
<i>Workstream 2: Promoting Trade to Tackle Plastic Pollution</i>	<ul style="list-style-type: none"> Environmentally sustainable waste management technologies; environmentally sustainable and effective substitutes and alternatives; reused and recycled plastics, including by incentivizing increased reuse and recycling of plastics (considering evidence of their long-term impacts); and technologies for environmentally sustainable and effective substitutes and alternatives of interest to developing members and least developed members including SIDS which are especially vulnerable to marine litter and plastic pollution, and opportunities for their MSMEs.
<i>Workstream 3: Circularity and Reduction to Tackle Plastic Pollution</i>	<ul style="list-style-type: none"> How trade-related cooperation could help to support efforts to reduce unnecessary or harmful plastics and plastic products, including single-use plastics and plastic packaging associated with international trade; and sharing experiences of effective approaches to move towards more circular, resource-efficient, and environmentally sustainable plastics trade.

Source: World Trade Organization, Informal Dialogue on Plastics Pollution and Environmentally Sustainable Plastics Trade (IDP), *IDP plan 2022*, WTO Doc. INF/TE/IDP/W/5, (February 21, 2022).

7. World Trade Organization, Informal Dialogue on Plastics Pollution and Environmentally Sustainable Plastics Trade (IDP), *IDP plan 2022*, WTO Doc. INF/TE/IDP/W/5 (February 21, 2022).

At the Twelfth WTO Ministerial Conference in June 2022, a ministerial statement by the Dialogue coordinators highlighted a number of tangible steps taken since December's 2021 ministerial statement.⁸

After welcoming the UNEA resolution to launch negotiations on an international legally binding instrument to end plastic pollution, the ministerial statement reported that Dialogue co-sponsors had intensified their work in areas of common interest with a view to identifying actions they could take collectively to support global efforts to reduce plastic pollution. For instance, the statement noted the launch of a voluntary survey on trade-related measures relevant to plastic pollution reduction that would deepen the understanding of the range of policy tools WTO members employ or could adopt to address plastic pollution (see Annex 2). It also noted the launch of an aid for trade needs assessment review to build understanding of the capacity building needs of developing members in regard to addressing plastic pollution through trade and trade policies and related international cooperation. The statement further reported on plans to organize a workshop on plastic substitutes and alternatives with the United Nations Conference on Trade and Development (UNCTAD) and other relevant stakeholders (which was held in early December 2022).

In addition, the statement highlighted the intention of Dialogue members to “deepen engagement with the World Customs Organization to cooperatively address trade-related aspects of plastic pollution.” In this regard, the statement referenced a June 2022 communication from Dialogue members to the WCO announcing the intention to deepen cooperation with the WCO, including “on data analytics on green customs and specific challenges related to plastics identification and implementation of related policy measures,” as well as exploration of “opportunities for enhanced cooperation on relevant technical assistance activities” and for “joint work to further develop technical

knowledge and identification of gaps and opportunities to address plastics pollution.” That communication also welcomed efforts to improve information about trade flows in plastics, particularly through the HS 2027 revision process,⁹ and highlighted the Dialogue members' willingness to offer support to the WCO in the effort to ensure better identification and greater transparency of plastic flows.¹⁰

Finally, the statement by Dialogue coordinators reiterated their joint commitment to maintaining an open, inclusive, and transparent process to develop concrete, pragmatic, and effective outcomes by MC13.¹¹

An important feature of the Dialogue has been the commitment of co-sponsors to the engagement of stakeholders in their work. In its first year, over 30 stakeholders have contributed through presentations or remarks made during Dialogue meetings, and a diverse group of stakeholders with expertise on the interface of plastic pollution and trade have been invited to participate as observers in regular meetings, where they are also invited to make interventions to support discussions (Pauwelyn, 2022). These stakeholders include a range of international organizations, non-governmental organizations, research centres, and business organizations working on issues of plastic pollution and trade, including a range of organizations based in developing countries or with networks of partners in developing countries. In addition to being the most open of any WTO process to date in terms of stakeholder participation, the Dialogue is also the most transparent. Since 2022, the Dialogue has had its own subsite on the WTO website, where meeting agendas and most presentations by stakeholders are publicly available, as well as statements that members or stakeholders have agreed to make publicly available (WTO, n.d.-a). The subsite also provides links to Dialogue ministerial statements, informal summaries by coordinators, aide memoires from facilitators, as well as WTO Secretariat documents and presentations.

8. World Trade Organization, Ministerial Statement on Plastic Pollution and Environmentally Sustainable Plastics Trade, WTO Doc. WT/MIN(22)/12 (June 13, 2022).

9. The WCO's HS classifications are updated periodically, generally every five years (WCO, n.d.). The 2022–2027 cycle of HS amendments is under discussion and is expected to be implemented in January 2027 (WCO, 2020). See Section 3.2 of this paper for an introduction to the HS and its relevance to addressing plastic pollution.

10. World Trade Organization, Informal Dialogue on Plastics Pollution and Environmentally Sustainable Plastics Trade (IDP), *Communication to the World Customs Organization (WCO) on the work of the IDP in support of efforts to address plastics pollution*, WTO Doc. INF/TE/IDP/W/6/Rev.1 (June 8, 2022).

11. World Trade Organization, Ministerial Statement on Plastic Pollution and Environmentally Sustainable Plastics Trade, WTO Doc. WT/MIN(22)/12 (June 13, 2022).

3. Wider International Policy Context Relevant to the WTO Dialogue on Plastics Pollution

A range of opportunities and pathways for trade-related international cooperation on plastics and plastic pollution exist and are important context for discussion of options at the WTO. From the perspective of the WTO Dialogue on Plastics Pollution, with its focus on complementarity and “identifying opportunities for cooperation on trade and trade policies that could support the range of domestic and international efforts underway to reduce plastic pollution,”¹² ongoing developments in each of these processes are important context.

3.1 International Negotiations on a Legally Binding Instrument on Plastic Pollution

A key venue for cooperation on plastic pollution is the UNEA, hosted biannually by the United Nations Environment Programme (UNEP). Since 2016, several UNEA resolutions urging action to bolster international cooperation on plastic pollution have been adopted (UNEA, n.d.).

At UNEA 5.2 in March 2022, 175 United Nations member states adopted a resolution entitled “End Plastic Pollution” to develop a legally binding instrument on plastic pollution by the end of 2024 (UNEP, 2022). The resolution calls on governments to develop an instrument (widely referred to as the plastic pollution treaty or plastics treaty) that includes “both binding and voluntary approaches, based on a comprehensive approach that addresses the full life cycle of plastic, taking into account among other things, the principles of the Rio Declaration on Environment and Development, as well as national circumstances and capabilities” and to “promote sustainable production and consumption of plastics, including, among others, product design, and environmentally sound waste management, including through resource efficiency and circular economy approaches.”¹³

As a first step, an ad hoc open-ended working group gathered in Dakar in May 2022 to discuss rules relevant to

decision-making, participation, timelines for negotiation, and the overall framework for the negotiations (UNEP, n.d.). The negotiations began in November 2022 with the first meeting of the Intergovernmental Negotiating Committee. As noted above, while the negotiations are at a very early stage, the focus on sustainable production and consumption of plastics, along with discussion of what kinds of international obligations or control measures will be required to give meaning to the idea of a legally binding and effective treaty, is already spurring interest in the relevance of international supply chains and trade policies.

3.2 Sample of Relevant Conventions, Processes, and Organizations with Trade-Related Dimensions or Activities

In addition to the negotiations for a new treaty on plastic pollution, there is a vast array of international treaties, processes, and organizations that are conducting work critical to the global effort to end plastic pollution. This section highlights a selection that are especially relevant to the intersection of trade and plastic pollution, but does not claim to be exhaustive. The sample includes the Basel Convention, UNCTAD, the ISO, and the International Maritime Organization (IMO), noting that a number of other international organizations, including at the regional level, are relevant. These organizations range from the UNEP—which has a central global role in advocacy and policy analysis on the environmental urgency of ending plastic pollution, as well as promoting sustainable production and consumption of plastics, along with circular economy policies—to organizations such as Interpol and the United Nations Office on Drugs and Crime, both of which work to combat illegal trade in plastic waste.

Basel Convention and Stockholm Convention

At present, the key international agreement that addresses trade-related aspects of plastic pollution is the Basel

12. World Trade Organization, Ministerial Statement on Plastic Pollution and Environmentally Sustainable Plastics Trade, WTO doc. WT/MIN (21)/8/Rev.2 (December 10, 2021).

13. Paragraph 3(b) of United Nations Environment Assembly, Draft resolution, End plastic pollution: Towards an international legally binding instrument, UNEP/EA.5/L.23/ Rev.1 (March 2, 2022).

Convention on the Control of Transboundary Movements of Hazardous Wastes adopted on 22 March 1989 with an overarching objective to protect human health and the environment against the adverse effects of hazardous wastes (Basel Convention, n.d. -a). The Basel Convention focuses on prohibiting the transboundary movement of hazardous wastes, only permitting it under very limited and controlled circumstances. The convention's approach thus combines provisions prohibiting trade of certain products, while allowing for limited exceptions (which are subject to provisions on prior informed consent and environmentally sound waste management). In 2019, the parties to the Basel Convention agreed to a set of "plastic waste amendments," which specify categories of plastic waste subject to the Basel Convention's prior informed consent procedure and to its provisions on waste minimization and environmentally sound management of waste.¹⁴

In addition, the amendments provide that polymers listed in entry B3011 (i.e. mixtures composed of polyethylene, polypropylene and/or polyethylene terephthalate) are not subject to the convention's prior informed consent procedure as long as they are destined for separate recycling of each material in an environmentally sound way and are almost free from contamination and other types of waste (Basel Convention, n.d. -b).

Alongside, the Stockholm Convention on Persistent Organic Pollutants is also relevant to plastic pollution and trade. The convention aims to "protect human health and the environment from chemicals, that remain intact in the environment for long periods, become widely distributed geographically, accumulate in the fatty tissue of humans and wildlife and have harmful impacts on human health or on the environment" (Stockholm Convention, n.d.). Article 3 requires parties to ban imports and exports of listed chemicals unless the import or export is destined for environmentally sound

disposal or if it is specifically permitted. To date, the parties to the convention have introduced controls on 28 persistent organic pollutants, including a number of those used as additives, flame retardants, or plasticizers in plastics, such as brominated diphenyl ethers, hexabromocyclododecane, perfluorooctan sulfonic acid and its salts, perfluorooctane sulfonyl fluoride, short-chain chlorinated paraffins, and polychlorinated biphenyls.

World Customs Organization

As noted above, the WCO's HS system is central to the classification of goods traded internationally, such as plastics, as well as for trade policymaking and the collection of international trade statistics. There are ongoing discussions in the WCO on amendments to the HS to support the implementation of the Basel Convention plastic waste amendments, with the aim of concluding a set of amendments for implementation in the current cycle of HS amendments for implementation in January 2027. In the WTO Dialogue on Plastics Pollution, there has also been discussion of the potential for HS revisions that could support greater transparency of trade flows across the life cycle of plastics that are relevant to plastic pollution, resulting in a communication from the Dialogue to the WCO on areas for potential cooperation (see Section 2).¹⁵

Beyond the HS, the WCO is also partner in the Green Customs Initiative launched in 2004 as a partnership with Interpol, UNEP, and the Secretariat of the Basel, Stockholm, and Rotterdam conventions, among others, with the goal of preventing illegal trade in environmentally sensitive commodities and substances and to facilitate their legal trade. The initiative is relevant to plastics and plastic pollution as it also aims to enhance the capacity of customs and other relevant border control officers to monitor and facilitate legal trade and to detect and prevent illegal trade covered by relevant international conventions.

14. The prior informed consent procedure is central to the Basel Convention control system and has the following stages: (1) notification; (2) consent and issuance of movement document; (3) transboundary movement; and (4) confirmation of disposal (Basel Convention, n.d. -c).

15. World Trade Organization, Informal Dialogue on Plastics Pollution and Environmentally Sustainable Plastics Trade (IDP), *Communication to the World Customs Organization (WCO) on the work of the IDP in support of efforts to address plastics pollution*, WTO Doc. INF/TE/IDP/W/6/Rev.1 (June 8, 2022).

United Nations Conference on Trade and Development

As part of its work to support developing countries on issues of trade and sustainable development, UNCTAD has a number of activities relevant to trade and plastic pollution (UNCTAD, n.d.-a). For instance, it has published an online database of trade flows across the life cycle of plastics (UNCTAD, n.d.-d) and has supported specific research on plastic substitutes and alternatives to reduce marine and land-based plastic litter and waste. UNCTAD also organizes the Oceans Forum on trade-related aspects of Sustainable Development Goal 14, which includes discussion of the impacts of plastic pollution (UNCTAD, n.d.-b). In addition, UNCTAD's program on Sustainable Manufacturing and Environmental Pollution is working to support countries in sub-Saharan Africa and South Asia to develop effective solutions addressing plastic pollution, including through higher value-added production and economic diversification in regard to non-plastic substitutes (UNCTAD, n.d.-c).

International Organization for Standardization

The ISO is one of the international organizations specifically referenced in the Dialogue's launching ministerial statement. As a key international standard-setting body, its standard-setting activities in regards to plastics, plastic pollution, and circular economy are highly relevant to the efforts of governments to move towards more sustainable production and consumption, and to ensure trade and trade policies are aligned with plastic pollution reduction goals. International standards have a

key role to play, for instance, in preventing fragmented approaches that can slow the transformation of global supply chains towards sustainability and in promoting coordinated and effective international approaches. The ISO has a broad array of standards products and process that are relevant to plastics and plastic pollution and numerous new standards proposed or under development, ranging from standards for the design of plastic products through to environmentally sound recycling processes, labelling, and non-plastic substitutes (Weissinger, 2021).

International Maritime Organization

The IMO has adopted an action plan to address marine plastic litter from ships, aiming to strengthen the international framework and compliance with current IMO instruments and to achieve zero plastic waste discharges to sea from ships by 2025. The action plan also aims to reduce marine plastic litter generated from, and retrieved by, fishing vessels, and to improve the effectiveness of port reception and facilities and treatment in reducing marine plastic litter.¹⁶ The IMO aims at achieving those goals through, among others, enhanced public awareness, education, training, and technical cooperation and capacity building. A disaster off the shores of Sri Lanka in 2021, where a capsized ship spilt billions of plastic pellets with devastating impacts on Sri Lanka's environment, has also renewed attention to the volume of plastic pellets lost in the course of shipping, and has spurred efforts at the IMO to consider the "options for reducing the environmental risk associated with the maritime transport of plastic pellets" (IMO, 2022).

4. Possible Options for Cooperation Under Discussion

This section summarizes a range a policy options that governments and stakeholders have identified in the WTO Dialogue on Plastics Pollution thus far as potential areas for cooperation under each workstream. Importantly, this section does not propose a comprehensive or detailed

review of the many topics and options discussed, nor an assessment of their potential impacts on plastic pollution or political viability. Here, the focus is on providing a sample of some of the key options that have been discussed as potential areas for cooperation.

16. International Maritime Organization, Resolution MEPC.341(77), Strategy to address marine plastic litter from ships, MEPC 77/16/Add.1 (November 26, 2021).

4.1 Workstream 1: Crosscutting Issues for International Cooperation

Co-sponsors have identified several core focus areas in this workstream: capacity building and technical assistance; fostering international cooperation on transparency and data; cooperation and collaboration with other international organizations and processes; and collective approaches.

Within this workstream and aligned with these focus areas, three key options for cooperation that have been discussed are: improving transparency of trade flows across the life cycle of plastics; promoting transparency of trade-related policy measures relevant to plastic pollution; and bolstering technical assistance and capacity building initiatives on trade and plastic pollution, including through collaboration among intergovernmental organizations and collective approaches such as the Aid for Trade initiative. There has also been a recurring focus on ensuring complementarity with work underway in other international organizations and processes, including the negotiations for a treaty on plastic pollution. The following review provides a snapshot of a number of specific options that have been discussed.

Improving Transparency of Trade Flows Across the Life Cycle of Plastics

Discussions in the Dialogue have identified the importance of enhanced transparency and data on trade flows and trade-related measures to international cooperation on plastic pollution. The classification of products provided by the WCO's HS underpins the collection of trade data and is an important starting point for governments and stakeholders seeking a more granular picture of trade flows across the life cycle of plastics.

The current HS classification has a number of limitations from the perspective of the level of detail about trade across the life cycle of plastics that is required to support national policies and international efforts to tackle plastic pollution. Among the challenges related to existing HS codes are that they provide for limited differentiation of primary plastics, varying detail on a range of single-use plastics targeted by government regulations as most harmful, inadequate information on the material composition of plastic products

and waste, varying detail on the share of plastics embedded in products, inadequate information on plastic packaging, and classifications of plastic waste that are poorly aligned with the Basel Convention amendments (Vaca Eyzaguirre & Deere Birkbeck, 2022).

One option that has been discussed in the Dialogue for addressing shortcomings of transparency and data on trade flows necessary for tackling plastic pollution is for governments to develop specific proposals for amendments that could be considered in the ongoing 2027 cycle of revisions to the HS system at the WCO. Trade ministries would also have a key role in spurring customs authorities and environmental ministries and stakeholders to work together on effective proposals for improvements to the HS that could be advanced in the current HS amendment cycle. Already, there are ongoing efforts at the WCO to improve HS classifications of plastic waste to better reflect the provisions of the Basel Convention's plastic waste amendments, which could provide positive political momentum for further amendments related to the life cycle of plastics. As noted above, the Dialogue co-sponsors have called for building cooperation between the WCO and WTO Secretariat on this topic and have highlighted this topic as a priority for future work.

Discussions in the Dialogue have also noted that opportunity for members to update and coordinate their eight or 10-digit national and regional classifications to support their plastic pollution reduction goals and policies. Further, the Dialogue has also noted the potential to explore practical solutions, such as through information technologies like e-permitting systems that can support traceability of plastic waste and deter illegal trade, while facilitating legitimate trade to countries that are certified to have adequate environmentally sound recycling facilities. Cooperation to support improved tracking and facilitation could also be pursued in the context of the WTO's Trade Facilitation Agreement. The Dialogue has also explored the potential for technologies such as bar codes, QR codes, and RFID, along with product passports, to enable customs authorities to better monitor trade flows of products and their material composition.

Promoting Transparency of Trade-Related Policies and Measures Relevant to Plastic Pollution

Discussions in the Dialogue have explored the rationale and options for enhancing transparency of trade-related measures aimed at reducing plastic pollution. At present, there is poor transparency of the growing array of domestic plastic-related trade policies, environmental measures, and private sustainability standards on trade flows across the life cycle of plastics. The WTO's database on trade-related environmental measures is an important source of information on these measures, as is UNCTAD's Trade Analysis and Information System (TRAINS) database, but there are important challenges to keeping these up to date and also tracing the many emerging efforts by governments. The Dialogue has embarked on a first attempt to get a better grip of the range of measures to address plastic pollution undertaken by members and under development through a survey questionnaire circulated by Dialogue coordinators. The aim is to map trade-related measures and policies targeting plastic pollution, identify gaps and potential opportunities, and improve collective knowledge.^{17,18}

In terms of next steps, options noted in the Dialogue discussions include detailed analysis and information sharing by members, experts, and external stakeholders on trade policy options that can support reductions in plastic pollution, as well as on how and where trade rules and policies can impede plastic pollution reduction efforts. Dialogue discussions have noted the value of information sharing on best practices on the development and implementation of standards relevant to plastic pollution and their trade implications, including through a review of the landscape of relevant standards, gaps, and potential for cooperation. Participants have noted the need to better understand the impacts of trade and trade related policies and measures targeting plastic pollution, and identify specific areas where trade-related international cooperation on policies—such as bans, taxes, subsidies, extended producer responsibility schemes, green procurement

policies, transparency, supply chain requirements, and trade facilitation systems—would be especially valuable.

Bolstering Technical Assistance and Capacity Building Initiatives on Trade and Plastic Pollution

Enhanced capacity building and technical assistance to support the trade-related efforts of governments to tackle plastic pollution has been an important focus for the Dialogue. Aid for trade will be vital to support the trade-related efforts of developing country governments to tackle plastic pollution across the full life cycle of plastics, promote markets for non-plastic substitutes, support waste management facilities, or enhance domestic regulatory capacities.

An important area for international cooperation will be to include plastic-related issues in the strategic planning and priorities for the Aid for Trade Initiative. Aid for trade priorities identified in the course of the Dialogue include:

- enhancing the domestic regulatory capacities of governments to design and implement trade-related policies and measures relevant to plastic pollution;
- promoting trade in non-plastic substitutes;
- facilitating compliance with sustainability standards relevant to plastic pollution reduction and providing assistance to customs authorities in monitoring plastics trade and enforcing relevant regulations; and
- supporting access to, transfer, and uptake of technologies relevant to waste management, recycling, and clean up as well as more sustainable production of plastics.

The Dialogue coordinators have been active in highlighting the importance of support for tackling plastic pollution in the WTO Committee on Trade and Development, at the WTO Aid for Trade Global Review where a side event session was organized by the Dialogue coordinators on the topic of "Plastics, the

17. World Trade Organization, Informal Dialogue on Plastics Pollution and Environmentally Sustainable Plastics Trade (IDP), *Questions for a proposed survey on trade-related measures on plastics pollution*, WTO Doc. INF/TE/IDP/W/7/Rev.1 (June 9, 2022).

18. World Trade Organization, Dialogue on Plastics Pollution and Environmentally Sustainable Plastics Trade, *Pre-plenary meeting held on 19-20 September 2022*, WTO Doc. INF/TE/IDP/R/7 (October 5, 2022).

circular economy, and options to mainstream trade-related cooperation to tackle plastic pollution in Aid for Trade” (WTO, n.d.-b). As noted above, the Dialogue coordinators also initiated a survey of member needs in regard to trade and plastic pollution. Dialogue discussions have also highlighted the need for active engagement of developing countries to present their needs and priorities (Sugathan, 2022, p. 40).

A further option discussed at the Dialogue is to explore stronger cooperation between donors, the World Bank, and international organizations and initiatives such as the Basel Convention’s Plastic Waste Partnership¹⁹ and the Global Environment Facility on the trade-related aspects of plastic pollution.

Table 2. Workstream 1: Crosscutting Issues

Topics	Issues and Options Arising in Discussions
<ul style="list-style-type: none"> ▪ <i>Fostering international cooperation on transparency and data.</i> ▪ <i>Promoting capacity building and technical assistance.</i> ▪ <i>Fostering cooperation and collaboration with other international organizations and processes and collective approaches.</i> 	<ul style="list-style-type: none"> ▪ Cooperation at the WCO on HS amendment to support more granular monitoring and regulation of trade flows across the life cycle of plastics that are most relevant to plastic pollution, coupled with national action and international coordination on national trade classifications for the same purpose. ▪ Pursue practical technological options that could support the capacity of customs authorities to differentiate problematic plastic products at the border. ▪ Adopt and implement an aid for trade mandate on plastic pollution, including enhanced WTO technical assistance and capacity building on trade and plastic pollution. ▪ Advance priority-setting on plastic pollution and aid for trade through analysis of needs assessment survey on aid for trade. ▪ Promote collaboration between aid for trade donors and other development assistance initiatives to incorporate trade-related aspects in activities to tackle plastic pollution.

Source: Authors’ elaboration based on World Trade Organization, Informal Dialogue on Plastics Pollution and Environmentally Sustainable Plastics Trade (IDP), IDP plan 2022, WTO Doc. INF/TE/IDP/W/5 (February 21 2022).

19. In addition to the plastic waste amendments, the parties to the Basel Convention established, in 2019, the Plastic Waste Partnership to mobilize business, government, academic, and civil society actors to prevent and minimize plastic waste generation at the global, regional, and national levels. The partnership’s scope includes waste containing plastics generated and disposed nationally, as well as those which are imported or exported for waste management operations (Basel Convention, n.d.-c).

4.2 Workstream 2: Promoting Trade to Tackle Plastic Pollution

The second workstream in the Dialogue workplan focuses on the promotion of trade in ways that could support efforts to tackle plastic pollution. The workstream plan calls for attention to how members can promote trade in environmentally sustainable waste management technologies; environmentally sustainable and effective substitutes and alternatives; reused and recycled plastics, including by incentivizing increased reuse and recycling of plastics (considering evidence of their long-term impacts); and technologies for environmentally sustainable and effective substitutes and alternatives of interest to developing and least developed members, including SIDS which are especially vulnerable to marine litter and plastic pollution, and opportunities for their MSMEs.

Options, challenges, and opportunities discussed to date have mostly focused on promoting trade in goods, technologies, and services vital to environmentally sound waste management and promoting trade in environmentally sound and effective non-plastic substitutes and alternatives, including through trade facilitation measures as well as enabling technology access and technology transfer.

Promoting Trade in Goods, Technologies, and Services for Environmentally Sound Waste Management

The Dialogue is exploring the question of how to promote trade in goods, technologies, and services vital to environmentally sound plastic waste management, including those that can support waste collection and sorting, recycling, solid waste management, and clean up. A key consideration noted in discussions is the need for careful evaluation of the evidence on the degree to which different technologies are environmentally sound and the range of health and environmental criteria and issues that should be taken into account before promoting trade and use of different waste management options.

Among the options discussed to promote the production, diffusion, and uptake of goods, technologies, and services for environmentally sound waste management have

been reducing or eliminating import tariffs and non-tariff measures, improving financing and investment in such technologies, government procurement, and technology transfer and access initiatives. Discussion has also noted the potential for fostering partnerships with service providers that can bring "best practices" and technologies while ensuring approaches that are environmentally sound and also appropriate and adapted to local circumstances and employment needs. Developing countries have noted the importance of considering options that improve their capacity to produce and participate in supply chains for waste management technologies, including through approaches that foster technology access and transfer.

Promoting Trade in Substitutes and Alternatives

As above, participants have also been exploring options for promoting trade in environmentally sound and effective non-plastic plastic substitutes and alternatives such as reducing import tariffs and non-tariff measures, fostering investment, government procurement, and technology transfer and access initiatives, as well as aid for trade. For both non-plastics substitutes and alternative plastics, such as products made of recycled plastic content, the importance of technology transfer and access initiatives for developing countries has been noted, as has the development of international standards for responsible sourcing, production, product design, and waste management.

In the Dialogue workshop on substitutes and alternatives held in December 2022, there was attention to the importance of the environmental credentials and effectiveness of substitutes and alternatives, including the importance of life-cycle analysis of the environmental impacts of products. In terms of non-plastic substitutes, there was particular attention to how to realize potential opportunities for developing countries in the production and trade of non-plastic feedstocks and value-added products derived from natural fibres ranging from hemp, jute, and abaca to corn starch and seaweed, as well as bamboo. In terms of alternative plastics, discussions highlighted that this term captures a broad range of plastic materials and products, including those described as bio-based, biodegradable, compostable, recyclable, recycled, or containing a specific share of recycled content. The

term is often used to infer that these alternative plastics offer advantages in terms of environmental performance. Importantly, however, alternative plastics have a range of different characteristics such as the feedstocks and additives used in production, the process through which they are made (such as the resource efficiency or carbon footprint of production processes), their design (for example in terms of the features of the plastic materials or products), how sustainably they can be disposed of, reused, or recycled, and over what time frame and under what conditions they compost or biodegrade. The environmental credentials of each of these alternative plastics varies and the discussions highlighted that these are closely debated in scientific literature and by policymakers.

Among alternative plastics, recycled plastics or products that are entirely or partially made of recycled plastics appear to be most accepted in terms of their contribution to circular economy approaches, particularly because recycling markets can incentivize more effective plastic waste collection, reduce leakage, and potentially reduce virgin plastic production. However, discussion in the Dialogue has also highlighted the environmental and health issues associated with recycled plastics, including the environmental footprint of recycling processes, challenges of toxicity associated with recycled plastics, the non-recyclability of certain plastics and limited number of times that certain plastics can be recycled, the fact that production outstrips recycling capacity, and challenges of microplastic pollution associated with recycled plastics. Such considerations will continue to be relevant to discussions in the Dialogue in relation to where governments should focus potential cooperation in terms of trade promotion to support policymaking on plastic pollution.

There has also been some initial discussion in the Dialogue on the need to explore how trade and trade policies could support the development and implementation of “reuse and refill” retail and delivery systems across supply chains to reduce overall use of plastic packaging. Reuse systems can include those where businesses selling an item provide incentives to return packaging to be used for the same function and repeated a number of times (such as for packaging in the beverage, takeaway, and e-commerce sectors). There has also been discussion of “zero packaging” approaches where consumers bring their own containers for transporting goods. At the national level, some of the experiences and options for consideration include definitions and labelling of reuse and reusability, reuse targets, and standardization of products to support reuse (EIA & Deutsche Umwelthilfe, 2022).

Discussion in the Dialogue has further explored policy options that could favour and facilitate trade for products that are sustainably designed or produced and for secondary materials, such as recycled plastics, in ways that are consistent with the Basel Convention. In terms of trade facilitation, this includes the potential for expedited procedures for the movement of goods and services such as equipment for sorting and recycling equipment, non-plastic substitutes, or goods made from recycled or recyclable plastics, and for “reverse supply chain” efforts. In addition, opportunities and challenges related to facilitated customs procedures for certified plastic waste and scrap destined for certified environmentally sound waste management, in line with the Basel Convention plastic waste amendments, have been noted.

Table 3. Workstream 2: Promoting Trade to Tackle Plastic Pollution

Topics	Issues and Options Arising in Discussions
<p><i>Promoting trade in:</i></p> <ul style="list-style-type: none"> ▪ <i>Environmentally sustainable waste management technologies;</i> ▪ <i>Environmentally sustainable and effective substitutes and alternatives;</i> ▪ <i>Reused and recycled plastics, including by incentivizing increased reuse and recycling of plastics (considering evidence of their long-term impacts); and</i> ▪ <i>Technologies for environmentally sustainable and effective substitutes and alternatives of interest to developing members and least developed members, including SIDS, and opportunities for their MSMEs.</i> 	<ul style="list-style-type: none"> ▪ Facilitate trade for products, services, and technologies vital for environmentally sound plastic waste collection, sorting, management, recycling, and clean-up that are appropriate to local circumstances and to local employment needs. ▪ Cooperate on trade-related policies, standards, technology transfer, aid for trade, and investment that can promote trade in environmentally sustainable and effective non-plastic substitutes. ▪ Cooperate on measures that support the functioning of markets for environmentally sound recycling, in ways that support implementation and compliance with the Basel Convention plastic waste amendments. ▪ Support trade-related cooperation on business models that promote reuse and refill business models. ▪ Explore policy measures and partnership that promote affordable access and transfer of technologies vital to support the production, diffusion, and uptake of environmentally sustainable and effective substitutes and alternatives in developing countries.

Source: Authors' elaboration based on World Trade Organization, Informal Dialogue on Plastics Pollution and Environmentally Sustainable Plastics Trade (IDP), IDP plan 2022, WTO Doc. INF/TE/IDP/W/5 (February 21, 2022).

4.3 Workstream 3: Circularity and Reduction to Tackle Plastic Pollution

In terms of circularity and reduction to tackle plastic pollution, the Dialogue workstream has focused on the potential for trade-related approaches to support efforts to reduce unnecessary or harmful plastics and plastic products, including single-use plastics and plastic packaging associated with international trade, and on sharing experiences of effective approaches,

Discussions in this workstream have explored potential options for trade-related cooperation, starting by identifying options that countries are taking domestically. Discussions have highlighted that a range of countries have introduced policies that ban, regulate, or tax the production, use, or import of certain plastics, including but not limited to single-use plastics, and that outlaw the use of certain chemicals in plastic products as well as trade in certain plastic wastes. Relevant regulations that have been noted also include licensing restrictions and prior informed consent procedures.

Discussions have highlighted the need for greater international cooperation on regulatory frameworks, targets, and definitions of plastics that are harmful and problematic from a health and environmental perspective. They have also noted that fragmentation of efforts among countries can complicate the efforts of companies to move towards more sustainable production and circular practices. Further, the fact that some existing trade and trade-related policies support or indeed promote the expansion of trade in problematic and unnecessary plastics has also been noted.

Some of the options for collective action suggested in discussions include voluntary political commitments or cooperation on bans or restrictions of problematic plastic materials (including virgin plastics or types of virgin plastics) and problematic and unnecessary plastic products, such as pledges to ban exports of domestically prohibited goods (such as many types of single-use plastics). There have also been suggestions that a starting point for reducing trade in unnecessary plastic packaging could be attention to business-to-business plastic packaging used in the international transportation and distribution of products and their passage through ports. Other challenges noted as worthy of attention include reducing the unnecessary use of packaging for widely traded products (including processed food and pre-packaged products) and a review of import or supply chain requirements that may demand avoidable, unnecessary, and problematic plastic packaging, while being careful to consider implications for exporters, especially those from developing countries.

The Dialogue has also featured exchanges on options for trade-related cooperation on improved product design that can support plastic pollution reduction. Here key issues that have arisen are the need for greater international cooperation on regulations and standards, including on product design and packaging requirements, as well as on topics such as the material composition of products, and transparency in that regard, labelling of products, and on efforts such as right to repair legislation that aim to extend product life as well as standards and trade-related issues related to the reuse and remanufacture of products that contain plastics. In terms of regulatory cooperation, the implementation and coordination of domestic extended producer responsibility schemes has

been noted as an area for cooperation, including attention to the responsibility of producers and retailers across international supply chains and in the countries where they export.

Discussions in the Dialogue have also highlighted the importance of regulating trade in hazardous, contaminated, and mixed plastic wastes, and in tackling illegal plastic waste trade. Here, members have noted that the Basel Convention plastic waste amendments provide a global governance framework for trade in plastic waste, but that ensuring implementation of the amendments at the national level and controls of plastic waste shipments will require financing, capacity building, and training, including of customs authorities. A key priority is to ensure countries implement the Basel Convention's prohibitions on plastic waste and only accept shipments of plastic waste in line with the prior informed consent procedure and requirements for environmentally sound management and adequate recycling capacity, set out in the Basel Convention plastic waste amendments. Discussions have also highlighted the need for further cooperation in the context of the Basel Convention to clarify terms such as what constitutes "adequate recycling capacity" or how this is to be measured and certified, and what kinds of waste can be considered "almost free from contamination." In addition, discussions at the Dialogue have underlined the importance of stepped-up efforts to tackle illegal plastic waste trade, noting the challenges of intentional mischaracterization of some shipments to evade controls and also the fact that even "legal" shipments can be mishandled.

Discussions have further noted the relevance of cooperation on the development and implementation of international standards for waste management and recycling to support implementation of commitments on plastic waste trade. In addition, discussions have highlighted the need to combat illegal plastic waste trade. In this area, Interpol and the United Nations Office on Drugs and Crime have noted options for enhancing international waste traceability through the use of new technologies and better information exchange and intelligence sharing between exporting and importing countries, as well as the importance of capacity building (Interpol, 2020).

Finally, subsidies have also been noted in the Dialogue as a relevant topic for trade-related cooperation on the grounds that they can artificially lower the price of virgin plastic feedstocks, as well as intermediate and final plastic products. Cheap virgin plastic impedes plastic pollution reduction efforts by undercutting recycling markets, discouraging the use of secondary, recycled raw materials by plastic producers, and limiting the space for natural material non-plastic substitutes. The subsidies provided to different parts of the plastics industry are hugely diverse and largely opaque. Preliminary evidence suggests that subsidies to the plastic sector tend to apply mainly upstream to activities linked to fossil fuel feedstocks, petrochemical production, and primary plastics as compared to midstream activities (i.e. production of intermediate and final plastic products) or downstream to waste collection and recycling (Steenblik, 2020).

Some of the possibilities that have been mentioned by participants in the Dialogue include voluntary pledges on prohibitions and phased elimination of future subsidies. Other options include redirecting subsidies towards reuse business models, non-plastic substitutes, or environmentally sound waste management capacity. Proponents have noted the potential for synergies with discussions on subsidies under way in the context of the member-led Trade and Environmental Sustainability Structured Discussions and the Fossil Fuel Subsidies Reform initiative, which seeks to build shared understanding towards the rationalization and phase out of inefficient fossil fuels with an eye to achieving ambitious and effective disciplines on fossil fuel subsidies that encourage wasteful consumption.²⁰

Table 4. Workstream 3: Circularity and Reduction to Tackle Plastic Pollution

Topics	Issues and Options Arising in Discussions
<ul style="list-style-type: none"> ▪ <i>How trade-related cooperation could help to support efforts to reduce unnecessary or harmful plastics and plastic products, including single-use plastics and plastic packaging associated with international trade.</i> ▪ <i>Sharing experiences of effective approaches to move towards more circular, resource-efficient, and environmentally sustainable plastics trade.</i> 	<ul style="list-style-type: none"> ▪ Reduce trade in unnecessary/avoidable, problematic, or toxic plastic materials, items, products, or waste (such as through individual or collective action on bans, quantitative restrictions, charges or taxes, extended producer responsibility, technical regulations, and standards). ▪ Harness trade policies to reduce virgin plastic production and trade (such as cooperation on the reduction of subsidies to fossil fuel and plastics). ▪ Support implementation of the Basel Convention plastic waste amendments, focused on regulating trade in plastic waste that is hazardous, contaminated, or mixed, as well as waste that is non-recyclable and not destined for certified environmentally sound recycling facilities.

Source: Authors' elaboration based on World Trade Organization, Informal Dialogue on Plastics Pollution and Environmentally Sustainable Plastics Trade (IDP), *IDP plan 2022*, WTO Doc. INF/TE/IDP/W/5 (February 21, 2022).

20. World Trade Organization, Ministerial Statement on Fossil Fuel Subsidies, WTO Doc. WT/MIN(21)/9/Rev.1 (December 14, 2021).

5. Next Steps

In its first year, the WTO Dialogue on Plastics Pollution made a significant contribution to building shared understanding of the linkages between trade and plastic pollution, as well as options for harnessing trade and trade policies to support national and international efforts to end plastic pollution. In so doing, the Dialogue has demonstrated that the engagement of stakeholders and experts in the work of the Dialogue can contribute to and strengthen the identification of issues, challenges, and opportunities relevant to cooperation in this area. In 2022, the Dialogue was a critical vehicle for members to share national experiences and to build the knowledge base for future work through surveys of their trade-related plastic pollution members and capacity building needs.

As governments continue negotiations on an international legally binding instrument to end plastic pollution, Dialogue members have the opportunity to identify specific areas for trade-related cooperation and advance collective action at the WTO and beyond that can support this global effort. The founding ministerial statement for the Dialogue underlines the goal of identifying concrete, pragmatic, and effective outcomes at the latest by MC13. This means that 2023 is a critical year for members not only to identify actions that they could potentially take collectively, but to actively foster concrete commitments and collective action. This could include a matrix of options for each workstream, to which WTO members could make voluntary commitments or pledges to trade-related contributions or

actions, working individually or collaboratively, to support global efforts to reduce plastic pollution.

Importantly, some of the voluntary commitments and collective actions may be of interest to a wider set of WTO members, including those that have not formally co-sponsored the Dialogue. Just as the Dialogue is open for all members to join or participate in, inviting the broad diversity of members to consider contributing to concrete outcomes for MC13 would help broaden the environmental impact of the effort. A key priority will be for Dialogue members to continue to share information in the Committee on Trade and Environment, and in international processes focused on plastic pollution, where environmental policymakers could be invited to lend their expertise and support for trade-related efforts that can support their efforts to tackle plastic pollution. A joint session or workshop of the Dialogue in 2023 connecting environment and trade policymakers on plastic pollution could be a concrete way to forge cooperation between trade and environmentally ministries nationally and coordination across international processes. Stakeholders will also continue to have a critical role to play in fostering ambitious and environmentally credible outcomes, building support for action on trade and plastic pollution, providing evidence and expertise, producing evidence-based policy options and vision in terms of outcomes that could be achieved, and promoting synergies across international processes to advance the the shared goal of ending plastic pollution.

ABBREVIATIONS

IMO	International Maritime Organization
ISO	International Organization for Standardization
HS	Harmonized Commodity Description and Coding System
MC13	Thirteenth WTO Ministerial Conference
MSMEs	Micro, Small, and Medium-Sized Enterprises
SIDS	Small Island Developing State
UNEA	United Nations Environmental Assembly
UNEP	United Nations Environment Programme
UNCTAD	United Nations Conference on Trade and Development
WCO	World Customs Organization
WTO	World Trade Organization

Box 3. Useful Official Reference Documents and Web Links for Delegates at the Dialogue on Plastics Pollution

- Webpage for the Dialogue ministerial statements, Dialogue meeting agendas, presentations, and statements by stakeholders and some WTO members, informal summaries by coordinators, aide memoires from facilitators, as well as WTO Secretariat documents and presentations. https://www.wto.org/english/tratop_e/ppesp_e/ppesp_e.htm
- World Trade Organization, Ministerial Statement on Plastic Pollution and Environmentally Sustainable Plastics Trade, WTO doc. WT/MIN (22)/1 (June 13, 2022). <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/WT/MIN22/12.pdf&Open=True>
- World Trade Organization, Informal Dialogue on Plastics Pollution and Environmentally Sustainable Plastics Trade (IDP), *Questions for a Proposed Survey on Trade-Related Measures on Plastics Pollution*, WTO doc. INF/TE/IDP/W/7/Rev.1 (June 9, 2022). <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/INF/TEIDP/W7R1.pdf&Open=True>
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- World Trade Organization, Informal Dialogue on Plastics Pollution and Environmentally Sustainable Plastics Trade (IDP), *Factual report*, WTO Doc. INF/TE/IDP/W/3 (October 4, 2021). <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/INF/TEIDP/W3.pdf&Open=True>
- Committee on Trade and Environment, WTO Informal Dialogue on Plastics Pollution and Environmentally Sustainable Plastics Trade, *Communication from Australia, Barbados, Canada, China, Fiji, The Gambia, Jamaica, Kazakhstan, Morocco, New Zealand, Switzerland and Thailand*, WTO Doc. WT/CTE/W/250 (December 15, 2020). <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/WT/CTE/W250R3.pdf&Open=True>

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ANNEX 1. Ministerial Statement on Plastic Pollution and Environmentally Sustainable Plastics Trade (2021)

INFORMAL DIALOGUE ON PLASTIC POLLUTION AND ENVIRONMENTALLY SUSTAINABLE PLASTICS TRADE (IDP) MINISTERIAL STATEMENT ON PLASTIC POLLUTION AND ENVIRONMENTALLY SUSTAINABLE PLASTICS TRADE

Revision

The following communication, dated 10 December 2021, is being circulated at the request of Albania; Australia; Barbados; Cabo Verde; Cambodia; Cameroon; Canada; Central African Republic; Chad; Chile; China; Colombia; Costa Rica; Ecuador; European Union; Fiji; The Gambia; Honduras; Hong Kong, China; Iceland; Jamaica; Japan; Kazakhstan; Korea, Republic of; Macao, China; Morocco; New Zealand; Norway; Panama; Peru; Philippines; Russian Federation; Singapore; Suriname; Switzerland; Thailand; Tonga; United Kingdom; Uruguay; and Vanuatu.

We, the Ministers representing the following Members of the WTO: Albania; Australia; Barbados; Cabo Verde; Cambodia; Cameroon; Canada; Central African Republic; Chad; Chile; China; Colombia; Costa Rica; Ecuador; European Union; Fiji; The Gambia; Honduras; Hong Kong, China; Iceland; Jamaica; Japan; Kazakhstan; Korea, Republic of; Macao, China; Morocco; New Zealand; Norway; Panama; Peru; Philippines; Russian Federation; Singapore; Suriname; Switzerland; Thailand; Tonga; United Kingdom; Uruguay; and Vanuatu issue this statement:

Recalling that the Marrakesh Agreement Establishing the WTO recognizes the role of trade in achieving the objective of sustainable development and the need to protect and preserve the environment.

Noting the role of trade in contributing to the achievement of Sustainable Development Goals and environmental sustainability, including the fight against climate change, pollution and biodiversity loss.

Recognizing that the rising environmental, biodiversity, health and economic costs of plastic pollution are a concern that increasingly unites all Members, and that the COVID-19 pandemic has only amplified these concerns.

Recalling the need for further commitment and actions across the life cycle of plastics to address marine litter and microplastics, including through a circular economy approach.

Acknowledging the impact that plastic pollution (including microplastics pollution) has on economies and the environment, including on oceans, coastal and terrestrial environments, particularly on Small Island Developing States (SIDS) which are especially vulnerable to environmental impacts, and recognizing the challenges that developing members and least developed Members face in addressing trade-related aspects of plastics pollution, including in moving towards environmentally sustainable and effective substitutes and alternatives and the role for multilateral trade cooperation in promoting good practices.

Recalling the inaugural statement (WT/CTE/W/250/Rev.1) and reaffirming our commitment to addressing the trade-related aspects of the plastic pollution challenge, including by supporting synergies between the WTO and other international organizations, in particular the Secretariats of Multilateral Environmental Agreements and their related processes.

Acknowledging the many international, regional and domestic efforts, decisions and processes aimed at addressing the plastic pollution challenge in other fora, including, inter alia, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Basel Convention) and its Plastic Waste Amendments, and in the context of the United Nations Environment Assembly (UNEA), and highlighting the opportunities for enhanced cooperation among the different processes working towards a common vision taking into account the importance to ensure complementarity and avoid duplication of efforts.

Noting that recent research by the United Nations Conference on Trade and Development (UNCTAD) indicates trade in plastics accounts for as much as 5 % of global trade—or more than 1 trillion US dollars in 2019—almost 40% higher than previously estimated, with more trade in plastics still unaccounted.

Noting the importance of work in the WTO Committee on Trade and Environment as well as the synergies with other processes and initiatives at the WTO, and that work on this topic is a key part of broader WTO discussions to advance shared trade and environmental sustainability objectives.

Recognizing the contribution of our discussions so far (as summarized in the IDP Factual Report – INF/TE/IDP/W/3), which covered all six topics initially agreed (WT/CTE/W/250/Rev.1)¹, to provide a clearer picture of international, regional, and domestic efforts to reduce plastic pollution and transition to a more circular and environmentally sustainable global plastics economy, as well as synergies, and the opportunities and value-added nature of addressing trade dimensions of the topic.

Noting the value and importance of proactive engagement by a broad diversity of Members and relevant stakeholders, including, inter alia, international organizations and institutions, trade and environmental authorities and domestic bodies, the private sector, academia, and civil society.

We have accordingly reached the following shared understandings:

1. To intensify our work on areas of common interest with a view to identifying actions that participating Members could take collectively to support global efforts to reduce plastics pollution. Inter alia, this includes:
 - Identifying ways to improve the understanding of global trade in plastics, including flows of plastics embedded in internationally traded goods or associated with them (such as plastic packaging), and enhance transparency regarding trade policies relevant to reducing plastic pollution and more environmentally sustainable plastics trade.
 - Sharing experiences of effective approaches to move towards more circular, resource efficient and environmentally sustainable plastics trade.
 - Addressing trade-related capacity building and technical assistance needs of developing members, in particular least developed members and vulnerable SIDS, to support their efforts to:
 - move towards more circular plastics economies;
 - improve the environmentally sound management, recovery and recycling of plastics;
 - facilitate access to key technologies;
 - expand trade in environmentally sustainable and effective substitutes and alternatives;
 - encourage collaboration with the relevant stakeholders through, inter alia, the exchange of knowledge and experience relating to the development of and access to environmentally sustainable and effective (including cost and functionally effective) substitutes and alternatives to single-use plastics;

- develop and strengthen local capacities to produce environmentally sustainable and effective substitutes and alternatives to single-use plastics; and
 - design and implement trade policies to address plastic pollution.
- Considering plastic pollution and environmentally sustainable plastics trade in Aid for Trade with environmentally sustainable objectives.
2. We emphasize the importance of continuing to engage and support actions in other international processes, including:
 - Enhancing cooperation with other international organizations in areas such as definitions, scope, standards, design and labelling for plastics (including plastic packaging) and capacity building that would promote a more environmentally sustainable plastics sector, including through relevant international processes, and intensifying our work and continued cooperation on areas of common interest, such as the ongoing discussions towards a new global instrument on plastics at UNEA-5, the ISO, and the Basel Convention.
 - Identifying effective trade policies or measures to support the implementation of actions under other international processes and efforts and strengthening cooperation and policy coherence within rules and mechanisms of the WTO.
 - Identifying actions needed to improve gathering of data on trade flows and supply chains, including by utilizing the Harmonized Commodity Description and Coding System (HS Convention) of the World Customs Organization or other trade instruments or standards, such as UN/CEFACT, and the flow of information about the chemical and material characteristics of plastic products traded internationally.
 3. To hold dedicated discussions with a view to identify best practices and share experiences regarding:
 - How trade-related cooperation could help to support efforts to reduce unnecessary or harmful plastics and plastic products, including single-use plastics and plastic packaging associated with international trade that are not essential for medical or sanitary purposes, with special attention to issues and challenges arising for developing members.
 - How to promote trade in goods and services including the use of technologies that can reduce plastic pollution, such as: environmentally sustainable waste management technologies; environmentally sustainable and effective substitutes and alternatives; and reused and recycled plastics, including by incentivizing increased reuse and recycling of plastics (considering evidence of their long-term impacts), and identifying technologies for environmentally sustainable and effective substitutes and alternatives of interest to developing members and least developed members, including SIDS which are especially vulnerable to marine litter and plastic pollution, and opportunities for their MSMEs.
 4. We invite other WTO Members to join this Ministerial Statement.
 5. We will continue to regularly update Members to ensure progress and cooperation on implementing actions of this Ministerial Statement, and to inform WTO Members about the IDP, including through the Committee on Trade and Environment.
 6. We will look for concrete, pragmatic, and effective outcomes on these actions and understandings at the latest by MC13.

Source: World Trade Organization, Ministerial Statement on Plastic Pollution and Environmentally Sustainable Plastics Trade, WTO Doc. WT/MIN(21)/8/Rev.2 (December 10, 2021).

ANNEX 2. Ministerial Statement on Plastic Pollution and Environmentally Sustainable Plastics Trade (2022)

INFORMAL DIALOGUE ON PLASTIC POLLUTION AND ENVIRONMENTALLY SUSTAINABLE PLASTICS TRADE (IDP)
MINISTERIAL STATEMENT ON PLASTIC POLLUTION AND ENVIRONMENTALLY SUSTAINABLE PLASTICS TRADE

Revision

The following statement, dated 13 June 2022, is being circulated at the request of the Ministers of the coordinators of the Informal Dialogue on Plastic Pollution and Environmentally Sustainable Plastics Trade (IDP): Australia, Barbados, China, Ecuador, Fiji and Morocco.

Plastic pollution is an immense challenge facing the world. Cosponsors of the WTO Dialogue on Plastic Pollution are committed to addressing the trade-related aspects of plastic pollution and to identifying opportunities for cooperation on trade and trade policies that could support the range of domestic and international efforts underway to reduce plastic pollution.

We welcome the United Nations Environment Assembly resolution to launch negotiations with the goal of forging an international legally binding instrument by the end of 2024 to end plastic pollution.

We have made substantial progress since the Ministerial Statement was made on 15 December 2021. The number of cosponsors has also grown to 72 WTO Members.

We have taken a number of tangible steps to implement the Ministerial Statement of the Dialogue on Plastic Pollution.

We have intensified our work on areas of common interest with a view to identifying actions that participating Members could take collectively to support global efforts to reduce plastic pollution. We have launched a voluntary survey on trade-related measures relevant to plastic pollution reduction (INF/TE/IDP/W/7/Rev.1), which will help build a deeper understanding of the range of policy tools WTO Members employ or could adopt to address plastic pollution, and the areas where international cooperation through a trade dimension is most vital. We have also launched an Aid for Trade needs assessment review (INF/TE/IDP/W/8/Rev.1) – the results of which will support WTO Members understanding of the needs of developing Members to address plastic pollution through trade and trade policies where international cooperation is most needed.

We have and will continue to deepen our collaboration with other international processes and organizations to ensure we are engaging and supporting efforts to address this multifaceted and complicated problem. In our communication on 8 June 2022 (INF/TE/IDP/W/6/Rev.1), we announced our intention to deepen engagement with the World Customs Organization to cooperatively address trade-related aspects of plastic pollution. We are expanding our cooperation with the United Nations Environment Programme. We will organize a workshop in collaboration with the United Nations Conference on Trade and Development (UNCTAD) and other relevant stakeholders on plastics substitutes and alternatives.

We welcome the active participation of all WTO Members in the Dialogue on Plastic Pollution. We are committed to maintaining an open, inclusive, and transparent process.

We value and recognise the proactive engagement of multiple stakeholders. We will continue to openly engage with relevant stakeholders to seek advice and guidance, and to rely on their expertise and competences, particularly of the trade and environment community.

We look forward to working with the cosponsors and all WTO Members as we advance our efforts to address the trade-related aspects of plastic pollution and develop further concrete, pragmatic and effective outcomes by MC13.

Source: World Trade Organization, Ministerial Statement on Plastic Pollution and Environmentally Sustainable Plastics Trade, WTO Doc. WT/MIN(22)/12 (June 13, 2022).

About TESS

By promoting dialogue on trade, the environment, and sustainable development, the Forum on Trade, Environment & the SDGs (TESS) supports a trading system that addresses global environmental crises and advances the Sustainable Development Goals. Our work catalyses inclusive, evidence-based, and solutions-oriented debate, facilitates engagement between policy communities, and inspires governments and stakeholders to build consensus for meaningful action on trade and trade policies that work for people and the planet. TESS is a partnership of the Geneva Graduate Institute and the United Nations Environment Programme (UNEP), housed at the Geneva Trade Platform.

Authors

Carolyn Deere Birkbeck is Director, TESS. **Mahesh Sugathan** is Senior Policy Advisor, TESS. **Simon Ardila Eraso** is Research assistant, TESS.

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 info@tessforum.org