

## **Statement by the Forum on Trade, Environment, & the SDGs (TESS)**

### **WTO Dialogue on Plastics Pollution and Environmentally Sustainable Plastics Trade (DPP)**

Pre-Plenary  
21 September 2023

Thank you for the opportunity to intervene this morning. To begin, TESS would like to congratulate Rhys on his new appointment in Canberra. You have brought such leadership and energy to the DPP discussions as a co-coordinator, and will be hugely missed.

It has been encouraging to review the first draft of the proposed statement for the Thirteenth WTO Ministerial Conference (MC13). TESS is grateful for the opportunity to provide some brief comments. Overall, we view it as a commendable first draft.

The shared principles represent a good foundation on which to build trade-related cooperation to address plastic pollution now and beyond MC13. We also commend the progressive set of actions outlined in the draft statement and efforts to populate the annexes with concrete and meaningful options and examples. The focus on a move from identifying actions to advancing actions is in line with the vision of Ministers set out in your Ministerial Statement in the lead up to MC12. The Ministerial Statement will be successful if it catalyses and captures commitments to concrete action, provides direction for future work, signals momentum, and illustrates the capacity for cooperation on trade and trade policy here at the WTO to respond to urgent global challenges.

Looking ahead, key elements that we deem vital as DPP members consider a next iteration of the draft is to ensure that the statement:

- Maintains the balance of topics in the MC12 statement;
- Reflects recognition of the impacts of plastic pollution on developing countries and the specific impacts on vulnerable economies and small island developing states (SIDS);
- Maintains emphasis of protecting human health as well as the environment, which reflects developments in the plastics treaty process;
- Continues to be underpinned by environmental credibility;
- Continues to support the ambition and direction of the plastics treaty discussions as well as developments in other relevant international agreements, such as the Basel Convention.

For the next draft, we urge you to add specific language on follow up action, including reference to a roadmap for further work and the broad contours of potential goals, deliverables, and outcomes for MC14.

At the same time, we would like to encourage Members to be ambitious in populating the annexes in the next iteration of the draft statement. Here are a few examples of this increased ambition.

First, in Annex I, we suggest that there could be more explicit recognition of specific steps that could be taken at the WTO to increase transparency of trade flows and trade measures. While a number of positive measures are outlined in Annex I, there should be a more explicit reference to transparency-related measures that WTO Members could take individually or collectively as well as in collaboration with relevant international organizations, such as the WCO as well as in collaboration with UNCTAD and the BRS Conventions.

In Annex II, we welcome the inclusion of elements on trade-related capacity building and technical assistance needs of developing Members, least developed Members, and vulnerable SIDS identified in dialogue discussions and also welcome the inclusion of further elements based on Member responses to the voluntary survey on the Aid for Trade Global Review and Needs Assessment. We hope that the identification of Aid for Trade priorities and needs will be an ongoing process in which more DPP Members, particularly developing and least developed countries and SIDS, will continue to engage and highlight specific needs and priorities. We believe many more priority issues of interest to developing countries and least developed countries could be reflected in Annex II. For example, there is a reference to developing and strengthening local capacities for “better product design, including for environmentally sound and safe substitutes.” However, in addition to product design, from a trade viewpoint, Members may wish to consider also including a reference to strengthening local capacities for manufacturing and for participation in value chains for more sustainable products, as well as environmentally safe and sound substitutes. This is likely to require support for technology transfer, and implementation of standards as well as access to trade finance, among other elements. Many developing countries and our colleagues at the WCO and BRS have also highlighted in these discussions the importance of support for customs authorities to monitor and regulate trade in plastics and plastic products at the border.

Members may also wish to consider including in Annex II a reference to technical assistance in the design and implementation of effective legislation and regulations related to bans or restrictions of trade in certain kinds of plastics such as to reduce unnecessary or harmful plastics and plastic products, including single-use plastics, as well as options for collective action on this issue at the regional level.

In the draft of the MC13 statement, there is reference to the principle of “deepening cooperation and collaboration with other international organizations, secretariats and processes, ensuring complementarity and avoiding duplication, and ensuring that the work is informed by and supports the ongoing INC negotiations, and implementation of relevant Multilateral Environment Agreements, as well as relevant technical and scientific developments.” On this basis, we think it would be useful to include a reference, in Annex II, of informing Members of developments in discussions within the plastics treaty process on means of implementation, including a financial mechanism to support the implementation of the instrument. Conversely, it will also be vital that the plastics treaty process is informed by discussions here in the DPP on trade-related considerations and capacity building needs, so we hope that you can include an ongoing commitment for the DPP and the WTO Secretariat to be active in contributing to trade-related expertise and considerations. This will enable exploration of further synergies in the future between Aid for Trade initiatives on plastics and plastic pollution and any financial mechanism that may be set up to facilitate the implementation of the plastics treaty.

In terms of Annex III, V, and VI, we think the lists of products for reduction measures as well as for substitutes, alternatives, and other relevant goods and services for promotion represent a solid foundation.

In each of the illustrative lists related to products, goods, technologies, and services for promotion, it is vitally important for the environmental credibility and impact of the DPP that any product or service promoted are environmentally safe and sound. To ensure that the Ministerial Statement goes beyond “more words” and helps to catalyse concrete individual and collective action, we view the Annexes as vital and integral to the Ministerial Statement. Given that the product lists are being described as non-exhaustive, non-binding, and evolving, we hope that in the coming few weeks and months, Members will be able to be ambitious ensuring that the Annexes contain a first set of concrete examples or products.

In considering products and relevant trade policy options, we urge you to look beyond existing products and combinations of measures and products for reduction or promotion. You could include products for which trade-related policy measures may not exist presently but are under consideration or warrant consideration for individual, regional, or collective action. These preliminary lists could be a “placeholder” for adding further products in the future, including pursuant to the conclusion of a plastics treaty.

In terms of environmental credibility, we also have a few words of caution. We note that polylactic acid (PLA) has been included as an example of an alternative plastic in Annex V, and caution that there are environmental concerns surrounding PLA and more broadly with a range of bioplastics, which have been mentioned on numerous occasions in the DPP by Members and stakeholders. Our suggestion is to focus in Annex V on a list of environmentally safe, sound, and effective non-plastic substitutes, and to focus on a limited number of alternative plastics, such as recycled plastics and plastic products like recycled-PET, recognizing that there are still numerous concerns related to the toxicity of recycled plastics for certain applications and there is a need for international standards related to recycling processes and products to ensure these are environmentally sound and protect human health. This does not preclude Members being open to further discussions informed by technical institutions and environmental experts, but we think it makes most sense to make a start on products on which there is high consensus and evidence supporting their sustainability from an environmental and human health perspective.

Further, in the lead up to MC13, we encourage Members to increase the level of ambition by making their own individual or collective announcements of various trade policy measures for reduction as well as promotion that they may be already undertaking or considering in the future either nationally, regionally, or collectively. This could be one way to ensure that the principles and commitments outlined in the Ministerial Statement, as well as your collective efforts at identifying products, needs, and measures in the Annexes, are translated into concrete outcomes in the form of specific commitments or pledges.

In the coming few months before MC13, we urge you each to consult actively with your environment ministries and stakeholders in regard to the Annexes so that these can be both meaningful and credible, and to harness this opportunity to show how work at the WTO can support and complement the plastics treaty and its eventual implementation.

Finally, we would like to congratulate all of the DPP co-coordinators and Members for the hard work over the past year that has shaped this encouraging draft statement.