



## WTO Dialogue on Plastic Pollution

### CIEL's Written Statement

7th of December 2022

#### STATEMENT FOR DISTRIBUTION

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Your excellencies,  
Ladies and gentlemen,  
Distinguished members of the WTO,

The Center for International Environmental Law (CIEL) thanks all the Delegates, the Secretariat and Colleagues for their hard work this year at the WTO on the topic of plastic pollution.

Our understanding of plastic – and its polluting impacts on the environment, climate, human rights and human health – has evolved greatly over the years, and has led us to the negotiations of an international Treaty on Plastic Pollution and to *this* Dialogue here at the WTO.

In its first year, we witnessed how the Dialogue on Plastics Pollution (DPP) made a significant and an important contribution to a better understanding of the linkages between trade and plastic pollution. The Dialogue also became the most open of any WTO process to date in terms of stakeholder participation, as well as the most transparent. We hope that DPP coordinators and facilitators will share some of their practice so as to increase awareness of what the DPP does and how stakeholders can get involved in the future.

In 2022, the Dialogue also became a critical vehicle for members to share national experiences and capacity building needs. And we hope Dialogue Members will continue to share information, in order to strengthen the Dialogue working base in the incoming weeks.

As governments continue negotiations on an internationally legally binding instrument to end plastic pollution in 2023, the Dialogue has a lot to offer to identify and foster specific areas for trade-related cooperation that can support this global effort by identifying concrete, pragmatic, and effective outcomes as stressed by the founding ministerial statement of the Dialogue.

One area that we believe Dialogue Members need to explore more and increase their effort, is the workstream of reduction of plastics. In these last 2 years, it has become ever more clear that we do not have time to waste in this regard. **Petrochemical companies are producing more than 400 million tons of plastics per year**, and we are *already* drowning in plastic pollution.<sup>1</sup> **That production is planned to double or even triple to many hundreds of millions of tons each year. If the scale of the current production is *already* creating an urgent crisis** – a common concern of humankind – growing production prospects will exacerbate the crisis.

As the UN Secretary General said last week: “Plastics are fossil fuels in another form and pose a serious threat to human rights, the climate and biodiversity”. And he added “I call on countries to look beyond waste **and turn off the tap on plastic**”.<sup>2</sup>

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<sup>1</sup> See e.g. United Nations Environment Programme, Report: Drowning in Plastics- Marine Litter and Plastic Waste Vital Graphics <https://www.unep.org/resources/report/drowning-plastics-marine-litter-and-plastic-waste-vital-graphics>

<sup>2</sup> António Guterres on Twitter, <https://twitter.com/antonioguterres/status/1598667368296751109>.



While we need to think about substitutes and alternatives to plastics among other things, we can not address plastic *pollution* without addressing the **reduction** of plastic **production**. And in the context of the plastic pollution crisis, plastic production reduction **is a means and not just the consequence of policies**.

We urge Members to strengthen their efforts on the reduction workstream, to identify concrete outcomes to **phase down the amount of plastics being produced**, because we are *already* drowning.

While UNEA processes keep ongoing, this could include initiatives that support the phase-down of single-use plastics, which comprises around 40 percent of all plastic produced,<sup>3</sup> and discuss the effectiveness and ongoing implementation of existing plastic related trade restrictions on single used plastics, so as to better understand how to make them efficient and see which are the lessons learned and action points that can be taken from a trade perspective.

Additionally, UNEP's document produced for INC1 called '*Overview of information to promote cooperation and coordination with relevant regional and international conventions, instruments and organizations*' mentioned the following: "Given the potential of trade in moderating the global supply and demand for plastics, the committee may wish to consider whether the instrument could promote close collaboration with trade-related organizations such as **UNCTAD and WTO in the development of legal and policy guidance and capacity-building programmes for countries to gradually phase out the trade of certain types of plastics and plastic wastes, such as those specified under the Basel Convention**" (emphasis added).<sup>4</sup> The Plastic Waste Amendments of the Basel Convention created a new listing in Annex VIII (A3210) for plastic wastes **presumed to be hazardous**, and where a trade restriction shall apply. The Waste Amendments also made a listing of plastic wastes that require **special consideration** (because of the risks they pose for the environment and human health), through a new listing in Annex II (Y48). In short, there is some common understanding at the international level of what constitutes hazardous plastics or that need special consideration and that we need to avoid producing in the first place. Dialogue members could make use of what is already in the Basel Convention to reduce and ultimately phase out hazardous plastics or products that are at risk of becoming hazardous plastic waste.

Another topic where the involvement of Dialogue Members is key to address plastic pollution is a better understanding of the trade implication of moving towards alternative systems, meaning the development of reuse and refill systems (which have demonstrated to be less polluting and more advantageous from an economic perspective).<sup>5</sup> What are the things that could be done from a trade perspective to increase the development of reuse and refill systems? And which are the challenges, needs and opportunities from a trade perspective?

Innovation will most certainly be necessary as we pursue a future free of plastic pollution. However, innovation needs to include scalable systems of re-use and refilling which we have not discussed much this year. And we also have to be cautious to not promote old ideas that fall short for human health and for the planet, and I am referring here to bioplastics, biodegradable plastics and chemical recycling.

We look forward to supporting the Dialogue's work in the incoming year. Congratulations again for your efforts this year.

Please accept, Excellencies and colleagues, the assurances of our highest consideration.

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<sup>3</sup> Single use plastic is defined as a product that is made wholly or partly from plastic and that is not conceived, designed or placed on the market to accomplish, within its life span, multiple trips or rotations by being returned to a producer for refill or re-used for the same purpose for which it was conceived. Meaning that any plastic that is intended for one-time use—such as plastic bags, sachets, bottles, and food, drink, and non-food packaging, designed to be used only once and then disposed of. This includes recyclable packaging.

<sup>4</sup> United Nations Environment Programme, Overview of information to promote cooperation and coordination with relevant regional and international conventions, instruments and organizations [UNEP/PP/INC.1/10](https://www.unep.org/inc1/10).

<sup>5</sup> ZeroWasteEurope, Reusable VS single-use packaging: a review of environmental impact, <https://zerowasteurope.eu/library/reusable-vs-single-use-packaging-a-review-of-environmental-impact/>.



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