

Call for written submissions – Proposed response template on the potential options for elements towards an international legally binding instrument

On 9 December 2022, the Executive Secretary of the INC Plastic Pollution Secretariat sent a notification inviting written submissions from members of the committee and from observers. The template below is intended to provide guidance to members of the committee and observers in structuring the written submissions.

As requested by INC-1, written submissions will inform the secretariat in the preparation of a document with potential options for elements towards an international legally binding instrument, for consideration at the second session of the INC, without in any way prejudging what the committee might decide regarding the structure and provisions of the instrument. The document is to be based on a comprehensive approach that addresses the full life cycle of plastics as called for by UNEA resolution 5/14, including identifying the objective, substantive provisions including core obligations, control measures, and voluntary approaches, implementation measures, and means of implementation.

The template below is meant to assist Members and Observers to prepare their written submission as a guide. A number of documents prepared for INC-1 are of relevance, notably UNEP/PP/INC.1/5 on 'Potential elements, based on provisions in paragraphs 3 and 4 of United Nations Environment Assembly resolution 5/14, including key concepts, procedures and mechanisms of legally binding multilateral agreements that may be relevant to furthering implementation and compliance under the future international legally binding instrument on plastic pollution, including in the marine environment'.

The template is divided into three sections:

- I. Substantive elements
- II. Implementation elements
- III. Additional input

All written submissions must be sent to unep-incplastic.secretariat@un.org. The statements received will be compiled and made available the INC webpage.

Please note that it is not required for all fields to be answered in the template for submission.

Deadline for submissions:

- 6 January 2023 for written submissions from observers.
- 10 February 2023 for written submissions from Members of the Committee.

TEMPLATE FOR SUBMISSIONS

Name of country (for Members of the committee)	
Name of organization (for observers to the committee)	Food and Agriculture Organization of the United Nations (FAO)
Contact person and contact information for the submission	Lev Neretin Lev.Neretin@fao.org
Date	5/1/2022

I. Substantive elements

1. Objective(s)

a) *What objective(s) could be set out in the instrument?*

<p>Proposed Objective:</p> <p>FAO supports the generally expressed preference of delegations to INC1 for the scope of the ILBI to cover:</p> <ul style="list-style-type: none"> • The life cycle of <u>all</u> plastic products with the objective to protect human health and the environment from plastic pollution and ultimately end plastic pollution. • The life cycle to comprise the production and distribution of polymers, their conversion to products, their distribution, use and management once they become waste. <p>In particular, FAO supports the ILBI to include all plastics used throughout agrifood systems¹ using life-cycle approaches and the development of new solutions:</p> <ul style="list-style-type: none"> • These approaches may address plastic products used in the crop, livestock, forestry, fishery and aquaculture sectors from production through to consumption. • In addition to the objectives to protect human health and the environment and ultimately end plastic pollution, the ILBI should also consider the linked goals of ensuring food security, food safety, nutrition and the social and economic sustainability of agrifood systems. • The ILBI could provide a mechanism to assess the sustainability of both plastics and their alternatives holistically (either alternative products, technologies or practices), including as they relate to food security, food safety, nutrition and the social and economic sustainability of agrifood systems.
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¹ The agrifood system covers the journey of food from farm to table – including when it is grown, fished, harvested, processed, packaged, transported, distributed, traded, bought, prepared, eaten and disposed of. It also encompasses non-food products that also constitute livelihoods and all of the people as well as the activities, investments and choices that play a part in getting us these food and agricultural products. // <https://www.fao.org/3/nf693en/nf693en.pdf>

- The ILBI should support the evidence-based assessments related to the distribution, benefits, trade-offs and risks of plastics and their alternatives, including those used in agriculture and food systems.
- The specificity of the use of plastics in agrifood systems *may* require them to be treated separately from plastic products used in other sectors within the ILBI.

2. Core obligations, control measures and voluntary approaches

- *What core obligations, control measures and voluntary approaches would provide a comprehensive approach to addressing plastic pollution, including in the marine environment, throughout the full life cycle in line with the future objective(s) of the instrument?*

Core obligations: No comments

Control measures: No comments

Voluntary approaches

Voluntary approaches could include the development of non-binding “soft law” instruments such as International Voluntary Codes of Conduct and Voluntary Guidelines. Such instruments are negotiated by FAO Member states and provide guidance of best practice that can be used by national governments as a basis for developing their national legislation. They can recommend obligations for both party and non-party stakeholders.

Examples of such Codes of Conduct and Voluntary Guidelines of direct relevance for plastics used in agrifood systems include:

- [International Code of Conduct on responsible fisheries](#)
- [International Code of Conduct on pesticide management](#)
- [Voluntary Guidelines on the Marking of Fishing Gear](#)
- [Voluntary Code of Conduct for food loss and waste reduction](#)

Apart from the inclusion of some aspects related to plastics management of empty pesticide containers under the International Code of Conduct on Pesticide Management and fishing gear under the Code of Conduct for Responsible Fisheries and the Voluntary Guidelines on the Marking of Fishing Gear, FAO does not provide any specific or overarching guidance on sustainable and circular use of plastics in agrifood systems.

The existing FAO guidelines tend to focus attention on sustainability, the conservation of natural resources, and ecosystem health.² However, current guidelines do not specifically address the trade-offs or life cycle implications of plastics use, nor do they provide recommendations for their

² The CFS Voluntary Guidelines on Food Systems and Nutrition (2021), The International Code of Conduct for the Sustainable Use and Management of Fertilizers (2019), Voluntary Code of Conduct for Food Loss and Waste Reduction (2021) and Voluntary Guidelines for Sustainable Soil Management (2017)

sustainable management.³ Thus, the FAO's report "Assessment of agricultural plastics and their sustainability: A call for action" (2021) recommends mainstreaming the sustainability of plastics used in agriculture throughout FAO's instruments and guidance related to good agricultural practices, food security, food safety and nutrition.⁴

During its 171th Session in December 2022, FAO Council⁵ reviewed the Report of the 28th Session of the Committee on Agriculture (COAG)⁶ and in particular:

- Encouraged FAO to undertake further scientific and evidence-based assessments related to the distribution, benefits, trade-offs and risks of plastics for agricultural use and their alternatives, to address knowledge gaps on plastics in agriculture, and requested the development of policy instruments, taking into account Members' past and ongoing efforts as well as developing countries' needs and challenges;
- Underscored the need for improved intersectoral collaboration and governance to address plastic use throughout agrifood systems, and recommended FAO to continue to address knowledge gaps, including through inclusive participation of Members and consultations with relevant stakeholders, and subject to the evidence-based assessment referred to above, to develop, within FAO's mandate, a Voluntary Code of Conduct on the sustainable use of plastics in agriculture; and
- Encouraged FAO to support deliberations of the intergovernmental negotiating committee (INC) on plastic pollution to develop an international legally binding instrument on plastic pollution established by the United Nations Environment Assembly Resolution End plastic pollution: Towards an international legally binding instrument (UNEP/EA.5/Res.14) with guidance on the issues of plastics used in agriculture.

A Voluntary Code of Conduct on the sustainable use of plastics in agriculture is planned for consideration at the 29th Session of the FAO Committee on Agriculture to be held in September 2024. Although non-binding and voluntary in nature, a new Voluntary Code of Conduct could complement the ILBI by guiding both party and non-party stakeholders to address specific issues of plastics used in agrifood systems.

II. Implementation elements

1. Implementation measures

- a) How to ensure implementation of the instrument at the national level (eg. role national action plans contribute to meeting the objectives and obligations of the instrument?)*
- b) How to ensure effectiveness of the instrument and have efficient national reporting?*
- c) Please provide any other relevant proposals or priorities here on implementation measures (for example for scientific and technical cooperation and coordination as well as compliance).*

³ FAO. 2021. Assessment of agricultural plastics and their sustainability. A call for action. Rome.

<https://doi.org/10.4060/cb7856en>

⁴ Ibid.

⁵ <https://www.fao.org/3/nl148en/nl148en.pdf>

⁶ <https://www.fao.org/3/nj925en/nj925en.pdf>

Implementation at national level shall:

- Provide a mechanism to assess the sustainability of both plastics and their alternatives holistically (either alternative products, technologies or practices), including as they relate to food security, food safety, nutrition and the social and economic sustainability of agrifood systems.
- Support the evidence-based assessments related to the distribution, benefits, trade-offs and risks of plastics and their alternatives, including those used in agriculture and food systems.
- Take into account the specificity of the use of plastics in agrifood systems, which may require them to be treated separately from plastic products used in other sectors within the ILBI.

2. Means of Implementation

With respect to means of implementation, document UNEP/PP/INC.1/5 covers the following elements: capacity-building, technical assistance, technology transfer on mutually agreed terms and financial assistance.

a) *What measures will be required to support the implementation of the instrument?*

Capacity-building, technical assistance, technology transfer and financial assistance are necessary to help countries to implement solutions to protect human health and ultimately end plastic pollution associated with agrifood systems. Solutions to plastics pollution require simultaneous mobilization of policies, technologies, and sustainable practices by multiple stakeholders along the life cycle of plastic products throughout agrifood systems as part of a transformation towards more efficiency, inclusivity, resilience, and sustainability in the face of the climate and biodiversity crisis, through coherent and ambitious actions that also tackle global environmental degradation and biodiversity loss. Measures that support sustainable management practices for plastic products and minimize their adverse impacts have already been identified or implemented in some areas of the globe. They consist of both market-based solutions and regulatory measures.⁷

Market-based solutions include:

- Extended produced responsibility (EPR) schemes;
- Taxing the use of virgin plastics;
- Environmental cross-compliance;
- Deposit-return schemes;
- Rental/lease schemes;
- Advanced disposal fees;
- Plastic credits.
- Incentives to the development and use of biomaterials as substitutes for fossil-fuel based plastics

Regulatory measures could support the implementation of market-based solutions and include:

- Material restrictions and product standards;

⁷ Further details and examples are provided in: FAO. 2021. Assessment of agricultural plastics and their sustainability. A call for action. Rome. <https://doi.org/10.4060/cb7856en>

- Mandatory recycled content for manufacturers;
- Alternate practices and materials;
- Regulations to control microplastics pollution.
- Regulation to facilitate the sustainable use of biomaterials as substitutes for fossil-fuel based plastics

Market-based solutions and regulatory measures are applicable in the agricultural sector and can promote alternatives and interventions to improve circularity and sound management of agricultural plastics. A number of policy measures have been implemented at the national level to address the management of plastics used in agriculture or targeted plastic pollution.

Alternatives and interventions in agrifood systems could include: adopting agricultural practices that avoid the use of plastic; eliminating the most polluting plastic products; substituting plastic products with sustainable use of natural or biodegradable alternatives; promoting reusable plastic products; improving waste management practices; adopting new business models; establishing and enforcing mandatory extended producer responsibility schemes for collection and sound environmental management of agricultural plastic; and establishing fiscal measures and incentives to drive behavioral change within the supply chain, and among users and consumers.

Additional input

Please provide any other relevant proposals or priorities here (for example introductory elements; awareness-raising, education and exchange of information; research; stakeholder engagement; institutional arrangements and final provisions).

The ILBI could provide specific measures to promote:

- Awareness raising, education and exchange of information on plastic pollution in agrifood systems, alternatives to the current use of plastics, sustainable management of plastic products including in their end-of-life.
- *Gender equality and inclusion of youth, indigenous communities, and other vulnerable and disadvantaged communities* in both the preparation and implementation of the Instrument. This would allow integration of traditional knowledge, knowledge of Indigenous Peoples and Local Communities into the ILBI (UNEA Res. 4/15, para 4d). Particularly important would be to ensure the engagement of informal workers of the waste sector and the protection of their livelihoods. The new Instrument should promote the equal inclusion of women to access relevant assets, including equipment and social/economic networks; access to training and information, technology, alternative materials and processes, as well as financial services; knowledge and skills development, decision-making processes, and overcoming the barriers of social norms and values.
- *Research to fill the major knowledge gaps concerning plastics used in agrifood systems*, including: flows and fate of plastics, the impacts of plastic pollution, alternatives products and practices benefits and trade-off, the behavior and rate of degradation of biodegradable products. Because the existing guidelines do not specifically address the trade-offs or life cycle implications of plastics use, nor do they provide recommendations for the sustainable management of plastics used in agrifood systems, the ILBI could provide incentives for

choosing more sustainable alternatives to the current use and management of plastic products by:

- Supporting the identification of potential alternatives (alternative products and processes);
- Providing guidance on assessing life-cycle benefits and trade-offs against those of the currently used plastic products;
- Including additional to the protection of human health and the environment from plastic pollution such as food security, food safety, nutrition, and economic, social and environmental sustainability aspects of agrifood systems.

Further information about FAO's work on plastics management and pollution throughout the agrifood systems is provided in Annex 1 to the FAO's submission to the First Meeting of the Intergovernmental Negotiating Committee (INC) to develop an International Legally Binding Instrument on Plastic Pollution, including in the Marine Environment Uruguay, 28 November-2 December 2022.⁸

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https://apps1.unep.org/resolutions/uploads/fao_submission_to_the_intergovernmental_negotiating_committee_inc.pdf