I. **Substantive elements**

1. **Objective(s)**

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

   **Proposed Objective:**
   Mindful of Principles 15 and 16 of the Rio Declaration on Environment and Development on the precautionary approach and polluter-pays principle, we believe that the objective of this treaty should be **“to protect human health, the environment, and future generation from the harmful impact of plastics, including from toxic chemicals at every level of plastic’s lifecycle”**.

   **Explanatory Text:**
   1. The mandate of UNEA Resolution 5/14 to the Committee was to create an international legally binding instrument that tackled plastic pollution through a full life-cycle approach. On that account, we encourage the Committee to consider regulating obligations and measures through the whole lifecycle of plastics due to the impact of plastics on human health and environment across the whole lifecycle of plastics. In our opinion, the whole lifecycle of plastics shall be interpreted as such:
      - **extraction stream** shall address obligations and measures to raw material extraction in the oil, gas, and coal industry;
● **up-stream** level shall address obligations and measures on the petrochemical industry, including olefin and aromatic productions, and also virgin polymers production through polymerization as well as its investment;

● **middle-stream** level shall address obligations and measures on production, use, and consumption of plastic products; this stream shall also address chemical additives trade and registration;

● **down-stream level** shall address obligations and measures on plastic pollutions in the environment, especially microplastics in the air, soil, water and living organism; the impact of plastic additives to the environment and human health; and waste trade.

2. The elimination of harmful chemicals throughout the full lifecycle of plastics shall be addressed, specifically considering the knowledge that plastics contain over 10,000 chemicals, and more than 2,400 of these chemicals are substances of concern. Some harmful chemicals that we know of and used as chemical additives to make plastics have been linked to concerning and irreversible health impacts, such as cancers, damage to our immune and reproductive health systems, impaired intellectual functions, developmental delays, and other serious health conditions (IPEN, 2022).

3. Principle 15 of the Rio Declaration on Environment and Development, the precautionary principle, shall be considered by the Committee as the main principle of the treaty as it covers the interlinkages and effects of chemicals in plastics on the environment, human health, as well as biotic and abiotic ecosystems. Researchers revealed that there had been a 50-fold increase in the production of chemicals since 1950. This is projected to triple again by 2050. Due to the spread of chemical pollutants in the environment, we have already exceeded the safe planetary boundaries (Persson et al., 2022). Moreover, recently researchers also found microplastics in the placenta (Ragusa et al., 2021).

4. Principle 16 of the Rio Declaration on Environment and Development, the polluter-pays principle, shall be considered by the Committee as the main principle of the plastic treaty due to the enormous problems created by plastic production and consumption that lead to global pollution in the biotic as well as the abiotic exosystem. The polluter-pays principle also encourages “national authorities to promote the internalization of environmental costs and the use of economic instruments, taking into account the approach that the polluter should, in principle, bear the cost of pollution, with due regard to the public interest and without distorting international trade and investment”.

5. The plastic treaty also addresses future generations because plastic and its associated chemicals could persist in the environment for hundreds of years. Hence the hazard to the environment and health will impact several generations ahead.
2. Core obligations, control measures, and voluntary approaches

a) 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?

A. Up-stream: Extraction, petrochemical, olefins, and aromatics

Control measures should include limiting the volume or capacity of extraction, phase-down and phase-out monomers and polymers’ production, exportation, and importation of oil, gas, and coal.

Obligations include

1) Each party prohibit and/or takes the legal and administrative measures necessary to phase out:
   a. the production, use, and consumption of monomers, polymers, and additives are listed in Annexes;
   b. a sunset date for the phase-out of the export-import of monomers, polymers, and additives should be listed in Annexes.
2) Each party shall not permit monomers, polymers, and harmful chemicals for plastic additives to be exported to Non-Party States or imported by Non-Party States to the plastic treaty.
3) Parties to this (plastic) treaty shall phase out harmful chemicals in plastics and conduct regular monitoring.
4) Each party shall not permit oil, gas, and coal used specifically to produce olefin and aromatic products to be exported to a Non-Party State to the treaty and/or imported from any State that is not Party to the plastic treaty.
5) Each party shall report the statistical data on its total production, exportation, and importation of oil, gas, and coal used to produce olefin and aromatic products to the Convention of the Parties, including progress made by the parties.
6) Each party shall take legal and administrative measures to eliminate or end subsidies and any financial incentives for petrochemical industries.

Explanatory text:
Plastics come from fossil fuels. Therefore, the Committee shall address measures to effectively limit the production of plastics, oil, gas, and coal. Aside from limiting the production of oil, gas, and coal, we urge the Committee to adopt limitations on the importation and exportation of oil, gas, and coal used specifically to produce olefin and aromatic products to and from States who are not Party to the plastic treaty.

More than 180 countries adopted the new mechanism under the Basel Convention amendments to ban waste exportation to non-Party and waste importation from non-Party. This obligation could also provide a countermeasure for oil, gas, and coal-producing countries reluctant to sign and ratify this treaty.
The national reporting shall provide data on the effectiveness of the measures taken to limit the production, exportation, and importation of oil, gas, and coal used to produce olefin and aromatic products.

Annexes shall address sunset dates/phase-out of certain plastics monomers and polymers, chemicals used as plastic additives.

**Exemptions**

Each party may request for production, use, consumption, import, and export specific exemptions only for environmentally sound disposal and to a party permitted.

**Licensing**

Each party shall adopt licensing for the production, use, consumption, import, and export of monomers, polymers, and additives listed in the Annexes.

**Synergy with other MEAs: Secretariat of the Stockholm Convention on Persistent Organic Pollutants:**

The Conference of the Parties shall coordinate closely with the Secretariat of the Stockholm Convention on Persistent Organic Pollutants to determine harmful chemicals that shall be included in the Annexes.

**Reporting**

In the national reporting, each party shall report the statistical data on its total production, use, consumption, exportation, and importation to the Secretariat of the Convention.

B. **Middle-stream**

1. **Phase-out problematic plastics**

**Obligations:**

1) Each party shall prohibit and/or take the legal and administrative measures necessary to phase out the production, use, and consumption of problematic plastics listed in the Annex.

2) Each party shall develop a regulatory framework to control plastic pollution from products and packaging by FMCGs and retailers, including the prohibition of single-use plastic packaging, microbeads, and micro packaging for all purposes (including the agriculture sector).

Explanatory text:

The Committee needs to adopt measures to phase out the production, use, and consumption of problematic plastics. We consider problematic plastics need to include single-use plastic products, such as sachets, single-use plastics cutlery, single-use plastic bags, single-use food or drink containers, slowly released fertilisers, and plastics compounds that are difficult to be
recycled. The Committee needs to define “problematic plastics” and list all the problematic plastics in the Annex.

2. Transparency of chemical content in plastic materials and products

Obligations:
1) To promote transparency and uphold the Right to Know to protect consumers, workers, and vulnerable populations, Each Party shall create a mechanism to disclose chemicals in plastic materials and products to the public.
2) Parties shall agree to list the phase-out date of the most problematic plastics and chemicals of concern.

Reporting:
1) Each Party shall report data and information on chemicals in plastics to the Secretariat of the Convention within the agreed reporting period.
2) Data and information on chemicals in plastics provided by the Parties shall be consolidated in a database managed by the Secretariat.

Explanatory text:
Annexes shall address the agreed phase-out date of problematic plastics and the chemicals of concern.

To promote transparency, we suggested that the Committee develop mechanisms to disclose chemicals in plastic material and compounds. This mechanism shall cover several aspects, such as (a) how to conduct identifications of chemicals; (b) who has the burden to identify the chemicals, for example, chemical manufacturers and producers; (c) what kind of plastics need to be identified; and (d) how to disclose the information to the public, especially how to disclose the information in a timely manner and the information easily accessible by the public.

Finally, the information provided by each party should be consolidated by the Secretariat as a body of knowledge on chemicals contained in plastics to advance research on chemicals contained in plastics.

C. Downstream
1. Promote and implement environmentally sound practices to tackle plastic waste problems.
2. End the permit and new investment to build facilities to tackle the plastic waste challenge.
Obligations:
- Each party shall implement environmentally sound measures and best practices to address plastic waste challenges consistent with the Stockholm Convention and the Basel Convention.
- Each party shall identify regulations, policies, and permits for developing waste thermal technologies in each party's jurisdiction;
- Each party shall annul all regulations, policies, and permits that allow the construction and operation of the new waste treatment plants with thermal technologies.
- Each party shall conduct monitoring, including the status of harmful chemicals pollution in the environment and human biomarkers.

Reporting:
- Each party shall report the inventories of domestic regulations, policies, and permits for developing waste thermal technologies to the Secretariat.
- Each party shall report the annulment of the regulations, policies, and permits that allow the construction and operation of the planned or new waste thermal technologies.

3. Set a deadline for the decommissioning of existing waste thermal technologies.
Obligation:
- Each party shall develop a detailed plan for decommissioning each existing waste thermal technology in their jurisdiction;
- The decommissioning of waste thermal technologies plan shall consider the maximum impact on the improvement of environment and climate and fair transition for the most impacted communities, such as the workers of the waste thermal technology facilities.
- Each party may request a suggestion from the expert panel regarding the date for decommissioning waste thermal technology facilities.

Report:
- Each party shall report the detailed plan for decommissioning waste thermal technology, including the targeted deadline, to the Convention of the Parties.
II. Implementation elements

1. Implementation measures

   a) How to ensure instrument implementation at the national level (e.g. 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).

A. National Action Plan

1) Each party shall take constructive measures and strategies to protect human health, the environment, and future generation from the harmful impact of plastics at every level of plastic's lifecycle through the development of a National Action Plan.

2) The plan shall include the following elements:

   a. an evaluation of current production, use, consumption, import, and export of oil; gas, coal; monomer; polymer; and problematic plastics;

   b. an evaluation of existing national law and regulation relating to production, use, consumption, import, and export of oil; gas, coal; monomer; polymer; and problematic plastics;

   c. strategies to meet the obligations, by taking into account evaluation results in (a) and (b), such as:

      ● **up-stream level**, including measures to (i) phase-down and phase-out monomers, polymers, and harmful chemicals’ production, exportation, and importation; (ii) promotion of safer alternatives to monomers and polymers; (iii) provision of financial incentives for environmentally friendly materials; and (iv) plan and implementation to eliminate subsidies and any type of incentives.

      ● **middle-stream level**, including measures to (i) phase-out problematic plastics and harmful chemical use in plastic additives; (ii) transparency of chemical content in plastic materials and products; and (iii) regulation to enable reduction, reuse, recycling, and alternative delivery system.

      ● **downstream level**, including measures to (i) improve the waste management system; (ii) improve recycling rate and practices in the country; (iii) provision of enabling system for true/genuine recycling; and (iv) cancel and decommission thermal technology facilities.

   d. The NAP should include strategies and measures to provide the enabling system for true recycling, refill system, reuse, and redesign including financial support from various sources and involving multistakeholders.
e. The National Action Plan shall include financial obligations for upstream and middle stream stakeholders not only to pay tax but also to extend their responsibility until the end of life of the products.

f. a review every [x] years on the strategies and measures in National Action Plan. The review shall be submitted to the Secretariat.

g. a schedule for implementing the National Action Plan, including strategies and measures therein.

B. Reporting

1) Each party shall provide a report to the Conference of the Parties on the measures it has taken to implement the provisions in this treaty every year.

2) Each party shall provide to the Conference of the Parties:
   a. statistical data on production, use, consumption, import, and export of monomers, polymers, and additives;
   b. statistical data
   c. data and information on chemicals in plastics;
   d. inventories of domestic regulations, policies, and permits for developing waste thermal technologies;
   e. plan for decommissioning waste thermal technology, including the targeted deadline.

Other relevant proposals or priorities on implementation measures should include:

- Science policy panel framework should have a plastic treaty expert pool
- The global tax applied for the upstream stakeholders to support the implementation of the plastic treaty.

2. Means of Implementation

Concerning 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?

To support the implementation of the legally binding instruments, especially for the following elements:

- Capacity-building:
- The capacity building should include support to increase laboratory capacity to analyse harmful chemicals used in plastic additives
- Global and national monitoring of plastic impact on human health and the environment

- Technical assistance:
  Collaboration projects between countries, include technical assistance for laboratory analysis

- Technology transfer on mutually agreed terms:
  Transfer of technology should already reach TRL9 (TRL 9: actual technology qualified through successful mission operations), can be done through B2B cooperation or C2C cooperation. Technology should have safeguarding mechanism and economically viable for developing countries

- Financial assistance:
  o For initial assessment
  o To accelerate ratification of the treaty
  o To implement the treaty
  o Participation at COPs

III. 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).

A. On Participation during the INCs
1. While we saw a huge amount of NGO delegations during INC-1 in Punta del Este, Uruguay, we want to emphasize that these delegations not only consist of public interest NGOs but also industries which are also acknowledged as NGOs by the Secretariat. We suggest to the Secretariat to acknowledge industries and public interest NGOs as two separate entities in the next INCs because industries and public interest NGOs bring different concerns during the negotiation process, and we are concerned if industries also acknowledge as NGOs during the negotiation process, it will confuse the delegations during the process.

2. We saw a different treatment from different regions to the observer's participation during Regional Meeting in INC-1. For example, GRULAC and Africa Region always made their Regional Meetings open for observers, while Asia Pacific Regional Meetings were mostly closed for observers except one time throughout INC-1. We believe observers shall gain unlimited access to attend Regional Meetings and also make interventions during the Regional
Meeting because discussions happening in Regional Meetings could also influence delegations’ position during Plenary and Contact Groups.

B. **Polluters Pay Principle**

According to Principle 16 Rio Declaration on Environment and Development, polluters need to bear the cost of pollution. We encourage the Committee to adopt the polluters pay principle in this treaty because, until now, society still bears the impact of plastics on the environment and human health instead of plastic producers or manufacturers. For example, many manufacturers pack their products in developing countries with sachets. After consumption, many of these sachets pollute the environment, such as river and sea; impact human health; and burden waste management in local area. On that account, producers as polluters need to bear the externality costs of the impacts through extended producers responsibility or establish an environmental remediation fund.

The plastic pollution is not the public burden but the problem of petrochemicals and chemicals producers.

- Health aspects of plastic pollution/contamination to human need to be promoted and included in the global and national monitoring.
- Research and development of safer alternatives need to be supported and disseminated
- Sharing/exchange information regarding viable and workable solutions, such as alternative delivery systems, safer chemicals for plastic additives, etc.