



sustainable coastlines

Name of country (for Members of the committee)	Aotearoa New Zealand
Name of organization (for observers to the committee)	The Sustainable Coastlines Charitable Trust
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I. Substantive elements

1. Objective(s)

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

Objective

To end all plastics pollution emissions and releases.

The achievement of this objective will require the application of just, regenerative, non-toxic, safe, non-linear, systems approaches guided by the precautionary approach and the zero-waste hierarchy. The objective reflects the UNEA 5/14 resolution, and interventions and submissions made at INC-1 including the need for non-toxic circularity, the impact of plastic pollution on human and ecological health and human rights, just transitions for waste workers, the principal role of upstream controls in ending plastic pollution, and the establishment of safe and non-toxic reuse and repair from global, regional and national economies. The objective also reflects multiple interventions and submissions emphasizing interrelationships between plastics, fossil fuels, climate change, biodiversity loss; and the need to respect safe planetary boundaries (including that of novel entities (plastics)).

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?*

Prioritise the full formal and meaningful participation of Indigenous Peoples

The Government of Aotearoa New Zealand has expressed its intent to support the interests, rights and participation of Māori (New Zealand's Indigenous Peoples) in the lead up to and during negotiations, and to advocate for the inclusion of Indigenous/traditional knowledge and mātauranga Māori (Māori knowledge systems), in accordance with Te Tiriti o Waitangi/The Treaty of Waitangi.

The full and meaningful participation of Indigenous Peoples must be a core obligation for all Parties as Indigenous People's leadership, sciences, knowledge, rights, needs, innovations and practices will be

essential in ensuring a comprehensive approach to ending plastic pollution throughout the full lifespan of plastics with the future objective of the instrument.

The Conference of Parties must support Indigenous Peoples' full and meaningful participation in decision making related to fulfilling the obligations of the instrument. This includes full and meaningful leadership and participation in the subsidiary bodies to the instrument including the Independent Science Body and the Technical and Socio-Economic Assessment Body (See Implementation Measures).

Definitions, methodologies, and reporting

The Conference of the Parties should be required to adopt definitions, protocols, baselines, methodologies, and reporting requirements to ensure comparable data and enable assessment of the progress of implementation of the instrument and the effectiveness of the instrument in achieving its objectives. These should be frequently reviewed based on the latest and best available science, technology, and practices. Methodologies and data should include sources, pathways, impacts, hotspots, and fates of conventional fossil fuel-based plastic (including liquid/semi-solid polymers and microplastics (primary and secondary), recycled plastics, sea-based plastics) and fibre/plant-based plastics and all associated chemicals and chemical constituents. Baselines and reporting should include biodiversity, climate change, human health, and human rights impacts.

Extraction of raw materials for plastics production

Obligations and measures on the sourcing of the raw materials used in the production and processing of polymers should be made explicit in the instrument text. While plastics feedstocks are predominantly sourced from oil and gas extraction and processing, and petrochemical production, obligations and measures regarding the sourcing of other raw materials intended to produce 'plastics alternatives' (including bio and fiber-based alternatives) should be included. This inclusion will ensure the avoidance of regrettable substitutes and unjust raw material extraction. The health, wellbeing, livelihoods, biodiversity, and cultures of communities must be protected where materials are extracted for the production of plastics and 'plastics alternatives'.

Each Party should be required to adopt *the precautionary approach* in the supply (feedstock extraction and polymer production) phase of the full life span of plastics. Parties should adopt the best available technologies and techniques (BATs) and practices (BAPs) to end the environmental and health impacts of plastic pollution, acknowledging however that avoidance is usually the best option in the adoption of a precautionary approach rather than a best available techniques/technology approach 'at any cost'.

Polymer production, pre-production polymers, and consumption

The instrument must include obligations and measures to achieve the safe production, polymer management, and use of virgin polymers via polymerization to conversion to plastic products

including the use of chemicals in polymer production. This should include a framework for Parties to phase-out, freeze or phase-down a list of polymers.

Phase outs and minimization targets. The Conference of the Parties should adopt decisions to cap virgin polymers and phase out extraction, production, and consumption of listed virgin polymers (See 'Polymer Safety Criteria'). Caps should be placed on the list of priority (most hazardous) virgin polymers as determined by the 'Polymer Safety Criteria'. These should be accompanied by ambitious time bound measurable targets while supporting and incentivizing regenerative, safe, just, non-toxic plastic-free systems, materials, and products. Incentives could include subsidies for plastic-free systems and eco-modulation taxes on priority polymers. Caps on virgin plastics require a baseline based on average production and consumption by volume over a multi-year period.

Licensing Scheme. Each Party should be required to adopt cross-border licensing systems (as per the Montreal Protocol and the Basel Convention). This will assist in the control, and compliance with reporting and monitoring, of the production, import and export of virgin polymers and associated substances of concern (as controlled materials and substances), Polymer Safety Criteria (see below), and the prevention of the illegal trade of controlled plastics and associated substances.

Polymer Safety Criteria. The Conference of the Parties should adopt a *Polymer Safety Criteria* for fossil fuel-based and conventional polymer alternatives based on the following:

- (i) the intrinsic hazard of the polymer or its chemical component/s;
- (ii) (the risks to humans and environment associated with physical and chemical decomposition and associated threats from biological contaminants associated with plastic pollution;
- (iii) the ability for virgin polymers to be safely and sustainably recycled;
- (iv) (iv) for recycled polymers to be safely consumed *across a range of applications* (including for food contact and toys);
- (v) and for recycled polymers to be recirculated safely and sustainably.

The Conference of the Parties should prioritise the following known polymers and substances of concern: polyvinyl chloride (PVC), polystyrene (PS), polyurethane (PUR), polycarbonate (PC), polyfluorinated alkyl substances (PFAS). A list of hazardous polymers and associated chemicals from the Safety Criteria would guide phase outs, bans, moratoriums, and restrictions.

Registry of plastics producers and the top plastics polluters: The Conference of the Parties should create a register of plastics producers identified as responsible for the vast majority of global plastics pollution. There are approximately 300 plastics producers globally and only approximately 100 virgin polymer producers are responsible for 90% of single use plastics. The Break Free From Plastic movement regularly identify the same top global plastics polluters in their global brand audits. These plastics polluters should also be included on the register and monitored for their success in meeting reporting obligations to the Secretariat (see Reporting below).

Polymer Management. Each Party should be required to adopt legal and administrative

measures to prevent spillage of polymers, emissions and leakage of microplastics and chemicals used in the production of polymers into the environment, and the minimization of carbon emissions used in the production of polymers through the adoption of best practices in accordance with decisions of the Conference of the Parties.

Safe plastic product design and consumption

The treaty text should include obligations and control measures on plastic products, including a framework for the Parties to adopt decisions to establish 'Safety Criteria' for plastic products by sector as well as set out prohibitions on use of plastics in certain products.

Product Safety Criteria. The Conference of Parties should establish a Product Safety Criteria for plastic products, to be maintained by the Secretariat including a list of safe products. These may include general safety criteria (e.g., minimum recycled content, durability, biodegradability, compostability, recyclability, reusability, and toxicity, and safety) or product- and sectoral-specific safety criteria e.g., fisheries, agriculture, packaging, textiles, electronics, automotive, medical, construction; and microplastics and should include labeling requirements. Product Safety Criteria is related to articles in the instrument related to Transparency (see below).

Export Prohibition. Each Party should be required to adopt legal and administrative measures to prohibit export of plastic products to other countries not in conformity with Product Safety Criteria unless a specific exemption has been registered by the importing Party. Non-party provisions should also be built into an article/s on export prohibitions.

Environmentally Sound Management (ESM) of Plastic Waste

The Conference of the Parties should be required to adopt guidelines on the environmentally sound management (ESM) of plastics which reflect the precautionary approach, resource efficiency, zero carbon emissions, and the zero-waste hierarchy. The thermal treatment of plastics (inter alia chemical recycling, pyrolysis, plasma arc, incineration, and gasification) should be immediately restricted and rapidly phased out. Parties will need to agree on a definition for ESM that guides future prohibitions, moratoriums and investment criteria, for example to avoid lock-in investment in technologies and systems such as chemical recycling, pyrolysis, plasma arc, incineration, and gasification which harm human and environmental health, are energetically inefficient, and significantly contribute to GHGs. ESM guidelines must be protective of human health and rights, protect against biodiversity loss and climate change. Since ESM guidelines should be established according to the zero-waste hierarchy, they should prioritize investment in prevention and reduction and safe reuse and refill systems and economies over recycling and other waste management options further down the zero-waste hierarchy.

Extended Producer Responsibility (EPR). The Conference of the Parties should be required to adopt criteria for mandatory transboundary extended producer responsibility (EPR) schemes by sector and

promote national and regional schemes across relevant sectors. Relevant sectors include fisheries, agriculture, packaging, textiles, automotive, electronics, medical, construction; and microplastics.

Informal and Cooperative Sector. Each Party should be required to ensure the participation of workers in informal and cooperative settings in policy development and implementation, including in EPR schemes.

Plastic Pollution Prevention and Removal, and Remediation of Plastics from the Environment and Compensation and Associated Liability Regime

Parties should be required to develop and implement plans and guidelines for identification, prioritisation, prevention, removal, and remediation of plastics pollution in a non-toxic, safe, culturally appropriate, and environmentally sound manner, where necessary, ensure liability with the possibility of compensation for loss of life, human and environmental health and damage, and to cooperate in developing these implementation plans and guidelines.

Monitoring and Reporting Obligations. The Conference of the Parties should establish a global monitoring framework that establishes baselines, monitors the presence of plastic pollution, and establishes a set of harmonised definitions, methodologies, and formats for regular national reporting obligations to the Secretariat. Sustainable Coastlines' Litter Intelligence Programme could support such a monitoring framework in Aotearoa and the Pacific Islands region.

The Conference of Parties will retain and update a list of the top global plastics polluters. Those polluters must provide evidence of their efforts to end plastic pollution in all operations and meet time bound and measurable plastic pollution prevention and elimination targets as determined by the Conference of Parties.

Transparency

The treaty text should outline the obligations and measures to ensure transparency of chemical components of plastic materials and products, liquid/semi-liquid plastics (e.g., acrylates copolymer) and microplastics throughout the supply chain. These labels are related to Article(s) on Safety Criteria as noted above which also requires the declaration of key information to consumers (e.g., minimum recycled content, durability, biodegradability, compostability, recyclability, reusability, toxicity, and safety) as determined by the Conference of Parties.

Database. Parties should establish a database, to be maintained by the Secretariat, for producers and manufacturers to disclose the chemical components of their plastic materials and products, in accordance with decisions of the Conference of the Parties setting out minimum disclosure requirements.

Labeling, QR, and HS coding. The Conference of the Parties should be empowered to adopt uniform labeling requirements for plastic materials and products, including the development of a quick response (QR) code system for informing public authorities and the public of the chemical

components of any given plastic material or product. World Customs Organisation Harmonised System amendments for plastics could also support efforts to tackle plastic pollution while simultaneously informing and supporting the implementation of the Basel Convention “plastic waste amendments”, and the Informal Dialogue on Plastics Pollution and Environmentally Sustainable Plastics Trade (IDP) at the World Trade Organization.

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).*

National Plastic Pollution Prevention Plans (N4Ps) and Reporting to the Secretariat

The Conference of the Parties should adopt guidelines for the development, implementation, review, and update of N4Ps and progress reports, and adopt decisions to promote prevention, reduction and elimination of plastic pollution and support regional and international cooperation. Parties should develop and implement National Plastic Pollution Prevention Plans (N4Ps) to meet their obligations under the instrument and set out additional commitments to achieve its objectives in accordance with guidelines and other relevant decisions of the Conference of the Parties. Each Party should periodically review and update N4Ps with a view to enhancing its level of ambition in accordance with guidelines and other relevant decisions of the Conference of the Parties. Each Party should communicate its N4P and updates to the Secretariat, providing annual progress reports on its implementation. Each Party should be required to consult with civil society including Indigenous and other rightful knowledge holders in the development, implementation, review, and update of their N4Ps, incorporating lessons learned and best practices from informal and cooperative settings, the best available science (including Indigenous sciences), traditional knowledge, Indigenous wisdom and knowledge, citizen science and other local knowledge systems. Each Party should be required to develop N4Ps and associated national policy frameworks and legislation to eliminate subsidies for fossil fuels used as raw materials and for petrochemicals destined for virgin and recycled polymer production. Each Party’s reporting obligations should include volumes and types, provenance, production, consumption and use, raw materials and chemicals used to produce polymers including recycled materials and fibre/plant-based plastics alternatives, sea-based sources, microplastics, and chemical compounds and additives. N4P requirements, *definitions and methodologies* should be guided by those set out by the Conference of Parties.

Each Party's N4P should *incentivize investments in regenerative or reusable, non-toxic, and locally sourced alternatives* which feed local economies, honor, and protect ancestors, humans and non-human entities. These sustainable plastics alternative materials and systems can be incentivized through eco-modulating taxes on the most problematic chemicals used in the production of plastics and the most hazardous polymers (as 'controlled substances') (see 'Safety Criteria').

Each Party should be required to adopt N4Ps to eliminate *and limit the production, and consumption of the most problematic polymers* (see 'Safety Criteria') and otherwise ensure compliance with safe polymer criteria.

Each Party should be obligated to *report on the provenance, import, type, and volume of raw and recycled materials used to produce polymers*. Plastics producers should be required to report on all extraction, production, use, export/import data, and their success at meeting time bound and measurable plastic pollution prevention and elimination and polymer management targets.

N4Ps must reflect the obligation of Each Party to report back to the Secretariat on its *production, consumption, and use of listed virgin and recycled polymers*.

Each Party should be required to set *binding, measurable, and timebound targets to decrease hazardous plastics and associated toxicants and increase volumes of plastics that can be safely reused/refilled and repaired across sectors*. Incentives and regulations ensuring safe, toxic-free reuse and repair systems should be prioritized over recycling systems. Policies and supportive sustainable financing should prioritise reuse and refill in a significant shift away from investment in significantly less effective, carbon-intensive, expensive and toxic recycling infrastructure.

Each Party will be obligated to report on its *management of plastics* including total imports of plastics and plastic products, total domestic and international sales of plastics polymers and products, total volumes of plastics waste including volumes of, and capacity for collection, reuse, repair, recycling, release and leakage; domestic and international trade in plastics waste; and extended producer responsibility. Parties should also be obligated to report on chemical recycling, waste-to-energy, refuse-derived fuel, co-processing or plastics credits – and progress on phase outs and restrictive measures.

Each Party should be required to set *binding waste reduction targets*. Additional waste management targets should include accessible collection of clean waste streams, reuse, repair/modularity, and recycling as well as restrictions and rapid phase outs of thermal treatment including energy recovery and incineration, chemical recycling and landfilling.

Each Party should be required to develop and implement plans and guidelines for *identification, prioritisation, prevention, removal, and remediation of plastics pollution* in a non-toxic, safe, culturally appropriate, and environmentally sound manner, where necessary, ensure liability with the possibility of compensation for loss of life, human and environmental health and damage, and to cooperate in developing these implementation plans and guidelines.

Subsidiary bodies and review of the instrument

The Conference of the Parties should establish any subsidiary bodies deemed necessary to implement and review the instrument including the following:

Independent Scientific Body

This body should assess plastic pollution's impact on human health, biodiversity, and human rights, and climate change. This body should represent a diverse range of scientific evidence including qualitative and quantitative, social, natural, and life sciences, Indigenous sciences and methodologies, and citizen sciences. The body should also provide a broad gender and regional representation.

Technical and Socio-Economic Assessment Body

To regularly assess the technical and socio-economic information relevant to the efficacy and safety of control measures within the instrument based on the precautionary approach and the best available science and technology. This body should also represent a diverse range of scientific evidence including qualitative and quantitative, social, natural, and life sciences, Indigenous sciences and methodologies, and citizen sciences. The body should also provide a broad gender and regional representation.

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?*

Funding and Associated Mechanism

Parties should contribute to a multilateral fund/s. The types, terms, and mechanisms associated with such a fund/s should be adopted by the Conference of Parties. The fund/s would enable all Parties, including developing country Parties and Parties with economies in transition to meet their obligations under the instrument. Funding sources and associated mechanisms will support, inter alia, capacity building, technical support, technology transfer, and institutional and regional network building and strengthening.

Capacity Building, Technology Transfer, and Regional Networks

The instrument should state the types, terms, and mechanisms associated with capacity building and technology transfer to enable developing countries Parties and Parties with economies countries so that all Parties can meet their obligations under the instrument. Parties should provide timely capacity-building and technical assistance to developing countries Parties and Parties with economies

countries. Capacity building, technology transfer, and regional EPR schemes including repatriation of plastic waste, backloading/reverse logistics and enhanced economies of scale will be facilitated by the establishment of regional networks.

Timing

Due to relative capacity, finances and resources, developing countries Parties and Parties with economies in transition may require additional time to meet their obligations under the instrument and thus additional time may need to be given e.g., for phase downs and phase outs, and meeting reporting obligations. Additional time is likely to be needed for some of these Parties in addition to financial technical and capacity building support, and technology transfer.

The Conference of the Parties should regularly review and report on the efficacy of the funding sources and mechanisms, capacity building, technology transfer, regional network building, monitoring and reporting, and timing in ending plastic pollution.

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).
