

4 (d) Summary of the analysis of the effectiveness of existing and potential response options and activities on marine litter and microplastics at all levels to determine the contribution in solving the global problem (Working document UNEP/AHEG/4/4)

While we do not agree with all the assessments made, the methodology in essence is fit-for-purpose and the document provides a useful input for discussion of response options by AHEG experts. The EU and its MS would like to highlight that in case of a new global agreement, feasibility is not only to be determined by the extent of complexity, but also in relation to the impacts which can be achieved. The analysis falls short of going more into detail there and does not make a difference between legally binding and voluntary approach in the most crucial aspect - impacts, as it does when it comes to feasibility and time-frame.

While the negotiations and establishment of a new global agreement will indeed take several years, the length of this period will largely depend on political willingness by countries and not primarily on whether its provisions are of legally binding or voluntary nature. This does not mean that actions at regional and national levels currently under way should stop until then. On the contrary, they will and should continue - since they are also seen as essential elements of the global agreement.

In other words, different response options do not exclude each other, but can also be combined and complement one another. A new global agreement, suggested by a number of member States in their submissions, could have legally binding and voluntary commitments. The agreement could - and should - incorporate strengthening of the existing international and regional frameworks - such as the Basel Convention, the IMO Action Plan against plastic litter and microplastics and the measures within Regional Seas Conventions - and could facilitate development of global standards, which are currently mentioned as separate options. In addition, the link between marine and freshwater litter and microplastic should be emphasised as freshwater pollution reaches the sea and both Water Framework Directive and Marine Strategy Framework Directive require a good status of all marine, coastal, transitional and freshwaters.

Such an agreement would tackle issues which can better or only be addressed at an international level, such as product design and avoidance of microplastics or prevention, remediation and liability e.g. from illegal dumping or accidental leakage of plastic in international waters.

We are convinced that the highest degree of effectiveness can only be achieved if all elements of the global response are closely interlinked horizontally and vertically in both directions. Given the gaps in the global legal framework and lack of coherence of activities in the global as well as on national and regional approaches, a new global agreement can prepare the ground for synergistic and coordinated functioning of current instruments, which are at the moment obviously falling shortly to mitigate let alone tackle the current situation of plastic pollution.

Taking into account efficiency as well as the limitation of financial resources, the latter can only be properly allocated if they are efficiently addressed by an agreement and its instruments, i.e. especially financing mechanisms and implementation networks. This global agreement should also rely on action at national and regional level and provide an enabling framework for countries to adopt their implementation policies according to nation specific circumstances. While regional and national response options are considered to be effective in their respective geographical scope in this assessment and its underlying study, there is no indication if a global agreement itself would be more effective or if its enhanced coordination could boost the effectiveness of regional and national activities.

The EU and its MS are convinced that this would be the case for a global agreement which would improve effectiveness in both ways. The EU and its MS remain doubtful that uncoordinated national measures as well as regional action plans – even in their strengthened form - are sufficient to address pressures at the up-stream measures on plastics, notably production and consumption. Given the complexity and transboundary nature of plastics value chains, it is it is clear that a global response on plastics is needed to deal with the upstream part effectively.