

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)	People's Republic of China
Name of organization (for observers to the committee)	N/A
Contact person and contact information for the submission	Ms. Haijun Chen Director, Department of International Cooperation, Ministry of Ecology and Environment chen.haijun@mee.gov.cn
Date	Feb. 10 th , 2023

I. Substantive elements**1. Objective(s)**

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

China suggests that the objective of the instrument could be to protect human health and the environment from adverse impact of plastic pollution, to ensure a better and more sustainable future for all.

Plastics are fundamental materials that guarantee clothing, food, housing, transportation, and medical care, with wide application in industrial engineering, construction, agriculture, etc. Plastics are not pollutants, however, it will take hundreds or even thousands of years to completely degrade when leaked to the nature environment because of their stable physicochemical structures, leading to long-term adverse impact on global soil and aquatic environment and biodiversity. Therefore, plastic pollution arises from the leakage to the environment and accumulation caused by the mismanagement of discarded plastic products. In this regard, the international community should take necessary measures to reduce the leakage of plastic waste to the environment, with the aim to protect human health and the environment from adverse impact of plastic pollution.

The document *UNEP/PP/INC.1/7 Plastic Science* indicates the major factor that causes plastic pollution for multiple times, for example, "Mismanagement of waste is by far the biggest contributor to plastic pollution" in Page 6 and "The mismanagement of plastic waste has led to contamination of the entire marine environment, from shores to the deepest ocean sediments" in Page 9.

Therefore, when formulating the objective of the instrument, the significant role and contribution of plastics to human society and economy should not be neglected and plastics should be put in the whole socioeconomic system to consider the synergy between economy, society and environment. The instrument should aim at jointly building a sustainable future and supporting the sustainable development of the humanity. The control measures of the instrument should focus on managing the leakage of plastic waste to the environment, specifically, the collection, reuse and disposal of waste that tends to leak to the environment.

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?*

The core obligations, control measures and voluntary approaches should be developed based on the abovementioned objective and in accordance with the principle of common but differentiated responsibilities.

Core obligations

The core obligations of the instrument should adopt the concept of full life cycle to address plastic pollution and focus on waste management to minimize the leakage of plastic waste to the environment, including,

1. Promote sustainable production and consumption of plastics.
2. Strengthen the collection of the post-consumer products and improve the reuse of plastic waste by utilizing it as materials and energy.
3. Enhance domestic recycling and proper disposal of plastic waste and reduce its transboundary movement.
4. Step up public communication and education to raise the awareness of reducing plastic pollution.

Control measures

On the basis of core obligations, it is suggested to set the following control measures to prompt plastic waste management.

1. Establish a complete system covering collection, recycling and disposal and constantly improve recycling of plastic waste.
2. Set the indicator of recycling rate of plastic waste, especially at domestic level.
3. Make timetable for the controlling measures on transboundary movements of plastic waste (especially from the developed to developing countries).

The control measures should also consider the differentiated national circumstances and economic capabilities of developed and developing countries.

Voluntary approaches

As per UNEA 5/14, the way to address plastic pollution would be comprehensive and inclusive, and there is no one-size-fits-all approach. **Therefore, based on the core obligations that focus on waste management to minimize plastic pollution, voluntary approaches** should be taken during other phases of the life cycle of plastics, such as the production and consumption, in adaption with different national circumstances and development paths. The instrument could provide various options of feasible voluntary approaches, for instance, providing management measures and approaches that fit the national context (including industrial structure, industrial chain, level of economic and social development, technical capacity and means of implementation etc.) in the following aspects,

- Restrict or ban the production and use of certain plastic products with specific categories and purposes;
- Prohibit certain products added with plastic microbeads;
- Restrict certain additives to the plastics;
- Encourage the eco-design of plastic products;

- Tax on certain types of plastic products;
- Conditions to use alternatives to plastics;
- Approaches to plastic recycling;
- Set the conditions to use and the ratio of reprocessed plastics;
- Certify green plastic products.

In general, a variety of economic and market tools could be adopted in an integrated manner to reduce production and use of plastic products and enhance research and development of alternatives.

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).*

The following necessary measures should be taken to ensure the fulfillment of the objective and smooth implementation of the instrument.

1. National Action Plan and National Reporting

National Action Plan(NAP) is essential for countries to develop national strategies based on their national circumstances to address plastic pollution domestically and contribute to the global efforts. Hence, the instrument could request countries to develop NAPs and report regularly in according a decided timing. The format of NAPs and National Reporting could be discussed and formulated by the Conference of Parties for the reference of countries.

2. Effectiveness Evaluation

Effectiveness Evaluation is crucial to support the periodic assessment of the outcomes, progress and potential problems towards obtaining the objective of the instrument. Effectiveness Evaluation should be comprehensive, balanced and problem-oriented, and it should also evaluate the means of implementation (such as technical assistance from developed countries, financial mechanism and others) except for evaluation at the technical level.

3. Compliance Mechanism

The procedure and mechanism of compliance should take facilitating countries' national implementation of the instrument as its main purpose. The process should be transparent, non-confrontational and non-punitive, with specific considerations of national capacity and actual situation. The composition of the mechanism should take due consideration of equitable geographical 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?*

In view of the experience from previous multilateral environmental agreements, the capacity building, technical and financial assistance received by the developing countries will directly determine whether the objective of instrument could be achieved.

The means of implementation specified in the instrument should fully represent the principles of the Rio Declaration on Environment and Development as mentioned in the UNEA5/14. Developed countries should provide additional, sufficient and predictable financial support and technical assistance to developing countries, mindful of the needs of the least developed countries and small island developing states.

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).

Enhance the research and development in the areas of:

- Sources, releases and the impact on human health and the environment of plastics and microplastics,
- Impact of transboundary movements of plastic waste on human health and the environment,
- Alternatives/alternative materials to the problematic and unnecessary plastics,
- Alternative products/alternative technologies,
- Economic assessment of the plastic pollution control technologies,
- Best available technologies and best environmental practices (BAT/BEP) to address plastic pollution

Public communication, awareness and education

Raise awareness in policy making, conduct public communication on the impact of plastic pollution and alternatives, carry out training for personnel at technical and management levels and formulate, exchange and implement education and training plans at both national and international levels.

Stakeholder engagement

- Encourage consumers to reduce use of non-recyclable plastic products;
- Promote international organizations, within their capacities, to assist developing countries with financial and technological support;
- Encourage the engagement of private sectors in plastic recycling and disposal.

Final provisions

It is suggested to consider final provisions based on substantive articles of the instrument.