

**CANADA’S WRITTEN SUBMISSION: POTENTIAL OPTIONS FOR ELEMENTS
TOWARDS AN INTERNATIONAL LEGALLY BINDING
INSTRUMENT ON PLASTIC POLLUTION**

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This submission is intended to support the INC Secretariat in developing an options paper on potential elements of the global instrument on plastic pollution ahead of the second intergovernmental negotiating committee meeting (INC-2) in May/June 2023 and is not considered an exhaustive list.

As a member of the High Ambition Coalition to End Plastic Pollution by 2040, Canada’s submission seeks to contribute to an ambitious and effective instrument, with consideration of our comprehensive national plan to reduce plastic waste and pollution.

Note that a French translation of this submission is forthcoming.

I. Substantive elements

1. Objective(s)

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

<p>Proposed Objective:</p> <ul style="list-style-type: none"> • End plastic pollution to protect human health and the environment from its adverse impacts. <p>Explanatory Text:</p> <ul style="list-style-type: none"> • The instrument should be guided by a clear, encompassing and shared objective that reflects the critical impetus for ambitious and effective action across the entire lifecycle of plastics, following a resource efficient and circular economy approach to drive the required systems change to end plastic pollution. • The objective builds upon the collective recognition by the United Nations Environment Assembly (UNEA) to end plastic pollution, as well as the importance of long-term elimination of the discharge of litter into the oceans and avoiding its detriment to ecosystems and the human activities dependent on them, as per UNEA resolutions 5/14 and 4/6 (reiteration of 3/7), respectively. • This objective also aligns with the approaches taken by other multilateral environmental agreements (MEAs), such as the Basel, Stockholm, Rotterdam and Minamata Conventions.

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?*

Ending plastic pollution requires a comprehensive, sustainable, resource efficient and circular economy approach that employs a range of complementary solutions spanning the plastics lifecycle. The global community will need to work collaboratively to eliminate unnecessary and problematic plastic products and associated chemicals, strengthen sustainable consumption and production through circular design, production and systems, sustainably manage plastics at their end of life, and mitigate and remediate plastic pollution, including in the marine environment.

Effective and sustainable management of plastics will contribute to addressing the triple planetary crisis by reducing greenhouse gas emissions, conserve nature and biodiversity, and reduce pollution to protect environmental and human health. It will also elevate new opportunities, grow economies and jobs, and strengthen communities.

The instrument's core obligations, control measures and voluntary approaches must be ambitious, effective, evidence-based, and address the causes and sources of the issue. The provisions in the instrument should also complement existing multilateral environmental agreements (e.g., Basel, Rotterdam and Stockholm Conventions), and facilitate global collaboration and engagement.

Provisions to Eliminate Unnecessary and Problematic Plastic Products and Chemical Substances

Pollution prevention measures are critical to stop unnecessary and problematic plastic products and chemical substances from entering the market place, where they can become a source of plastic pollution and pose a threat to environmental and human health.

Possible options:

- **General Obligation:** Each Party should eliminate or restrict unnecessary and problematic plastic products and chemical substances, listed in an annex of the instrument.
- **Criteria:** The instrument should establish criteria to identify unnecessary and problematic plastic products and chemical substances. The criteria could consider plastics that are: (a) commonly found or may be released in the environment as pollution; (b) harmful to the environment and/or human health; and, (c) difficult to recycle or impede circularity.

Provisions to Increase a Resource Efficient and Circular Economy Approach

Measures are needed to enable a resource efficient and circular economy approach, in alignment with the waste hierarchy, to reduce plastic waste and pollution, recirculate the value of needed plastics in the economy and strengthen systems, including viable secondary markets, to enable sustainable consumption and production.

Possible options:

- **General Obligation:** Each Party should take effective measures to enable sustainable consumption and production of plastic products and support the creation of circular systems. Measures could include minimum recycled content requirements, extended producer responsibility programs, labelling measures, design or production principles, requirements, or

additional standards or certifications, which support reduction and value recovery processes and systems for reuse, refill, repair, remanufacture, refurbishment or recycling.

- **Target:** Parties should establish a target(s) to enable sustainable consumption and production of plastic products and support the creation of circular systems. A target could include a minimum recycled content requirement for plastic products.
- **Criteria and guidance:** The instrument should establish circularity criteria and guidance for plastic design and production and to inform measures that encourage, enhance and enable value recovery processes and systems, including by major sectors.

Provisions to Mitigate and Remediate Plastic Pollution

Provisions are required to reduce the release of plastic into the environment and address legacy plastic pollution, in complementarity with existing instruments. These provisions should identify and tackle land and aquatic-based sources of plastic pollution, including microplastics, through prevention, reduction and, where appropriate, removal efforts.

Possible options:

- **General Obligation:** Each Party should be required to implement and report on national measures that prevent, reduce, and remove in an environmentally sound manner where appropriate plastic pollution from land and aquatic-based sources, including microplastics and abandoned, lost or otherwise discarded fishing gear.
- **Guidance:** The Conference of the Parties, or a mechanism within it, should develop guidance to: (a) prevent and reduce plastics entering the environment from key sources and pathways; and, (b) prioritize and conduct environmentally sound removal of plastic pollution on land and from waterways and nearshore areas, as well as open water removal of abandoned, lost or otherwise discarded fishing gear within national jurisdictions.

II. Implementation elements

1. Implementation measures

- a) How to ensure implementation of the instrument 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).*

National Action Plans

National action plans are critical in mobilizing actors and resources strategically and identifying targeted measures towards a shared objective. Thus, they will play a key role in implementing the instrument.

The instrument should require the development of national action plans, reflecting country-driven approaches in accordance with national circumstances and the objectives and measures of the instrument, as well as identify the elements to be assessed and reported in the plans.

National action plans should be evidence-based and reflect local, national and regional circumstances such as legislative obligations and frameworks; jurisdictional and actor roles; socio-economic data on the plastics economy, material flows, and management infrastructure and systems; as well as environmental data on plastic pollution. National action plans should include clear objectives, measurable targets, specific actions/measures, timelines, lead proponents, and transparent reporting mechanisms to monitor performance, inform adaptive management, and communicate results. In addition, national action plans should be reviewed and strengthened over time, informed by science.

Reporting

The instrument should include sound national reporting to ensure accountability, transparency and performance monitoring. The reporting mechanism should identify common metrics, facilitate national reporting at a set common frequency and in a process that will garner data and information in a consistent and comparable manner in alignment with the instrument objectives and provisions. The reporting should be accessible, complement other relevant global instruments and be subject to review, where appropriate.

Compliance

A compliance mechanism should be established to ensure that Parties remain in continued compliance with the instrument and ensure effectiveness of the instrument.

Scientific and Technical Cooperation

Scientific and technical cooperation are needed to support an evidence-based instrument, strengthen the science-policy interface, facilitate information exchange, as well as measure performance. More work is needed to strengthen consistent methods and approaches to collect, assess and share data and information and continue to advance robust science across disciplines of economic, social and environmental science, including traditional, Indigenous and local knowledge.

The instrument should require cooperation, encourage and/or undertake appropriate research and monitoring related to plastic pollution, including assessing plastic consumption, production, material flows, sectoral analysis, releases to the environment and its associated potential socio-economic, environmental and human health impacts.

The instrument provisions on science and technical cooperation should align with the objectives, measures and approaches identified in the instrument, including informing targets, guidance or other provisions, and complement existing initiatives, where appropriate.

Information Exchange, Awareness and Education

The instrument should require Parties, within their capabilities at the local, national, regional and/or international level, to cooperate, encourage and/or facilitate awareness raising, education and the exchange of information in support of the instrument objective and provisions.

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?*

The United Nations Environment Assembly (UNEA) of the United Nations Environment Program (UNEP) adopted Resolution 5/14, *which called for provisions to specify arrangements for capacity-building and technical assistance, technology transfer on mutually agreed terms, and financial assistance. Also noting that document UNEP/PP/INC.1/5 covers in passing these elements, it is recommended that the intergovernmental negotiating committee (INC) Secretariat provide more detailed information to Member States on options for means of implementation, taking into consideration lessons learned from other multilateral environmental agreements (MEAs), to support treaty development at INC-2.*

Resource mobilization and financing

Mobilizing financial support from a wide variety of sources, both public and private, domestically and internationally, is important to ensure that all Parties are able to fulfill their obligations under MEAs. The development and inclusion of provisions for resource mobilization in the implementation of the agreement on plastic pollution in a transparent and ambitious manner is required, including support to developing countries.

In the context of existing mechanisms, Canada supports consideration of the need for a financial mechanism to support the implementation and therefore effectiveness and impact of a legally binding instrument on plastic pollution. Taking into account the financial landscape, including Parties, the private sector, and international financial institutions, and in line with the commitments, obligations and objectives of the instrument, this financial mechanism should be efficient, responsive, adaptive and transparent.

Additionally, Canada strongly suggests the exploration of innovative funding instruments and sources, including blended finance, to fulfill funding needs identified by Parties, where the private sector could play a more significant role along with multilateral development banks and international financial institutions.

Capacity-building

In the context of existing institutional arrangements and delivery mechanisms for capacity-building, considerations should be given as to what kind of framework guiding capacity building is most appropriate and efficient to facilitate the implementation of the agreement by all Parties. Capacity-building measures should complement—rather than duplicate—the capacity-building work of other bodies and processes in relevant MEAs. Best practices also dictate that technical assistance and capacity-building need to be mainstreamed throughout projects, activities, and core programming, and not promoted and supported as stand-alone activities.

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).

Just transition, gender and human rights

The instrument and its negotiation should reflect considerations of just transition and the respect of human rights, including the rights of Indigenous Peoples, and promote gender equality and diversified perspectives, recognizing that marginalized and vulnerable communities are disproportionately affected by plastic pollution.

Engagement modalities

Inclusive, meaningful and robust engagement is required. Negotiations and treaty development should be informed by the valuable input from stakeholders, including youth, academia, civil society, industry as well as Indigenous Peoples and all levels of governments.

Amendments

A strong and ambitious treaty is required that will allow for strengthening to enhance ambition and implementation. Notwithstanding outstanding discussions on structure for the treaty, the inclusion of clear procedures on adoption of amendments, specifying potential process for proposing, reviewing and approving amendments is required.