

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)	Thailand
Name of organization (for observers to the committee)	N/A
Contact person and contact information for the submission	1. Ms. Teeraporn Wiriwutikorn, Specialist on Waste and Hazardous Substances Management Pollution Control Department E-mail: teeraporn.w@pcd.go.th 2. Ms. Wassana Jangprajak, Environmentalist, Senior Professional Level, Pollution Control Department E-mail: wassana.j@pcd.go.th
Date	13 February 2023

I. Substantive elements

1. Objective(s)

Proposed Objective:

To end the plastic pollution in order to ultimately protect the human health and environmental impacts from plastic pollution arising throughout its entire life cycle

Explanatory Text:

The objective of the instrument must clearly and concisely convey the final goal of eliminating plastic pollution, in accordance to the UNEA 5/14 resolution. The plastic pollution has negative impacts on the environment, which are not only linked to biodiversity and climate change crises, but also potentially affected to public health.

2. Core obligations, control measures and voluntary approaches

1. Combination to address entire life cycle

- The core provisions should cover all stages of plastic life cycle aligning with green chemistry principles, waste management hierarchy, and sustainable production and consumption pattern for example at upstream to address both design and production phases by focusing on pollution prevention/reduction and waste minimization concepts, at midstream to address both distribution and consumption phases by focusing on the sustainable consumption concept and at downstream to address the post consumption phase by focusing on resource efficiency and circularity concepts. Furthermore, additional prescriptive measures to prevent and control unintentional leakages of plastic pollution, in particular micro/nano-plastics, into the environment from each stage should be included.

2. Obligations specific to harmful chemical additives, recycling and waste management, design standards

- *Addressing issues of problematic plastics including the use of additives in plastics, plastic products in which may obstruct the sustainable recycling or circularity and may easily degrade as micro/nano-plastics into the environment properly and carefully—what would be the best appropriate and efficient measures.*
 - *Prioritizing and formulating lists of problematic plastics; or of plastics containing highly hazardous additives; or of hazardous additives, being phased out, phased down or restricted should be one solution among others based on scientific evidences, concrete criteria and proper mechanism—those can be prescribed in the form of annexes by taking into account the replacement of other available alternative or innovative products with serving the same or similar functions. While, another solution in avoiding problematic plastics can be dealt with technical recommendations on the use of certain plastic types in their proper applications. Nevertheless, in term of type and necessity of additives, they should also be determined to be substituted with other safer ones otherwise by other means of alternative or innovative.*
3. Control measures for upstream, midstream and down stream
- *At the upstream, production phase,*
 - set up new or review existing international harmonized product standards including design for toxic free and design for friendly recycling and recovery with allowing more resource efficiency and circularity
 - get rid of hazardous parts or constituents from the plastic value chain through the design criteria, for example recommendation on the production and utilization of mono material, colorless, and toxic free plastics or plastic products.
 - minimize the virgin plastic production and utilization; but maximize the recyclable plastic production and utilization
 - restrict or prohibit the utilization of hazardous chemicals/additives in plastics or plastic production or apply the restriction or phase out policy; while, the proven hazardous chemicals, that are excluded from the existing MEAs or tools as well as the problematic plastics in particular a kind of easily degradable (disintegration) as micro/nano-plastics or leakage prone into the environment should be addressed by the ban policy; and the instrument should include the opportunity for encourage the environmentally and innovative alternatives.
 - *At midstream, distribution and consumption phase,*
 - in distribution phase emphasize measures to promote the reduction of unnecessary and overuse of plastic, especially in the online purchasing (e-commerce).
 - for the consumption phase, it may prescribe guidelines/recommendations for consumers in reducing pollution voluntarily, such as choosing environmentally friendly products, reducing the amount of waste from consumption, choosing a product as a service, for example, choosing refill containers for drinking water, etc.
 - *At downstream, post-consumption phase,*
 - appropriate control measures should be prescribed to ensure the environmentally and friendly sound management of waste
 - procedural measures to develop the appropriated technical guidelines or technology transfer such as product recycling, circulation, energy recovery technologies, etc. should also be set up.

4. The unintentional plastic pollution

- Focusing on the best available technology (BAT) and best environmental practices (BEP) used to minimize and eliminate pollution. These include the environmental and emission/effluent standards from all stages of plastic.

5. Voluntary approaches based on National circumstance

- In addition to the binding obligations of the measure, it should consider to the voluntary practices to support of achieving the objectives and goals, such as encouraging consumers to make purchasing environmentally friendly products or services, preventing or reducing pollution.

II. Implementation elements

1. Implementation measures

1. National action plans

- Developing a national action plan to reduce plastic pollution and related reporting is needed.
- The information shall be updated every five years.
- The first COP-1 must certify the guidelines for the preparation of national action plans.

2. Scientific and technical cooperation and coordination

- Thailand recognizes the importance and necessity of best available scientific and technical knowledge and know-how as well as local knowledge and wisdom, in particular from indigenous peoples, in addressing the plastic pollution.
- Those are required the cooperation and coordination among Member States and all stakeholders including academic and research institutes, IGOs, NGOs, and also synergies between relevant existing MEAs and the new setting of SPP on Chemicals, Waste and Pollution to explore solutions and findings in supporting the negotiation and implementation processes.
- Among other things, it should be considered to include mechanisms in the instrument in which make available further development of innovations and researches in minimizing problematic plastic production and consumption, including micro/nano-plastics and unintentional toxic releases into the environment as well as in exploring available and sustainable alternatives.
- The mechanisms need to strengthen the aforementioned cooperation and coordination which on basis of relevant scientific knowledge and evidences, socio-economical and practical possibilities, with aims to reduce barriers to achieve the sustainable circularity of plastics and overcome intensive burdens to our global spheres.

3. Effectiveness evaluation and national reporting

- A global monitoring programme and network of plastic pollution that take into account national and regional efforts and harmonized methodologies. In addition, technical guideline to set up such monitoring system should be provided to support member countries, especially developing countries, in ensuring the efficient and timely operation of such system at the national level.
- An online national reporting system which comprises national data related to plastic pollution, including the periodical state of plastic pollution (probably annual, biannual, etc.) which, at least, comprises of plastics or plastic waste trade flows, material flow and balance of plastics (if any), as well as an action plan which comprises key activities, initiatives, projects, or programmes, relevant legislation and regulations, and any other applicable tools or instruments to address plastic pollution
- The effectiveness evaluation framework and scheme to measure the progress and efficiency of the instrument at all levels, national, regional and global levels.

- Furthermore, to support the effective implementation of member countries, in particular developing countries and countries with economic in transition, the global knowledge hub on plastic pollution mitigation and management can help taking stock of best practices from member states, such as models of economic incentives or taxation, legislation options, national action plans, applicable plastic waste management scheme, etc.

4. Compliance

- technical assistance, technology transfer, financial mechanisms and a transparent reporting system
- coordination and cooperation mechanisms with international organizations, related international Convention and research development and monitoring evaluation

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.

1. Financial assistance

- this aspect should cover financial assistance to developing countries and economies in transition.
- one single form or solution may not sufficient to support the implementation by member states. Integrated solutions, comprising of existing or innovative financing options should be considered and explored. So that member states can apply one or more options, that suit with their context, circumstances and capabilities.
- the financial mechanism may include multilateral fund, plastic pollution trust fund and Global Environmental Facility Trust Fund, for example.

2. Capacity building and technical assistance

- cooperate to provide timely and appropriate capacity-building and technical assistance to developing country and countries with economies in transition to assist in the full and completed implementation of their obligations under the instrument.
- establish regional networks to support the implementation of the instrument for the purposes of providing exchanging of information, knowhow, knowledge, experience, and lesson and failure learn, capacity-building and technical assistance.
- seek to cooperate and coordinate with other multilateral environmental agreements and regional initiatives to increase the effectiveness of the capacity-building and technical assistance

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).

1. Stakeholder engagement
 - In setting the constructive participation and action of those respective stakeholders in the instrument, the crystal-clear modality should be strategic by taking into account principles of inclusiveness, transparency, responsiveness, accountability and respect for rights as well as providing their opportunity and capacity to participate and share their inputs and expertise as well as take actions effectively, equitably, responsively and accountability through the process.
2. Sequencing and recommended further work
 - Due to the time constraint during the negotiation in INC-1, the intersessional work is needed, including, but not limited to, informal focus group meetings, regional discussions and multi-stakeholders consultations, to take stock in advance of key provisions and substantive elements to be shaped and elaborated in pre-session documents prepared by the Secretariat in accordance with further proposed agenda items of the next INC meeting other than inputs from written submissions just suggested by the informal group.
 - In the INC-2, its potential agenda items would include the consideration of proposals on structure and potential key provisions. Then, the contact groups to cluster their works aligning with such proposed agenda items should be established at the 2nd INC.
3. The structure of the instrument
 - The most preferable option of Thailand is a format of specific convention plus annexes.
 - The convention should contain core and standard provisions, while annexes may include necessary scientific and technical information and substantives, as well as procedural and administrative matters.
4. Prescribing key glossary terms
 - It should take into account the concept of “essential use” as with other MEAs, among others, including the terms of “Plastic” “Plastic Pollution” “Problematic Plastic” “Life Cycle Approach” and “Life Cycle Assessment”, etc.