

PHILIPPINES' SUBMISSION

On the Potential Options for Elements towards an International Legally Binding Instrument

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I. Substantive elements

1. Objective(s)

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

Proposed Objective: Adoption of the wordings of UNEA Resolution 5/14 – End plastic pollution: Towards an international legally binding instrument such as:

- *“long-term elimination of plastic pollution”*
- *to “avoid detriment from plastic pollution to ecosystems and the human activities dependent on them”*
- *“based on “a comprehensive approach that addresses the full life cycle of plastic”*
- *adopt an international legally binding instrument to end plastic pollution*
- *attaining international cooperation for the long-term elimination of plastic contribution towards achieving global sustainable development*

The instrument should state the “shared vision” consistent with the agreement in UNEA 3 Resolution 37 on the long-term elimination of discharge of litter and microplastics to the oceans and of avoiding detriment to marine ecosystems and the human activities dependent on them from marine litter and microplastics through an international legally binding instrument to end plastic pollution.

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?*

1. Plastic Avoidance / Reduction

- *Through avoidance, reduction and elimination of problematic plastics, limiting their inflow into the environment.*

- *Control Measures is through a planned time-bound (phase- out/phase-down) reduction as well as market-based instruments such as taxes and fees for consumption reduction.*
- *Establishment of alternative and environment-friendly packaging materials or promote biodegradable materials.*
- *Systematic assessment and monitoring and tracking of plastic (macro/micro/nano) in the environment at the local, regional and global level.*
- *Regulation on the use of microbeads and single-use packaging used in personal hygienic kits and other household products.*
- *Disincentive/ ban on particular plastic products and applications that constitute an excessive risk of plastic pollution and/or particular harm to the environment, such as single use plastics and irresponsible plastic production.*
- *Establish an international compliance of plastic pollution free products.*
- *The production and use of polymers and chemicals are to be phased out, which could include polymers and chemicals with inherent properties that have slow or no degradation time in the environment, bioaccumulation potential and toxic long-term effects (carcinogenic, reprotoxic, endocrine disruptors).*
- *The manufacturing, import, export, and use of plastic products that will be subjects of bans or phased eliminations should be listed in an Annex, which could include risk of ending up in the environment and potential harm to environment, human health, and livelihoods.*

2. Plastic Product Circulation

Through increased circulation of plastic products, reducing both required inflow and leakage rate. Control Measures shall be through:

- *Product design requirements standards aimed towards reuse and recycling (e.g. minimum recycled content; restrictions on product color and shape choices); durability; reparability; minimum target for reuse of plastics put on the market; minimum target for recycling of plastic waste; absence of potential for release of microplastics)*
- *Restrictions on the range of polymers available to use in certain products.*
- *Elimination of toxic additives that make reuse dangerous for human health.*
- *Harmonized product labelling and information disclosure obligations to improve global transparency, allow informed choices, and ease collection and recycling across markets (e.g. chemical contents of products along the value chain)*
- *Technical requirements to ensure traceability of plastic items found in the environment to the producer/importer/point of sales.*
- *Inventory and monitoring of industries producing raw materials for plastic commodities.*
- *Industry certification for global standard requirements*
- *To include disclosure information from the industry sector on the production, use and disposal of plastics across the country to better understand how they contribute to plastic crisis.*
- *Identification of ideal substitute materials to plastic, or a combination of products, that could aid in the establishment of targets for reduction and/or substitution. Life cycle assessment of these plastic substitutes must also be done to be able to evaluate whether such innovation can indeed help in reducing plastic pollution.*
- *Imposition of tax for certain types of plastics especially those that release harmful chemicals to the environment.*
- *Promote circular economy.*

3. Plastic Waste Management

- *Through improved waste management and other leakage- prevention measures.*
- *But with recognition that reactive measures alone cannot solve the plastic production and consumption trajectories*

- *Strict observance on segregation of solid waste*
- *Mandatory development and implementation of Extended Producers' Responsibility (EPR) schemes, including deposit return schemes for certain product categories (e.g., beverage bottles, or certain types of fishing gear)*

II. Implementation elements

1. Implementation measures

- 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?)*
- How to ensure effectiveness of the instrument and have efficient national reporting?*
- 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).*

- *Standard Monitoring and Reporting: There should be global standards for monitoring plastic production, consumption, management including recyclability and recovery back into the circular loop, and elimination of leakage. All countries should then use these for measuring and reporting national progress to provide figures that are comparable globally.*
- *We support the creation of a dedicated inter-governmental scientific body that will provide widely accepted scientific and technical guidance to implementing states. The scientific body's functions should also include tracking progress of global reduction targets and monitoring leakage of litter and microplastics into the oceans. Further, it can look into the development of possible alternatives to plastics, as well as the determination of their impacts to human health and environment.*
- *National action plans (NAPs) should be developed to implement common global obligations and requirements in ways most suited to country's national circumstances and to provide for complementary policy measures addressing causes and effects of plastic pollution that are most proper for their national context and should deploy additional policies beyond global requirements e.g. the treaty can oblige countries to establish EPR schemes for a specified list of plastic applications (e.g., packaging) and specify a set of criteria or guidelines for the essential elements of such schemes. The detailed design and mechanisms of those schemes could then be elaborated and implemented by the countries through their national action plans, to implement the common obligation in a way that is most appropriate to their national circumstances.*
- *Formulation and financing mechanism for the implementation of National Action Plan (NAP) for Plastic Pollution*
- *Improvement of support structure on the issuance of the writ and or civil action for failure to abide with National Action Plan (NAP) for Plastic Pollution*
- *Review and updating of existing laws/policies on plastic pollution.*
- *Active enforcement of related laws related to plastic pollution.*
- *Provision of incentive mechanisms to law abiding industries/business*
- *Developing countries, particularly from the local level, must develop short- medium- (i.e., reducing the volume of plastics that become wastes and end up as landfill materials) and long-term (liner to circular economy) action plans in managing plastic pollution.*
- *Setting-up of plastics policy targets, including the creation of sustainable markets, until the termination/ abolition of its productions and use, must be included.*
- *The need to empower informal sectors (recyclers, waste pickers) and invest more on plastic waste collection and sorting/ recycling, which must be one of the agenda of the local municipalities/ cities in improving the working conditions of these informal sectors to*

progress their skills in recycling, encourage more labor and generate additional income to the locality.

- *Policy formulation on eliminating plastic pollution.*

2. Means of Implementation

With respect to the 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?

Support for Developing Countries:

- *Mechanisms for financial and technical support for implementing countries should be included in the global framework.*
- *Financial mechanisms should directly support the implementation of the treaty's core obligations and control measures such as through a dedicated multilateral fund that is directly linked to the treaty.*
- *Support should also include capacity building, R&D, and technology transfer to sustain actions by developing countries especially in terms of material reduction, recyclability improvement, redesign of materials as well as sustainable low-carbon waste/material management schemes.*
- *Developing countries' capacities and technological know-how should be strengthened, thru the necessary support to be established in this treaty, in developing standardized calculation methods for setting baselines and tracking progress towards adopting such for comparison globally.*
- *There is a need for capacity building, research and development, and technology transfer to sustain actions by developing countries especially in terms of awareness raising about the harms of plastic pollution, material reduction, recyclability improvement, redesign of materials as well as sustainable low-carbon waste/material management schemes.*
- *Financing mechanism of National Action Plan (NAP) for Plastic Pollution*
- *Improvement of support structure on the issuance of the support structure on the issuance of the writ and or civil action for failure to abide with National Action Plan (NAP) for Plastic Pollution*
- *Review and updating of existing laws/policies on plastic pollution.*
- *Active enforcement of related laws related to plastic pollution.*
- *Provision of incentive mechanisms to law abiding industries/business*
- *The use of digitalization and information technology in monitoring the lifecycle of plastic, especially in the waste management phase should be applied.*
- *The development and mobilization of technologies can be one of the technical supports for developing countries.*
- *Financial support for research and development on plastic pollution*
- *Financial support for information system for monitoring and regulations*

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).

- *Institutional arrangements: Conference of the Parties (COP) will be the treaty's governing body and it should use the INC rules of procedure when adopting its own rules of procedure.*
- *Entry into force: Additional conditions with respect to the estimated total volume of plastic consumption of States should be included for treaty's entry into force e.g. Article 16, Montreal Protocol.*
- *There is a need to emphasize accountability for managing plastic wastes that ends up in the high Seas. Transboundary movement should be included in the Treaty.*
- *Research and development on assessment and monitoring of plastic (macro/micro/nano) in freshwater and marine ecosystem*
- *Research and development on microbe degrading plastics that can be used in dumpsites.*
- *Formulation and/or strengthen local research and development consortium and law enforcement mechanism for plastic pollution.*
- *Establishment of worldwide and accessible tracking systems related to plastic pollution.*