Potential options for elements towards an international legally binding instrument

Peru

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Date 13 February 2023	

I. Substantive Elements

1. Objective(s)

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

Proposed objective: **To eliminate plastic pollution and protect human health and the environment from pollution and adverse impacts caused by plastic throughout its life cycle.**

Explanatory text:

Polymers and plastic products are light, strong, durable and inexpensive materials, characteristics that make them suitable for the manufacture of a very wide range of products. These characteristics have led to a significant increase in their production and use over the last three decades.

Most plastic products are inappropriately disposed of after use and most plastic products are used only once. Furthermore, only 9% of all plastics is recycled. The remaining 91% of the plastics produced is discarded in landfills and in the

sea. Poor management of plastic waste is the main source of plastic and micro-plastic spillage, which is responsible for 80% of the debris in the sea.

Plastic pollution contributes significantly to the triple crisis currently facing the planet, with negative impacts on ecosystems and biodiversity and significant adverse effects on human health, as well as contributing to climate change.

The chemicals that are used during the manufacturing process of various plastics, and even the plastic products themselves that release microplastics that end up in humans, as well as in the animals that humans consume, constitute a serious health problem as they can disrupt the proper functioning of the endocrine system.

Concern about the threat of plastics to the marine environment has also escalated globally and has been recognised in various international areas. The largest proportion of marine litter entering the sea comes from land-based sources. Due to ocean currents, five islands of floating plastic have formed, coinciding with the main oceanic vortices: two in the Pacific, two in the Atlantic and one in the Indian Ocean [1] . This situation affects marine biota through ingestion by mistaking them for food, or even entrapment or entanglement; it is also persistent in the marine environment and therefore takes a long time to degrade. Plastic also poses specific health risks, which, through the process of biomagnification in seabed species, are introduced into the human food chain.

In order to meet the objective of eliminating plastic pollution, the present Instrument should seek to include provisions that promote the elimination of certain plastics considered problematic or single-use, the reduction of plastic dependence, as well as the transition towards a circular economy model, so that as many plastic products as possible are replaced, and those that are necessary, including single-use plastics, are replaced by those that are more durable and less toxic. The present Instrument should also include provisions that promote responsible production and consumption, and ensure the environmentally sound disposal of plastic waste.

[1] https://www.iberdrola.com/sostenibilidad/las-5-islas-de-basura-en-el-mundo

2. Basic obligations, control measures and voluntary approaches

a) *What core obligations, control measures and voluntary approaches would provide a comprehensive approach to address plastic pollution, including in the marine environment, throughout the entire life cycle, in line with the objectives of the present instrument?*

<u>Basic obligations about primary plastic polymers</u>:

The present Instrument should include measures and objectives to keep the supply of primary plastic polymers (including fossil fuels and bio-based ones) within sustainable levels. The present Instrument should include provisions to reduce the production of primary plastic polymers for which recycling is practically impossible, such as thermo-stable plastic polymers.

<u>Obligations on Circularity</u>

The present Instrument should also include provisions promoting the development of markets for non-toxic secondary plastic polymers.

Provisions should also be included to prohibit or restrict the use, in the manufacture of plastic products, of those additives and chemicals that create barriers to the recycling of plastic waste, thus impeding circularity.

Similarly, the present Instrument should include provisions for the elimination or restriction of the production of single-use plastic products, which are particularly prone to littering and plastic pollution due to the way they are intended to be used.

The present Instrument should establish criteria for identifying polymers, chemicals of concern and plastic products that prevent or hinder circularity, which are to be included as an annex to the present Instrument.

<u>Obligations on Health and Environmental Protection</u>

The present Instrument should include provisions on the elimination and restriction of specific plastic polymers and chemicals (such as softeners or dyes) that have harmful effects on human health and on the environment, or that have a high risk of release into the environment, including microplastics.

Measures to reduce the production of plastic polymers should also be articulated with efforts to reduce greenhouse gas (GHG) emissions, especially considering the case of GHG-emitting plastic polymers.

The present Instrument should establish criteria for identifying polymers, chemicals of concern and plastic products that are potentially harmful to human health or to the environment; and those that may be released into the environment (microplastics), all to be included in an annex to the present Instrument.

Proposal for possible mandatory approach measures:

- *Measures aimed at eliminating plastic goods that are considered problematic or unnecessary and to minimising their production, including plastics that cannot be reused or recycled in practice. To this end, the present Instrument may provide for the:*
    - *Obligation of the Parties to take effective measures to reduce the production of primary plastic polymers to a level agreed in the present Instrument to achieve the common objective set out in the present Instrument. Measures could include, inter alia: tariffs, production permits and licences, moratoria, bans, regulations and the elimination of negative fiscal incentives, such as subsidies that support the expansion of plastics production.*
    - *Obligation of the Parties to report on the quantities and type of plastic polymers produced, as well as on the quantities and type of chemicals applied in production.*
    - *Obligation of the Parties to promote circular economy approaches, including establishing provisions regarding the*

design of plastic goods so that their lifetime is maximised, prioritising reusable goods, and that they are ultimately recyclable or compostable.

- *Obligation of Parties to phase out and restrict the production and use of polymers, chemicals and plastic products identified in an annex to the Instrument.*

- *Obligation of the Parties to take measures to eliminate the disposal of polymers and plastic products in water sources, sewage, rivers, lakes and into the marine environment. Measures should be taken, especially in the fisheries sector, to eliminate ghost fishing and to establish responsibility for the use and disposal of plastic fishing equipment.*
- *To develop regulations under the principle of Extended Producer Responsibility (EPR), in order to improve recycling mechanisms, ensure functioning management systems and improve collection rates.*
- *To ensure proper management and disposal of plastic waste that cannot be reused, recycled or composted.*
- *Standardisation of criteria for plastic product design and labelling, with a circular economy approach.*
- *Generation, exchange and dissemination of information related to the management of plastics throughout their life cycle.*
- *Education, public awareness and training on responsible consumption and the prevention of plastic pollution throughout its life cycle.*
- *Development of national action plans according to the particular circumstances of each country, including for the elimination of plastics currently in the environment.*

Proposal for possible measures for a voluntary approach:

- *To implement projects on innovative solutions to prevent plastic pollution throughout its life cycle (solid waste containment barriers).*
- *Technical capacity building, technical assistance and technology transfer to prevent plastic pollution throughout its life cycle.*

- *To develop campaigns related to the international beach clean-up day.*

II. Elements of implementation

1. Implementation measures

a) *How to ensure implementation of the present instrument at the national level (e.g. does the role of national action plans contribute to meeting the present instrument's objectives and obligations?)*

- *Adoption of international standards into national law and strengthening of control instruments, taking into account the imperatives of economies with a high rate of informality.*
- *Establishment of international cooperation mechanisms to ensure compliance with this treaty, including through measures related to plastics in international trade.*
- *Establishing national recycling goals.*
- *Development of National Implementation Plans to end plastic pollution, including in the marine environment, throughout its life cycle.*

b) *How to ensure the effectiveness of the present instrument and have efficient national reporting?*

It is suggested that a report be made on an annual basis, identifying the mandatory and voluntary results to be reported and the implementation of a virtual platform to disseminate the results, progress and reports of each country.

2. Means of implementation

a) *What measures will be required to support the implementation of the present instrument?*

On financing, capacity building and technology transfer:

For the implementation of the present instrument, it will be vital to promote the flow of adequate financial resources, from developed to developing countries, to support developing countries' policies, strategies, legislation and action plans to meet their commitments. Such financial flows are also expected to be accompanied by capacity building, joint research development with developing countries and technology transfers.

Fees levied on plastic products, which serve as a source of funding to implement national/regional plans and/or technological innovation and awareness-raising projects.

With regard to capacity building, technical assistance and technology transfer, it is suggested that [2]:

- *Countries should cooperate, within their means and in a timely and appropriate manner, in capacity building and the provision of technical assistance for the benefit of developing countries, in particular small island developing states, and those with economies in transition, in order to assist them in meeting their obligations under the present instrument.*
- *Capacity building and technical assistance may be provided through regional, sub-regional and national arrangements, including existing regional and sub-regional centres, through other multilateral and bilateral means, and through partnerships, including those involving the private sector.*

[2] Minamata Convention on Mercury. Capacity building, technical assistance and technology transfer, Article 14. Available at: https://observatoriop10.cepal.org/sites/default/files/documents/treaties/minamata-convention-booklet-sp-full.pdf

- *In order to enhance the effectiveness of technical assistance and its delivery, it is advisable to seek cooperation and coordination with other chemicals- and waste-related multilateral environmental agreements.*
- *It is considered important to promote and facilitate, with the support of the private sector and other stakeholders, as appropriate, the development, transfer and dissemination of the best environmentally sound alternative technologies.*
- *In this regard, it will be important to (a) Review information on existing initiatives and progress made in relation to alternative technologies; (b) Review the needs and challenges facing countries, in particular developing countries, in terms of alternative technologies and technology transfer.*

III. Additional considerations

To provide any other relevant proposals or priorities here (e.g. introductory elements, awareness raising, education and information exchange, research, stakeholder involvement, institutional arrangements and final provisions).

It is important to assess the best strategies and alternatives to address the problem of informality throughout the plastic goods value chain.

It will be essential to recognise and define the role of waste pickers, and to incorporate them as key actors in the framework of the actions and strategies needed to address plastic pollution in the environment.

It is important to continue to ensure a process where all relevant stakeholders and actors are listened to to address to plastic pollution.