

Input from the International Pollutants Elimination Network to the Guiding Questions for the Second informal in-person meeting of Heads of Delegation to the Intergovernmental Negotiating Committee on Plastic Pollution

Below are inputs from IPEN on the guiding questions for the upcoming Informal In-Person HODs. In addition IPEN has analyzed the Chairs “Aid to Negotiations” and found that the document does not contain options to fulfill the mandate and would not protect human health and the environment from plastic pollution. For more information, see [IPENs Quick Views](#) on the Chair’s “Aid to Negotiations”.

Cluster A:

- National plans
- Reporting
- Implementation and compliance
- Information exchange
- Effectiveness evaluation

1. What purposes are National Plans expected to serve as a contribution to the achievement of the objectives of the instrument?

National Plans can be useful tools for implementation but are not substitutes for strong global obligations under the future Plastics Treaty. Any national tools should be used to translate the legally binding obligations under the future Treaty into concrete national measures.

2. How could provisions on reporting, implementation and compliance, information exchange, and effectiveness evaluation support the overall implementation of the instrument, and what is the relationship between these articles?

For these provisions to effectively contribute to the implementation of the instrument, it will be important:

- to ensure that monitoring is included in the instrument, thus supporting evaluations and improving implementation over time.
- to ensure that all invitations for information submission include both Parties and Observers, so that information from scientists, civil society, waste pickers, and Indigenous Peoples is available and accessible.
- that information exchange is complementary to binding measures.
- that information is publicly available.
- that for the purposes of the treaty, information on health and safety of humans and the environment shall not be regarded as confidential (mirroring language used in Article 9 of the Stockholm Convention).

3. What will be the role of information exchange in the overall implementation of the instrument and how can it contribute to its effectiveness?

Importantly, information exchange should not become a substitute for mandatory reporting or monitoring, but should be a core enabling function of the instrument to support transparency, implementation, participation, capacity building, and cooperation. To make information

exchange effective, the information should be publicly available and include information submitted from both Parties and Observers.

Cluster B:

- Releases and leakages
- Existing and legacy plastic pollution
- Plastic waste management
- Plastic products design
- Plastic products

1. What considerations should guide decisions on determining which plastic products will require possible global measures, actions or cooperation?

The option of applying global measures will be a key component to ensuring that the future instrument effectively protects human health and the environment. The plastics crisis is global and national measures alone will not be sufficient. Global, legally binding obligations can also create a level playing field for industry by establishing common requirements.

Criteria for determining which plastic products to regulate should be science based and transparent and their application should be guided by the precautionary principle. Relevant considerations include the product's contribution to plastic pollution, environmental leakages, releases and emissions, impacts on human health and the environment, and the presence of hazardous chemicals. The criteria should also allow products to be considered as groups or classes where they share common characteristics or risks, rather than requiring products to be addressed individually.

The proposal submitted by Mexico and Switzerland on behalf of 85 countries during INC 5.2 provides a good starting point for these discussions, since the proposal includes a regulatory mechanism for how to identify, assess, list, restrict/phase out, and update lists of products. These regulatory functions are crucial to protect human health and the environment from plastic pollution.

2. What type of enabling factors should be considered to address existing and legacy plastic pollution, including the process to identify and evaluate the locations or accumulation zones and subsequent remediation efforts?

Addressing existing and legacy plastic pollution will require enabling conditions that support identification, monitoring, assessment, and remediation of contaminated sites and accumulation zones. Importantly, legacy pollution may not always be visible, as it can consist of microplastics and plastic chemicals. Since these can have detrimental effects on human health, it will also be important to ensure that legacy pollution is addressed where the pollution is less visible.

The polluter pays principle should extend to the costs associated with legacy plastic pollution to ensure that producers and exporters of plastics pay for the adverse impacts their products and materials have.

Moreover, remediation should not be used as a substitute for preventing further pollution. The instrument should therefore link measures addressing legacy pollution with strong upstream measures to address production and eliminate hazardous chemicals.

3. How can Parties cooperate in the implementation of effective waste management policies, taking into account the different national circumstances and needs?

Effective waste management policies will require measures to eliminate dumping and burning and other measures that release or emit plastic particles (including micro- and nano-plastics) and hazardous chemicals from plastics.

Improving waste management practices will require improved transparency and traceability of plastic chemicals across the full lifecycle of the plastics, including across borders. This will also be essential in order to protect the health of workers from exposure to hazardous substances.

Waste management policies should be based on environmentally sound management and should not promote approaches that perpetuate hazardous chemicals circulation. In the future text of the treaty, it will be important to ensure that any references to circular economy approaches are coupled with text on safety and sustainability.

Importantly, the promise of plastic recycling to resolve the plastic crisis is overstated. Historically, less than 10% of plastics have been recycled and studies show that many plastics cannot be recycled. Even for recyclable plastics, recycling can increase emissions, releases, and leakages of plastics, microplastics, and plastic chemicals. Studies also show that plastic recycling circulates toxic chemicals into new products, including children's toys. To end plastic pollution, it is crucial to include obligations in the earlier stages of the life cycle. For the waste stage of the plastic lifecycle, plastic recycling should be encouraged only when it can be done to scale in an environmentally sound manner without circulating hazardous chemicals.

Cluster C:

- Capacity-building, technical assistance, technology transfer, including international cooperation
- Financial resources and mechanism

1. What elements must be considered to ensure that all available financial sources, including public finance, are effectively mobilized for the implementation of the instrument?

The instrument should establish a dedicated, independent multilateral financial mechanism with sufficient, predictable, and sustainable resources to support implementation. Public financing should be complemented by contributions from those benefiting from plastic production, in line with the polluter pays principle.

2. What role should the private sector have in facilitating the mobilization of financial resources, capacity building and technical assistance, and what elements could be considered under the financial mechanism to promote such a role?

The private sector should contribute to implementation particularly through the polluter pays principle. The financial mechanism could include mandatory contributions or pollution fees on plastic and plastic-related petrochemical producers. Private-sector involvement should be subject to strong transparency, accountability, and conflict of interest safeguards and should not give industry influence over the allocation of funds or treaty implementation.

3. What provisions related to technology transfer could foster international cooperation, considering the capacity differences between countries?

It is crucial that technology transfer does not promote technologies that perpetuate plastic production or lead to releases, emissions, or leakages of plastics and plastic associated chemicals. Instead technology transfer should ensure access to environmentally sound, toxics-free, and health-protective technologies.

Cluster D:

- Preamble
- Objective
- Principles and approaches
- Definitions
- Just transition
- Public information, awareness, education and research
- Secretariat
- Final provisions

1. Which principles and approaches could be useful in guiding the effective implementation of the instrument, and how could these be best reflected in the instrument?

In order to ensure effective implementation of the treaty it will be crucial to ensure that the objective of protecting human health and the environment is reflected throughout the text with legally binding control measures across the full lifecycle of plastics.

For the implementation it will also be important that some principles are reflected in a cross-cutting manner across the Treaty provisions. These include principles of precaution and prevention as well as environmental justice, human rights, and intergenerational equity. The instrument should also ensure transparency and meaningful participation for rightsholders, stakeholders, and others.

2. How can actions related to public information, awareness, education, and research support implementation?

For this article to effectively support implementation it will be important that it ensures the right to know. Information on hazards of plastic, including plastic associated chemicals, should be publicly accessible and comprehensive to include information about the hazards that occur throughout the full lifecycle of plastics.

3. Considering the progress achieved so far in the discussions related to issues such as the Secretariat and definitions, does the current formulation in the Aid to Negotiations reflect the level of detail required?

While not specified in the definitions in the document, the structure of the provisions in the Chair's Aid to Negotiations seems to indicate that plastic pollution would mainly be understood as a waste management issue. This would not be in-line with scientific evidence, nor with the mandate in Resolution 5/14 which stresses the full lifecycle approach. Any future discussions need to be in line with the UNEA resolution, including through addressing plastic production.

For more information on why the Aid to Negotiations would fail to protect human health and the environment, see [IPENs Quick Views](#).