Submission by Samoa, on behalf of the small island developing states at the Fourth Session of the Intergovernmental Negotiating Committee (INC) to develop an international legally binding instrument on plastic pollution, including in the marine environment

25 April 2024

Part IV

1. National [Action][Implementation]Plans

Explanatory text:

SIDS agree not to be prescriptive about the contents at this time as we continue to negotiate in CG1 on the obligations and would prefer not to restrain ourselves to lists of elements which may not be applicable to all. The national action plan infrastructure must also allow for flexibility and to take into account national circumstances and capabilities. We also support the retention of the term National Action Plans, in line with Resolution 5/14.

Support is also needed for the development of National Action Plans and consequent reporting obligations, and not just their implementation.

In terms of streamlining, we will also note as well the relationship among National Action Plans, reporting, ex ante and ex post reviews, assessment of progress, and compliance in other sections, as we consider further streamlining.

Proposed text:

OP0:\(^1\) For enabling collective assessment of progress of the measures under the instrument, common modalities and guidelines, in addition to the format, are needed.

OP0 Alt No text.

1. Each Party [shall][is encouraged to] develop and implement a national [action] plan\(^2\) [through domestic consultations, with binding actions, including quantitative and measurable targets, where appropriate] to [pursue its nationally determined objective of ending plastic pollution][fulfil its obligations] under this instrument* [and to achieve its objective(s)][in accordance with its capacities and as appropriate]. [Such plans should be prepared in light of different national circumstances and may follow a guidance to be adopted by the [governing body*].][The national [action] plans [shall]][should][might] be based on the [modalities, guidelines and] format in annex G [which shall be flexible for adjustments to national realities and circumstances [the impacts of plastic pollution on socio-economic, human health and environment]] and [to the extent possible] [shall][should][could] include [but not be limited to][at least][relevant][elements [necessary measures] related to\(^3\), which are not exhaustive]:

   a. [Primary plastic polymers;]
   b. [Chemicals [and polymers] of concern;]

\(^1\) Note: For ease of reference and to avoid disturbing the existing paragraph numbering, this option is identified as “OP0”, on the understanding that it may require a renumbering of subsequent paragraphs in this section.

\(^2\) Note: The term ‘national plans’ is used without prejudging how members may ultimately choose to refer to the plans. Other options include ‘national action plans’ or ‘national implementation plans’.

\(^3\) Note: This potential list of actions to be included in national plans reflects references to such plans in the options presented. It is presented for ease of reference and without prejudice to how members may choose to address this item in the instrument*. The exact contents of any national plans will depend on the contents and structure of commitments and obligations under the instrument*.
c. [Problematic and avoidable plastic products;]
d. [Product design and performance;]
e. [Reduce, reuse, refill and repair of plastics and plastic products;]
f. [Use of recycled plastic contents;]
g. [Extended Producer Responsibility;]
h. [Emissions and releases of plastic through its life cycle;]
i. [Waste management [including by the informal sector];]
j. [Fishing gear;]
k. [Existing plastic pollution, including in the marine environment;]
l. [Just transition;]
m. [Monitoring and reporting framework for the implementation of the National Plan;]
n. [Educational and awareness raising programmes on plastic pollution, including those aimed at behavioural change and developing capacity;]
o. [Assessment and monitoring;]
p. [Promoting research, development and innovation;]
q. [Commitments from developed countries in relation to financial support, capacity building and technology transfer for developing countries, especially small island developing States;]
r. [Promoting, encouraging and incorporating action by all stakeholders to address plastic pollution, including the private sector, informal plastics waste sector, waste pickers, Indigenous Peoples and local communities;]
s. [Legislative, policy and regulatory arrangements for compliance with obligations under this instrument*;]
t. [Actions to support compliance with reporting requirements under this instrument*;]
u. [Transparency monitoring and tracking and labelling;]
v. [Trade in listed chemicals polymers and products in plastic waste;]
w. [Domestic financing;]
x. [Non-plastic substitutes;]
y. [Capacity building and technology transfer;]
z. [Public awareness;]

[OP1 Chapeau bis. The national plan should be [according to the national capacity and circumstances][inclusive and based on best available knowledge and data] [developed in accordance with: (a) existing national laws and regulations and (b) domestic circumstances and capabilities].]

[OP1 Chapeau ter. Parties may add elements in their national plans, in accordance with national circumstances, capacities, and capabilities.]

OP1 Alt. Each Party shall develop and implement a nationally determined action plan that best fits its national circumstances to meet the objective of this instrument* while recognizing developed countries take the lead in action and the need to support developing country Parties for the effective implementation of the objective of the instrument*.

OP1 Alt2. Each Party shall develop a national action plan to describe the measures it intends to take to implement the obligations under this instrument* in accordance with the format provided in annex G.
**OP1 Alt3.** Each party shall prepare national plans, based upon national circumstances and capabilities, in order to comply with obligations created under the instrument*. The governing body* shall provide guidance and format for preparation and submission of national plans. The national plans will be country driven and the Parties shall decide the activities to be undertaken in the national plans based upon national circumstances and capabilities.  

**OP1 Alt4.** No text.

2. Each [developed country] Party shall communicate its initial national [action] plan to the governing body* within [X][2][5] year[s] of the date on which this instrument* enters into force for it through the secretariat.

**OP2 Alt.** Each Party shall submit a national action plan to the secretariat no later than [X] years after entry into force of the instrument* for that Party.

**OP2 bis.** Each developing country Party could voluntarily communicate its national plan to the governing body* upon availability of and its accessibility to financial and technical support for this purpose.

3. Each Party [shall][should] be guided by the [format][modalities] referred to in paragraph 1 when preparing and submitting their national [action] plans [as appropriate]. [National action plans shall include targets and actions in the medium term as well as long term strategies towards achieving the objective and targets of the instrument*.]

**OP3 Alt.** No text.

**OP3 bis.** The measures in the national plan will not be limited to obligations, but also cover ambitious “actions”, including development of mid and long-term strategy, towards the objective of the instrument*.

4. A Party may [incorporate] at any time [new measures into] [adjust] its national [action] plan [[with a view to][possible enhancement][enhancing [in order to enhance] its level of ambition][based upon national circumstances and capabilities], in accordance with guidance adopted by the governing body*.

**OP4 Alt.** No text.

5. Parties [are encouraged to][may] coordinate on the [development][establishment] and implementation of [sub-regional and] regional plans to facilitate implementation of this instrument*, as appropriate.

**OP5 Alt.** No text.

6. [Developed country] Parties shall review, update and communicate to the governing body* their national [action] plans [while developed country parties shall report every [5] year[s], and developing country Parties shall report] every [X][4][5][10] year[s], and in a manner to be specified by a decision of the governing body*, [[with each update representing a progression][indicating any progress made and/or challenges faced] compared to the Party’s previous national [action] plan] [considering different national circumstances].

**OP6 Alt.** Parties shall review, update national plans, based upon national circumstances and capabilities, and communicate to the governing body* every five years in a manner prescribed by governing body*.

**OP6 Alt1.** Each Party shall update its national action plan every [X] [5] years or earlier if determined by the Party, with a view to showing progress in its implementation.

**OP6 Alt2.** No text.

7. Each [developed country] Party shall include information on the implementation of its national [action] plan towards achieving the objective of this instrument* in its national reports pursuant to [part IV.3 on reporting on progress], [In order to assess the progress made in the achievement of the objective, the Parties shall establish a baseline, i.e. a year of reference, to assess the starting situation with regards to plastic pollution.]

**OP7 Alt.** No text.

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*Note by the co-facilitators:* This proposal made under paragraph 3, has been moved to paragraph 1 as an alternative, as it relates to the preparation of national plans, in addition to their contents and format.
**OP7bis.** The secretariat shall establish and maintain a public registry to record national plans communicated by Parties, with a view to facilitating information exchange.

**OP7bis Alt.** The secretariat shall make national action plans submitted by the Parties under this article publicly available.

**OP7 ter.** Support shall be provided to developing country Parties for the implementation of this article, recognizing that enhanced support for developing country Parties will effectively facilitate their actions both in preparing national plans and implementing this instrument* at large.5

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5 **Note by the co-facilitators:** This text is akin to statements included in relation to financing (see paragraph 3, OP3 bis and proposed new paragraph 0 bis) and may be able to be further streamlined.