Second Session of the Intergovernmental Negotiating Committee on Plastic Pollution

New Zealand written statements for Contact Groups 1 and 2
Objective(s)

New Zealand agrees with a number of delegations who have spoken in the room that the primary objective of the instrument should clearly and plainly communicate an ambition to eliminate or end plastic pollution as per the UNEA resolution. It should reflect the broad scope of the instrument, and recognise the effect of plastic pollution on human and environmental health.

For this reason, New Zealand would support 9(a) with some variation. We would prefer to move the reference to the plastic lifecycle to earlier on in the objective so that the broad scope of the instrument is more in focus.

We would therefore propose that the objective reads: “End plastic pollution by taking action across the full lifecycle of plastics to protect human and environmental health.”

We could also support a reference to marine environment as per the EU’s proposal.

As a member of the High Ambition Coalition to End Plastic Pollution, New Zealand supports and recognises the need to eliminate plastic pollution by 2040. We consider however, that it would be unusual to have a time-bound objective in the instrument. A time-specific objective could throw into question the ongoing relevance of the instrument and also raise challenges around implementation.

Possible core obligation 1: Phasing out and/or reducing the supply of, demand for and use of primary plastic polymers

New Zealand would prefer 10(a)(i) but we can also support 10(a)(ii), if in combination with 10(a)(i).

We could support 10(b)(i) on bans to limit production. But, with any of these measures, it is critical to ensure careful consideration is given to timing, reducing demand, and addressing infrastructure and technological gaps. These types of measures will require further investment and capability, and will require additional measures to increase the recycling, reuse and repair of plastics.

On 10(c), we particularly support the reference on “removal of fiscal incentives” given the role that subsidies play in artificially lowering the cost of virgin plastic production. We agree with the EU on the elimination of subsidies to primary producers of virgin plastic pollution.

We flag the importance of definitions as mentioned in Appendix I. Picking up Thailand’s point, the paper uses virgin plastics and primary plastics in different parts, yet these terms are not listed in Appendix I. It would be useful to clarify what types of plastics Possible Core Obligation 1 applies to. For instance would targets apply to only fossil fuel based plastics, or to bioplastics and biodegradable too? We would suggest that the topic of definitions be flagged for intersessional work.

We would also support Ecuador’s suggestion for intersessional work to better understand existing production and trade volumes. This is an important prerequisite for targets.
Possible core obligation 2: Banning, phasing out and/or reducing use of problematic and avoidable plastic products

New Zealand supports the measures outlined in Possible Core Obligation 2.

We agree with the EU that options (b) and (c) are complimentary. We support a process that allows for flexibility in implementation at a national level, based on globally determined criteria, to recognise differing infrastructure and contexts.

We support the UK and others in calling for technical experts to consider criteria and also believe this could take place intersessionally.

We also support Australia’s proposal to request that the Secretariat prepare a list of existing domestic measures.

All measures should be guided by the precautionary approach to avoid the use of alternatives with undesirable outcomes. We consider measures to strengthen reuse and repair of products and materials are essential to enable a shift away from problematic and avoidable plastic products.

We also consider that establishing a global baseline of raw materials as per option 11(a) would be useful, however we would support the scope being narrowed for practicability and specificity. We also agree with the UK and others that this option could be better placed under Possible Core Obligation 1.

Possible core obligation 3: Banning, phasing out and/or reducing the production, consumption and use of chemicals and polymers of concern

New Zealand supports all of the options under Possible Core Obligation 3, and we share the EU’s views that this Possible Core Obligation is critical for the protection of environmental and human health.

For 12(a)(i), we especially support developing criteria that establish a risk assessment framework for chemicals. We also consider any chemicals identified for phase out should be guided by the precautionary approach. We note that the criteria or identification of exact polymers or chemicals for phase out should be done by technical experts with a range of backgrounds and expertise and therefore support the call made by others to establish a technical expert group.

We strongly support 12(b)(ii). Increased transparency through marking and harmonised product labelling is a high priority for New Zealand.

For 12(c)(i) and 12(c)(ii) we agree with the EU that we must consider the precautionary approach when considering and promoting new or alternative additives and chemicals.
Possible core obligation 4: Reducing microplastics

New Zealand supports measures aimed at addressing intentionally added microplastics. Like the EU our preference is option 13(a)(ii) for a full lifecycle approach to addressing intentionally added microplastics. This measure could include a short positive-list approach for permissible intentionally-added microplastics.

New Zealand also supports measures aimed at addressing unintentional microplastics under option (b), noting this is the largest, and increasing, source of microplastics in the environment.

We support capturing stormwater treatment mechanisms as well as wastewater under (b)(ii), given stormwater runoff is a major source of microplastic contamination due to car tyres and other industrial waste.

New Zealand seeks to understand the scope of ‘intentional’ and ‘unintentional’ microplastics, noting this would need agreed definition, and we support further definition of microplastics by source and size, as prevention measures for different types will vary. This could be a useful focus for intersessional work.

Possible core obligation 5: Strengthening waste management

New Zealand supports 14(a), although with 14(a)(ii), we note that countries would need time to ensure they can collect data to support this target.

We are in general supportive of the principle of 14(b)(ii), in particular we could support prohibitions on open burning and incineration. On other technologies we note that there is a wide range of different and emerging technologies. We consider that caution is required when considering these solutions and the use of any such technologies should not undermine the principles of a circular economy and the waste hierarchy, and they should support a low emissions approach.

We support 14(c) but on the proposal to 14(c)(iv) we consider that agreement on a clear definition of circularity is needed to avoid misuse of that exemption.

On 14(d)(i) we note that subsidy reform, including fossil fuel subsidies, can be an effective measure to drive demand for recycled plastics, given subsidies result in low prices of virgin plastic, making them unfairly competitive compared with recycled plastics. We would like to see that reflected in this option.
Possible core obligation 6: Fostering design for circularity

New Zealand considers that the instrument should define circularity, or circular economy, and we urge countries to incorporate indigenous knowledge into this definition. Any definition should also not limit a circular economy to a focus on plastics but should acknowledge the role of a range of materials and systems that support a circular economy.

We support option (a) as global criteria would help to provide certainty to actors across the value chain of plastics.

We strongly support option (d), harmonised approach to labelling. Currently, inconsistent and unclear labelling contributes to confusion and greenwashing, undermining efforts to achieve circularity. We support the use of consistent labelling requirements that can support existing and well-regarded labelling systems.

We welcome discussion on 15(e), setting targets for minimum recycled content. Our preference is that any targets are set domestically as ability to implement is dependent on systems for collection, sorting of recycled material, reprocessing infrastructure and access to domestic markets.

Possible core obligation 7: Encouraging reduce, reuse and repair of plastic products and packaging

On Possible Core Obligation 7, New Zealand supports in general 16(a) and 16(b).

We would like to see an agreed definition for reuse that has a high threshold for a product to be considered reusable. The definition should be in line with a waste hierarchy approach, which encourages reduction and avoids the proliferation of alternatives that exacerbate waste and plastic pollution problems.
Possible core obligation 8: Promoting the use of safe, sustainable alternatives and substitutes

On Possible Core Obligation 8, we support the comments of Pacific Small Islands Developing States on the role of traditional knowledge in 17(a)(i), in line with our general comments made on the options paper.

As with the EU we would like to seek clarification on 17(b)(i) including how a certification scheme for plastic products would work, the testing criteria of such a scheme and how this would differ from existing certification schemes.

New Zealand supports the calls by others to establish a technical review committee to assess criteria for safe and sustainable alternatives and substitutes under option 17(b)(ii). We also share the view of the Alliance of Small Island States on the need to take into account the views of Indigenous People as part of this.

We echo the caution raised by the EU and UK in relation to the role of bioplastics, compostable plastics and biodegradable plastics. These alternatives may have a role to replace conventional plastics in some specific applications, but their use at scale is likely to contribute to greenwashing and confusion, perpetuate single use linear systems, contaminate recycling and other waste streams, and undermine efforts to improve waste management.

In general we support 17(b)(iii) and welcome discussion on 17(b)(iv) to support the transition to safe and sustainable alternatives. On 17(b)(iv), we consider the reform of environmentally harmful subsidies, like fossil fuel subsidies should be included. These subsidies make virgin plastic and other plastic products unfairly competitive compared with recycled plastics or non-plastic alternatives, which in turn reduces innovation and the development of alternatives, as new ideas and products cannot compete with highly subsidised plastic products.

Possible core obligation 9: Eliminating the release of plastics to water, soil and air

New Zealand emphasises the importance to Indigenous Peoples of eliminating plastic pollution, and the importance that traditional knowledge plays in the sustainable management and protection of the environment. This should be considered throughout the instrument and specifically under Possible Core Obligation 9.

We support 18(a) in principle. We would like to understand what practices are intended by 18(b) and who would be developing these practices and standards, and how any such standards would be implemented on a global or national level.

We also seek clarity around the dangerous practices that are proposed for prohibition under option 18(c). In the interest of time we will refer back to our comments under option 14(b)(ii) regarding caution towards waste-to-energy practices.

Also in the interest of time and to avoid repeating ourselves we will address our comments on 18(d) under Possible Core Obligation 10.
Possible core obligation 10: Addressing existing plastic pollution

Leakage from fishing gear is particularly problematic and New Zealand places significant importance on addressing abandoned, lost or otherwise discard fishing gear (ALDFG) both within our waters and in our Pacific region.

We support efforts to remediate plastic pollution and to developing strategies to do so, options 19(a)(ii), (b)(ii) and (iii). However we note that some legacy plastic is unsuitable for recycling, and we will need a better understanding about what forms of remediation are available in this context.

We support eliminating ALDFG in the environment and measures leveraging and complimenting existing efforts by other bodies as outlined in options 18(d) and 19 (b)(i).

We see a range of specific and general measures that apply to all plastic products as well as fishing-specific measures in order to effectively address ALDFG and these can be incorporated throughout the instrument.

Possible core obligation 11: Facilitating a just transition, including an inclusive transition of the informal waste sector

New Zealand supports the intervention made by Canada on ensuring actions taken under Possible Core Obligation 11 bring along the most vulnerable and indigenous communities.

Possible core obligation 12: Protecting human health from the adverse effects of plastic pollution

On Possible Core Obligation 12, New Zealand supports 21(a) and (b). We think it is critical to consider how plastics may impact different communities in different ways, including Indigenous Peoples. This could include improving the One Health approach, as proposed in the options paper, by ensuring indigenous perspectives are captured and considered. Further research into the human health impacts of plastics may be informed by gap analysis to establish research priorities.
National Action Plans

We echo comments made by the EU, Japan, Indonesia and others. New Zealand considers National Action Plans will play a key role to implement the instrument’s core obligations and control measures at a national level. National Action Plans allow countries to take tailored approaches to national and local issues.

National targets in some areas will ensure the unique needs of domestic economies can be considered, including populations, geographies, infrastructure and capabilities.

We are supportive of options 29(a) and (c), and we provisionally support option 29(b), so long as the guidance is not legally binding and there is flexibility regarding when they would need to be reviewed and updated.

We support option 30(a), and option 30(b), with the proviso that this guidance should not be binding as countries need flexibility in the way they develop National Action Plans that make sense in their own unique domestic circumstances.
Means of implementation: Financial assistance

New Zealand supports the instrument containing provisions for a wide range of means of implementation (MOI).

Provisions to mobilise MOI from all sources - public, private, domestic and international - will be critical for the effective implementation of the instrument.

We’re open to considering standalone provisions for MOI or an integrated mechanism but would prefer to focus on that particular question once the INC has given more consideration to the MOI categories.

Some quick comments on the financial assistance opportunities presented in the paper:

We support a financial mechanism that is efficient and effective, and that is suitable for addressing the high and rapidly increasing levels of plastics pollution.

At this stage of the negotiations, when we are yet to agree the details of the instrument, we aren’t opposed to the INC considering a dedicated fund or a hybrid approach but we have preference for expanding an existing multilateral fund in light of the effectiveness and efficiency benefits that would flow from leveraging existing infrastructure, expertise and processes.

Some delegations have identified the cross-cutting benefit of situating financial assistance in the Global Environment Facility, which we think lends weight to considering that Facility as an option specifically.

At the same time we’ve heard loud and clear the comments on accessibility and we acknowledge the urgent attention that this needs across the global funding landscape, especially for LDCs and SIDS.

If the INC did choose to establish a new fund, we would want it to maintain a focus on simplicity, accessibility and ways to demonstrate effectiveness, to ensure that it started operations on a sound footing.

Moving on, we recognise the need for support to address legacy pollution issues especially vulnerable countries and SIDS.

We would prefer a funding window from the instrument’s overall financial mechanism, including an allocation for SIDS and vulnerable countries based on needs assessments, rather than establishing a separate additional fund.

We are still looking closely at the range of innovative and other financing opportunities listed in 24(e), we’re open to exploring a range of innovative options, and we’re interested in what others have to say about the list. We will of course need to monitor the development and design of any economic incentives or instrument to the extent that they engage trade rules.

As we think our way into financial support I will echo comments we made in plenary about this process being an opportunity to consider ways that environmentally-harmful subsidies, such as fossil fuel subsidies, can be addressed in relation to the instrument.

From a financing perspective, reforming these subsidies would be a double win, in that it would reduce the supply of cheap virgin plastic and potentially enable the redirection of significant support towards financing for the new instrument.

We have comments on the other MOI categories but we’ll ask for the floor later to talk about those.
Means of implementation: Capacity building

Thank you co-chair for giving me the floor again

Just a short remark from us on an MOI category that I didn’t speak about earlier:

On capacity building, we’re generally supportive of all the ideas covered in paragraph 25 and agree capacity building programmes should be country-driven and responsive to country needs and priorities.

On paragraph 25(d) regarding the establishment of regional and national networks for capacity building we just note that some regions already have networks so it could be that the instrument is designed to be supportive of existing national or regional efforts as well as to create or establish new networks.

On principles, we would just say that many environmental principles will be important for the effective implementation of the instrument so our preference like that of Canada, the US and the EU would be not to single out one of them and instead to stay faithful to UNEA resolution 5/14 which reaffirmed all the principles of the Rio Declaration. The INC can develop the instrument in view of relevant principles without needing to go through the lengthy exercise of identifying them all.

National reporting and compliance

New Zealand supports legally binding transparent national reporting requirements, linked to the objectives of the instrument and any targets that may be agreed upon.

We agree with colleagues who have stated that reporting requirements shouldn’t be unnecessarily onerous or duplicative and should build on, and add value to, our existing reporting through other multilateral environmental agreements and voluntary mechanisms.

We are generally supportive of proposals for a common reporting format and a governing body that would develop guidelines on what is to be included in the national reports.

New Zealand supports compliance mechanisms that are facilitative and non-adversarial in nature. We are not supportive of punitive measures.

We were very interested in Jamaica’s proposal to name the body the Implementation and Compliance Committee. We understand the logic behind the proposal and look forward to discussing it further.

For the reasons already outlined by Canada and Norway, we concur that it is preferable to agree compliance mechanisms during negotiations towards this instrument, rather than deferring negotiations to a later date.