EU and its Member States statement delivered in CG1 on 31 May 2023

The options paper shared by UNEP presents three sets of options for consideration related to objectives:

(a) End plastic pollution; protect human health and the environment from its adverse effects throughout the life cycle of plastic.

(b) Protect human health and the environment from the adverse effects of plastic pollution throughout the life cycle.

(c) Reduce the production, use and discharge of plastics across their life cycle, including through the promotion of a circular plastics economy with a view to ending plastic pollution by X year and protecting human health and the environment from its adverse effects.

- The EU and its MS believe that the new instrument should include one overarching objective in a dedicated article that resonates and reflects the title of Resolution 5/14, namely *End plastic pollution: towards an international legally binding instrument.*

- The EU and its MS see merit in having a broad overarching objective, since this will enable a broad scope.

- The EU and its MS prefer option a) in the options paper since it resonates with the title of UNEA resolution 5/14. The EU and its MS could also support option b), provided that the phrase “end plastic pollution” is incorporated). Both options are short, succinct, pertinent, and is easy to communicate. Further, these options clearly address what the future instrument aims to achieve.

- While option c) includes elements that the EU and its MS find important such as circular economy, this option is too descriptive and includes a mixture of measures, actions and outcomes. This option risks getting diluted and difficult to communicate. The EU and its MS would prefer not to include a timeframe or specific year in the overarching objective, but rather have the temporal ambition, reflected in the concrete goals and targets of the instrument. Not including a specific year in the objective of the instrument would ensure its continued relevance.

- The overarching objective should be supplemented with sub-objectives covering the different stages of the life-cycle of plastics, to enable sustainable production and consumption and a circular economy for plastics. It should also include a specific subobjective for microplastic. The overarching objective and subobjectives should be strategic as well as operational.

- The overarching objective and the subobjectives should be set out in one or two substantive article(s) of the instrument. This/these article(s) could also emphasize why there is a need to end plastic pollution, namely, to protect human health, plant and animal health and the environment.
• The sub-objectives should be supported by targets and measures which should be both ambitious and SMART (Specific, Measurable, Achievable, Relevant and Time-bound) as possible. These subobjectives, targets and measures should be set out in the operative articles of the instrument and be legally binding.

• The EU and its MS recognize the need to consider specified targets and measures such as:
  
  • sector specific (for example packaging, textiles, construction, automotives, medical and healthcare, agriculture, fishing and fisheries)
  • or product/application specific (for example single use plastic packaging or beverage bottles)
EU AND ITS MEMBER STATES’ STATEMENT ON POSSIBLE CORE OBLIGATION 1: PHASING OUT AND/OR REDUCING THE SUPPLY OF, DEMAND FOR AND USE OF PRIMARY PLASTIC POLYMERS

The options paper presents three sets of options for consideration related to setting targets and regulating primary plastic polymers:

a) Options for targets
   i) Establish global targets to reduce production of primary plastic raw material. ii) Establish nationally determined commitments or targets.

b) Options for regulating primary plastic polymers:
   i) Impose a moratorium on primary production of plastic polymers or ban, limit or reduce the manufacture, export and import of virgin plastic polymers
   ii) Apply import and export requirements to parties and non-parties on a non-discriminatory basis.
   iii) Track types and volumes of plastic polymers, precursors, and feedstocks manufactured, imported, and exported as well as the quantities and type of chemicals applied in production through transparency and reporting requirements.
   iv) Establish licensing schemes for production, import and export of virgin and secondary plastic polymers.

c) Option for economic tools: Set market-based measures such as price-based measures, production permits, licenses, removal of fiscal incentives and a mandatory fee, tariff or tax on virgin plastic production.

• Plastic is a useful material, just as our distinguished colleague from Iceland said yesterday, and is essential for many uses. However, we have also heard of many reports that predicted growth of production is going to be unsustainable. Therefore, the EU and its Member States (MS) stress the need for all Parties to the future instrument to reduce the overall production of primary plastics. This with a view of making production and consumption sustainable. Therefore, we support option 10.a.(i) as a starting point for further discussions, as the establishment of a global target can enhance the transition towards sustainable consumption and production of plastic. The core obligations and measures included in the future instrument and implemented should lead to attaining this global target.

• Although the EU and its MS see value in having national targets and commitments. These alone will not be sufficient, and we do not support option 10.a.(ii) as an alternative commitment to 10.a. (i). National targets and commitments are to be seen as complementary to global targets.

• The EU and its MS would like to highlight that for all proposed targets need to be followed by a monitoring framework or relevant indicators, which should include national reporting. Setting up a monitoring framework for the specific targets could support countries to develop the best possible implementation strategies and allocate resources accordingly.

• Regarding options for regulating primary plastic polymers, the EU and its MS support option 10.b (iii), but as this option is rather a prerequisite for assessing effectiveness
and compliance than a control measure as such, it needs to be complemented with other measures.

• The EU and its MS support option 1.c in general regarding setting market-based measures. We are generally supportive of setting market-based measures on virgin plastic production, while leaving Parties to the future instrument some flexibility on which national measures they choose to implement. In addition, the EU and its Member States would support elimination of subsidies to producers of primary plastic polymers.
EU AND ITS MEMBER STATES’ STATEMENT POSSIBLE CORE OBLIGATION 2: Banning, phasing out and/or reducing the use of problematic and avoidable plastic products

The options paper presents five options for consideration related to the use of problematic and avoidable plastic products

a) Inventory and monitor production of raw materials, including those used in plastic commodities, and establish a global baseline.
b) Establish criteria to determine and prioritize problematic and avoidable plastic products, including unnecessary or short-lived products.
c) Ban, phase out, reduce or control the production, sale, distribution, trade and use of specific problematic and avoidable plastic products by identified dates (the criteria under (b) above and the list and phase-out dates hereunder could be identified in an annex to the instrument);
d) Apply import and export requirements for listed products to parties and non-parties on a non-discriminatory basis;
e) Apply import and export requirements to parties and non-parties on a non-discriminatory basis

- The EU and its MS support option 11(c) as the key element of this obligation. Both problematic as well as avoidable plastic products should be tackled. Indeed, certain products are particularly prone to littering due to their intended use; are considered especially harmful to human health and the environment due to their characteristics, e.g., persistence; or are avoidable (because its use does not represent an essential functionality). The instrument itself, should therefore require eliminating or restricting the production, consumption and use of such products, as referred to in option (c).
- In addition, the EU and its MS support option 12(b), as we see it as a necessary complement to option 11(c).
- Taking the points above into account, the EU and its Member States consider the combination of option 11(b), and 11(c), to be essential in making the instrument effective. We also support option 11(d), and think that this option should be complementary to option 11(b) and 11(c).
- The EU and its MS see but option 11(a) as a duplication of option 10.b(iii), and therefore believe it should be handled under obligation 1. We see high administrative burdens and possible conflicts in setting a global baseline, option 11(b) and 11(c) would deliver the same effects and are at the same time more realistic to implement and monitor for MS.
- This is a also a priority area for intersessional work especially with regard to options (b) and (d) i.e. with regard to the establishment of criteria and the identification of problematic products.
DRAFT EU MS POSITION ON POSSIBLE CORE OBLIGATION 3: Banning, phasing out and/or reducing the production, consumption and use of chemicals and polymers of concern

The options paper presents three sets of options for consideration related to the production, consumption and use of chemicals and polymers of concern:

a) Options for regulating chemicals and polymers of concern:
   i) Ban, phase out, reduce or control specific polymers and chemicals of concern, or groups of chemicals, based on criteria identified to determine polymers and chemicals of concern (list, phase-out date and criteria could be included in an annex to the instrument).
   ii) Apply import and export requirements for listed polymers and chemicals to parties and non-parties on a non-discriminatory basis.
   iii) Apply import and export requirements to parties and non-parties on a non-discriminatory basis.

b) Options for increasing transparency:
   i) Track types and volumes of polymers and chemicals applied in production, including through disclosure requirements for plastics throughout the supply chain, and plastic production, use and additives, consistent with national laws.
   ii) Increase transparency through marking (digital watermarks, tracers) and harmonized product labelling, material safety data sheets, product passports and publicly available databases.

c) Options for accelerating and supporting the transition:
   i) Establish measures to foster innovation and incentivize alternative and substitutes, including through sustainable or green chemistry and chemical simplification.
   ii) Incentivize research and development of sustainable additives and polymers.

• The EU and its Member States (MS) consider measures to ban, phase out, reduce and control specific polymers and chemicals of concern, together with measures to increase transparency in the value chain, to be fundamental in order to protect human health and the environment, and support the transition to sustainable consumption and production and a circular economy.
• Of the proposed options on regulating specific polymers and chemicals of concern, the EU and its MS believe that option 12.a.(i) in combination with 12.a.(ii) are the best way forward to achieve the objectives of the future instrument.
• Regarding increased transparency, the EU and its MS support option 12.b.(i) and (ii). However, we would not support limiting transparency requirements to the scope determined by national laws.
• The EU and its MS support a cautious approach when it comes to option 12.c.(ii) and 12.c.(i), as the development of alternatives and substitutes may engender unintended consequences, we will come back to that when commenting on obligation 8 regarding promoting the use of safe, sustainable alternatives and substitutes).
• The EU and its MS recognize the important linkages with other MEA's and see benefit in analysing where the new instrument can complement the existing mechanisms.
• We see need for intersessional work with experts on criteria for listing chemicals and polymers of concern (it is presumed that criteria may differ for the two groups), and on list(s) of specific polymers and chemicals of concern. In that regard, the EU and its MS welcome the recent UNEP report entitled “Chemicals in Plastics: A Technical Report”.
EU AND ITS MEMBER STATES’ STATEMENT ON POSSIBLE CORE OBLIGATION 4: REDUCING MICROPLASTICS

The options paper presents two sets of options for consideration related to the reduction of microplastics:

(a) Options for addressing intentional use:
   i. Ban, phase out, reduce or control the use of intentionally added microplastics to avoid the potential release of microplastics into the environment from certain sources (list could be identified in an annex to the instrument).
   ii. Ban, phase out, reduce or control the production, sale, distribution, trade and use of microplastics and products containing intentionally added microplastics.

(b) Options for addressing unintentional releases:
   i. Minimize the risk of leakage of plastic pellets from production, handling, transport and the use of certain products.
   ii. Support innovative wastewater treatment mechanisms to prevent the release of microplastics into waterways.
   iii. Developing guidelines on best available technology and best environmental practices to reduce release of plastics, including for design, in the washing, textile, tyre, and road marking industries.

- The EU and its Member States (MS) believe that the future instrument should include obligations to reduce the releases of microplastics, both from the degradation of macroplastics, as well as from the intentional use and unintentional releases, focusing on the main sources of pollution to the environment.
- Once in the environment, especially in the marine environment, it is almost impossible and very costly to remove microplastics. Obligations should, therefore, preferably be tailored to prevent releases at any stage of the life cycle of plastics.
- The view of the EU and its MS is that addressing the intentional use of microplastics through legally binding obligations throughout the entire value chain would have a significant effect. Therefore, the EU and its MS are supportive of option 13.a.(ii). This option includes measures targeting production, sale, distribution, trade, and use, which makes it the most comprehensive of the proposed options.
- Actions to minimize unintentional releases of microplastics to the environment are needed, as these have an impact on the volumes of microplastics being released into the environment. The EU and its MS, therefore, consider policy efforts focused on tackling unintentional releases of microplastics as a necessary complement to restrictions and bans on intentionally added microplastics, which are a minor part compared to unintentional releases.
- In addition a large part of microplastic is derived from the physical degradation of macro- and micro plastic litter in the environment, thus measures against littering and leakages from the plastic life cycle are needed to reduce the releases of microplastics to the environment.
- It is our view that unintentional releases need to be addressed through a sectorial approach. This could include measures to improve product design, production and use with the objective to reduce releases. Therefore, we consider option 13.b.(i) in combination with option 13.b.(iii) as a good starting point for further discussions.
- The EU and its MS proposes that the overarching general objective should be supplemented with a sub-objective for microplastics specifically. The sub-objective could then be underpinned by a target in line with for example “Reduce release of
microplastics to the environment by x % by 20xx. The sub-objective should be followed by harmonized reporting and measuring of microplastics release into the environment.
EU AND IT’s MEMBER STATES STATEMENT ON POSSIBLE CORE OBLIGATION 5: STRENGTHENING WASTE MANAGEMENT

The options paper presents four options related to strengthening waste management

<table>
<thead>
<tr>
<th>a) Options for enhancing waste management capacity and promoting innovation</th>
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<tbody>
<tr>
<td>i) Deploy and foster the development of technologies for the collection, recycling and disposal of plastic waste.</td>
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<tr>
<td>ii) Set a target for reducing the generation of plastic waste that needs final disposal operations such as landfilling and incineration.</td>
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<tr>
<td>iii) Develop guidance for areas such as:</td>
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<tr>
<td>a. Encouragement of investment in waste management infrastructure;</td>
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<td>b. Sampling, analysis, monitoring, reporting and verification of plastic waste in the environment, to support policymakers in measuring the impact of implemented targets and policies;</td>
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<tr>
<td>c. Specifications for containers, equipment and storage sites containing plastic waste.</td>
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<td>iv) Promote research for innovation.</td>
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<th>b) Options for regulating plastic waste:</th>
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<tr>
<td>i) Regulate the movement, and end of life management of plastic waste to reduce leakage from mismanaged waste.</td>
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<tr>
<td>ii) Prohibit the following dangerous practices: open burning, incineration, co-firing in coal-fired power plants and other waste-to-energy processes, co-processing in cement kilns, and chemical recycling.</td>
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<tr>
<td>iii) Establish guidance and tools for decision-making on waste recycling practices (to avoid lock-ins to solutions that harm human and environmental health).</td>
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<tr>
<td>iv) Set indicators and obligations for plastic waste collection, sorting and recycling, especially at the national level.</td>
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<tr>
<td>v) Require producers to prepare an action plan that includes individual waste reduction targets.</td>
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<tr>
<th>c) Options related to illegal dumping and disposal of plastic waste:</th>
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<tr>
<td>i) Implement measures to ensure the collection, sorting, management, and disposal of plastic waste in an environmentally sound and safe manner.</td>
</tr>
<tr>
<td>ii) Rely on the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal where appropriate.</td>
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<tr>
<td>iii) Establish surveillance systems and quotas for exports of plastic waste.</td>
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| iv) Prohibit or control transboundary movement of plastic waste, except where this ensures circularity; v) Develop a streamlined permit process for transboundary movement of plastic waste to countries where recycling facilities exist with sufficient capacity;  
vi) Apply a timetable for control measures on transboundary movements of plastic waste, in particular those from developed countries to developing countries. |

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<th>d) Options for promoting EPR and enabling a market for recycling:</th>
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<tr>
<td>i) Adopt measures to strengthen the demand for secondary plastics and facilitate environmentally sound plastic scrap recycling, including by using public procurement to drive demand for plastic products containing higher recycled content, where feasible.</td>
</tr>
<tr>
<td>ii) Set indicators for the plastic waste recycling rate, especially at the domestic level.</td>
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<tr>
<td>iii) Establish EPR systems to incentivize recycling, taking into account national circumstances. Options for such systems include:</td>
</tr>
</tbody>
</table>
a. Action plan programmes in which fees are charged to plastic manufacturers and plastic product producers;
b. A set of guidelines for EPR systems

iv) Provide financial support and tax exemptions for recycling projects.
v) Establish best available technologies for recycling to ensure alignment with the Paris Agreement (or with principles of sustainable banking and investment).
vi) Establish a requirement that polymer producers invest in the volume of recycling facilities needed to recycle all the plastic they produce that could become plastic waste.

• The EU and its MS support legally binding provisions to be included in the instrument in view of ensuring environmentally sound management of plastic waste and to facilitate increased collection, sorting and recycling globally, reflecting the waste hierarchy and striving for a circular economy.

• The EU and its MS welcome the adoption by the BRS COP 16 of the technical guidelines on the environmentally sound waste management of plastic wastes. The guidelines should be taken into account when discussing further on options regarding plastic waste.

• The EU and its MS support including a binding obligation to strengthen waste management. Many of the options outlined in the UNEP option paper on strengthening waste management are interlinked and could be consolidated (e.g.: options linked to the Basel Convention or other relevant Multilateral Environmental Agreements.

• EU and its MS would strongly encourage the instrument to be based on the waste hierarchy as a guiding principle or overall objective for the waste management obligations. For the EU and its MS the waste hierarchy implies that waste prevention and preparing for re-use are the most preferred options, followed by recycling, then other recovery including energy recovery, while waste disposal1 e.g. through landfills should be the very last resort. Introducing a hierarchy could be followed by measures to move management of plastic further up the waste hierarchy.

• Further some of the options could be made more ambitious such as by setting targets for collection and recycling, which also include options for the integration of the informal sector, including waste pickers, in the waste management systems. Collection targets would push and incentivize Parties to the future instrument to establish collection schemes and to encourage sorting of plastic waste. A recycling target would enhance and incentivize recycling and build capacity for recycling. Regarding options on guidance and research for innovation, the EU and its MS consider these to be supporting measures.

1 Note that, under the Basel Convention, „disposal“ is defined to cover both R operations and D operations, “disposal” in this context relates to D operations only, in consistency with the definition in the EU Waste Framework Directive.
The EU and its MS consider the principle of Extend Producer Responsibility (EPR) as an important tool to operationalize the polluter pays principle and one way for countries to strengthen waste management. Such EPR-systems can promote waste prevention by incentivizing producers to develop sustainable products and put the burden of costs for collection, sorting and recycling and littering on the private sector.
EU AND ITS MEMBER STATES STATEMENT ON POSSIBLE OBLIGATION 6: FOSTERING DESIGN FOR CIRCULARITY

The options paper presents six options for consideration related to circular design of plastics:

(a) Establish circularity criteria and guidance for design and production of plastic products and packaging to encourage, enhance and enable value recovery processes and systems; high volume and problematic product categories could be prioritized, using a “start and strengthen” approach (criteria and guidance could be included in an annex to the instrument).

(b) Introduce a requirement for plastic products and packaging put on the market to conform to circularity design criteria.

(c) Establish national requirements for design criteria based on a global harmonized system and methodologies to promote circularity of plastics.

(d) Establish labelling measures for plastic products and packaging in the light of the criteria and guidance to allow informed choices by consumers.

(e) Set a target for the required minimum recycled content of plastic products on the market.

(f) Establish a central data exchange registry where the secretariat can make related information available.

• It is a priority for the EU and its MS that the future instrument includes a provision that addresses circular product design and a legally binding obligation for parties to only put on the market plastic products that meet certain minimum requirements, based on the aspects listed above. This provision could be included as a obligations in the main text of the instrument, supported by annexes and other measures in the instrument. The objective of introducing such obligation(s) is to promote plastics that through their entire life cycle contribute to the prevention of plastic pollution and to the protection of human health and the environment.

• As regards to the options paper, the EU and its MS consider that a combination of options 16 (a), (b) and (e), possibly supplemented by 16 (d), constitute a fruitful starting point for discussions on obligations related to circular design in the new instrument.

• The EU and its MS believe that the provisions and the criteria should be supported by targets for collection, reuse and recycling, as well as for recycled content (option e). The criteria should, as appropriate, be addressed to relevant product groups and with due consideration of all stages of their life cycle, and be based on an circularity approach.

• A mandate should be given to an intersessional working group in view of preparing the first draft of such annex(es) for the consideration of INC-3 (or a later INC session).
EU AND IT’S MEMBER STATES STATEMENT ON POSSIBLE OBLIGATION 7: ENCOURAGING REDUCE, REUSE AND REPAIR OF PLASTIC PRODUCTS AND PACKAGING

<table>
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<tr>
<th>The options paper presents two sets of options for consideration related to encouraging reduce, reuse and repair plastic products and packaging</th>
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<tbody>
<tr>
<td>(a) Option for targets: Set targets for the reduction, reuse and repair of plastic products.</td>
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<tr>
<td>(b) Options for regulating and encouraging reduction and reuse of plastics:</td>
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<tr>
<td>i. Request the governing body to develop and adopt general and sectoral guidelines for reduction and reuse.</td>
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<tr>
<td>ii. Encourage reduction and reuse of plastic products, such as containers and bottles, including through service delivery systems.</td>
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<tr>
<td>iii. Recommend that parties promote reuse through collection of used plastics by production sector.</td>
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<tr>
<td>iv. Apply harmonized product design standards, certifications and requirements, including for certain plastic products and packaging.</td>
</tr>
<tr>
<td>v. Encourage reduction and reuse of plastic products, including fees, tariffs or tax incentives, EPR schemes, deposit refund schemes and product take-back, right-to-repair requirements and remove trade barriers.</td>
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- Enabling circular economy and building on the waste hierarchy constitute a crosscutting priority for the EU and its Member states. It is key that plastic products are kept in the economic cycle with the highest possible value for as long as possible.
- The EU and its MS therefore support an obligation to promote reduce, reuse and repair of plastic products and packaging. Priority should be given to reduction, reuse, and repair which can all be facilitated through the product design stage and designing for circularity, and through promotion of circular business models.
- The EU and its MS propose that to facilitate discussions on this topic, overall reduction efforts should rather be addressed in discussions around obligations in the option paper related to obligations 1 to 4. Under the current section of options, the EU and its MS would rather focus the discussion on ways of promoting reuse and multi-use schemes, through different obligations and voluntary approaches in the future instrument.
- Nevertheless, the EU and its MS consider that most of the options outlined in the UNEP option paper on this topic constitutes a good starting point for the negotiations on fostering reuse in the future instrument and thus support the options.
- The EU and its MS see merit in a combination of a target on reuse - option 16 (a) - and a mix of regulatory measures and voluntary approaches as expressed in options 16(b) - to be taken by Parties to encourage reuse of plastics.
EU AND IT’S MEMBER STATES STATEMENT ON POSSIBLE CORE OBLIGATION 8: PROMOTING THE USE OF SAFE, SUSTAINABLE ALTERNATIVES AND SUBSTITUTES

The options paper presents two sets of options for consideration related to promoting the use of safe, sustainable alternatives and substitutes

(a) Options for enhancing research and development:
   i. Provide platforms for sharing information on the development of safe, sustainable alternatives and substitutes.
   ii. Establish market tools (or fiscal policy incentives) for enhancing research and development of alternative products and technologies.

(b) Options for reviewing and enabling the use of safe, sustainable alternatives and substitutes:
   i. Establish a certification scheme for plastic products.
   ii. Task a technical review committee (comparable to the Technology and Economic Assessment Panel under the Montreal Protocol on Substances that Deplete the Ozone Layer) with assessing criteria for the sustainable production and use of plastics and the availability of safe alternatives and substitutes, set out the criteria in annexes to the instrument, and recommend possible adjustments to such annexes or amendments to the instrument (including new annexes).
   iii. Develop clear mechanisms for funding, technical support and transfer of technology for the development of natural alternatives to plastics, in particular in small island developing States.
   iv. Use economic instruments, such as fees, tariffs, taxes, subsidies, and tradable permit systems, to incentivize a reduction of plastic use and the adoption of sustainable alternatives.

- The EU and its MS are open to discuss the options presented under obligation 8. However, we believe it is too early in the process to decide on promoting the use of safe, sustainable alternatives and substitutes. It needs to be further elaborated, studied and discussed.
- For the EU and its MS it is extremely important to include the waste hierarchy and the 3R principle (reduce, reuse and recycle) in the future legally binding instrument, to encourage options that deliver the best overall environmental outcome. Also, a system where raw material is valued and reused and where take-back and as many rotations as possible are incentivized. We prefer for instance not to develop alternative single use materials to replace single use plastics but instead promote new business models focused on reuse and refill systems.
- Where the use of primary raw materials cannot be avoided, the use of safe and sustainable non-fossil alternatives and substitutes might be promoted under certain conditions including of strict sustainable criteria for their feedstock, considering environmental, economic, social and health aspects. It is also important to ensure that alternatives and substitutes contribute to the circular economy, and that they do not lead to any unintended harmful consequences. This way the future legally binding instrument can also maximize its contribution to the Kunming Montreal Global Biodiversity Framework.
- Although not presented as an option, the EU and its MS could consider a non-fossil carbon target in the instrument. This as one way to promote safe, sustainable non-fossil alternatives and substitutes. This way the future legally binding instrument can also maximize its contribution to Paris climate goals and the transition to a non-fossil economy.
The EU and its MS also believe that the future instrument should include precautionary provisions on green claims for alternatives and substitutes to avoid greenwashing, such as, provisions for when a plastic product can be labelled as biodegradable, compostable or biobased and how the labelling should be designed.

Now going back to the actual options presented in the paper on core obligation 8, and considering that this topic needs to be further explored, options under 17a concerning research and development could be envisaged. Option 17 a (i) concerning platforms could be linked to the work of the envisaged technical review committee. Concerning the other options under 17b, option (i) is not entirely clear, and EU and its MS would welcome more information, similarly for option 17b (iii). EU and its MS supports option 17b (little roman ii) concerning the development of sustainability criteria. The EU and its MS would welcome option (iv) concerning economic instruments to incentivize a reduction of plastics and the use of those alternatives that can genuinely be considered safe and sustainable. In general, also the combination of other options under 17 a and b could be envisaged, on condition that the waste hierarchy is included.

we would like to draw your attention to the boxed comment for core obligation 8 in the option paper, which has left the EU and its MS concerned. In the boxed comment biodegradable and compostable material are referred to as materials that could reduce health risks associated with plastic pollution and promote circularity in the plastics industry. We would be cautious to make such a statement already now in a paper as we do not know yet what impact these materials could have on for example biodiversity, ecosystem or how reusable and recyclable they are.
EU AND IT’S MEMBER STATES STATEMENT ON POSSIBLE CORE OBLIGATION 9: ELIMINATING THE RELEASE AND EMISSION OF PLASTICS TO WATER, SOIL AND AIR

The options paper presents four options for consideration related to eliminating the release and emission of plastics:

(a) Reduce and, where feasible, eliminate releases of plastics to water, soil and air (general and sectoral measures could be listed in an annex to the instrument, including wastewater, industrial facilities, aquaculture, agriculture and the fishing industry, and transport).
(b) Develop and use the best available technology and best environmental practices, including environmental and emission/effluent standards, to minimize and eliminate pollution from all stages of the plastic life cycle.
(c) Prohibit dangerous practices to prevent the production and releases of toxic emissions from plastic waste management.
(d) Take effective measures to prevent and reduce loss of fishing gear containing plastic and leverage existing efforts, including those of the Food and Agriculture Organization of the United Nations, and the International Maritime Organization.

- The EU and its MS believe the future instrument should be tailored to prevent releases and emissions of plastics to the environment through obligations targeting production, shipping, storage, consumption and use, as this is proven to be the most effective and cost-efficient way to end plastic pollution.
- However, to achieve a comprehensive instrument there is a need to also include downstream measures that directly target emissions of plastic pollution and that are complementary to the upstream measures.
- It is the view of the EU and its MS that obligations targeting releases and emissions to water, soil and air are best carried out through a sectorial approach, starting with the most prioritized sources, and strengthening over time.
- The EU and its MS believes that adequate monitoring, including in the coastal and marine environment, of plastic litter quantities, pathways and impacts is essential for designing and implementing measures which will reduce impacts of plastic pollution in an efficient way.
- The EU and its MS see the combination of options a, b, c and d as a good starting point for the negotiations of measures to eliminate the release and emission of plastics.
EU AND IT’S MEMBER STATES STATEMENT ON POSSIBLE CORE OBLIGATION 10: ADDRESSING EXISTING PLASTIC POLLUTION

The options paper presents two sets of options for consideration related to how to address existing plastic pollution including abandoned, lost, or discarded fishing gear:

(a) Options for addressing existing plastic pollution:
   i. Take measures to remediate plastic pollution in the environment, including in the marine environment and areas beyond national jurisdiction, taking into account the draft agreement under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction.
   ii. Cooperate to develop strategies to identify, prioritize and address areas of legacy waste.

(b) Options for sector/context-specific measures:
   i. Eliminate ghost gear pollution in the environment, particularly the marine environment, in collaboration with the Food and Agriculture Organization of the United Nations and the International Maritime Organization.
   ii. Conduct remediation activities in specific contexts such as accumulation sites on coasts, rivers and estuaries, urban mining and unregulated landfills, as feasible and justified from a socioeconomic perspective. Priority could be given to plastic pollution hotspots and measures that could have a positive local or regional impact on human health or the environment and to minimizing negative effects to ecosystems.
   iii. Develop criteria and guidelines on best available techniques and best environmental practices, including to ensure that clean-up activities respect biodiversity. Option include:
      a. Identifying indicators for hot spots where quantities and types of litter endanger marine or other species or habitats;
      b. Encouraging the adoption of targeted removal measures in national action plans (NAPs) on a voluntary basis (e.g., clean-up activities and awareness-raising initiatives)

- The EU and its Member States are of the opinion that preventive measures are essential to end plastic pollution. However, we also recognize that the issue of existing plastic pollution, including abandoned, lost, or discarded fishing gear (ALDG), and fishing and aquaculture gear, that this issue is urgent, and that dedicated measures should be part of the future instrument. The EU and its MS support, that fishing gear as source to marine plastic pollution, is included in the future instrument and it needs to be addressed through its entire life-cycle.
- The EU and its MS believe existing plastic pollution could be addressed through remediation measures and activities in specific contexts, such as accumulation of plastic litter in sites on coasts, rivers including riverine areas, estuaries, floodplains, urban mining and unregulated landfills. Priority should be given to plastic pollution hotspots and measures that can have a local or regional positive impact on human health and the environment and minimizing negative effects to ecosystems, considering also other potential environmental impacts such as energy/fuel consumption or emissions from remediation activities.
• As a related and highly damaging issue, measures for the removal of abandoned, lost, or discarded fishing gear, including litter from aquaculture, should be included in the future instrument, in collaboration with the Food and Agriculture Organization of the United Nations and the International Maritime Organization, which has adopted an Action Plan to address marine plastic litter from ships.

• The EU and its MS propose that Parties to the future instrument could, as part of their national action plans, develop and implement measures to monitor, identify and address existing plastic pollution, where there is a risk of harm to human health, the environment, biodiversity, maritime navigation and safety, fisheries and tourism, according to a priority assessment.

• The EU and its MS find it import to promote actions beyond national jurisdiction. These actions should not duplicate efforts/actions which are under the draft agreement under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ).

• Considering the points above, the EU and its MS believe that the combination of most of the options under 19.a and 19.b is a good starting point for the negotiations of measures to address existing plastic pollution. We especially support option 19.b.(ii) in combination with 19.b.(i), while we see option 19.b. (iii) as essential tools for conducting this work.
EU AND IT’S MEMBER STATES STATEMENT POSSIBLE CORE OBLIGATIONS
11: FACILITATING A JUST TRANSITION, INCLUDING AN INCLUSIVE TRANSITION OF THE INFORMAL WASTE SECTOR

The options paper presents five sets of potential options for consideration related to the just transition and the role of the informal waste sector

(a) Establish a mechanism to ensure a fair, equitable and inclusive transition for the industry and affected workers, informal waste workers and affected communities, particularly in developing countries;

(b) Establish a requirement for private waste management companies to collect plastic waste from informal waste picker cooperatives or associations, where relevant, and establish gradual schemes for their formalization in a fair, equitable and inclusive manner. As these cooperatives or associations formalise, the requirement for companies to collect from waste picker cooperatives or associations should be geared toward the formal ones.

(c) Improve working conditions for workers, including waste pickers, including by providing legal recognition and support for informal waste pickers, such as access to health care, education and social security benefits.

(d) Integrate the informal waste sector into the plastics value chain and promote a circular economy through a “just transition programme”.

(e) Establish a requirement to use fees derived from EPR schemes to fund an upgrade of infrastructure and technical and management skills for informal waste pickers to function as waste collection and sorting companies.

- The EU and its MS recognize that ending plastic pollution will not be possible without ensuring a just, inclusive and sustainable transition. As such, a human rights based approach shall be a cross-cutting priority of the instrument.

- Even though it is not presented as a specific option in the option paper we would like to propose including a reference to the human right to a clean, healthy, sustainable and environment, as recognized by the UN General Assembly in the instrument.

- The EU and its MS recognize and acknowledge the role of the informal waste sector and waste pickers in plastic waste management. It will be important to improve the working conditions for this sector and make sure that measures included in the future instrument will not negatively affect their livelihoods.

- The EU and its MS could also consider the inclusion of a subobjective for just transition in the future legally binding instrument to end plastic pollution.

- The EU and its MS are supportive and open to discuss all options presented under this obligation although taking into account that not all options may be relevant for all Parties to the future legally binding instrument.

- Regarding option 20 a), We seek further clarification on what role the mechanism should play and how the other options, for example option on proposal of a work program 20 (d) relate to such a proposed mechanism. We would see it useful to spend some time to discuss the function of a possible mechanism and how it relates to the other options.

- The possible implementation of option 20 e) needs to be further discussed, taking also into account the discussions that we will have on means of implementation. We need to make sure that option e will not be too complicated and burdensome to establish
and make sure that waste pickers are not excluded when setting up new formal waste management systems for plastic waste.

- Option 20(c) outlines an important principle of a legal recognition which we find interesting. It would be beneficial to better understand how this would be formulated and how it relates to other fora where this is discussed. Our preliminary position is that we do not find it appropriate to directly regulate the working conditions of informal sector workers in the future legally binding instrument. But we look forward to further engaging in this discussion.

- Lastly, The EU and its MS are generally open to discuss option 20 (d), especially if the programme is targeted to the informal waste sector and other vulnerable groups such as women, youth and Indigenous Peoples and Local Communities (IPLC).
EU AND IT’S MEMBER STATES STATEMENT POSSIBLE CORE OBLIGATIONS
12: PROTECTING HUMAN HEALTH FROM THE ADVERSE EFFECTS OF PLASTIC POLLUTION

The options paper presents two options regarding assessing and evaluating risks regarding human health and two options regarding cooperation to be considered at INC2:

(a) Options for assessing and evaluating risks:
(i) Evaluate risks caused by plastic and plastic pollution for human health.
(ii) Conduct further research on the adverse effects of plastic and plastic pollution on human health.

(b) Options for cooperation:
(i) Promote cooperation, collaboration and exchange of information with the World Health Organization, the International Labour Organization and other intergovernmental organizations.
(ii) Improve the One Health approach.

- The EU and its MS support and are open to discuss and consider all options presented under core obligation 12. However, the EU and its MS would have a strong preference for the future legally binding instrument to address the risks related to plastic pollution in an integrated approach where the adverse effects to both human health and the environment are considered.

- Regarding potential options for assessing and evaluating risks, the EU and its MS are supportive to both options. To assess and evaluate risks to human health but also the environment will need to be science based. Therefore, a subsidiary body to the future legally binding instrument or the future science policy panel could be tasked to gather more knowledge on these topics.

- The EU and its MS recognise the importance of cooperation, collaboration and exchange of information with WHO, International Labour Organisation and other intergovernmental organisations to avoid duplication. Cooperation will also be important in regard to communication and awareness raising. Further the EU and its MS are supportive of the One Health approach and would be interested in engaging in a conversation of how the instrument can contribute to the One Health approach.