Emissions and releases of plastic throughout its lifecycle, Waste Management, Trade in listed chemicals, polymers and products and in plastic waste

Thank you chair

Emissions and releases of plastic throughout its lifecycle

In regard to provision 8, measures have to be nationally driven and should take into account national circumstances and capabilities. The focus should be on eliminating leakage of plastic waste into the environment. And therefore there seems an overlap in respect of provisions 8 and 9 as provision 9 deals with waste management and thereby addressing the aspect of leakage of plastic products in the environment.

It is important that while managing plastic waste as well as while producing plastic products, environmental regulations are to be followed in respect of emissions and releases to air, soil and water. Duplication of such measures should not be done. All such emissions and releases should be covered under respective environmental regulations to comply with the emissions and effluent norms.

Para 4 of the provision guidance on emissions and effluents, in respect of waste management as well as production including in respect of micro plastics, may get captured under relevant provision where they are substantively mentioned.

There is the potential for alignment on the need to ensure proper stewardship of plastic pellets through stewardship programs. Each party shall take all such measures as per their national circumstances and capabilities.

India would be providing text option.
Waste Management

In respect of **provision 9** - waste management is one of the most important and critical pillars of the strategy to end plastic pollution.

We see that this is not comprehensively and adequately captured. It is important to establish mechanism to assess the infrastructural requirements for safe and environmentally sound management of plastic waste.

There must an assessment of the financial resources for comprehensive management of plastic waste as well as availability of timely, adequate and predictable financial resources to establish and operate such waste management infrastructure. This has to be nationally driven and must take into account national circumstances and capabilities.

Measures to regulate fishing gear have to be country driven and should be based on national circumstances and capabilities.

India would be providing text option.

**Trade in listed chemicals, polymers and products and in plastic waste**

In regard to **provision 10**, India would like to mention that

- While the Preamble to the Marrakesh Agreement establishing the WTO emphasizes the need for positive efforts designed to ensure that developing countries secure a share in the growth in international trade commensurate with the needs of their economic development, this treaty may negate the very foundation of the WTO.
- GATT 1994 does not allow for prohibitions or restrictions other than duties, taxes or other charges. Import Licensing Procedures emphasize that these shall not have trade restrictive or distortive effects on imports. So potential options in the treaty which proposes such measures may not comply with WTO law.
- Under GATT 1994, the developed Members of WTO have committed themselves to accord high priority to the reduction and elimination of barriers to products currently or potentially of particular export interest to developing countries. Further it recognizes that there is need for positive
efforts designed to ensure that developing countries, and especially the least developed among them, secure a share in the growth in international trade commensurate with the needs of their economic development. The special and differential treatment provisions of WTO Agreements include longer time periods for implementing agreements and commitments.

- The consideration to all these elements of the multilateral trading system should be given here; elimination or even reduction in trade in plastics may impact developing countries and livelihoods associated with it.
- Indian plastics industry is a significant employment generator and employs directly / indirectly over five million people in the value chain. India has about 18% of the world population while our plastic consumption is less than 7% of global plastic population.
- MEAs are based on the principle of equity and CBDR-RC in the light of national circumstances while WTO stresses upon special and differential treatment for developing countries; the proposed plastic agreement needs to reflect both.
- The Technical Barriers to Trade Agreement of WTO stresses that the regulations and standards, including packaging, marking and labelling requirements and procedures for conformity with technical regulations and standards do not create unnecessary obstacles to international trade and should not become disguised restriction on international trade.
- Further, that technical regulations are not prepared, adopted or applied with a view to or with the effect of creating unnecessary obstacles to international trade and technical regulations should not be more trade restrictive than necessary.
- Further, Members shall specify technical regulations based on product requirements in terms of performance rather than design or descriptive characteristics.
- It also recognizes the difficulties developing countries may face in formulation and application of technical regulations and provides for differential and more favorable treatment to developing countries.
- Finally, any technical regulation or standard should not be more trade restrictive than necessary to fulfil a legitimate objective.
- The Sanitary and Phyto-Sanitary (SPS) Agreement of the WTO focuses upon special and differential treatment for developing countries and scope for phased introduction of new sanitary or phyto-sanitary measures, enforcement of sanitary and phyto sanitary measures in a way that
minimizes their negative effects on trade, longer time-frames for compliance on products of interest to developing countries to maintain opportunities for their exports.

• The SPS Agreement focuses on SPS measures not being applied in a manner which would constitute a disguised restriction on international trade.

• The “trade impact” of the proposed Zero Draft, cannot be seen in isolation, since it is intrinsically linked to the zero draft.

• Multilateral environment agreements (MEA) need to be rooted in a balanced approach. The proposed plastics convention is like no other MEA, since it is intrinsically linked to economic development, and has cross-sectoral implications.

• The Zero Draft should be focused on the UNEA Resolution of 2022 (5/14) without affecting the rights and obligations of member countries under the multilateral trading system, which is based on among others the foundational principles of consensus based decision-making and special and differential treatment.

India would be providing text option.

I thank you.