Elements not discussed at INC-2

1. Scope

*What is the proposed scope for the future instrument?*

*Which types of substances, materials, products and behaviors should be covered by the future instrument?*

<table>
<thead>
<tr>
<th>Proposed scope:</th>
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<tr>
<td>Scope of the international legally binding instrument on plastic pollution should be consistent with the UNEA resolution 5/14, and based on a comprehensive approach that addresses the full life cycle of plastic. It should avoid duplication with other existing Multilateral Environment Agreements (MEAs). The specific discussions on the scope of the new instrument is not necessary at this point since the scope would be identified through discussions on each article.</td>
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2. Principles

*What principles could be set out in the future instrument to guide its implementation?*

<table>
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<tr>
<th>Principles, which are already agreed in other existing MEAs, can be included in “Preamble” and specific principles, if appropriate, can be reflected in the relevant articles. Therefore, articles on “Principles” are not necessarily required.</th>
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<tr>
<td><strong>Precautionary principle:</strong></td>
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<td>Japan recognizes the importance of the precautionary approach which calls for not using the lack of full scientific certainty as a reason for postponing of cost-effective measures to prevent environmental degradation when there are threats of serious or irreversible damage. Japan further</td>
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recognizes that the term “precautionary principle” lacks an internationally agreed definition. “Precautionary principle” should not be used as a pre-set justification for restricting plastic or plastic products without solid scientific evidence.

**Rio Principles:**
While supporting the principles in the Rio Declaration on Environment and Development, we suggest to simply refer to the Rio principles in general, without going into details or specific paragraphs. With regard to Principle 7, Japan believes that plastic pollution is occurring throughout the global value chain, and plastic leakage into the environment is not only from developed countries but also from developing countries, in part due to insufficient environmentally sound waste management. Plastic pollution is an issue that all countries should address, and therefore Japan considers it is not appropriate to have specific reference to Principle 7 in the text.

**Extended producer responsibility (EPR):**
Extended producer responsibility is based on the premise that relevant stakeholders share their roles and responsibilities at each stage of the life cycle, and it recognizes that producers also have the responsibility for building a circular economy. Bearing in mind that the situation of plastics circulation differs from country to country, it is necessary to share a common understanding on the basic concepts of EPR and the needs of appropriate degree of flexibility for the application of EPR in each country, before discussing how ERP will be incorporated into the instrument as a shared principle.

**Reliance on best available science:**
Discussions should be based on sufficient scientific evidence and knowledge, when considering measures under the new instrument to end plastic pollution, in particular those related to the definition on problematic plastics, effects on human health by microplastics. For specifying measures taken by Parties to be effective, it is important that these measures are based on solid scientific evidence.

**Intergenerational responsibility:**
As represented by legacy plastics, plastic pollution is considered to affect subsequent generations due to past releases. Therefore, in order to prevent harmful effects on future generations by plastic pollution, it is necessary to consider and implement measures to address them as the responsibility of current generation.

**Gender equality and diversified perspectives, recognizing that marginalized and vulnerable communities are disproportionately affected by plastic pollution:**
Japan recognizes that scientific knowledge on the effects of plastic pollution on human health is still in the process of accumulation/improvement. However, some studies have identified their effects on vulnerable communities/people, especially women and children. Therefore, it is important to
consider and implement measures for vulnerable communities/people that are most affected by plastic pollution.

Plastic application approach:
Plastics product wastes should be addressed taking into account the characteristics of each product type, as the risk of leakage to the environment and human health varies depending on the use of the product.

3. Additional considerations
Provide any other relevant inputs, proposals or priorities here that have not been discussed at INC-2 (e.g. preamble; institutional arrangements, including governing body, subsidiary bodies, scientific and technical cooperation and coordination, and secretariat; final provisions including dispute settlements; and if appropriate annexes).

Proposed inputs:
Overall target:
Japan considers it highly important to have an explicit reference to an overall target year "2040" in the instrument so as to share common commitments to address plastic pollution in a speedy manner with the ambition to reduce additional plastic pollution to zero by 2040.

Preamble
While discussions on the contents and structure of the preamble should be conducted at the final stage of negotiations, it is imperative to start discussions about the elements to be included in the preamble at an early stage during the INC-3, when discussions on the zero draft of specific articles are expected. Based on the above, Japan's views are as follows:

Scientific and technical cooperation and coordination
It is important to coordinate/cooperate with relevant conventions/organizations to implement control measures against plastic pollution efficiently. From the viewpoint of avoiding duplication of obligations, it should be confirmed that the provisions of the existing conventions should take precedence for matters stipulated in the existing conventions (UNEA Resolution 5/14, 3(k)). Furthermore, it is important to coordinate/cooperate with existing international data collection and stakeholder collaboration efforts on pollution (Global Partnership on Marine Litter (GPML), Basel Convention partnership on plastic waste, etc.) in order to avoid duplication and ensure complementary cooperation.

In addition, various information on existing bilateral, and multilateral cooperation could be reported in National Action Plans. Such cooperation would include support to developing countries through institutional/technological/human resource development, etc. for waste management, more specifically, support for enhancing capacity for environmentally sound waste management including recycling infrastructure development, as well as providing cooperation through training in monitoring of plastics in the environment, development of guidelines and database especially for marine surface microplastics, support for the preparation of G20 framework reports.
Secretariat
As provided in other multilateral environmental agreements, the Secretariat should fulfill its duties, including preparation and provision of services for meetings of the COP and subsidiary bodies, and compiling and publishing the national reports submitted. On the other hand, the Secretariat, which is responsible for the general management, should not be assigned the role of taking responsibility for evaluating the compliance status of the Parties based on the national reports submitted, assessing their progress towards achieving the objectives of the treaty, and so on, which require highly scientific and technical knowledge, and concern the rights and obligations of Parties of the treaty.

Final provisions including dispute settlements
Concrete discussions about final provisions, such as reservations, dispute settlement, treaty amendments, adoption and amendment of annexes, entry into force of the treaty, and withdrawal, should be conducted when provisions related to obligations under the new instrument becomes clearer in the course of negotiations. On this basis, Japan's views are as follows:

Recognizing the need to address plastic pollution urgently while reiterating the importance of broader participation in the instrument, the threshold for the entry into force should not be excessively high. As in the cases of Stockholm Convention and Minamata Convention, it could be suggested as a possible option that the treaty would enter into force on the ninetieth day after the date of deposit of the fiftieth instrument of the ratification, acceptance, approval or accession.

Setting any additional condition such as the amount of the release of plastic litter as in the case of the Paris Agreement is not realistic at present, as there is no agreed statistics.

Regarding dispute settlement, as in the case of existing multilateral environmental treaties, negotiation or other peaceful means should basically be sought.