

TEMPLATE FOR SUBMISSIONS (part b)

Name of country (for Members of the committee)	Japan
Name of organization (for observers to the committee)	
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Date of submission	15 th September, 2023

Input on the potential areas of intersessional work to inform the work of INC-3 (following the lists compiled by the co-facilitators of the two contact groups)**Potential areas for intersessional work**

The list of potential areas for possible intersessional work compiled by the co-facilitators of the two contact groups at INC-2 is set out below. Members and observers may wish to provide input on one or more of these areas.

Contact group 1:

1. Information on definitions of, e.g. plastics, microplastics, circularity

Japan would like to comment on the following definitions for further discussion.

If definitions have already been provided in other multilateral environmental agreements (MEAs) such as the Basel Convention, and other international frameworks including ISO, they should be respected in this treaty. Definitions should also be considered in examining each article of the new instrument.

<u>Microplastics, Plastics, including microplastics</u>	<p>The “microplastics” should be defined in the new instrument based on relevant UNEA resolution, UNEP report, and GESAMP guidelines below, among others. For example, the UNEA Resolution 2/11 describes plastic particles less than 5 millimeters in diameter, including nano-sized particles as microplastics, and INC1 working document “Glossary of key terms” (UNEP/PP/INC.1/6) applies the same definition.</p> <p>The UNEP report “From Pollution to Solution: A global assessment of marine litter and plastic pollution” in 2021 defines plastic particles less than 5 millimeters in diameter as microplastics and less than 1µm as nanoplastics. The same definition is used in GESAMP’s 2019 guidelines “GUIDELINES FOR THE MONITORING AND ASSESSMENT OF PLASTIC LITTER IN THE OCEAN”.</p> <p>We are not opposed to the aforementioned UNEA resolution to collectively define microplastics as those less than 5 mm, including nanoplastics. On the other hand, there are many differences between nanoplastics and microplastics in terms of hazards and countermeasures, so careful consideration is necessary for defining microplastics as it includes nanoplastics.</p>
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	<p>An example of classifying microplastics based on the countermeasures from the Nordic Report (2022) “Addressing microplastics in a global agreement on plastic pollution”</p> <p>(Secondary) Microplastics originating from the degradation and weathering of larger pieces of plastics after deposition in landfills or when lost in the environment. This category also includes microplastics generated unintentionally in the recycling sector.</p>
<u>Plastic pollution</u>	<p>Plastic pollution could be considered as the negative effects and emissions resulting from the production and consumption of plastic materials and products across their entire life cycle; A major focus could be on plastic waste that is mismanaged and leakage and accumulation of plastic objects and particles that can adversely affect humans and the living and non-living environment.</p>

2. Information on criteria, also considering different applications and sectoral requirements, including:

General comment

Before discussing the establishment of criteria, it is necessary to identify what kind of measures should be taken to end plastic pollution, including in the marine environment, and what sort of risks we intend to prevent under the new instrument with clearly defined “plastic pollution”.

The necessity of regulations against “chemical substances and polymers of concern in plastics” and “problematic and avoidable plastic polymers and products and related applications”, and the criteria, if deemed necessary under those regulations, should be considered through a formal process, based on scientific evidence provided by experts. In addition, it is necessary to avoid duplication and inconsistency of measures under the existing MEAs and international frameworks, and to promote coordination with them.

In examining the impacts on the environment and human health, risk-based analysis should be taken rather than hazard-based analysis as exposure element should be taken into account. Furthermore, even if a list of specific chemicals and others are to be identified as a result of risk assessment process based on the criteria, appropriate measures should be taken by each country's relevant authorities, taking into account national circumstances of each country. For these reasons, it is not appropriate to be automatically listed as chemical substances of concern based on the results of hazard-based analysis.

Those terminologies that are being discussed and refined in other fora such as existing MEAs should be properly taken into account, so that consistency should be ensured.

With the above premises in mind, we provide specific comments on a-d below:

- a. Chemical substances of concern in plastics,

When considering the governance related to chemicals of concern in plastics, we need to fully take into account the paragraph 3 (k) of the UNEA5/14. Namely, the new instrument should promote cooperation and coordination with relevant regional and international conventions, instruments and organizations, while recognizing their respective mandates, avoiding

duplication and promoting complementarity of action. Especially, the Stockholm Convention on Persistent Organic Pollutants (POPs) already regulates chemical additives in plastics as POPs, and Beyond 2020 instrument to be adopted in ICCM 5 in September 2023 deals with chemicals, including those in plastics; therefore, when considering regulations under the new instrument, coordination should be made with existing international frameworks.

A crucial perspective involves whether and how these chemicals have an impact on ecosystems and human health through exposure through the environment. Therefore, the evaluation of chemical substances based on risk-based approaches, not hazard-based approaches, should be applied and clearly referred to.

Each chemical of concern in plastics exhibits different behaviors once released into the environment, and thus may cause different impacts on human health and ecosystem. In this context, appropriate measures should be taken based on the corresponding level of risk and the actual situation in each country.

b. Problematic and avoidable plastic polymers and products and related applications

In addressing polymers of concern, consideration should be given on national circumstances and existing domestic measures rather than applying direct and uniform control measures at international level.

The criteria should be based on scientific evidence provided by a group of technical experts including scientists, academia, industry representatives and other stakeholders. Such a technical expert group should be established and those issues should be discussed in a formal process.

c. Design e.g. for circularity, reuse

We consider it difficult to set a common global design standard for all plastic products due to the differences of production technology surrounding plastic products and the availability of recycled materials, etc. in each country. Rather, we propose having discussions on elements related to product design.

Product design guidelines on circularity and reuse should be formulated by major product groups respectively in each country, taking into account characteristics of and ways of use for such products as well as national circumstances. As shown in the Japanese design guidelines for products using plastics, the design should take into account the elements of long-term usability, recyclability, etc. to the maximum extent possible for the material and structure. In Japan, although the above-mentioned "elements" to be considered are clearly indicated, there is no "standard" as to what combination of these elements and what extent each of them should be considered. It would be effective if the new instrument provides guidelines for recyclability and reuse for each member country to consider when developing its design guidelines. Such guiding documents would include common elements for consideration in formulating product design guidelines. It should also be formulated with multistakeholder consultations, including the private sector. As an example, Japan, under the Plastic Resource Recycling Promotion Act, identified the following set of elements as guidance for each industry group in its design guidelines for plastic products. Japan is ready to share knowledge and lessons learned with

other countries. The intersessional work could have a focused discussion on the development of a common set of elements for design guidelines based on the following example:

Possible guidelines for plastic product design are considered as follows.

- Structure: Reduction of weight, simpler packaging, longer use/longer service life, use of easily reusable parts or reuse of parts, single material, easy to disassemble/separate, easy collection/transportation, easy to crush/incinerate
- Materials: Substitution of materials other than plastic, use of easily recyclable materials, use of recycled plastic, use of bio-plastics
- Evaluation of products based on LCA
- Information dissemination and system development
- Collaboration with stakeholders
- Standardization of design by product category, and preparation and compliance with design guidelines, etc.

d. Substitutes and alternatives to plastic polymers and products

It is important to identify certain plastic polymers and products which should be substituted or replaced so as to promote research and development on alternatives. Furthermore, it would be important to establish a framework(s) to facilitate collaborations among stakeholders which have available technologies and funds.

In order to promote uses of developed substitutes and alternatives, providing information to and raising awareness of consumers as well as utilizing public procurement schemes are effective.

3. Potential substances of concern in plastics, problematic and avoidable plastic polymers and products

Same comments as 2. the above

4. Potential sources of release of microplastics (applications and sectors).

It is desirable to establish a common classification category under the new instrument, and the classification in the UNEP report (2018) can be referenced. For microplastics, a distinction should be made between primary microplastics and secondary microplastics generated by the degradation and miniaturization of macro plastics, and the estimation of discharged microplastics should be conducted. It is important to take countermeasures against the sources, leakage routes, and impacts of microplastics.

As for the measures against intentional use/addition of microplastics, voluntary measures have been taken in Japan by industry groups to prevent the use of microplastics in certain sectors and product categories, thereby eliminating potential pathways for release into the environment.

As for the measures against unintentional release of microplastics, it is necessary to consider what kind of actions are technically feasible now and in the future.

Contact Group 2:

1. To consider the potential role, responsibilities and composition of a science and technical body [to support negotiation and/or implementation of the agreement]

Under the new instrument, it is necessary to provide functions to periodically assess the current state of scientific knowledge and to make necessary recommendations to the Conference of the Parties (COP) from a scientific and technical perspective. There are several options for its institutionalization, such as establishing a permanent subsidiary body, a specialized but independent body, or utilization of a separately-discussed Science Policy Panel (SPP) on Chemicals, Waste, and Pollution Prevention. The optimal way of institutionalization for the topic and nature of assessment should be further discussed. It is desirable to avoid duplication by collaborating with existing activities carried out by the BRS Secretariat and the OECD.

2. To consider potential scope of and guidance for National Action Plans [including optional and/or suggested elements]

National Action Plans (NAPs) are a core element in the new instrument since they are intended to encourage each country's concrete actions by describing what each country will actually do to achieve the objectives and goals, taking into account the obligations, regulatory measures and voluntary approaches stipulated in this instrument.

The option paper presented at INC2 includes the development of national action plans as an implementation measure. However, the plans should be considered as a core obligation, since it is intended to implement concrete measures in accordance with the objectives, targets and general requirements of the instrument, and to report on the results of implementation.

The contents of the national action plans can be discussed considering the description of the option paper and with reference to the existing reporting format under the "G20 Implementation Framework for Actions on Marine Plastic Litter", which was adopted by the leaders at the 2019 G20 Osaka Summit. The G20 format calls for reporting on the following items. For the items to be included in the national action plans under this instrument, it is desirable to set common items for reporting, to ensure comparability of efforts among the parties and to promote further improvement. In addition, each country should be obliged to formulate a long-term strategy in its national action plan.

Items for reporting from the G20 format

National laws/plans, measures, and achievements (prevention/reduction of plastic waste generation, environmentally sound waste management, cleaning up marine plastic litter, promotion of innovative solutions, education/awareness raising, monitoring/scientific research on marine plastic litter), challenges, best practices (national level, regional level, private sector, international cooperation)

From the perspective of ensuring the transparency of the progress of each Party's efforts, each Party should provide objective data related to its own national action plan (data on the production, consumption and discharge of plastics, including from value chain, collection and recycling (amount, rate) of plastic wastes, recovery of plastics discharged from the marine environment and other environments, policy objectives reflecting the global goals, medium- and long-term strategies and related indicators, roadmaps, etc.) and the methodology for calculating them. If numerical targets

are specified in the national action plan, the degree of achievement of those targets should also be reported. From the viewpoint of ensuring comparability, it is desirable to standardize the methodology to calculate various data as much as possible by guidelines.

3. To identify current provisions within existing MEAs [and other instruments] on cooperation and coordination that could be considered

In the process of identifying the cooperation and coordination provisions in MEAs, there are many provisions that can be referred to, such as the Minamata Convention, which stipulates that COP shall cooperate with other international organizations and other entities in the preparation of the guidelines.

In the Minamata Convention, the articles are divided by item (e.g. artisanal and small-scale gold mining, mercury waste, etc.) and each article explicitly provides for obligations and efforts for cooperation by each country.

There should be provisions for the Conference of the Parties after the entry into force to enable cooperation with other institutions. For example, coordination with private initiatives such as discussions on standards such as ISO.

If chemicals of concern and problematic plastic are to be identified in this instrument, information should be exchanged with the Conference of the Parties to Stockholm Convention. There should be a need to be consistent with technical guidelines on the environmentally sound management of plastic waste adopted by the Conference of the Parties to Basel Convention.

Coordination and cooperation with existing initiatives for international data collection and stakeholder collaboration on plastic pollution (Global Partnership on Marine Litter (GPML), Basel Convention partnership on plastic waste, etc.) should be also pursued to avoid duplication and to build complementary cooperation. A provision to promote such cooperation is required.

There needs to continue bilateral and multilateral efforts to mitigate plastic pollution, not only in terms of cooperation in fulfilling obligations such as capacity building as in UNEA Resolution 5/14.

4. To consider how other MEAs provide for monitoring, and suggest best practice

As other existing multilateral environmental agreements, the Paris Agreement has established and is operating an ambition enhancement mechanism consisting of the five-year update/submission of NDCs, the two-year submission/evaluation/multilateral review of the Biennial Transparency Report (BTR) that reports on progress toward implementation and achievement of the NDCs, and the implementation of a Global Stock-take every five years to assess progress toward achieving the goals of the Paris Agreement on a global basis (articles of the Paris Agreement and related decisions (Decision 4/CMA, etc.)). In addition, it is stipulated that the NDC should include information on best practices, allowing for learning best practices in other countries through this mechanism. We believe that the Paris Agreement could be used as a reference depending on the provisions to be agreed, since it has already established and has been operating an advanced mechanism for monitoring progress and learning best practices.

5. To consider options to define 'technology transfer on mutually agreed terms

Given that technology transfer is recently taking place in a variety of ways (by private entities), in order to maximize the use of limited resources, it is necessary to provide targeted assistance under this instrument, such as target areas to be supported and technologies needed. For example, plans for scales and means of assistance should be developed according to national and regional needs, based on the status of legislation/technology on waste management and the current status of recycling and disposal, and assistance should be targeted to ensure that measures are effective and highly cost-effective. To protect intellectual property rights, the wording “on mutually agreed terms” is indispensable.

6. To further consider how a potential financing mechanism could work [including a new standalone mechanism, a hybrid mechanism, or an existing mechanism]

Given that it is essential that all stakeholders work together to address plastic pollution, it is important to utilize various sources of funding to address plastic pollution including voluntary contributions from the private sector, in addition to public funding, existing bilateral assistance and existing funding mechanisms such as the Global Environment Facility (GEF). The instrument needs to clarify that assistance should be provided to countries most in need and be targeted to most effective measures.

It would be difficult to mobilize private funding if there is no relationship with profitability. To this end, we believe that it's important to build social system at a community level such as collection, sorting and sound management and disposal of plastic waste, which are difficult for private sector to deal with but are very important as a basis for recycling and reuse businesses. Even if plastics are replaced by substitutes, building such a social system is indispensable for society to dispose of any waste substitute in an environmentally sound manner.

Moreover, industrialization of waste management, recycling and reuse should be promoted, by drawing up grand design for it should be drawn up in each region. Target support should be provided for such those sufficiently planned and effective efforts.

7. To identify options to mobilise and align private and innovative finance (including in relation to matters at 24(e) and the proposed Global Plastic Pollution Fee (GPPF))

The choice of appropriate policies such as charging for plastics, taxation, fee, and EPR systems should be left to the countries so that the effectiveness is maximized based on the circumstances in each country. For this reason, we believe that imposing a fee, tax or levy on plastics to manufacturers and importers globally is not an appropriate option.

The proposal to collect fees as an obligation under the instrument based on extended producer responsibility as a source of funds is a big challenge, in terms of how to realize it and how to guarantee a level-playing field. It should be premised on the assumption that the recycling of plastics will be promoted and producers will be motivated to design environmentally friendly products.

8. To map current funding and finance available [to address plastic pollution] and determine the need for financial support for each Member

As means of implementation, it is important to identify the situation of the existing financial support such as GEF, Basel and Stockholm Convention, GPML, and bilateral and other support (UNEP, UNDP, Habitat, UNIDO, and many others) for addressing plastic pollution. We would like to request the INC

Secretariat to prepare an INF document for INC4 which includes assistance model deriving from best practice to consider effective and cost-effective assistance.

9. To identify capacity building and training needs for each Member

As an intersessional work, existing efforts by Member states and other stakeholders should be shared among stakeholders to identify the capacity building and training needs and to determine effective and efficient measures to meet such needs. For example, under the G20 Implementation Framework for Actions on Marine Plastic Litter, more than 50 countries have reported on their initiatives since 2019, which can be used to identify areas where further measures are needed. Such existing initiatives and information sharing hubs can support the implementation of instrument at local, national, regional, and international levels.

To date, Japan has facilitated development of circular infrastructure for waste management in developing countries, such as strengthening proper waste management including recycling, through the preparation of waste management policies and plans, the establishment of institutions such as laws, standards, guidelines, etc. for waste management, capacity building of partner governments through training, etc., based on local conditions and needs.

In addition to the bilateral cooperation, Japan is actively working on monitoring of plastics in the environment, including the identification of the source of and estimation of the amount of the plastics into the ocean through coordination between international organizations such as UNEP.

Also, Japan leads multilateral platforms such as the "Regional 3R and Circular Economy Forum in Asia and the Pacific" and the "African Clean Cities Platform (ACCP)", and promotes circular economy transition and waste management initiatives in developing countries through the development of common guidelines, etc. It is important to continue to promote the bilateral and multilateral capacity building in a complementary manner.