Part II

7. Extended producer responsibility

Extended producer responsibility (EPR) is the concept that producers also have responsibilities for building a circular economy, based on the premise that the entities concerned share roles at each stage of the life cycle. The concept of EPR and the application of EPR in each country should not be based on a unified principle. Flexibility is needed to some extent to encourage more countries to participate, taking into account that the situation of plastics circulation differs from country to country.

For this reason, instead of assuming a globally unified format and accountability and assessment of producers and importers as in Option 1 and Option 2, the EPRs in the technical guidelines for plastic waste established by the Basel Convention are helpful. We propose a revised text based on this precedent.

We request that such measures be included in the national plan.

Based on these points above, we propose the following text:

Option 2

1. Each Party is encouraged to establish and operate Extended Producer Responsibility (EPR) systems, that are the most appropriate to a specific region or country, taking into consideration market condition, national capabilities and circumstances, including, where relevant, on a sectoral basis, to incentivize increased recyclability, promote higher recycling rates, and enhance the accountability of producers and importers for safe and environmentally sound management, of plastics and plastic products throughout their life cycle and across international supply chains.

2. The measures adopted pursuant to this provision shall be reflected in the national plan communicated pursuant to [part IV.1 on national plans].
8. Emissions and releases of plastic throughout its life cycle

Macro and microplastic emissions and release management is necessary. In Part 2, "1 to 7" are written down in detail, while "8" calls for all measures throughout the entire life cycle, including removal and capture by considering various emission pathways and sources. In addition to the overarching obligation, this provision also requires that the source and sector categories of emissions be organized to a certain extent as common to all countries throughout the life cycle, and that the content to be addressed be studied based on an understanding of the pollution situation, including an understanding (survey and estimation) of the amount of discharge.

As stated in UNEA resolution 5/14, para. 3(i), it is necessary to continuously accumulate scientific knowledge on the actual situation of plastic releases into the environment through monitoring and other means in order to measure the current status and progress of plastic pollution and to assess the impact of plastic pollution.

On this premise, the draft article mentions the regulation of unintentional release of microplastics, but it is also important to examine to what extent this is technically feasible. In particular, it is technically not feasible to completely avoid the unintentional release of microplastics in the process of use unless the plastics used in materials such as tire wear, fiber waste, paint, etc. are reduced to zero, so it is important to implement measures to control the release as much as possible on this premise.

We believe that the article should not only set a uniform measure and its time period for each emission source, but also provide an alternative to take appropriate measures according to the actual situation of each country depending the adverse impacts on humans and the environment.

In addition, emission sources identified in Annex E in paragraph 1 should be determined after discussion of sectors that need to be addressed, and appropriately developed while avoiding duplication with existing guidelines by international organizations in paragraph 4.

Based on these points, we propose the following text:

1. Each Party shall take measures to prevent, and where feasible eliminate the emissions and releases of plastic polymers, plastics, including microplastics, and plastic products across their life cycle, to the environment from the sources identified in annex E, with assessment of trends of the emissions and releases, taking into consideration technical feasibility and accessibility of alternative plastics and plastic products, and socio-economic impacts. The emissions and releases covered under this provision should include:
   a. Emissions of hazardous substances, including microplastics, to the air;
   b. Releases to soil and water from the production, transportation and use of chemicals and polymers of concern, plastics and plastic products; and
   c. Releases of chemicals and polymers of concern, plastics and plastic products, including microplastics, to air, soil, and water, and ecosystems.

2. Each Party shall take measures to prevent and where feasible, eliminate emissions and releases of plastic pellets, flakes and powder from production, storage, handling and transport, taking into account, as appropriate, the relevant provisions and guidance agreed in the framework of international organizations such as the International Maritime Organization.

3. The measures taken to implement the provisions of this Article shall be reflected in the national plan communicated pursuant to [part IV.1 on national plans].
4. The governing body*, at its first session, shall adopt guidelines, including where relevant, sectoral guidelines, to facilitate implementation of the obligations set out in paragraph 1, including emission and effluent standards, sector-specific best available techniques and best environmental practices on preventing emissions and releases, and best available techniques and best environmental practices to capture and remove plastic pollution, including microplastics from freshwater bodies, the marine environment and ecosystems. The guidelines shall be coordinated with other relevant bodies.

5. Parties are encouraged to promote scientific and technical innovation to prevent and capture the releases of plastics and plastic products, including microplastics, into the marine and other environment.
9. Waste management

In order to avoid the adverse effects of plastics on humans and the environment, it is necessary to stop their release into the environment, and to this end, the control and proper treatment of waste will contribute greatly to solving the problem of pollution. In this regard, the highest priority should be given to the measures against (mismanaged plastic waste), and it is important to be ambitious in addressing this issue.

As for options, Japan prefers Option 2 as waste management differs depending on the actual situation in each country. Under Option 2, it is important to set ambitious targets and make efforts in this area according to the actual situation in each country. It is necessary to implement comprehensive measures by developing existing systems and measures that each country has implemented so far to achieve ambitious targets. (For example, it is possible to determine implementation measures according to the actual recycling situation in each country, such as not only material recycling but also chemical recycling and energy recovery (including incineration and waste power generation such as heat recovery), while referring to the information compiled in the technical guidelines for plastic waste established by each country under the Basel Convention).

Japan proposes to add one paragraph in Option 2, stating that each Party shall establish a basic effective social system at local level for handing, sorting, collection, transportation, storage, recycling, recovery and treatment of plastic waste. The system is indispensable to a safe and environmentally sound waste management, including plastic waste.

The “list of emissions and releases of hazardous substances to be regulated from plastic waste management” and the “list of waste management practices that may lead to emissions and releases of hazardous substances” in the common provisions should be consistent with the technical guidelines for plastic waste already established under the Basel Convention.

As for “9b Fishing gear”, Japan would like to stress that it is appropriate to define a comprehensive measure on waste management of entire plastic products in this article 9, rather than singling-out fishing gear and any other major pollutants. Then, identification of specific source should be considered in the article 8 on emissions and releases.

<proposals on texts>

9. Waste management
   a. Waste management

Option 2

1. Each Party shall take effective measures on safe and environmentally sound waste management at its different stages, including handling, sorting, collection, transportation, storage, recycling, recovery and final disposal of plastic waste. The measures taken to implement this provision shall be reflected in the national plan communicated pursuant to [part IV.1 on national plans], with an aim to achieving nationally determined targets based on the harmonized elements indicators set out in part II of annex F.

2. To implement the obligation pursuant to paragraph 1, each Party shall give priority/due consideration to establishing a basic effective social system at local level for handing, sorting, collection, transportation, storage, recycling and treatment of plastic wastes, which is indispensable to a safe and environmentally sound waste management and just transition.

3. The governing body* shall adopt at its first session, and subsequently update as needed,
guidelines on safe and environmentally sound management of plastic waste, taking into account the waste hierarchy and other relevant international guidelines and guidance.

**b. Fishing gear**

1. Each Party shall cooperate and take effective measures, including appropriate marking, tracing and reporting requirements, to prevent, reduce and eliminate, abandoned, lost or otherwise discarded fishing gear containing plastic, taking into account internationally agreed rules, standards and recommended practices and procedures. The measures taken to implement this provision shall be reflected in the national plan communicated pursuant to [part IV. on national plans].

2. Parties shall promote synergy and complementarity with relevant initiatives and organizations in their respective actions towards safe disposal of fishing gear.
10. Trade in listed chemicals, polymers and products, and in plastic waste

a. Trade in listed chemicals, polymers and products
This provision is based on the premise of Option 1, which means listing chemicals of concern, problematic plastic products and intentionally added microplastic products at international level and not allow their production and use in manufacturing. As Japan consider this provision is unnecessary because there is no globally uniform list of chemicals of concern, problematic products, and microplastics. Therefore, we would suggest discussion of this provision should be reserved until the discussion of chemicals of concern, problematic plastic products and intentionally added microplastic products is going forward to a certain extent or settled.

For this reason, the wording adjustments that go into the details should be treated as a bracket as a whole.

b. Transboundary movement of plastic waste
Since the Basel Convention already regulates the transboundary movement of plastic waste, it is indispensable to carefully discuss whether this provision is necessary in the first place from the perspective of avoiding duplication with existing conventions.

We understand that this provision is intended to regulate plastic waste with almost free from contamination which is not currently regulated by the Basel Convention, but we should not prevent appropriate transboundary movements of such wastes for recycling in environmentally sound manner.

We should prioritize to create recycling system in environmentally sound manner to combat plastic pollution. Imposing uniform import/export restrictions or elimination without taking into account whether different processing capacities in each country, as well as the appropriate transboundary movement will impede free trade.

Taking into consideration the related discussions that have been held under the WTO and UNCTAD, we should first discuss what kind of regulation is necessary for what among plastic wastes. Since regulations are already in place for plastic waste under the Basel Convention, it is necessary to carefully organize the scope of regulations for imports and exports in relation to the Basel Convention to avoid overlapping. Creating a similar system under the Plastic treaty without working on this clarity will lead to confusion.

If there are specific wastes whose import/export should be regulated, we should first consider whether the Basel Convention, which already has a well-established Priori Informed Consent procedure system, can be used for this purpose.
11. Existing plastic pollution, including in the marine environment

As stated in 1a i or 4, it is important to understand the actual situation of plastic pollution, to set indicators, and to make predictions based on these indicators. In order to understand this situation, common methodologies for monitoring and estimation using material flow, etc., as well as methods for sharing and comprehensively collecting data, need to be discussed at experts’ level, and we would like to work on them during the intersessional period.

The Counter-measure Project by UNEP, focusing on Southeast Asia, is working to identify hotspots of high emissions from terrestrial areas into rivers, and the tools adopted in this project can be used in other regions as well.

In addition, activities such as the Global Partnership on Plastic Pollution and Marine Litter (GPML: a multi-stakeholder effort) should also be utilized.
12. Just transition
We understand that in Japan, informal workers play a certain role in waste collection and other activities. On the other hand, the rights and treatment of these informal workers are issues that should be addressed in the social policies of each country. In addition, although the designation of a national coordinating body is proposed, waste management measures should normally be implemented by national and local governments.

What is important is that a proper waste management system of sorting, collection, disposal, and reuse/recycling be established in society, and that, within that system, informal workers and unions be fairly valued, leading to improved economic conditions.

National efforts should be made to promote technology development, capacity building, and employment opportunities throughout the plastics value chain, including the development of recycling, reuse, and waste collection, sorting, and management.

Based on these points, it is appropriate to add "according to national social policies and circumstances" after "in the implementation of this instrument" in the first paragraph.

The choice of appropriate policies such as charging for plastics, taxation, fee, and EPR systems should be left to the countries on the voluntary basis 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. If global collection is to be discussed, all countries, including developing countries, should participate, not specific countries. Voluntary provisions, rather than specific mandatory provisions, should be considered for improving infrastructure and the rights, treatment, etc. of employers in the waste sector, including the informal sector and unions, as well as improving technology. Therefore, it is proposed that the relevant section be deleted.

Based on these points, we propose the following text:

1. Each Party shall promote and facilitate a fair, equitable and inclusive transition for affected populations, with special consideration for women and vulnerable groups, including children and youth, in the implementation of this instrument*, according to national social policies and circumstances. This may include:

   a. Designating a national coordinating body for engagement with relevant stakeholders, including public authorities, non-governmental organizations and local communities;

   b. Enabling policies and conditions to improve income, opportunities and livelihoods for impacted communities, including workforce training, development and social programmes, according to their needs and priorities;

   c. Incentivizing the development of skills and job opportunities across the plastic value chain, including for the development of reuse, repair, waste collection and sorting;

   d. Promoting a clean, healthy and sustainable environment for communities and workers across the value chain, including workers in the waste management sector;

   e. Improving working conditions for workers in the waste management sector, including by providing legal recognition and protection to workers in informal and cooperative settings and facilitating the formalization of their associations or cooperatives; and

   f. Improving working conditions for workers in the waste management sector, including by providing legal recognition and protection to workers in informal and cooperative
settings and facilitating the formalization of their associations or cooperatives;

2. The measures taken to implement this provision shall be reflected in the national plan communicated pursuant to [part IV.1 on national plans].
[13. Transparency, tracking, monitoring and labelling]

Appropriate measures according to the actual situation in each country should be considered with regard to paragraph 1.a "Require producers and importers to disclose harmonized information on the chemical composition of all plastics and plastic products throughout their lifecycle", including sub-paragraph b and c of the same paragraph. We are aware that some countries have achieved results through voluntary industry initiatives such as labeling the main materials (e.g. PE, PS) of plastic containers and packaging, and that downstream producers and importers do not necessarily have information on the specific chemical composition of all products; upstream to quantity. We should establish other options on voluntary basis, considering their national circumstances. Furthermore, relevant CBI (Confidential Business Information) and human health impacts should also be considered.

Regarding the monitoring and tracking of type, production volume, and import/export volume in paragraph 2, it is necessary to consider how much information should be provided over the entire life cycle, while also taking into account the actual situation in each country. Chemicals, Part II.2 and Polymers of Concern, Part II.3 should be completed first as they depend on the treatment in the problematic avoidable plastic products.

Since transparency is used in multiple contexts, the scope should be clarified to avoid confusion in the discussion.

Based on these points, we propose the following text:

1. Each Party shall:
   a. require business throughout supply chains to disclose harmonized information on the chemical composition of plastics and plastic products throughout their life cycle;
   b. take appropriate measures to ensure the traceability of chemicals, polymers and the plastic contents of products throughout the life cycle of plastics and plastic products, based on guidelines to be adopted by the governing body* at its first session, in particular for the purposes of their safe and environmentally sound use, recycling, recovery and disposal, taking into account CBI (Confidential Business Information) and human health and environmental impacts; and
   c. establish marking and labelling requirements based on guidance to be adopted by the governing body* at its first session, in particular for the purposes of the safe and environmentally sound use, recycling and disposal of plastics and plastic products.

2. Each Party shall monitor and track, to the possible extent, the types and volumes of its production, imports and exports of chemicals and polymers used in the production of plastic polymers, plastics and plastic products, and regulated plastic products across their life cycle, considering the implementation for those with limited capacity, such as small and medium enterprises.68

3. Each Party shall report the information collected pursuant to paragraph 2 together with information on the recycling facilities functioning within its territory, in a standardized format to the governing body*. 