Part II – 5. Product design, composition and performance

Panama support option 1 for section (a) concerning product design and performance. Additionally, it is imperative to work intersessionally in developing Annex C and guidance to establish clearly minimum design criteria. This aims to facilitate a progressive transition to enhanced product design and their corresponding labeling.

Furthermore, the implementation of binding provisions related to product design, composition and performance is crucial for creating a transparent and efficient regulatory framework for global supply chain stakeholders. These provisions seek to harmonize increasingly complex requirements, preventing potential obstacles to investments made by companies in sustainability and systemic change. This ensures certainty for businesses across all scales in international supply chains.

Ensuring the safe and environmentally sound recycled plastics in the market, it is imperative to implement rigorous criteria and monitoring, guaranteeing the safe use of recycle plastics material, for human health and the environment.

Part II – 6. Non-plastic substitutes

At a national level, we are in the process of formulating technical criteria for the adoption of substitutes for single-use plastics and other plastic items. Therefore, we support the inclusion of this provision into the instrument, promoting the utilization of secure and sustainable alternatives to conventional plastics. Emphasizing the application of a set of criteria or standards is paramount to ensuring the safety of these alternatives. Panama advocate to include THE RESEARCH in point one of the provisions 6 regarding Non-plastic substitutes.

1. Each Party shall take measures to foster innovation and incentivize and promote THE RESEARCH, the development and use at scale of safe, environmentally sound, and sustainable non-plastic substitutes, including products, technologies and services, taking into account their potential for environmental, economic, social and human health impacts.

2. Parties are encouraged to use regulatory and economic instruments, public procurement and incentives to promote the development and use of safe, environmentally sound and sustainable non-plastic substitutes.

Part II – 7. Extended producer responsibility

Panama leans towards Option 1, while stipulating processes that can be updated through Annexes to define modalities of “extended producer responsibility systems.”

It is important to structure Annex D Modalities for establishing and operating EPR systems based on common principles, to achieve the functioning of this global EPR model.
We recognize that we cannot create a model of EPR applicable to all parties, but we see it possible to develop guidelines that can stipulate real models or mechanisms of EPR applications to encourage or support adequate application in national frameworks.

1. Each Party shall establish and operate Extended Producer Responsibility (EPR) systems, including based on the modalities contained in annex D, 38 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. Parties shall, in implementing this provision, take into account how the measures taken would contribute to a just transition. These measures shall be reflected in the national plan communicated pursuant to [part IV.1 on national plans].

Tackle corporate responsibility, particularly focusing on entities involved in the production of single-use plastics for purposes such as transportation, food packaging, among others. Apply the “polluter pays” principle, which requires that the costs of all impacts on human health, society, and the environment caused by the production, use, dumping, import and export of plastics are recovered through policies such as extended producers’ responsibility (FUENTE: IPEN)

To maintain market stability and comply with trade obligations, it is imperative to encompass both producers and importers within these provisions. This inclusive approach ensures a comprehensive and effective implementation of the intended measures.

Part II – 8. Emissions and releases of plastic throughout its life cycle

We recognize the potential for enhancing the clarity and applicability of the text through certain adjustments. To streamline and avoid redundancy with other conventions, particularly the Stockholm Convention addressing substances and chemicals, we propose the incorporation of a future list of specific chemical substances in this instrument via upcoming annexes.

We advocate for the explicit inclusion of MONOMERS in the specific provisions outlined in paragraphs 1B and 1C.

1. Each Party shall prevent and 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 by the dates identified therein. The emissions and releases covered under this provision should include:

   a. Emissions of hazardous substances, including microplastics, to air;

   b. Releases to soil and water from the production, transportation and use of chemicals, MONOMERS and polymers of concern, plastics and plastic products; and

   c. Releases of chemicals, MONOMERS and polymers of concern, plastics and plastic products, including microplastics, to air, soil, and water, and ecosystems.

Furthermore, in relation to the stipulation in paragraph 5, we contend that there is no justification to confine it solely to the marine environment. Plastics are ubiquitous across various environmental domains, encompassing air, soil, and all aquatic ecosystems. To align with the UNEA resolution 5/14 mandate effectively, a more appropriate phrasing should be "INTO THE ENVIRONMENT, INCLUDING THE MARINE ENVIRONMENT." This broader language ensures a comprehensive approach in addressing plastic pollution across diverse ecosystems.
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 ENVIRONMENT, INCLUDING THE MARINE ENVIRONMENT.

In ensuring effective emission reduction at the national level, active engagement of the Private Sector in monitoring processes related to production, storage, handling, and transportation becomes imperative. This collaborative approach is essential for the successful implementation of measures geared towards minimizing emissions and releases.

Part II – 9. Waste Management

Recognizing the significance of this provision, giving that 80% of marine litter originates from land-base sources. And therefore, measures to manage waste are key to ending plastic pollution:

1. Panama leans toward Option 1. However, we consider the importance of specifying that the implemented measures adopted be reflected in the national plan, as communicated in accordance with [part IV.1 of national plans]. Additionally, the definition of effective measures should be included in the definition provision.
2. Proposing the substitution of the term “final disposal” with “Treatment and final disposal”.
3. Incorporation of the terms: “human health” and “environment” in paragraph 2 of Option 1.
4. Concerning the “Provisions common to the previous options” we endorse the inclusion of all specified measures supporting Waste Management implementation. This involves promote investment and mobilize resources, eliminating open dumping, sea dumping, garbage dumping, and open burning, ensuring the necessary infrastructure and promoting behavioral changes and raising consumer awareness.

We advocate for actions that enhance the application of these Waste Management models. Panama is currently in the process of updating and implementing our public policies and regulations, which will involve adjustments to our national waste management systems.

We underscore the importance of incorporating the waste hierarchy principle, prioritizing waste reduction. In addition, we consider it important to work in collaboration and synergically with existing multilateral environmental agreements (MEAs) to avoid overlapping efforts and to close the existing gaps.

Regarding item 9-B on fishing gear, we have the subsequence general remarks;

We support the joint statement on behalf of 14 INC member states from GRULAC on Fishing Gear, which reads:
welcome the explicit provision to prevent, reduce and eliminate abandoned, lost and discarded fishing gear in the zero draft. On this regard, we would like to present the following remarks:
1. We wish to raise that provisions on fishing gear are not best placed under provision 9b of waste management, as this placement suggests that only downstream measures on the waste management of fishing gear are required and it minimizes the extent of the problem.
2. To prevent, reduce and eliminate abandoned, lost and discarded fishing gear the treaty must require parties to take measures that address the full lifecycle of the fishing gear including remediation of existing pollution.
3. Furthermore, we would like to raise that aquaculture is a growing industry globally, and also contributes to the global burden of plastic pollution in the marine environment.
4. It is important to include the just transition approach, to promote and facilitate a just and inclusive transition for fishing communities and artisanal fishers; since they will be vulnerable groups with the proposed measures.

5. We must ensure coherence among existing MEAs, in views to create synergies and avoid duplication of work.

6. Adequate Means of implementation are essential to support developing countries in the execution of these provisions.

7. Finally, we would welcome fishing gear to be incorporated in the formal intersessional work to discuss technical aspects related to fishing gear.