Statement by the Pacific Small Island Developing States (PSIDS) at INC-3

Part II Item 10a Trade in listed chemicals, polymers and products

Nairobi, Kenya – 16 November 2023

Final

Delivered by: Papua New Guinea on behalf of the Pacific Small Island States

It is an honor for me to speak on behalf of the 14 Pacific Small Island Developing States and we align with the statement delivered by Samoa on behalf of AOSIS.

In relation to 10a for Trade in listed chemicals, polymers and products we support regulations that prioritize transparency, adherence to global standards, considering any trade challenges, e.g. discriminatory practices, and existing trade requirements under WTO, and the trustworthy use and disposal of such circumstances and the trustworthy use and disposal of such substances.

- We would like to include consideration for Parties to not export “products not meeting standards on product design (as per article 5 of this Part). We would thus suggest adding a subparagraph in paragraph 2 to reflect this.”
- This should also be considered in paragraphs 3 and 5.

With these amendments the PSIDS have confidence in preventing the negative impacts associated with unregulated bargaining as well as promoting and implementing best practices.

While national sovereignty is crucial, plastic pollution is a transboundary issue that requires collective action. The treaty should provide a framework for responsible plastic waste management, ensuring that all countries adhere to global best practices.

As island countries, our limited land masses and our geographical characteristics mean that when it is presented feasible, we, have to ship plastic waste to other countries to be recycled. We do not have the technology nor the resources to recycle plastic in a safe and sustainable environmentally sound and economically feasible manner.
We agree that the transboundary movement of plastic waste should be subject to existing authorisation processes mandated under existing MEAs to contribute to, and support safe and environmentally sound management of plastics, given the environmental harm our nations would, otherwise, be exposed to. Moreover, requirements for written consent from the importing State alongside the establishment of export permits align with our goals of accountability and transparency. As a matter of fact, PSIDS endorses the obligation to provide complete information about the composition and potential hazards of exported waste while complying with international standards. That said, it is important that guidance is provided on this matter, as suggested in para 4.

We stand as a testament to the necessity of preserving our natural heritage and we actively seek international cooperation in the pursuit of a cleaner and sustainable environment for all.

We will submit the exact text proposal to the Secretary in writing.

I thank you.
Part II Item 10a Trade in listed chemicals, polymers and products

1. Each Party shall not export:
   a. a chemical, group of chemicals or polymer referred to in [part II.2 on chemicals and polymers of concern], for use in plastic production or incorporation into a plastic product;
   b. a plastic product containing any such chemical or polymer; or
   c. a microplastic or product addressed in [part II.3 on problematic and avoidable plastic products, including short-lived and single-use product, and intentionally added microplastics];

   C. bis. products not meeting standards established in Article V [on product design]

   except where the production and use of such chemical, polymer or product is permitted under this instrument* and with the prior informed consent of the importing State.

2. Each Party exporting a chemical, polymer or product referred to in paragraph 1 pursuant to this provision shall establish an export permit requirement for such exports, and obtain the prior informed consent of the importing State in writing, together with its assurances that the chemical,
polymer, microplastic or product, once imported, will be used in a manner consistent with the conditions contained in part II of annex A or in Annex B, as relevant, and managed in a safe and environmentally sound manner throughout its life cycle, including for final disposal.

3. Each Party exporting pursuant to this provision a chemical or polymer listed in part II of annex A, a product containing any of these, or a microplastic or product listed in annex B, shall require the exporter to:

a. provide to the importing State and the importer complete harmonized information about the composition of the exported polymer, chemical or product and the associated hazards to human health or the environment, based on the harmonized disclosure requirements contained in annex A, including safety data sheets, as relevant;

b. mark and label the exported chemical, polymer or product in accordance with relevant harmonized labelling requirements contained in annex A, as relevant; and

c. comply with the relevant generally accepted and recognized international rules, standards and practices for packaging, labelling and transport.

c-bis. products not meeting standards established in Article V [on product design]

4. Where a customs code under the Harmonized Commodity Description and Coding System is available for a chemical, polymer, microplastic or product listed in annex A or B, each Party shall require its shipping document to bear that code when exported.

5. Each Party shall not import:

a. a chemical, group of chemicals or polymer referred to in [part II.2 on chemicals and polymers of concern];

b. a plastic product containing any such chemical or polymer; or

c. a microplastic or product addressed in [part II.3 on problematic and avoidable plastic products, including short-lived and single-use product, and intentionally added microplastics];

c-bis. products not meeting standards established in Article V [on product design]

except for the purposes of use permitted under this instrument*, or for the purpose of their safe and environmentally sound disposal in accordance with the requirements of [part II.9 on waste management].