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

Part II Item 5 Product design and performance

and

Part II Item 6 Non-plastic substitutes

Nairobi, Kenya – 15 November 2023

Delivered by: Nauru on behalf of the Pacific Small Island States

Nauru will speak on behalf of the 14 Pacific Small Island Developing States on part II, items 5 and 6. We align with the statement delivered by Samoa on behalf of the Alliance of Small Island States.

PSIDS support an ambitious Instrument and advocate for item 5 to provide strong measures to ensure any plastic products developed are designed for reusability, refurbishment, easy dismantling, and eventually recycling.

- Regarding Item 5(a), PSIDS supports Option 1, noting we feel it is important for roles of Parties to be clear, and further requests the Instrument requires action, as opposed to current language which only encourages action.

- Regarding Item 5(b), PSIDS supports Option 1 to prioritise sustainable design, to ensure that products are designed to have reduced toxicant levels, are easily reused and repaired, and easily deconstructed for efficient reuse and recycling when at the end of life.

- Regarding Item 5(c), PSIDS is supportive of the establishment of requirements for recycled content, whilst recognizing this is a complex scientific issue that should consider the best available scientific advice, with potential sectoral considerations to ensure the use of recycled content does not impact on the form and function of produced products, and does not materially increase the toxicity of products through the recycling process. We have not selected a preferred text option as we feel a blanket minimum percentage of recycled content may be inappropriate for certain sectors, impacts on functionality, and increased toxicity. We are open to further discussions on this issue.

- Regarding Item 5(d), PSIDS request that any substitute or alternative plastic should be assessed via appropriate criteria designed to ensure the products are: essential, safe and Sustainable, transparent and traceable. We are open to further discussions on this issue.

Additionally, PSIDS requests the inclusion of ‘cultural impacts’ when considering the impacts of Alternative plastics on the environmental, economic, social, and human health.
On Item 6 PSIDS supports the text for non-plastic substitutes that supports Parties to put in place measures to foster innovation, incentivize, promote the development and use at the scale of safe, environmentally sound, and sustainable non-plastic substitutes, including products, technologies, and services considering their potential impacts on the environment, economic, social and human health.

In addition, PSIDS suggests adding the consideration of the role of traditional knowledge, knowledge of Indigenous People, and local knowledge systems to guide the design of such substitutes.

In addition, we suggest adding provisions for the establishment of a process for the assessment of the safety and sustainability of potential substitutes to plastics and their suitability as substitutes, considering their potential impacts on human health and the environment, the waste hierarchy, and “reduce, reuse, and recycle” approaches. PSIDS reiterates the importance of this instrument to support measures put in place before the introduction of non-plastic substitutes for safe, environmentally sound, and sustainable non-plastic substitutes.

We will provide greater detail and text options directly to the secretariat.

Thank you Co-facilitators.

Proposed text:

Item 5

a. Product Design and performance

1. Each Party shall take measures, including those referred to in paragraphs 2 and 3, to enhance the design of plastic products, including packaging, and improve the composition of plastics and plastic products, with a view to:
   a. Reducing demand for and use of primary plastic polymers, plastics and plastic products;
   b. Increasing the safety, durability, reusability, refillability, repairability and refurbishability of plastics and plastic products, as relevant, and their capacity to be repurposed, recycled and disposed of in a safe and environmentally sound manner upon becoming waste; and
   c. Minimizing releases and emissions from plastics and plastic products, including microplastics.

2. Each Party shall require plastics and plastic products produced within its territory and those available on its market to comply with the minimum design and performance criteria and other related elements contained in part I of annex C, including, where relevant, sector- or product-specific criteria and elements, within the timeframe defined in that annex.

3. Each Party shall establish and maintain certification procedures and labelling requirements for plastics and plastic products produced within its territory and those available on its market, based on the design and performance criteria and other related elements contained in part I of annex C, including, where relevant, sector- or product-specific criteria and elements, and shall require plastics and plastic products to be appropriately labelled in accordance with these criteria and elements.

4. Parties are encouraged to work with relevant international organizations towards the development of standards and guidelines at the multilateral level, including on a sectoral basis as relevant, to reduce the use of plastics in products across the value chain, including in product packaging, and improve the design of plastic products to increase their safety, durability, reusability, refillability, repairability and refurbishability, and their capacity to be repurposed, recycled and disposed of in a safe and environmentally sound manner upon becoming waste.
PSIDS does not make any further recommendations on text changes on Item 5 at this time.

Suggested addition paragraphs of Item 6:

1. Each Party shall take measures to foster innovation and incentivize and promote 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, cultural, 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.

3. Parties are encouraged to use the best available science, traditional knowledge, knowledge of indigenous peoples and local knowledge systems.

4. Parties are encouraged to establish a process for the assessment of the safety and sustainability of potential substitutes to plastics and their suitability as substitutes, considering their potential impacts on human health and the environment, the waste hierarchy, and “reduce, reuse and recycle” approaches.