



# Cabinet Environment, Energy and Climate Committee

## Minute of Decision

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### International Legally Binding Instrument to End Plastic Pollution: Negotiating Mandate

**Portfolio**                      **Environment, Foreign Affairs**

On 22 September 2022, the Cabinet Environment, Energy and Climate Committee:

- 1        **noted** that the first session of the Intergovernmental Negotiating Committee for a new international legally binding instrument on plastic pollution will be held in November 2022, with negotiations scheduled to be completed by the end of 2024;
- 2        **noted** that the Ministry of Foreign Affairs and Trade will lead Aotearoa New Zealand's negotiating team with support from the Ministry for Environment;
- 3        **noted** that officials have undertaken initial consultation with targeted stakeholders on Aotearoa New Zealand's proposed approach to engagement in the negotiations, and that the feedback from this consultation has been reflected in the paper under ENV-22-SUB-0038;
- 4        **noted** that officials have reached out to a number of iwi to seek early feedback on Aotearoa New Zealand's approach to negotiations, and will continue their outreach as negotiations progress, including consideration of possible mechanisms or forums to ensure the effective participation of iwi/Māori throughout the negotiations and implementation of the instrument;
- 5        **noted** that officials have made initial efforts to consult with Tokelau;
- 6        **noted** that officials will continue to undertake targeted consultation throughout the negotiations;
- 7        **agreed** that in the negotiations, Aotearoa New Zealand will:
  - 7.1       support an instrument that establishes an effective global regime to reduce plastic waste and eliminate plastic pollution on a global scale, covering the full lifecycle of plastics;
  - 7.2       advocate for the instrument taking a full lifecycle approach, addressing issues from the extraction of raw materials through to disposal and pollution impacts on ecosystems;
  - 7.3       advocate for the instrument to be guided by the waste hierarchy;

- 7.4 advocate for an instrument that is based on circular economy global principles;
- 7.5 advocate for effective long-term solutions to the sources and drivers of plastics entering the environment, which could include innovation, redesign of products, services and systems to avoid unnecessary use of plastics and enable plastic reuse and repair, and research into the role of alternative materials;
- 7.6 support an approach that ensures efforts to reduce plastic through the use of alternative materials and additives do not lead to undesirable outcomes throughout their lifecycle;
- 7.7 support the recognition of the policy linkages between the global plastic pollution and climate change crises, and prioritise a low emissions approach from a global perspective to considering options to address plastic pollution;
- 7.8 recognise the impact of plastics on human health and ecosystem health in the new instrument, and support provisions that uphold the One Health approach and Ecosystem approach;
- 7.9 s9(2)(j)
- 7.10 pursue provisions that are consistent with Te Tiriti o Waitangi/the Treaty of Waitangi and its principles, including the effective participation of Indigenous Peoples to allow their rights and interests to be reflected in the negotiations;
- 7.11 advocate for provisions that facilitate indigenous perspectives in their implementation, recognise the importance to indigenous peoples of reducing plastic waste and eliminating plastic pollution, and the importance their traditional knowledge plays in the sustainable management and protection of the environment;
- 7.12 seek flexibility in the implementation of the instrument at a national level;
- 7.13 advocate for an instrument that is complementary to and not duplicative of existing international rules;
- 7.14 advocate for the Pacific region's interests and objectives where they align with those of Aotearoa New Zealand;
- 7.15 advocate for decision-making based on best available information at the time, including scientific and traditional knowledge sources, guided by the precautionary approach;
- 7.16 support transparent reporting requirements and periodic assessment of the progress of implementation and effectiveness of the instrument;
- 7.17 s9(2)(j)
- 7.18 s9(2)(j)

- 8 **noted** that an annual financial contribution will be expected to assist with the administration and business function of the new Secretariat, to be funded from Vote Environment baselines;
- 9 **noted** that if the funding requires approval for changes to appropriation this will be sought through a future Cabinet paper;
- 10 **noted** that officials will consult relevant agencies and Ministers on issues arising in the negotiations that are outside of Aotearoa New Zealand's existing policy settings, and not otherwise addressed above;
- 11 **authorised** the Minister of Foreign Affairs and the Minister for the Environment to approve updates to negotiation instructions, as required, prior to any final mandate guidance being sought from Cabinet for the conclusion of negotiations;
- 12 **noted** that before Aotearoa New Zealand confirms its intention to be bound by the outcome of negotiations, final agreed texts and accompanying National Interest Analyses will be submitted to Cabinet for approval;
- 13 **noted** that Cabinet approval will be sought for Aotearoa New Zealand to sign and ratify outcomes of the negotiations.

Rebecca Davies  
Committee Secretary

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**Present:**

Hon Grant Robertson (Chair)  
Hon Kelvin Davis  
Hon Poto Williams  
Hon Stuart Nash  
Hon Kiri Allan  
Hon Phil Twyford  
Hon James Shaw  
Rino Tirikatene, MP

**Officials present from:**

Office of the Prime Minister  
Officials Committee for ENV

Office of the Minister of Foreign Affairs  
Office of the Minister for the Environment  
Cabinet Environment Committee

## **International Legally Binding Instrument to End Plastic Pollution: Negotiating Mandate**

### **Proposal**

- 1 This paper seeks agreement of an initial mandate for upcoming negotiations on an international legally binding instrument to end plastic pollution (the instrument).

### **Relation to government priorities**

- 2 This proposal is part of a broader waste reduction work programme and another step toward achieving this Government's 2050 vision of a sustainable, low-carbon, circular economy for Aotearoa New Zealand, as outlined in the proposed new national waste strategy.
- 3 The proposal falls within the Cooperation Agreement between Labour and the Green Party. A focus point of the agreement is protecting our environment and biodiversity through working to achieve the outcomes of Te Mana o te Taiao and taking action to minimise waste and problem plastics.

### **Executive Summary**

- 4 UN Member States have recognised the urgent need to strengthen global coordination, cooperation and governance to take immediate action towards the long-term elimination of plastic pollution in the environment. To this end, a new legally binding instrument will be negotiated over the coming two years. This paper proposes an initial mandate to guide Aotearoa New Zealand's approach to its negotiation.
- 5 We propose Aotearoa New Zealand support an instrument that establishes an effective global regime to reduce plastic waste and eliminate plastic pollution on a global scale, covering the full lifecycle of plastics from production to disposal. This would require reimagining plastics, and require innovation, redesign of products, services and systems to avoid unnecessary use of plastics, and enable plastic reuse and repair. These actions are consistent with the direction of our domestic waste and plastic policy. We propose to prioritise a low emission approach to options to reduce plastic waste and recognise the impact of plastic pollution on human and ecosystem health. We propose to pursue provisions that are consistent with Te Tiriti o Waitangi/the Treaty of Waitangi and its principles, ensuring Māori rights and interests can be reflected in the negotiations. We propose to advocate for the Pacific region's interests and objectives where these align with those of Aotearoa New Zealand.

- 6 An instrument that is focused on circular economy and waste hierarchy principles will support Aotearoa New Zealand's efforts to transition to a circular economy, consistent with domestic work underway to transform our waste system.

## Background

- 7 Plastic is used throughout Aotearoa New Zealand's economy and it offers benefits for many applications. Plastic plays a role in achieving our sustainability goals, as it is a useful, lightweight and durable material that supports hygiene, food preservation, and enables many technologies. However, plastic pollution is a pervasive and growing problem. It is estimated that in each year, every New Zealander sends at least 60 kilograms of plastic to landfill and we have low recovery and recycling rates. Plastic is present in our soils, water, food and even the air we breathe.
- 8 A wide range of ecosystems and species, in particular in the marine environment, are at risk due to the impacts of plastic pollution. This leads to wider negative effects on biodiversity and ecosystem functioning.
- 9 The rapidly increasing levels of plastic pollution, including microplastics, present a serious transboundary environmental problem, negatively affecting the environmental, social and economic dimensions of sustainable development. Coordinated national and global action is urgently needed across the full lifecycle of plastics to reduce plastic consumption; increase rates of reuse, waste collection, and recycling; expand safe disposal systems; and accelerate innovation in the plastic value chain to encourage plastic use that supports a low-waste and low-emissions future.
- 10 Aotearoa New Zealand currently has an ambitious domestic work programme underway to transform our waste system. We are developing a new national waste strategy and revised legislation, alongside the implementation of a National Plastics Action Plan that is focused on reducing our plastic use, allowing circular use of plastic (recycling, repurposing, reprocessing and reusing), and minimising plastic use that harms the environment.

## Negotiation process

- 11 Following several years of technical discussions in the UN Environment Programme (UNEP) on potential response options to address the global plastic pollution crisis, UN Member States agreed in February 2022 to launch negotiations towards a new international instrument on plastic pollution. Ministers of Foreign Affairs and Environment endorsed Aotearoa New Zealand's support for this decision in June 2021 (refer Annex I).
- 12 States decided to form an Intergovernmental Negotiating Committee (INC) to prepare a new instrument through a resolution entitled "End plastic pollution: Towards an international legally binding instrument". A copy of this resolution is in Annex II to this paper. The INC is mandated to consider the full scope of the plastic lifecycle, including land-based and marine plastic pollution as well as microplastics.
- 13 The first meeting on the INC will take place from 28 November to 2 December 2022 in Uruguay. The resolution sets a goal to complete negotiations (with a total of five

INCs) by the end of 2024. The Ministry of Foreign Affairs and Trade will lead negotiations, with the support of the Ministry for the Environment.

### Existing instruments and regulatory gaps

- 14 There is a variety of existing international rules that apply to plastic pollution in particular contexts (such as, marine plastic pollution). These are elaborated on in Annex III to this paper. However, none specifically regulate plastic pollution in a comprehensive way, from production to disposal. This instrument would fill that gap, building on and complementing the existing international rules.

### Analysis

#### *Approach to the negotiation*

- 15 We propose Aotearoa New Zealand support a new instrument that establishes an effective global regime to reduce plastic waste and eliminate plastic pollution on a global scale, covering the full lifecycle of plastics, based on the following approaches:<sup>1</sup>

15.1 **Full lifecycle approach:** Aotearoa New Zealand will advocate for the instrument taking a full lifecycle approach, addressing issues from the extraction of raw materials through to disposal and pollution impacts on ecosystems.

15.2 **Waste hierarchy:** Aotearoa New Zealand will advocate for the instrument to be guided by the waste hierarchy, avoiding generating plastic waste in the first place, and treating destruction and disposal to landfill as the least desirable options for tackling plastic pollution.

15.3 **Circular economy:** Aotearoa New Zealand will advocate for the development of an instrument that is based on circular economy global principles, noting that the circular economy is a key principle behind our revised national waste strategy under development and National Plastics Action Plan.

A circular economy for Aotearoa New Zealand can be considered in domestic, regional and global terms, depending on the materials. It is about finding the smallest, lowest emissions loop (for example, some materials need to be sent offshore for reprocessing due to our smaller size and economies of scale). Many stakeholders support this approach to defining a circular economy for Aotearoa New Zealand, while acknowledging the importance of prioritising and growing our circular economy domestically.

15.4 **Product and system design:** Aotearoa New Zealand will support effective long-term solutions to the sources and drivers of plastics entering the environment. Solutions could include innovation; redesign of products, services and systems to avoid unnecessary use of plastics; and enabling plastic reuse and repair.

15.5 **Avoid undesirable outcomes of alternatives:** The instrument should ensure that any efforts to reduce plastic through the use of alternative materials and

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<sup>1</sup> Note a glossary of key terms used is included in Annex V. Key terms appear in bold throughout the paper.

additives do not lead to undesirable outcomes throughout their lifecycle, including an increase in greenhouse gas emissions, additives that are harmful for humans and ecosystems, or composite materials that do not have circular end-of-life solutions.

- 15.6 *Greenhouse gas emissions reduction:* Aotearoa New Zealand will support recognition of the policy linkages between the global plastic pollution and climate change crises, and prioritise a low emissions approach from a global perspective when considering options to address plastic pollution.

It is important to recognise that there are some alternative disposal pathways that may lead to higher emissions such as incineration, and sometimes low greenhouse gas emissions and circular economy solutions are not perfectly aligned. These tensions will need to be carefully considered throughout negotiations.

- 15.7 *Health impacts:* Currently, there is a lack of research, in particular regarding the human health impacts caused by plastic pollution and microplastics. Aotearoa New Zealand will support recognition of the impact of plastics on human health and ecosystem health in the new instrument, and support provisions that uphold the **One Health approach** and **Ecosystem approach**.

- 15.8 *Fossil Fuel Subsidies:* Aotearoa New Zealand is a longstanding advocate for the reform of environmentally-harmful subsidies, including **Fossil Fuel Subsidy Reform** (FFSR). <sup>s9(2)(i)</sup>

FFSR is a trade policy issue with action driven primarily within the World Trade Organisation. <sup>s9(2)(i)</sup>

- 15.9 *Pursue provisions that are consistent with Te Tiriti o Waitangi/the Treaty of Waitangi and its principles:* This should include the effective participation of Indigenous Peoples to allow their rights and interests to be reflected in the negotiations and implementation of the instrument.

- 15.10 *Māori interests and rights including mātauranga Māori:* Aotearoa New Zealand will advocate for provisions that facilitate indigenous perspectives in their implementation, recognise the importance to indigenous peoples of reducing plastic waste and eliminating plastic pollution, and the importance their traditional knowledge plays in the sustainable management and protection of the environment. In Aotearoa New Zealand's case, this means facilitating te ao Māori perspectives and mātauranga Māori, working to enhance the mauri/life force of the natural environment, and enabling Māori to practice their roles as kaitiaki.

The Ministry for the Environment has heard from iwi and mana whenua throughout engagement on waste policy that, at a high level, the concept of a circular economy is broadly consistent with te ao Māori perspectives on

environmental responsibility. The circular economy is a key aspect of our proposed approach to negotiations.

- 15.11 *Provides flexibility in the implementation of the instrument at a national level:* s9(2)(j)

Flexibility in national target-setting ensures that the unique needs of domestic economies can be considered, including populations, geographies, infrastructure and capabilities.

- 15.12 *Complementary and not duplicative to existing international rules:* The new instrument should not conflict with or erode existing instruments but rather take them into account and build on them where appropriate.
- 15.13 *Engage and advocate for Pacific interests:* Aotearoa New Zealand will seek to engage with Pacific Island countries and advocate for the Pacific region's interests and objectives where they align with those of Aotearoa New Zealand.
- 15.14 *Decision-making based on best available information including adaptability to new scientific developments:* Decisions should be based on the best scientific and traditional knowledge sources available at the time, guided by the **precautionary approach**.
- 15.15 *Transparent reporting:* Aotearoa New Zealand will support transparent reporting requirements and periodic assessment of the progress of implementation and effectiveness of the instrument. It is important that reporting requirements are not divorced from, but build on and add value to, what we already do and report on.

- 16 We propose to consult relevant agencies and Ministers on issues arising in the negotiations that are outside of Aotearoa New Zealand's existing policy settings, and not otherwise addressed in this paper.

#### *Contentious issues*

- 17 During consultation, two issues have emerged which will require further engagement with stakeholders and policy development: waste-to-energy practices and production caps.

#### *Waste-to-energy practices*

- 18 "Waste-to-energy" is a term that captures a wide range of technologies that convert waste materials to energy, either directly, or indirectly. A subset of these technology types can convert plastic waste into energy directly (incineration), and a further subset can convert plastics into "plasti-crude" (gasification, pyrolysis, and other emerging technology). Plasti-crude can be used to either chemically recycle the plastic (to make new plastics from old), or as a source of plastic crude oil for a range of purposes.
- 19 The chemical recycling of plastics is an emerging technology which offers the potential to recycle certain plastics that are otherwise difficult to recycle, and therefore such



technologies may play a role in a circular economy in the future. It is worth noting that plastic crude oil carries the same carbon footprint as a fossil fuel, and therefore should be carefully assessed.

- 20 The most strategic consideration is whether deploying waste-to-energy technologies will support or undermine: (i) the principle to prioritise low carbon outcomes; (ii) the **waste hierarchy**; and (iii) a **circular economy** approach. These considerations had a broad level of support from stakeholders. Stakeholders noted that failing to consider these aspects could lower incentives to reduce consumption and improve product design, further up the waste hierarchy.
- 21 Most stakeholders consider that any role for chemical recycling established through negotiations should be focused on the use of technology to create new materials rather than energy. Stakeholders also raised their concerns associated with waste-to-energy, including the need to produce/supply feedstock to operate facilities and the risk of making significant investments into solutions that are not circular.
- 22 Currently, waste-to-energy technology applications linked to the bioeconomy such as anaerobic digestion and using wood products to replace coal boilers are likely to play a key role in decarbonising Aotearoa New Zealand; whereas plastic (fossil fuel) waste feedstocks are less likely to play a role, given there are greater opportunities to reduce and reuse this material. It is recommended that any waste-to-energy proposals be assessed on a case-by-case basis. This is particularly the case where plastic (fossil fuel) waste feedstocks are involved.
- 23 Officials continue to grow their understanding of the distinct types of technologies and what role they may (or may not) play in reducing greenhouse gas emissions and plastic pollution. s9(2)(j)  
Officials will provide further advice to subject-matter Ministers on this issue as needed during negotiations.

*Production caps*

- 24 The new instrument may consider establishing legally binding limits on the production of plastics. Aotearoa New Zealand does not produce virgin plastic products, but it does have a growing **bioplastics** industry.<sup>2</sup>
- 25 Non-Governmental Organisations (NGOs) in Aotearoa New Zealand are generally supportive of production caps on virgin plastic production, noting the risk of adverse outcomes if there is a major shift to **bioplastics** as a result.
- 26 s9(2)(ba)(i)

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<sup>2</sup> Scope of production caps

s9(2)(ba)(i)

- 27 Other stakeholders raised the importance of ensuring the necessary infrastructure is in place to both deliver recycled material and support reuse systems domestically, before any global cap or phase down of virgin plastic production is agreed or implemented. Possible unintended consequences could include the importation of recycled plastic from other countries to keep up with demand. Concerns were also raised about the toxicity of recycled polymers that could become a growing issue as a result of caps on virgin plastic production.
- 28 We consider that the use of production caps to reduce supply could work as a mechanism to reduce global plastic use and would likely see a significant increased demand for recovered plastic resources. Production caps could increase the circularity of plastic resources globally and attract the investment needed to close the recycling loop on plastics. We note the complexity of this type of intervention, which would require further investment and capability domestically and globally. s9(2)(i)
- 28.1 s9(2)(j)
- 28.2
- 28.3
- 29 We note any further work would be largely in addition to Aotearoa New Zealand's existing waste reforms.

### Next steps

- 30 We propose any further guidance from Cabinet be sought, as needed, prior to the final INC meeting, before the end of 2024.
- 31 If issues arise where officials require guidance before the next Cabinet Paper, we propose officials seek this guidance from the Minister of Foreign Affairs and Minister for the Environment, with other Ministers included as relevant to the specific subject matter.

### Financial Implications

- 32 The financial implications for Aotearoa New Zealand of a new instrument will depend on the final outcome of negotiations and the Government's decision on whether or not to become a party. The impacts include an annual subscription that will mostly be used for the administrative and business functions of the supporting Secretariat, including servicing meetings of parties to the instrument.

- 33 The other annual international subscriptions contribution for chemical and waste Multilateral Environmental Agreements comes out of Vote Environment: non-departmental other expense 'International Subscriptions' appropriation.
- 34 A financial contribution will only be required once New Zealand ratifies a new treaty and the cost of this subscription will be funded out of Vote Environment baseline.

### **Legislative Implications**

- 35 There are no legislative implications directly resulting from this paper, however the conclusion of an agreement may require legislative changes. Ministers will be updated as these become apparent.

### **Impact Analysis**

#### **Regulatory Impact Statement**

- 36 Not required at this stage. An extended National Interest Analysis (incorporating a Regulatory Impact Analysis) will be presented to Cabinet when negotiations have concluded and the final agreed text of the instrument is submitted for approval.

#### **Climate Implications of Policy Assessment**

- 37 The Climate Implications of Policy Assessment (CIPA) team has been consulted and confirms that the CIPA requirements do not apply to this proposal as the threshold for significance is not met and any potential emissions impacts would be indirect and are difficult to quantify at this stage. As proposals are developed further, emissions implications will be assessed and disclosed as appropriate.

### **Population Implications**

- 38 No impacts on specific population groups at this stage.

### **Human Rights**

- 39 There are no expected inconsistencies with the Human Rights Act 1993 or the New Zealand Bill of Rights Act 1990.

### **Consultation**

- 40 The following departments have been consulted in the preparation of this paper and concur with its recommendations: Department of the Prime Minister and Cabinet, Treasury, Ministry of Business, Innovation and Employment, Ministry of Health, Ministry for Primary Industries, Department of Conservation, Maritime New Zealand, the New Zealand Customs Service, Te Puni Kōkiri, and the Environmental Protection Authority.
- 41 Officials sought feedback on an engagement document with targeted stakeholders and met with key stakeholders with particular expertise and interest in the upcoming negotiations. The feedback received provided useful insights into the complexities of

issues likely to arise in negotiations. A summary of feedback and submitters is attached in Annex IV.

- 42 Officials reached out to a number of iwi involved in previous waste sector proposals and will continue our outreach as negotiations progress, including through the Ministry for the Environment's Pānui newsletter. Officials are working with relevant organisations such as Para Kore and the Aotearoa Plastics Pollution Alliance to explore possible mechanisms or forums to ensure the effective participation of iwi Māori throughout the negotiations and implementation of the instrument.
- 43 Initial efforts have been made to consult with Tokelau. Consultations will be ongoing throughout negotiations, given the importance of waste management to Tokelau, in particular marine pollution and plastic pollution.

### Communications

- 44 Officials will continue to engage with iwi/Māori and targeted stakeholders over the course of the negotiations and public updates will be made available via the Ministry for the Environment and Ministry of Foreign Affairs and Trade websites and via social media.

### Proactive Release

- 45 We propose to proactively release this Cabinet paper, excepting those parts that would undermine Aotearoa New Zealand's negotiating position or prejudice our international relations.

### Recommendations

The Ministers of Foreign Affairs and Environment recommend that the Committee:

- 1 **Note** the first session of the Intergovernmental Negotiating Committee for a new international legally binding instrument on plastic pollution will be held in November 2022, with negotiations scheduled to be completed by the end of 2024.
- 2 **Note** the Ministry of Foreign Affairs and Trade will lead Aotearoa New Zealand's negotiating team with support from the Ministry for Environment.
- 3 **Note** officials have undertaken initial consultation with targeted stakeholders on Aotearoa New Zealand's proposed approach to engagement in the negotiations. The feedback from this consultation has been reflected in this paper.
- 4 **Note** officials have reached out to a number of iwi to seek early feedback on Aotearoa New Zealand's approach to negotiations, and will continue their outreach as negotiations progress, including consideration of possible mechanisms or forums to ensure the effective participation of iwi/Māori throughout the negotiations and implementation of the instrument.
- 5 **Note** officials have made initial efforts to consult with Tokelau.
- 6 **Note** officials will continue to undertake targeted consultation throughout the negotiations.

- 7 **Agree** that in the negotiations Aotearoa New Zealand will:
- 7.1 Support an instrument that establishes an effective global regime to reduce plastic waste and eliminate plastic pollution on a global scale, covering the full lifecycle of plastics.
  - 7.2 Advocate for the instrument taking a full lifecycle approach, addressing issues from the extraction of raw materials through to disposal and pollution impacts on ecosystems.
  - 7.3 Advocate for the instrument to be guided by the waste hierarchy.
  - 7.4 Advocate for an instrument that is based on circular economy global principles.
  - 7.5 Advocate for effective long-term solutions to the sources and drivers of plastics entering the environment, which could include innovation, redesign of products, services and systems to avoid unnecessary use of plastics and enable plastic reuse and repair, and research into the role of alternative materials.
  - 7.6 Support an approach that ensures efforts to reduce plastic through the use of alternative materials and additives do not lead to undesirable outcomes throughout their lifecycle.
  - 7.7 Support the recognition of the policy linkages between the global plastic pollution and climate change crises, and prioritise a low emissions approach from a global perspective to considering options to address plastic pollution.
  - 7.8 Recognise the impact of plastics on human health and ecosystem health in the new instrument, and support provisions that uphold the One Health approach and Ecosystem approach.
  - 7.9 s9(2)(j)
  - 7.10 Pursue provisions that are consistent with Te Tiriti o Waitangi/the Treaty of Waitangi and its principles, including the effective participation of Indigenous Peoples to allow their rights and interests to be reflected in the negotiations.
  - 7.11 Advocate for provisions that facilitate indigenous perspectives in their implementation, recognise the importance to indigenous peoples of reducing plastic waste and eliminating plastic pollution, and the importance their traditional knowledge plays in the sustainable management and protection of the environment.
  - 7.12 Seek flexibility in the implementation of the instrument at a national level.
  - 7.13 Advocate for an instrument that is complementary to and not duplicative of existing international rules.
  - 7.14 Advocate for the Pacific region's interests and objectives where they align with those of Aotearoa New Zealand.

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7.15 Advocate for decision-making based on best available information at the time, including scientific and traditional knowledge sources, guided by the precautionary approach.

7.16 Support transparent reporting requirements and periodic assessment of the progress of implementation and effectiveness of the instrument.

7.17 s9(2)(j)

7.18 s9(2)(j)

8 **Note** that an annual financial contribution will be expected to assist with the administration and business function of the new Secretariat, to be funded from Vote Environment baselines.

9 **Note** that if the funding requires approval for changes to appropriation this will be sought through the Cabinet paper referred to in recommendation 11.

10 **Note** that officials will consult relevant agencies and Ministers on issues arising in the negotiations that are outside of Aotearoa New Zealand's existing policy settings, and not otherwise addressed in this paper.

11 **Agree** that the Minister of Foreign Affairs and the Minister for the Environment are given powers to act to approve updates to negotiation instructions, as required, prior to any final mandate guidance being sought from Cabinet for the conclusion of negotiations.

12 **Note** that before Aotearoa New Zealand confirms its intention to be bound by the outcome of negotiations, final agreed texts and accompanying National Interest Analyses will be submitted to Cabinet for approval; and

13 **Note** that Cabinet approval will be sought for Aotearoa New Zealand to sign and ratify outcomes of the negotiations.

Authorised for lodgement

Hon Nanaia Mahuta

Minister of Foreign Affairs

Hon David Parker

Minister for the Environment

Appendices

**Annex I: Approval to support negotiations towards new global agreement, June 2021**

Global Response Options to Address Marine Litter and Microplastics

Tūtohu – Recommendations

It is recommended that you:

- 1 **Note** the findings of the United Nations Ad Hoc Expert Group on Marine Litter and Microplastics and assessment of possible response options.  Yes /  No
- 2 **Note** the growing support for a new global agreement to address the marine plastic litter problem, and the need to balance enhanced global action, available resources, and New Zealand's international reputation.  Yes /  No
- 3 **Agree** that New Zealand support, in principle, coordinated global action to combat marine plastic pollution through a new global agreement at the next United Nations Environment Assembly (UNEA-5 II).  Yes /  No
- 4 **Note** that officials plan to announce New Zealand's decision to support a new global agreement at a late June preparatory meeting in the lead up to a Ministerial Conference of supporters in September 2021.  Yes /  No
- 5 **Note** that officials will revert to Ministers for a negotiating mandate for such a global agreement following the establishment of an Intergovernmental Negotiating Committee, should that be agreed.  Yes /  No
- 6 **Refer** a copy of this submission to the Minister for the Environment for concurrence, and the Associate Ministers for the Environment and Foreign Affairs for information.  Yes /  No

Hon Nanaia Mahuta  
Minister of Foreign Affairs

Date: 03 / 06 / 2021

**Annex II: UNEA Resolution 5/14 “End plastic pollution: towards an international legally binding instrument”**

*The United Nations Environment Assembly,*

*Noting with concern* that the high and rapidly increasing levels of plastic pollution represent a serious environmental problem at a global scale, negatively impacting the environmental, social and economic dimensions of sustainable development,

*Recognizing* that plastic pollution includes microplastics,

*Noting with concern* the specific impact of plastic pollution on the marine environment,

*Noting* that plastic pollution, in marine and other environments, can be of a transboundary nature and needs to be tackled, together with its impacts, through a full-life-cycle approach, taking into account national circumstances and capabilities,

*Reaffirming* General Assembly resolution 70/1 of 25 September 2015, by which the General Assembly adopted the 2030 Agenda for Sustainable Development,

*Reaffirming also* the principles of the Rio Declaration on Environment and Development, adopted in Rio de Janeiro, Brazil, in 1992,

*Stressing* the urgent need to strengthen the science-policy interface at all levels, improve understanding of the global impact of plastic pollution on the environment, and promote effective and progressive action at the local, regional and global levels, recognizing the important role played by plastics in society,

*Recalling* United Nations Environment Assembly resolutions 1/6, 2/11, 3/7, 4/6, 4/7 and 4/9\* and affirming the urgent need to strengthen global coordination, cooperation and governance to take immediate action towards the long-term elimination of plastic pollution in marine and other environments, and to avoid detriment from plastic pollution to ecosystems and the human activities dependent on them,

*Recognizing* the wide range of approaches, sustainable alternatives and technologies available to address the full life cycle of plastics, further highlighting the need for enhanced international collaboration to facilitate access to technology, capacity-building, and scientific and technical cooperation, and stressing that there is no single approach,

*Underlining* the importance of promoting sustainable design of products and materials so that they can be reused, remanufactured or recycled and therefore retained in the economy for as long as possible, along with the resources they are made of, and of minimizing the generation of waste, which can significantly contribute to sustainable production and consumption of plastics,

*Welcoming* efforts made by Governments and international organizations, in particular through national, regional and international action plans, initiatives and instruments, including relevant multilateral agreements such as the initiatives of the Group of 7 and the Group of 20, including the action plans of 2015 and 2017 addressing marine litter; the Group of 20 Implementation Framework for Actions on Marine Litter; Osaka Blue Ocean Vision; the Ocean Plastics Charter; the Association of Southeast Asian Nations (ASEAN) Framework of Action on Marine Debris; the Bangkok Declaration on Combating Marine Debris in the ASEAN region; the Asia-Pacific Economic Cooperation Roadmap on Marine Debris; the 2021 Leaders' Declaration of the Alliance of Small Island States; the St. John's Declaration of the Caribbean Community; the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal; and the outcome of the 2021 Ministerial Conference on Marine Litter and Plastic Pollution, and recognizing the need for complementary actions and a coherent and coordinated long-term global vision,

*Noting with appreciation* the significant work of the Global Partnership on Marine Litter and action to tackle marine litter and plastic pollution supported and implemented by the United Nations Environment Programme, and taking into account the Chair's summary of the ad hoc open-ended expert group on marine litter and microplastics, which presented options for continued work for consideration by the United Nations Environment Assembly at its fifth session,



*Reaffirming* the importance of cooperation, coordination and complementarity among relevant regional and international conventions and instruments, with due respect for their respective mandates, to prevent plastic pollution and its related risks to human health and adverse effects on human well-being and the environment, including the International Convention for the Prevention of Pollution from Ships of 1973, as modified by the Protocol of 1978 relating thereto and as further amended by the Protocol of 1997; the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal; the Stockholm Convention on Persistent Organic Pollutants; the Rotterdam Convention on the Prior Informed Consent Procedure for certain Hazardous Chemicals and Pesticides in International Trade; the United Nations Convention on the Law of the Sea; the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter of 1972 and the Protocol thereto; the Strategic Approach to International Chemicals Management; the United Nations Framework Convention on Climate Change; the Convention on Biological Diversity; and other international organizations, regional instruments and programmes, and recognizing efforts led by non-governmental organizations and the private sector,

*Recognizing* that each country is best positioned to understand its own national circumstances, including its stakeholder activities, related to addressing plastic pollution, including in the marine environment,

*Recognizing also* the significant contribution made by workers in informal and cooperative settings to the collecting, sorting and recycling of plastics in many countries,

*Underlining* that further international action is needed by developing an international legally binding instrument on plastic pollution, including in the marine environment,

1. *Requests* the Executive Director to convene an intergovernmental negotiating committee, to begin its work during the second half of 2022, with the ambition of completing its work by the end of 2024;
2. *Acknowledges* that some legal obligations arising out of a new international legally binding instrument will require capacity-building and technical and financial assistance in order to be effectively implemented by developing countries and countries with economies in transition;
3. *Decides* that the intergovernmental negotiating committee is to develop an international legally binding instrument on plastic pollution, including in the marine environment, henceforth referred to as “the instrument”, which could include both binding and voluntary approaches, based on a comprehensive approach that addresses the full life cycle of plastic, taking into account, among other things, the principles of the Rio Declaration on Environment and Development, as well as national circumstances and capabilities, and including provisions:
  - (a) To specify the objectives of the instrument;
  - (b) To promote sustainable production and consumption of plastics through, among other things, product design and environmentally sound waste management, including through resource efficiency and circular economy approaches;
  - (c) To promote national and international cooperative measures to reduce plastic pollution in the marine environment, including existing plastic pollution;
  - (d) To develop, implement and update national action plans reflecting country-driven approaches to contribute to the objectives of the instrument;
  - (e) To promote national action plans to work towards the prevention, reduction and elimination of plastic pollution, and to support regional and international cooperation;
  - (f) To specify national reporting, as appropriate;
  - (g) To periodically assess the progress of implementation of the instrument;
  - (h) To periodically assess the effectiveness of the instrument in achieving its objectives;

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- (i) To provide scientific and socioeconomic assessments related to plastic pollution;
- (j) To increase knowledge through awareness-raising, education and the exchange of information;
- (k) To 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;
- (l) To encourage action by all stakeholders, including the private sector, and to promote cooperation at the local, national, regional and global levels;
- (m) To initiate a multi-stakeholder action agenda;
- (n) To specify arrangements for capacity-building and technical assistance, technology transfer on mutually agreed terms, and financial assistance, recognizing that the effective implementation of some legal obligations under the instrument will depend on the availability of capacity-building and adequate financial and technical assistance;
- (o) To promote research into and development of sustainable, affordable, innovative and cost-efficient approaches;
- (p) To address compliance;

4. *Also decides* that the intergovernmental negotiating committee, in its deliberations on the instrument, is to consider the following:

- (a) Obligations, measures and voluntary approaches in supporting the achievement of the objectives of the instrument;
- (b) The need for a financial mechanism to support the implementation of the instrument, including the option of a dedicated multilateral fund;
- (c) Flexibility that some provisions could allow countries discretion in the implementation of their commitments, taking into account their national circumstances;
- (d) The best available science, traditional knowledge, knowledge of indigenous peoples and local knowledge systems;
- (e) Lessons learned and best practices, including those from informal and cooperative settings;
- (f) The possibility of a mechanism to provide policy-relevant scientific and socioeconomic information and assessment related to plastic pollution;
- (g) Efficient organization and streamlined secretariat arrangements;
- (h) Any other aspects that the intergovernmental negotiating committee may consider relevant;

**3**

*Requests* the Executive Director of the United Nations Environment Programme to convene an ad hoc open-ended working group to hold one meeting during the first half of 2022 to prepare for the work of the intergovernmental negotiating committee and to discuss in particular the timetable and organization of the work of the committee, taking into account the provisions and elements identified in paragraphs 3 and 4 of the present resolution;

5. *Stresses* the need to ensure the widest and most effective participation possible in the work of the ad hoc open-ended working group and of the intergovernmental negotiating committee;

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6. *Requests* the Executive Director, as a priority, to provide the necessary support to developing countries and countries with economies in transition to allow for their effective participation in the work of the ad hoc open-ended working group and of the intergovernmental negotiating committee;
7. *Also requests* the Executive Director to ensure the necessary support by the secretariat of the United Nations Environment Programme to the ad hoc open-ended working group and the intergovernmental negotiating committee;
8. *Decides* that participation in the ad hoc open-ended working group and the intergovernmental negotiating committee should be open to all States Members of the United Nations and members of United Nations specialized agencies, to regional economic integration organizations and to relevant stakeholders, consistent with applicable United Nations rules;
9. *Invites* Governments and other stakeholders in a position to do so to provide extra budgetary resources to help to support the implementation of the present resolution;
10. *Requests* the Executive Director to facilitate the participation of, and close cooperation and coordination with, relevant regional and international instruments and initiatives and all relevant stakeholders in the context of the mandate of the intergovernmental negotiating committee;
11. *Also requests* the Executive Director to convene a diplomatic conference of plenipotentiaries upon completion of negotiations by the intergovernmental negotiating committee, for the purpose of adopting the instrument and opening it for signature;
12. *Further requests* the Executive Director to report on progress on the work of the intergovernmental negotiating committee to the Environmental Assembly at its sixth session;
13. *Requests* the Executive Director to continue to support and advance the work of the Global Partnership on Marine Litter, while strengthening scientific, technical and technological knowledge with regard to plastic pollution, including in the marine environment, on methodologies for monitoring, and sharing available scientific and other relevant data and information;
14. *Calls upon* all Member States to continue and step up activities, and adopt voluntary measures, to combat plastic pollution, including measures related to sustainable consumption and production, which may include circular economy approaches, and to develop and implement national action plans, while fostering international action and initiatives under national regulatory frameworks, and, on a voluntary basis, to provide statistical information on the environmentally sound management of plastic waste, as appropriate, taking into account national circumstances;
15. *Requests* the Executive Director, subject to the availability of financial resources, to convene, in conjunction with the first session of the intergovernmental negotiating committee and building upon existing initiatives, where appropriate, a forum that is open to all stakeholders for the exchange of information and activities related to plastic pollution.

***Annex III: Analysis of existing international rules and identification of the gaps***

- There are a variety of existing international rules that apply to plastic pollution in particular contexts. However, none specifically regulate plastic pollution in a comprehensive way, from production to disposal.
- The following international rules all create obligations designed to prevent marine pollution: The UN Convention on the Law of the Sea; the International Convention for the Prevention of Pollution from Ships and its Protocols; and the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter and its Protocols. But, gaps exist in international rules in relation to plastic pollution in terrestrial environments.
- The following international rules all create obligations to manage certain types of plastic in an environmentally sound manner: The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal; the Stockholm Convention on Persistent Organic Pollutants; and the Rotterdam Convention on the Prior Informed Consent Procedure for certain Hazardous Chemicals and Pesticides in International Trade. This includes requirements for prior informed consent for transboundary movements of particularly hazardous plastics. However, a variety of plastics do not fall within the scope of these rules and are therefore not covered by the obligations to manage waste in an environmentally sound manner.
- The Convention on Biological Diversity has an objective of conserving biodiversity. There are no specific provisions on plastic pollution but it is within the scope of the Convention as it undermines the objective of conserving biodiversity. Further, the greenhouse gas emissions from plastics lifecycle undermines the objective of conserving biodiversity. The geographic scope of the Convention is to States' territory, to the outer limit of their Exclusive Economic Zones (EEZs) and to processes and activities beyond a State's EEZ that are under its jurisdiction and control.<sup>3</sup> There is a gap in the rules in relation to plastic pollution beyond States' jurisdiction, which includes the high seas.
- The UN Framework Convention on Climate Change has obligations to stabilise greenhouse gas emissions. Greenhouse gas emissions from plastics lifecycle are within the scope of this Convention.

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<sup>3</sup> Note there is a cooperative obligation beyond national jurisdiction.

**Annex IV: Stakeholder feedback**

<p>Organisation type</p>	<p><b>Feedback on proposed approach to negotiations:</b>                      Informed by guiding principles including emissions reduction, life cycle approach, waste hierarchy, circular economy and consistency with domestic policy</p>	<p><b>Feedback on potential issues that may come up in negotiations:</b>                      Including issues such as sustainable production and consumption (e.g. production caps), waste to energy and chemical recycling, product design, targets and environmentally sound waste management</p>
<p>Non-governmental organisations (NGOs)</p>	<p>NGOs are mostly supportive of the principles proposed. Key points raised include:</p> <ul style="list-style-type: none"> <li>- Support for a full life cycle approach (considering particularly Te Ao Māori) that is not tied to any one tool or discipline but addresses plastic pollution from extraction through to disposal</li> <li>- Considers the emissions associated with practices across all stages of its life cycle and isn't limited to just domestic emissions but consider the global picture</li> <li>- Supportive of considering consumption-based emissions (not just production-based emissions)</li> <li>- Agreement with the waste hierarchy as a guiding principle – supportive of Aotearoa New Zealand advocating for a treaty that prioritises action towards prevention, reduction, refusal and reuse</li> <li>- That we should draw on indigenous knowledge and mātauranga Māori to inform our thinking throughout these negotiations – specifically that Aotearoa New Zealand could take a lead role in this space</li> <li>- A treaty should take a whole of system approach that considers the connections between plastics, human health, human rights, climate change and biodiversity</li> <li>- A treaty should ensure shared responsibility across the whole plastics value chain from manufacturers to consumers</li> <li>- The need to ensure 'no regrettable substitutions' with chemicals and alternatives to plastic</li> </ul>	<p>Feedback from NGOs advocates for Aotearoa New Zealand to favour an ambitious treaty and play a leadership role by taking a strong stance on the following issues:</p> <ul style="list-style-type: none"> <li>- Shifting away from exporting plastic waste for recycling and limiting the plastic life cycle to on shore Aotearoa New Zealand</li> <li>- Specifically against waste to energy technologies as being a potential solution for plastic waste as it contradicts the life cycle approach and potentially undermines the waste hierarchy</li> <li>- Reducing consumption including support for caps on virgin plastic production</li> <li>- If targets are included these are timebound and measurable, avoiding unintended consequences</li> </ul>

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Organisation type	<b>Feedback on proposed approach to negotiations:</b> <b>Informed by guiding principles including emissions reduction, life cycle approach, waste hierarchy, circular economy and consistency with domestic policy</b>	<b>Feedback on potential issues that may come up in negotiations:</b> <b>Including issues such as sustainable production and consumption (e.g. production caps), waste to energy and chemical recycling, product design, targets and environmentally sound waste management</b>
	<ul style="list-style-type: none"> <li>- Additives in plastics, particularly recycled plastics, must be considered</li> </ul>	
<b>Research organisations</b>	<p>Research organisations are mostly supportive of the principles proposed and agree with Aotearoa New Zealand taking a position that is aligned with the waste hierarchy and circular economy principles. Key points raised include:</p> <ul style="list-style-type: none"> <li>- Emissions should be considered at every stage of the plastic lifecycle, including those emitted in parts of the life cycle that is outside of Aotearoa New Zealand (i.e. consumption-based emissions)</li> <li>- Address legacy issues as well as prevention of further pollution (includes existing plastic legacies in construction and landfills)</li> <li>- Some research organisations considered that lifecycle assessment tools should play a role in understanding marine pollution</li> </ul>	<p>Feedback from research organisations raised the following considerations:</p> <ul style="list-style-type: none"> <li>- Plastic has a valid place in our society (medical use in particular) and plays an important role in sustainable development including emissions reduction. They noted the ways in which efforts aimed at reducing plastic production could create perverse outcomes.</li> <li>- For example, the use of production caps was noted as a blunt instrument that may have unintended consequences whereas better outcomes may be achieved through product design, local and national infrastructure and affecting the demand side of plastic use.</li> <li>- Chemical recycling may offer some financial and systemic benefits for a circular plastics economy in the future but we need to ensure that any new technologies do not undermine the principles of a circular economy.</li> </ul>

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<p><b>Organisation type</b></p>	<p><b><u>Feedback on proposed approach to negotiations:</u></b>  <b>Informed by guiding principles including emissions reduction, life cycle approach, waste hierarchy, circular economy and consistency with domestic policy</b></p>	<p><b><u>Feedback on potential issues that may come up in negotiations:</u></b>  <b>Including issues such as sustainable production and consumption (e.g. production caps), waste to energy and chemical recycling, product design, targets and environmentally sound waste management</b></p>
<p>Industry and business</p>	<p>Industry and business organisations are mostly supportive of the principles proposed and agree with Aotearoa New Zealand taking a position that is aligned with the waste hierarchy. Key points raised include:</p> <ul style="list-style-type: none"> <li>- Taking a lifecycle approach should also encompass consideration of the impacts of plastic alternatives on our emissions profile</li> <li>- Plastic is a set of many different, complex materials and may require a more nuanced approach, e.g. different policy measures could be required for managing the different plastic material types rather than a broad-brush approach</li> <li>- Recognition that flexibility is needed to account for our own national circumstances and those of others including Pacific Island countries</li> <li>- Timeframes to meet treaty commitments need careful consideration as these could have large economic impacts on industry</li> </ul>	<p>Feedback from industry and business raised the following considerations:</p> <ul style="list-style-type: none"> <li>- Production caps could change market dynamics and impact the availability and cost of materials required for Aotearoa New Zealand’s manufacturing sector(s)</li> <li>- Aotearoa New Zealand is a small, isolated country and achieving scale to process some materials onshore will be challenging, therefore solutions to address plastic would likely be limited by measures that prevent trade (trans-boundary movements) in plastic waste</li> <li>- Product design should consider designing for recyclability, favouring mono-materials over composites and supporting the phase-out of harder-to-recycle packaging materials</li> <li>- Targets need to be carefully considered and will require flexibility to account for our national circumstances (physical isolation and size of economy) and ensure that the sector can achieve them</li> </ul>

Organisation type	<b>Feedback on proposed approach to negotiations:</b> Informed by guiding principles including emissions reduction, life cycle approach, waste hierarchy, circular economy and consistency with domestic policy	<b>Feedback on potential issues that may come up in negotiations:</b> Including issues such as sustainable production and consumption (e.g. production caps), waste to energy and chemical recycling, product design, targets and environmentally sound waste management
		<ul style="list-style-type: none"> <li>- Targets around recycled content could drive imports of waste material if sufficient time is not allowed to build the Aotearoa New Zealand supply or recycled material</li> <li>- There were mixed views on waste to energy, with some supporting waste to energy as a potential future solution to support our transition to a circular economy and others considering that it would undermine circular economy principles</li> </ul>

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List of submitters

Research organisations	Non-governmental organisations	Industry and business
s9(2)(a), s9(2)(ba)(i)		

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## **Annex V: Glossary of terms**

**Bioplastic:** Plastic, or a component of a plastic, made from a natural or renewable resource.

**Circular economy:** A circular economy is a set of organising principles promoting economic activity that restores and regenerates natural systems. It is designed to replace our current 'take-make-dispose' system with a 'make-use-return' system. The circular economy has three global principles.

1. Design out waste and pollution - View waste as a design flaw. Loss of materials and energy through the production process is minimised.
2. Keep products and materials in use - Think in systems. Products are designed to be reused, repaired and recycled, and waste materials for one process become an input for another.
3. Regenerate natural systems - Shift perspectives from minimising environmental harm to doing good. Valuable nutrients are returned to the soil and ecosystems are enhanced.

**Ecosystem approach:** A strategy for the integrated management of land, water and living resources that promotes conservation and sustainable use in an equitable way. It is based on the application of appropriate scientific methodologies focused on levels of biological organization which encompass the essential processes, functions and interactions among organisms and their environment.

**Fossil Fuel Subsidy Reform:** Over 99% of plastic is made from chemicals sourced from fossil fuels, and the fossil fuel and plastic industries are deeply connected. Every year governments spend an estimated US\$500 billion of public money to subsidise fossil fuels. These subsidies artificially lower the cost of production and consumption, resulting in low prices of virgin plastic and many plastic products that do not reflect true environmental costs. Aotearoa New Zealand is a longstanding advocate for the reform of environmentally-harmful subsidies, including Fossil Fuel Subsidy Reform (FFSR), and has led efforts to bring attention to FFSR within the World Trade Organization (WTO), United Nations Framework Convention on Climate Change (UNFCCC) as well as other environmental, trade and economic institutions. Aotearoa New Zealand also leads an informal group of countries (the “Friends of FFSR”) that encourages G20 and APEC leaders to take action on FFSR commitments in both the trade and climate arenas. The Friends of FFSR recognise the importance of ensuring subsidy reform doesn't harm vulnerable groups and their developmental needs. Subsidy reform must be carefully designed so it doesn't restrict access to basic energy services or to increase poverty.

**Lifecycle approach:** Life cycle approach means to take a whole-of-life view for resources, materials and products (including end-of-life options and poor management of waste), and is about addressing issues from the extraction of raw materials through to disposal and pollution impacts. This ensures that interventions do not lead to unintended consequences at other stages of a product's life cycle. Aotearoa New Zealand considers it important that 'life cycle approach' does not become tied to any particular assessment tool or discipline, noting there are many different analytical approaches that offer different information and outcomes.

**One Health approach:** An integrated, unifying approach that aims to sustainably balance and optimize the health of people, animals and ecosystems. It recognizes that the health of humans,

domestic and wild animals, plants, and the wider environment (including ecosystems) are closely linked and interdependent.

**Precautionary approach:** Principle 15 of the Rio Declaration on Environment and Development, adopted by the United Nations Conference on Environment and Development in Rio de Janeiro, Brazil, 1992, states that: *“In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.*

**Virgin plastic:** Virgin plastic refers to plastic resin that is produced using natural gas or crude oil, and it does not contain any recycled materials.

**Waste hierarchy:** The waste hierarchy is a tool used globally for explaining the different steps to reduce and manage waste. The most desirable steps are those at the top of the hierarchy, which avoid generating waste in the first place. They support the first circular economy principle. In the middle are techniques for keeping materials circulating in the economy, in line with the second circular economy principle. At the bottom are the techniques that are least desirable – destruction and disposal to landfill. We use this tool throughout the strategy and legislation proposals, to explain the type of progress and action needed.

