**First session of the Intergovernmental Negotiating Committee to develop an internationally legally binding instrument on plastic pollution, including in the marine environment (INC- 1)**

26 November – 2 December 2022

**MEMBERS BRIEFING NOTE**

**Cluster # 3: Sustainable production and consumption**

1. **Background Information**

Countries are increasingly inundated by an acute overabundance of inexpensive primary (virgin) plastic, undermining secondary markets for recycled material and investments in collection and recycling. Being inherently distinct from the design of plastic products themselves, a ‘Sustainable Production and Consumption of Plastics’ cluster would provide a dedicated space for negotiators to consider what is ‘sustainable’ production and consumption of plastics and how this relates to current and projected levels. Based on 2016 baselines, annual virgin plastics production is set to double by 2040. As upstream (production) controls are key enablers of preventing pollution further downstream, EIA and CIEL recommend such discussions also begin early in the negotiation process. At a minimum, this will require reporting on primary (virgin) plastic production to establish baselines and measure progress toward sustainability. It should also include a mechanism for controlling aggregate primary (virgin) production, phase-outs of problematic or hazardous polymers and other constituent chemicals through a start-and-strengthen approach that can be undertaken through adjustments and listing without amendment, similar to the approach taken in the Montreal Protocol or Stockholm Convention. This would provide the instrument with high degree of agility that would allow parties to act adaptively as new information becomes available. This cluster would also be inclusive of discussions around measures related to the extraction of raw materials and sourcing of feedstocks, which could themselves create impetus for the achievement of UNFCCC climate targets.

**2. Potential questions that could facilitate discussions at the first session**

The following table is based on the concept note developed by the Secretariat of the INC.

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| **INC concept note element** | **Response** | **Why is this important to the Pacific Region?** |
| 26. Considerations for the legally binding instrument | |  |
| (a) Which problem or problems will the instrument/[the cluster] aim to address? | **Member State comments**: | **Member State comments**: |
| How will the aim be reflected in the instrument? | **Member State comments**: | **Member State comments**: |
| (b) What core obligations, control measures and voluntary approaches would provide a comprehensive approach to addressing the problem or problems? | **Obligation/s:**  **Member State comments**: | **Member State comments**: |
| **Control measures:**  **Member State comments**: | **Member State comments**: |
| **Voluntary measures:**  **Member State comments**: | **Member State comments**: |
| (c) How can the instrument create an incentive-based approach and enabling environment such that it is in everyone’s interest to implement their obligations? | **Member State comments**: | **Member State comments**: |
| 27. Considerations in structuring the process to reach agreement | |  |
| (a) On what issues can early agreement be envisaged? | **Member State comments**: | **Member State comments**: |
| (b) What areas require further work to be undertaken by the secretariat or by the Chair of the committee? | **Member State comments**: | **Member State comments**: |
| By when? | **Member State comments**: | **Member State comments**: |
| (c) How can the INC ensure that the interests of all stakeholders are considered and contribute to the process of elaborating the instrument? | **Member State comments**: | **Member State comments**: |