Proposed response template on written submissions prior to INC-3 (part a)

At its second session, the intergovernmental negotiating committee (INC) requested the secretariat to invite written submissions on:

- Elements not discussed at INC-2, such as principles and scope of the instrument

INC-2 further requested the secretariat to post any submissions received on the INC website and to prepare a synthesis report of the submissions.

The template below was prepared by the secretariat, in consultation with the Chair, and is meant as a guide to assist Members and Observers in preparing their written submissions.

A number of documents prepared by the secretariat for INC-1 and INC-2 are of relevance to this submission, including:

UNEA resolution 5/14 on ‘End plastic pollution: towards an international legally binding instrument’

UNEP/PP/INC.1/5 on ‘Potential elements, based on provisions in paragraphs 3 and 4 of United Nations Environment Assembly resolution 5/14, including key concepts, procedures and mechanisms of legally binding multilateral agreements that may be relevant to furthering implementation and compliance under the future international legally binding instrument on plastic pollution, including in the marine environment’

UNEP/PP/INC.1/6 on ‘Glossary of key terms’

UNEP/PP/INC.1/8 on ‘Description of standard articles on final provisions that are typically included in multilateral environmental agreements’

UNEP/PP/INC.2/4 on ‘Potential options for elements towards an international legally binding instrument, based on a comprehensive approach that addresses the full life cycle of plastics as called for by United Nations Environment Assembly resolution 5/14’

UNEP/PP/INC.2/INF/4 on ‘Additional information linked to the options for the potential elements towards an international legally binding instrument’

UNEP/PP/INC.2/INF/7/REV.1 on ‘Information submitted by the Secretariat of the Basel, Rotterdam and Stockholm conventions’

All written submissions must be sent to unep-incplastic.secretariat@un.org. As detailed in the mandate, the submissions received will be made available on the INC webpage, a synthesis report of the submissions will also be developed in advance of INC-3.

Please note that not all fields in the template need to be answered in the submission.

Deadline for submissions:

I. By 15 August 2023 for written submissions from observer organizations.

II. By 15 September 2023 for written submissions from Members of the Committee.
Elements not discussed at INC-2

1. Scope

What is the proposed scope for the future instrument?

Which types of substances, materials, products and behaviors should be covered by the future instrument?

Proposed scope:
The scope of the plastics treaty should be centered around the protection of human health and the environment from all impacts from plastics throughout their lifecycle and this focus should be reflected throughout the control measures of the treaty.

Explanatory Text:
It is vital that the instrument is centered around the protection of human health, as there is strong scientific evidence of a wide range of adverse health effects including increased cancer rates or immunological and neurodevelopmental disorders caused by endocrine disruption linked with the entire life cycle of plastics including about 3000 chemical additives of concern added to the plastics. Moreover, health impacts and disease outbreak result in economic loss for societies. Simultaneously, the treaty should address the issue of increasing plastic waste volumes caused by the exponential growth of plastics production. Only “turning off the tap” of plastics production and global legally binding mechanisms ensuring regulation of the entire lifecycle of plastics will result in the improvement of plastics management.

- During the sourcing/extraction phase this could include controls on polycyclic aromatic hydrocarbons (PAHs) release, as well as controls on the use of toxic chemicals (such as mercury and PFAS) used in the sourcing processes.
- During the production phase the treaty should employ control mechanisms for eliminating non-essential uses of plastics. Controls should also ensure that plastics are free from hazardous chemicals while the treaty includes controls on the use and unintentional production of toxic chemicals.
- During material recycling controls should ensure that plastics are disposed in an environmentally sound way and plastic waste containing toxic chemicals is not recycled into new products. As plastic recycling is often taking place in developing countries and countries with economy in transition, which
lack appropriate technologies and workers’ protective measures, such controls are crucial for protecting workers’ health.

- During the final disposal of plastic waste, extended producer responsibility (EPR) schemes should be applied. Disposal techniques should be based on environmentally sound technologies. Waste with POP and hazardous chemicals content should be excluded from transboundary transport and from recycling. Control over releases of unintentionally produced POPs in thermal and incineration processes need to be applied.

2. Principles

*What principles could be set out in the future instrument to guide its implementation?

**Proposed principles:**
- Common but differentiated responsibilities – Rio Principle 7
- Public participation – Rio Principle 10
- Polluter Pays – Rio Principle 16
- Precautionary Principle – Rio Principle 15
- Rights-based approach
- Right to know
- Environmental justice
- Principle of intergenerational equity
- Zero waste hierarchy: An improvement of the 3Rs model

**Explanatory Text:**
- Common but differentiated responsibilities – Rio Principle 7, the principle establishing that all states are responsible for addressing global environmental destruction yet distributes the cost among different States according to their historical responsibilities and respective capabilities
- Public participation – Rio Principle 10, Environmental issues are best handled with participation of all concerned citizens, at the relevant level
- Polluter Pays – Rio Principle 16, this principle provides for the internalization of environmental costs and the use of economic instruments to ensure the polluter should bear the costs of pollution
- Precautionary Principle – Rio Principle 15, this principle underlines that 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 (e.g. Stockholm Convention)
- Rights-based approach, an approach that prioritizes the application of human rights standards, including the human right to a healthy environment in the treaty;
- Right to know: Principle to ensure that information relating to the health and safety of humans and the environment should not be regarded as confidential
- Environmental justice includes the avoidance of adverse effects that disproportionately affect vulnerable populations
- Principle of intergenerational equity, the principle provides for the protection of natural resources and the environment for the benefit of future generations
- Zero waste hierarchy: An improvement of the 3Rs model Prevention, preparation for reuse, recycling, etc. (not a legally recognized principle)
3. **Additional considerations**

*Provide any other relevant inputs, proposals or priorities here that have not been discussed at INC-2 (e.g. preamble; institutional arrangements, including governing body, subsidiary bodies, scientific and technical cooperation and coordination, and secretariat; final provisions including dispute settlements; and if appropriate annexes).*

**Proposed inputs:**

**Explanatory Text:**