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

Potential Areas Identified by the Contact Groups

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

- Any potential areas for intersessional work compiled by the co-facilitators of the two contact groups¹, to inform the work of INC-3.

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.

All written submissions must be sent to unep-incplastic.secretariat@un.org. The submissions received will be made available on the INC webpage.

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.

¹ Contact Group 1 focused on Section A: Objective(s). Section B: Substantive Obligations; Contact Group 2 focused on Sections C: Means of Implementation. D: Implementation measures. E: Additional matters as contained in part II of the Annex to document UNEP/PP/INC.2/4.
TEMPLATE FOR SUBMISSIONS

Name of country (for Members of the committee)

Name of organization (for observers to the committee) Arnika
www.arnika.org/en
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Czech environmental NGO

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Date of submission 11 August 2023

Input on the potential areas of intersessional work to inform the work of INC-3 (following the lists compiled by the co-facilitators of the two contact groups)

Potential areas for intersessional work

The list of potential areas for possible intersessional work compiled by the co-facilitators of the two contact groups at INC-2 is set out below. Members and observers may wish to provide input on one or more of these areas.

Contact group 1:

1. Information on definitions of, e.g. plastics, microplastics, circularity
2. Information on criteria, also considering different applications and sectoral requirements, including:
   a. Chemical substances of concern in plastics,
   b. Problematic and avoidable plastic polymers and products and related applications
   c. Design e.g. for circularity, reuse
   d. Substitutes and alternatives to plastic polymers and products
3. Potential substances of concern in plastics, problematic and avoidable plastic polymers and products
4. Potential sources of release of microplastics (applications and sectors).

(Please note: A longer list is included in the co-facilitators report on discussions in contact group 1. Submissions may also include input on any of the items in that longer list, such as, amongst others, the development of criteria to prioritise problematic and avoidable plastics; the development of targets for the reduction, reuse and repair of problematic and avoidable plastic products; or the guidelines on EPR)

Contact Group 2:

1. To consider the potential role, responsibilities and composition of a science and technical body [to support negotiation and/or implementation of the agreement]

2. To consider potential scope of and guidance for National Action Plans [including optional and/or suggested elements]

3. To identify current provisions within existing MEAs [and other instruments] on cooperation and coordination that could be considered

4. To consider how other MEAs provide for monitoring, and suggest best practice

5. To consider options to define ‘technology transfer on mutually agreed terms

6. To further consider how a potential financing mechanism could work [including a new standalone mechanism, a hybrid mechanism, or an existing mechanism]

7. To identify options to mobilise and align private and innovative finance (including in relation to matters at 24(e) and the proposed Global Plastic Pollution Fee (GPPF))

8. To map current funding and finance available [to address plastic pollution] and determine the need for financial support for each Member

9. To identify capacity building and training needs for each Member.

Inputs relating to potential areas for intersessional work. Please identify clearly which area your input relates to.

CONTACT GROUP 1

- Potential substances of concern in plastics, problematic and avoidable plastic polymers and products:
  • In order to evaluate the mechanism to regulate chemicals under the treaty, the various national/regional approaches toward regulating/restricting chemicals in plastics should be compiled with the aim of creating an initial list of chemicals, and groups of chemicals that shall be controlled under the treaty. This should include experiences in control measures including bans, restrictions, eco-design criteria, transparency and traceability measures. Additionally, there are various independent lists of harmful chemicals (such as the SinList - https://sinlist.chemsec.org/), that are not regulated but classified as substances of concern and used by various private actors to eliminate potentially harmful chemicals from their production. For packaging, consumer products and non-essential uses, all chemicals of concern although not restricted yet, shall be included into the review. The process shall also include experiences from independent certification and rating schemes, the downstream business users and best practice applied by progressive businesses.

- Design e.g. for circularity, reuse:
  • UNEA resolution 5/15 called for the future international binding instrument on plastic pollution “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”. Member states can work intersessionally to identify design criteria that facilitate an efficient use of resources, minimize waste generation by increasing the life span of plastic materials and identify criteria to ensure the implementation of toxic free circular economy. These criteria should only allow production of plastics free from toxic chemicals and less prone to lead to the generation and release of microplastics, and unintentionally produced harmful substances created during incineration processes.
CONTACT GROUP 2
To further consider how a potential financing mechanism could work [including a new standalone mechanism, a hybrid mechanism, or an existing mechanism]
- States should establish a dedicated plastics multilateral fund through a new instrument, with Member States and other funding sources contributing funds to it. The chemicals and waste cluster is severely underfunded and despite a substantial GEF replenishment for the period 2022-2026, funding is insufficient to cover the implementation of existing MEAs. In order to ensure that the implementation of the Plastics Treaty is duly funded, States should work intersessionally to plan on how a multilateral fund that has sufficient and predictable funding could be created and function to implement the Plastics Treaty and other related chemicals and waste MEAs. Pollution is recognized as a planetary crisis but, unlike climate and biodiversity, it does not have its own funding scheme to implement the necessary measures.

To identify options to mobilise and align private and innovative finance (including in relation to matters at 24(e) and the proposed Global Plastic Pollution Fee (GPPF))
- as many Member States have pointed out, the polluter pays principle should be one of the underlying principles of the Treaty, the implementation of the plastics treaty will need to be funded, at least in part, through funds coming from the plastics, chemicals, and related industries, through fees, taxes, and extended producers’ responsibility schemes that ensure the internalization of costs. The intersessional work should focus on mapping experiences on cost internalization mechanisms and their effectiveness. Evidence should be gathered on how extended producers’ responsibility programs are effectively implemented while making the plastics’ industry responsible beyond national borders, as plastics are traded internationally. As a result, Member States shall come up with a proposal to create a global plastic pollution fee and ways of making it operational.
- As a possible control measure to address existing plastics pollution and stockpiles, State could work intersessionally to develop a mechanism to mobilise and collect funds addressing the legacy pollution, such as a “Plastic Pollution Legacy Fee” made up of contributions from sectors producing materials that led to legacy pollution. The Intersessional group could build on the example of the Stockholm Convention approach of addressing obsolete pesticide stockpiles that engages relevant sectors to fund the remediation of pesticide-contaminated sites and hotspots.