Ref.: SCBD/SSSF/BSPG/TT/JA/91126  23 August 2023

Dear Ms. Mathur-Filipp,

Reference is made to the notification of 08 June 2023 (Not-INC-2023-0032) inviting written submissions from Members of the Committee and observers on (a) elements not discussed at INC-2, such as principles and scope of the instrument, and (b) any potential areas for intersessional work compiled by the co-facilitators of the two contact groups, to inform the work of INC-3.

Kindly find enclosed the submission from the Secretariat of the Convention on Biological Diversity (CBD) using the provided templates.

Yours sincerely,

[Signature]

Jihyun Lee for

David Cooper
Acting Executive Secretary

Enclosure
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:

Explanatory Text:

2. Principles
What principles could be set out in the future instrument to guide its implementation?

Proposed principles:

*Ecosystem Approach:* A strategy for the integrated management of land, water and living resources that promotes conservation and sustainable use in an equitable way. Principle 12 states that the ecosystem approach should involve all relevant sectors of society and scientific disciplines.

*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.”
In the preamble of the Convention on Biological Diversity, it is noted that: “Where there is a threat of significant reduction or loss of biological diversity, lack of full scientific certainty should not be used as a reason for postponing measures to avoid or minimize such a threat.”

Explanatory Text:

The INC has been considering the options to address plastic pollution, including the different types of plastics and some of their varied functions. We wish to encourage the INC to both consider the wider impacts that plastic pollution has on our natural environment, including the need for synergistic action to address the triple crisis of biodiversity loss, climate change and pollution, and to exercise caution in the proposal of certain alternatives that may or may not have adverse implications that are unknown or unproven.

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:
**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)*

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1 The report can be accessed here: [https://wedocs.unep.org/bitstream/handle/20.500.11822/42621/CG1.pdf](https://wedocs.unep.org/bitstream/handle/20.500.11822/42621/CG1.pdf)
Inputs relating to relevant guidance and information under the Convention on Biological Diversity with respect to marine debris and other relevant issues

CBD COP decision 13/10 on marine debris

At its thirteenth meeting in December 2016, the CBD COP adopted decision 13/10 which addresses the impacts of marine debris on marine and coastal biodiversity, and takes note of the Voluntary Practical Guidance on Preventing and Mitigating the Impacts of Marine Debris on Marine and Coastal Biodiversity and Habitats, as contained in the annex to the decision. The voluntary practical guidance contains information on (i) marine debris and its impacts on marine and coastal biodiversity and habitats, (ii) approaches for preventing and mitigating the impacts of marine debris on marine and coastal biodiversity and habitats, and (iii) priority actions for mitigating and preventing the impacts of marine debris on marine and coastal biodiversity and habitats.

Scientific and technical guidance on marine debris under the CBD

In 2016, the CBD Secretariat published Technical Series No. 83: Marine Debris: Understanding, Preventing and Mitigating the Significant Adverse Impacts on Marine and Coastal Biodiversity, which built on a review of the impacts of marine debris that was previously undertaken by the Scientific and Technical Advisory Panel of the Global Environment Facility in collaboration with the CBD Secretariat, and published as CBD Technical Series No. 67 in 2012.

In 2021, the Technical Series No. 83 was updated in an information document CBD/SBSTTA/24/INF/4 providing new developments and information that emerged on this topic since its publication. This Technical Paper updating the CBD Technical Series No. 83 also incorporates information received in response to notification 2018-080 issued by the CBD Executive Secretary, requesting information on experiences in the implementation of the aforementioned Voluntary Practical Guidance on Preventing and Mitigating the Impacts of Marine Debris on Marine and Coastal Biodiversity and Habitats, or activities that are in line with these.

Other relevant guidance under the CBD

At its eighth meeting, the CBD COP endorsed the Voluntary Guidelines on Biodiversity-inclusive Environmental Impact Assessments and Strategic Environmental Assessments, as contained in the annex of COP decision 8/28. In response to COP decision 10/29 and the request to the Executive Secretary to facilitate the development of voluntary guidelines for the consideration of biodiversity in environmental impact assessments and strategic environmental assessments in marine and coastal areas, the voluntary guidelines were further revised and annotated specifically for biodiversity in marine and coastal areas, as contained in the annex to the note by the Executive Secretary (UNEP/CBD/COP/11/23). The revised guidelines provide additional considerations for marine and coastal areas, including marine areas beyond national jurisdiction.

At its twelfth meeting in October 2014, the CBD COP adopted the Priority Actions to Achieve Aichi Biodiversity Target 10 for Coral Reefs and Closely Associated Ecosystems, as contained in the annex of COP decision 12/23. The priority actions focus on, inter alia, helping to reduce the impacts of multiple stressors, including local stressors such as land-based and sea-based pollution. This includes, for example, strengthening existing sectoral and cross-sectoral management to address land- and sea-based pollution.

At its thirteenth meeting in December 2016, the CBD COP adopted the Voluntary Specific Workplan for Biodiversity in Cold-Water Areas Within the Jurisdictional Scope of the Convention (annex II of COP decision 13/11). The voluntary workplan aims to, inter alia, avoid, minimize and mitigate the impacts of global and local stressors, including pollution, and especially the combined and cumulative effects of multiple stressors, on biodiversity in cold-water areas in the deep and open ocean.
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 mobilize 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.

The Kunming-Montreal Global Biodiversity Framework, adopted at the 15th meeting of the Conference of the Parties to the Convention on Biological Diversity, emphasizes the need for a whole-of-government and whole-of-society approach, recognizing the addressing biodiversity loss requires intersectoral cooperation and action at all levels of society.

Of particular relevance to the Intergovernmental Negotiating Committee (INC) to develop an international legally binding instrument on plastic pollution, including in the marine environment, in consideration of its work are the following Targets:

- **Target 7**: Reduce pollution risks and the negative impact of pollution from all sources by 2030, to levels that are not harmful to biodiversity and ecosystem functions and services, considering cumulative effects, including: ... (c) by preventing, reducing, and working towards eliminating plastic pollution.
- **Target 14**: Ensure the full integration of biodiversity and its multiple values into policies, regulations, planning and development processes, poverty eradication strategies, strategic environmental assessments, environmental impact assessments and, as appropriate, national accounting, within and across all levels of government and across all sectors, in particular those with significant impacts on biodiversity, progressively aligning all relevant public and private activities, and fiscal and financial flows with the goals and targets of this framework.
- **Target 15**: Take legal, administrative or policy measures to encourage and enable business, and in particular to ensure that large and transnational companies and financial institutions: (a) Regularly monitor, assess, and transparently disclose their risks, dependencies and impacts on biodiversity, including with requirements for all large as well as transnational companies and financial institutions along their operations, supply and value chains, and portfolios;
(b) Provide information needed to consumers to promote sustainable consumption patterns;
(c) Report on compliance with access and benefit-sharing regulations and measures, as applicable;
in order to progressively reduce negative impacts on biodiversity, increase positive impacts, reduce biodiversity-related risks to business and financial institutions, and promote actions to ensure sustainable patterns of production.

- **Target 16**: Ensure that people are encouraged and enabled to make sustainable consumption choices, including by establishing supportive policy, legislative or regulatory frameworks, improving education and access to relevant and accurate information and alternatives, and by 2030, reduce the global footprint of consumption in an equitable manner, including through halving global food waste, significantly reducing overconsumption and substantially reducing waste generation, in order for all people to live well in harmony with Mother Earth.

- **Target 18**: Identify by 2025, and eliminate, phase out or reform incentives, including subsidies, harmful for biodiversity, in a proportionate, just, fair, effective and equitable way, while substantially and progressively reducing them by at least $500 billion per year by 2030, starting with the most harmful incentives, and scale up positive incentives for the conservation and sustainable use of biodiversity.

In addition, in **decision 15/13**, the Conference of the Parties:

2. **Encourages** the strengthening of cooperation and synergies among relevant conventions and multilateral agreements by, as appropriate and in line with their respective mandates, legal authority and responsibilities, establishing or renewing cooperation frameworks, as needed;

15. **Requests** the Executive Secretary, subject to the availability of resources: (a) To identify, develop and provide information and technical support that will help to encourage and assist other biodiversity-related conventions, multilateral environmental agreements, international organizations and other relevant programmes in contributing to the implementation of the Kunming-Montreal Global Biodiversity Framework and, in consultation with their secretariats, identify opportunities to cooperate with biodiversity-related conventions and other relevant multilateral environmental agreements and organizations specifically to help achieve the goals and targets of the Framework

In addition, in **decision 15/24**, the Conference of the Parties:

13. **Welcomes** the establishment, by the United Nations Environment Assembly, of an intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment, and urges Parties and invites other Governments to support work under this process to develop an ambitious, international legally binding instrument on plastic pollution that addresses the full life cycle of plastics;