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:

Pursuant to the UNEA resolution 5/14\(^1\) of March 2, 2022, titled “End plastic pollution: towards an international legally binding instrument” the scope shall include issues that extend throughout the plastic life cycle in the upper, middle and lower streams while considering the issue of legacy plastics including in the marine environment.

Explanatory Text:

- The focus of the instrument on the upper stream must include the feedstock particularly virgin materials to reduce or support the transition to clean production of plastics. The consideration of products, materials, polymers and chemicals of concern must be dealt with on priority basis while considering differences in circumstances for each stream as some plastic products are important in all aspects of developmental sectors

- In considering the scope for each phase of the life cycle a risk-based approach shall help prioritize chemicals, polymers and products of concern to be banned, reduced and those that can be controlled while promoting safe circularity. The scope needs to be

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\(^1\) https://wedocs.unep.org/bitstream/handle/20.500.11822/39812/OEWG_PP_1_INF_1_UNEA%20resolution.pdf
considered holistically while accounting for socio-economic implications, health and environmental risks as well as transition to a safe and sustainable alternative.

- Furthermore, the treaty must address the waste management practices and sustainable alternatives for member states that already struggle with inadequacy of waste management, finance, technology and overall capability.

2. Principles

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

Proposed principles:
The principles of the Rio Declaration on Environment and Development\(^2\), and the polluter pays principle need to be considered in the discussion of the treaty. Furthermore, the 27 principles in the Rio Declaration can form a useful starting point for the discussion in particular:

**Principle 2:** States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.

**Principle 6:** The special situation and needs of developing countries, particularly the least developed and those most environmentally vulnerable, shall be given special priority. International actions in the field of environment and development should also address the interests and needs of all countries.

**Principle 7:** States shall cooperate in a spirit of global partnership to conserve, protect and restore the health and integrity of the Earth's ecosystem. In view of the different contributions to global environmental degradation, States have common but differentiated responsibilities. The developed countries acknowledge the responsibility that they bear in the international pursuit to sustainable development in view of the pressures their societies place on the global environment and of the technologies and financial resources they command.

**Principle 9:** States should cooperate to strengthen endogenous capacity-building for sustainable development by improving scientific understanding through exchanges of scientific and technological knowledge, and by enhancing the development, adaptation, diffusion and transfer of technologies, including new and innovative technologies.

**Principle 11:** States shall enact effective environmental legislation. Environmental standards, management objectives and priorities should reflect the environmental and development context to which they apply. Standards applied by some countries may be inappropriate and of unwarranted economic and social cost to other countries, in particular developing countries.

Zero waste principles
The zero-waste principle shall be of great support to the control measures in treaty. Products design and use must be according to the principle of maximum and best use and the waste reduction hierarchy: Prevent, Reduce and reuse first.

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:

Institutional arrangements

- The Conference of The Parties (COP) including all member states shall be the governing body for the treaty with the authority to make decisions.
- The treaty shall have an independent secretariat serving its purpose.
- A subsidiary body can be established to support the COP with scientific and technical knowledge and facilitating proposals for updating the treaty. The body should be open to all members to join.

Annexes

- The treaty must be open to be amended as deemed necessary but with clear procedures for member states to propose upon a clear undisputed scientific justification.
- In regard to the decision-making procedures the Convention may be amended by a threshold majority vote of the Parties present at a COP. Once an amendment has been adopted, it must be ratified by a threshold majority of the Parties before it enters into force.