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:

We recommend adding the following elements to Paragraph 14.a under Chapter 5 of Section II of the INC-2 Options Paper:

(a) Options for enhancing waste management capacity and promoting innovation:

   (v) implement, where appropriate, the proximity principle, to treat waste as close as possible to where it is produced, in order to empower local players, and to show local residents concrete results of their efforts, in particular in densely populated areas;

   (vi) identify the investments required to establish waste prevention public policies as well as the collection and treatment infrastructure and equipment, in line with a strategic plan based on long-term reduction and recycling targets, taking into account the baseline situation and the inertia of changes in flows;

   (vii) identify financing mechanisms for these investments, which are often not prioritized in national or local policy;

   (viii) set up a fiscal environment that can finance the maintenance and operation of prevention, collection and treatment.

   (ix) ensure that the authorities in charge of waste management have sufficient financial and human resources and the necessary leeway to experiment with solutions;

   (x) establish a clear definition of the roles and responsibilities of public and private players.

We recommend the following modifications to Paragraph 14.b under Chapter 5 of Section II of the INC-2 Options Paper:
(b) Options for regulating plastic waste:
   (i) Regulate the movement, and end of life management of plastic waste to reduce leakage from mismanaged waste.
   (ii) Prohibit the following dangerous practices: open burning, incineration without treatment of flue gases and polluting emissions, co-firing in coal-fired power plants and other waste-to-energy processes, co-processing in cement kilns, and chemical recycling, where facilities do not have adequate treatment of flue gases and polluting emissions. States must implement a binding system for controlling these emissions for all industrial plants using waste as energy, including those which treat waste, whatever the operational mode;
   (iii) Establish guidance and tools for decision-making on waste recycling practices (to avoid lock-ins to solutions that harm human and environmental health).
   (iv) Set indicators and obligations for plastic waste collection, sorting and recycling, especially at the national level.
   (v) Require producers to prepare an action plan that includes individual waste reduction targets, eco-design targets, in order to ultimately reduce the volume of non-recyclable waste and thus contribute to the overall reduction of waste.
   (vi) Recognize the value of energy recovery from non-recyclable plastic, when carried out under sound environmental conditions and for as long as measures to reduce the volume of non-recyclable plastic waste have not had a significant impact;

Explanatory Text:
*The proposed additions to paragraph 14a under Chapter 5 of Section II are based on the following rationale:*

*Given the time that will be required for the other parts of the instrument to be effective (reduction, re-use), sound waste management is key to reducing plastic pollution by preventing that the waste that exist end up in the environment. Paragraph 14a currently does not provide sufficient options on potential commitments in order to ensure successful local implementation.*

*The proposed modifications to paragraph 14b, are based on the following rationale:*

*The combustion or co-combustion of waste is operational in many countries and should only be prohibited if performed without a binding control ensuring that emissions from the facilities meet environmentally sound thresholds.*

*It is important to specify that what is required of producers is not to reduce waste volumes, but to implement eco-design with the objective to reduce waste volumes.*

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2. Principles

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

Proposed principles:
We propose to include a dedicated fund to support infrastructure investments in waste management through the following modification of paragraph 24 under chapter C.1 of Section II of the INC-2 Options paper:

24. The committee may wish to consider ways to provide for new, additional, stable, accessible, adequate, timely and predictable flows of financial resources to support the implementation of the instrument, including some or all of the following potential options:

   (a) Establish a dedicated plastics multilateral fund or funds through the new instrument, with Member States and other funding sources contributing funds to support the instruments’ objectives, including that of preventing plastics leakage through enhanced waste management (see 14.a.vii). Modalities could include management of the fund or funds by the governing body.

Explanatory Text:
It is a fact that waste management has not been a national priority for investments in many countries. Having a dedicated fund to support infrastructure investment in waste management is a lever to change the paradigm towards improved waste management and therefore significantly reduce plastic (and other pollutants) leakage to the environment.

Sound waste management is key to drive action towards a more lean and circular economy that is socially and environmentally responsible. Indeed the knowledge of waste volumes and materials flow diagrams from producer to end of life are indicators that provide the insights needed to drive reduction, reuse, and safe recycling schemes.

In general sound waste management is a building block to progress on most of the SDGs. Investing in waste management is about investing in prevention policies, as well as in the collection and treatment of the waste that exists. It has significant positive impacts on health, flooding risks, water quality, natural resources preservation, climate change mitigation, and even local energy production. The waste prevention policies, though necessary to preserve resources, have a potential negative impact on economic growth and employment. These negative impacts need to be carefully mitigated through the international instrument being negotiated for it to be successful.

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: