

## 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](mailto: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.

**TEMPLATE FOR SUBMISSIONS (part a)**

Name of country (for Members of the committee)	
Name of organization (for observers to the committee)	Health and Environment Justice Support (HEJSupport), Swedish Society for Nature Conservation (SSNC), groundWork South Africa (gW)
Contact person and contact information for the submission	Olga Speranskaya ( <a href="mailto:olga.speranskaya@hej-support.org">olga.speranskaya@hej-support.org</a> ) Alex Caterbow, HEJSupport: <a href="mailto:alexandra.caterbow@hej-support.org">alexandra.caterbow@hej-support.org</a> Andreas Prevodnik, SSNC: <a href="mailto:andreas.prevodnik@ssnc.se">andreas.prevodnik@ssnc.se</a> Rico Euripidou, groundWork South Africa: <a href="mailto:rico@groundwork.org.za">rico@groundwork.org.za</a>
Date	

**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 future instrument should be the **entire life cycle of plastic materials and products** thereof, but with priority to upstream actions to prevent generation of hazardous materials and waste.

This necessitates a **core element of globally harmonized and binding information exchange**, based on transparency of information for chemical and polymeric composition of materials/products and traceability of disclosed chemical information linked to individual materials and products throughout their respective life cycles, as well as transparency for e.g. production volumes, exports and imports.

- This core element must be supported by control measures, such as a **transparency standard** and associated negative list of chemicals disclosed with the standard; **restrictions and bans of problematic chemicals/monomers/oligomers/polymers**, as well as **restrictions of plastic types to essential uses**. Criteria for all of this needs to be set up, for example in annexes to the treaty.

**All plastic chemicals, including monomers, oligomers and polymers, and their feedstocks,**

should be in the scope of the instrument. While some stakeholders may need access to full chemical information in plastics, it must be ensured that all stakeholders in the value chain **at the minimum**, have access to information of the identity and presence of hazardous chemicals/monomers/oligomers/polymers. Access to chemical information should be provided for all plastic types, including plastic produced using renewable sources, because a molecule has the same inherent hazard properties irrespective of feedstock.

If the plastic treaty does not include a legally binding globally harmonized requirement for disclosing and tracking chemical information in plastic materials and products within their entire lifecycle and for all stakeholders in the value chain, it would only result in its ineffective implementation in the future, more disagreements between parties and attempts to create additional annexes or other instruments.

**Product types should not be limited in the scope.** All plastic products should be covered, i.e. including medical materials, food contact materials, etc., irrespective of feedstock used in plastic production.

**Training and education should target consumer and company behaviors of relevance to waste generation and littering.**

Explanatory Text:

The plastic crisis can only be addressed holistically, which necessitates a life cycle approach. Waste management and clean up measures for legacy problems are important, but false solutions like waste-to-fuel, waste-to-energy, cement kilns, or any thermal treatments of plastic waste should be prohibited. Preventive measures should be fully implemented to minimize waste generation. Principal drivers and root of the problems must be dealt with simultaneously, in the upstream parts of plastic value chains.

Plastics are essentially chemical products, still predominantly from fossil sources. Pollution caused by plastic production, use and disposal, contribute to climate change, and climate change at the same time exacerbates the effects of pollution. The future plastic treaty should play a significant role in addressing the chemical plastic pollution and the climate impact of plastics.

For the most effective regulation of the global manufacturing, use and waste handling of plastic products, no product types should be excluded from the scope of the instrument. We will regret omissions now, and it would only necessitate the reopening of the instrument for negotiations in the future, or creation of additional instruments.

Promotion of behavioral change must go hand in hand with regulations in the production, use, and disposal of plastics. This requires education.

## 2. Principles

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

Proposed principles:

Human rights-based, with reference to the universal rights to access to information, health, and a clean and safe environment.

No data no market for plastic chemicals, monomers, oligomers and polymers. This is in line with the precautionary principle.

Green chemistry.

Toxic-free circular economy

Waste hierarchy (prevention, reuse, recycling, energy recovery, disposal).

Just transition.

Explanatory Text:

The mentioned human rights are enshrined in, e.g. the International Covenant on Economic, Social and Cultural Rights, and the UNGA resolution declaring a clean, healthy and sustainable environment to be a universal human right.

The precautionary principle is principle 15 of the Rio Declaration. No data no market is at the core of preventive chemicals policies and legislation. It is a basic principle in the EU REACH (Registration, Evaluation, Authorization and Restriction of Chemicals) Regulation.

Green Chemistry principles are well-recognized and aim to establish resource efficiency and eliminate pollution at the molecular level.

Circular economy aims at establishing resource efficiency, by prolonging life spans of manufactured products, reuse or recycle them, to minimize terminal waste generation. This is a good principle, provided that material cycles are toxic-free, which requires the treaty core element transparency and traceability for chemical and polymeric composition of materials.

The waste hierarchy is a well-established principle. It also serves to establish resource efficiency and waste minimization. Overlaps partly the circular economy principles.

All measures taken in regulating the plastic life cycles must be seen through a just transition lens, to make sure that necessary transformative changes in ways that we manufacture, use and dispose plastic are inclusive and benefit all, irrespective of social status, gender, nationality, and age, etc.

### **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:

To complement a core element on information sharing, several annexes should be developed:

- One for a globally harmonized transparency standard that defines criteria for the scope of chemicals to be disclosed and at what concentration thresholds;
- One with a negative list with chemicals to disclose;
- One with guidelines for information sharing, i.e. how information can be tagged onto individual materials and products and how it can be retrieved;
- One that describes the setup of a centralized database to which disclosed data is reported, including the modalities (who reports to whom, in what format, who has access to the data, etc.)

Furthermore, we envision an annex that defines criteria for chemicals, including monomers/oligomers/polymers, of concern, an annex listing restricted or banned chemicals, including monomers/oligomers/polymers, an annex with criteria for “essential uses”, one annex with a negative list of problematic plastics, and potentially one with a positive list of allowed plastics for specific applications.

Explanatory Text:

Core elements should define obligations without specifying how. Implementation instructions fit in annexes. This setup allows for flexibility to change standards and criteria more easily, et.c., in the future.