

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.

TEMPLATE FOR SUBMISSIONS (part a)

Name of country (for Members of the committee)	INDIA
Name of organization (for observers to the committee)	
Contact person and contact information for the submission	Mr.Naresh Pal Gangwar, Additional Secretary, Ministry of Environment, Forest and Climate Change, Government of India Email: asnpg.mefcc@gov.in
Date	15.09.2023

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?

<p>Proposed scope</p> <ul style="list-style-type: none"> • The scope of the instrument should be circumscribed as per UNEA 5.2 resolution 5/14. Any potential considerations on elements defining scope should not be beyond the mandate of UNEA 5/14 resolution. • The definition of scope should not overlap with mandates of relevant existing multilateral governmental agreements and other relevant multilateral forums such as the World Trade Organization (WTO). • The definition of scope should take into account principles of Rio Declaration on Environment and Development including Common but Differentiated Responsibility as well as national circumstances and capabilities.

- The legally binding instrument should address plastic pollution, including in the marine environment, through both binding and voluntary approaches, based on a comprehensive approach, taking into account, among other things, principles of Rio Declaration on Environment and Development including Common but Differentiated Responsibility as well as national circumstances and capabilities, and availability, accessibility, affordability including cost implications of alternative technologies, and by specifying arrangements for capacity-building and technical assistance, technology transfer, and financial assistance.
- The instrument should specifically address plastic pollution only.
- There should be no binding targets / cap with respect to production of plastic polymers.
- Coverage of substances, materials, products, as required, should be related to addressing plastic pollution.
- Obligations shall be directly linked with availability of adequate and predictable financial and technical resources for developing countries and this should be made part of substantive provisions
- The scope of the instrument should be circumscribed by Rio Principle 12 which emphasizes that “trade policy measures for environmental purposes should not constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade. Unilateral actions to deal with environmental challenges outside the jurisdiction of importing country should be avoided. Environmental measures addressing transboundary or global environmental problems should, as far as possible, be based on an international consensus.”

Explanatory Text:

- UNEA Resolution 5/14 lays down the contours of global action on plastic pollution.
- Countries have different levels of development, unique circumstances and differential contribution to the plastic pollution that the world faces today, in all its gravity.
- This has been duly recognized in UNEA 5/14 through the incorporation of the principles of Rio

Declaration on Environment and Development particularly, Rio principle-7 on “Common but Differentiated Responsibility”, as well as “national circumstances and capabilities”. While negotiating we need to imbibe these principles in the international legally binding instrument. It is important for the developed countries having technologies and financial resources to provide for means of implementation for ensuring sustainable adoption and implementation of agreed elements of the legally binding instrument by developing countries.

2. Principles

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

Proposed principles:

The obligations and implementation of the legally binding instrument should be based on the principle of Common but Differentiated Responsibility as well as national circumstances and capabilities and take into account the principles of Rio Declaration on Environment and Development.

Explanatory Text:

- Countries have different levels of development, unique circumstances, and differential contribution to the plastic pollution that the world faces today, in all its gravity. This has been duly recognized in UNEA 5/14 through the incorporation of the principles Rio Declaration on Environment and Development especially Common But Differentiated Responsibility, as well as national circumstances and capabilities. While negotiating, there is a need to imbibe these principles in the international legally binding instrument.
- The common but differentiated responsibilities principle means that all countries have a shared duty to protect the environment from plastic pollution, but also different abilities and situations that should be considered when assigning obligations and providing support. This principle is based on the idea that developed countries have a greater historical responsibility and capacity to address plastic pollution, while developing countries need more assistance and flexibility to do so.
- It is important for the developed countries having technologies and financial resources to provide for means of implementation for ensuring sustainable adoption and implementation of agreed elements by developing countries.

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: -----
