

Proposed response template on written submissions prior to INC-3 (part b)

Potential Areas Identified by the Contact Groups

At its second session, the intergovernmental negotiating committee (INC) requested the secretariat to invite written submissions on:

- Any potential areas for intersessional work compiled by the co-facilitators of the two contact groups¹, to inform the work of INC-3.

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.

All written submissions must be sent to unep-incplastic.secretariat@un.org. The submissions received will be made available on the INC webpage.

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.

¹ Contact Group 1 focused on Section A: Objective(s). Section B: Substantive Obligations; Contact Group 2 focused on Sections C: Means of Implementation. D: Implementation measures. E: Additional matters as contained in part II of the Annex to document UNEP/PP/INC.2/4.

TEMPLATE FOR SUBMISSIONS

Name of country (for Members of the committee)	
Name of organization (for observers to the committee)	International Pollutants Elimination Network (IPEN)
Contact person and contact information for the submission	Vito A. Buonsante, Technical and policy advisor, vitobuonsante@ipen.org
Date of submission	15 August 2023

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 1². 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)

² The report can be accessed here: <https://wedocs.unep.org/bitstream/handle/20.500.11822/42621/CG1.pdf>.

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 mobilise 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.

Contact Group 1:

IPEN believes that, in order to implement the mandate from paragraph 3(b) of UNEA resolution 5/14 to promote sustainable production and consumption of plastics through, among other things, product design and environmentally sound waste management, including through resource efficiency and circular economy approaches, it will be crucial to focus the efforts in the intersessional work on the identification of criteria for identifying chemicals and polymers of concern (points 2-3 listed above) so that plastics could be designed with a lower impact on human health and the environment.

In order to evaluate the mechanism to regulate chemicals under the treaty, during the intersessional process a mapping of how the chemicals found in plastics are regulated in countries and regions should be compiled. This would also help in compiling an initial list of chemicals, and groups of chemicals to form of an initial list to be controlled under the treaty which could for example include monomers and polymers such as PVC, PS and fluoropolymers and groups of chemicals that have been identified at harmful to human health and the environment including chlorinated paraffins, bisphenols, brominated flame retardants, polyaromatic hydrocarbons, alkylphenols, phthalates, benzotriazole UV stabilizers, brominated dioxins and. Per and polyfluoroalkyl substances (PFAS) [See also: [UNEP \(2023\)](#), [BRS \(2023\)](#), [IPEN \(2023\)](#)]

The intersessional work should also include experiences in control measures including bans, restrictions, eco-design criteria, transparency and traceability measures.

Contact Group 2:

We would recommend creating an open-ended intersessional group that would cover the following areas of intersessional work identified by Contact group 2:

- **To further consider how a potential financing mechanism could work [including a new standalone mechanism, a hybrid mechanism, or an existing mechanism]**
 - States should establish a dedicated plastics multilateral fund or funds through the new instrument, with Member States and other funding sources contributing funds for support. The chemicals and waste cluster is severely underfunded and despite a substantial GEF replenishment for the period 2022-2026, funding is insufficient to cover the implementation of existing MEAs. In order to ensure that the implementation of the Plastics Treaty is duly funded, States should work intersessionally to plan on how a multilateral fund that has sufficient and predictable funding could be created and could function to implement the Plastics Treaty and other related chemicals and waste MEAs. Pollution is recognized as a planetary crisis but, unlike climate and biodiversity, it does not have its own funding to implement the necessary measures.
- **To identify options to mobilise and align private and innovative finance (including in relation to matters at 24(e) and the proposed Global Plastic Pollution Fee (GPPF))**
 - as many member states have pointed out that the polluter pays principle should be one of the underlying principles of the Treaty, the implementation of the plastics treaty will need to be funded, at least in part, through funds coming from the plastics, chemicals, and related industries, through fees, taxes, and extended producers' responsibility schemes that ensure the internalization of costs. The intersessional work should focus on mapping experiences on cost internalization mechanisms and their effectiveness. In particular, evidence should be gathered on how extended producers' responsibility programs could be effective in making the plastics' industry responsible beyond national borders, as plastics are traded internationally as well as on how a global pollution fee could be created and made operational.
 - As a possible control measure includes to address existing plastics pollution and stockpiles, State could work intersessionally to develop a mechanism to mobilise and collect funds to address legacy pollution, such as a "Plastic Pollution Legacy Fund" made up of contributions from sectors that produced the materials that comprise legacy pollution. The Intersessional group could build on the example of the Stockholm Convention approach to addressing obsolete pesticide stockpiles

which engages the relevant sectors to fund activities to remediate pesticide-contaminated sites and hotspots.

- **To map current funding and finance available [to address plastic pollution] and determine the need for financial support for each Member:**

- As the legally binding instrument on plastic pollution will cover the entire lifecycle of plastics there will be considerable financial needs to implement the instrument. Robust implementation will need financially supported enabling activities that are required to implement the obligations under the Treaty. These enabling activities would require financial support for, for example, capacity building, monitoring, reporting, and stakeholder participation. Intersessional work should focus on understanding the needs for financial support without duplicating the work already existing under documents [UNEP/PP/INC.1/9](#) and [UNEP/PP/INC.1/INF/10](#) which provide an overview of existing funding currently available for addressing plastic pollution