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:
The scope of the instrument can be adopted from the UNEA Resolution 5/14.

For instance UNEA Resolution 5/14:

“Recalling United Nations Environment Assembly resolutions 1/6, 2/11, 3/7, 4/6, 4/7 and 4/9* and affirming the urgent need to strengthen global coordination, cooperation and governance to take immediate action towards the:

- long-term elimination of plastic pollution in terrestrial, marine and other environments, and to
- avoid detriment from plastic pollution to ecosystems and
- the human activities dependent on them”,

Paragraph 3 : “the intergovernmental negotiating committee is to develop an international legally binding instrument on plastic pollution, including in the marine environment, henceforth referred to as “the instrument”, which could include :

- both binding and voluntary approaches;
- a comprehensive approach that addresses the full life cycle of plastic;
- an account, among other things of the principles of the Rio Declaration on Environment and Development;
- national circumstances and capabilities.

Explanatory Text:

The UNEA resolution 5/14 can form a useful baseline for negotiations on the scope of the instrument because it is the result of extensive discussions, negotiations and consensus among member states
and experts in the field of environmental policy. Using elements adopted from the resolution can ensure that the treaty builds upon the expertise and consensus-building process that was already achieved at UNEA.

2. Principles

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

Proposed principles:

- **The principle of Sustainable development** (Principle 1) this applies under the understanding that “Human beings are at the centre of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature”. This principle also forms the basis for sustainable production and consumption.
- **The principle of common but differentiated responsibilities (CBDR)** (Principle 7) that can apply when establishing a financial mechanism under the treaty and when considering national circumstances.
- **Public participation in environmental decision-making (Principle 10)** public participation fosters a sense of responsibility for the environment and encourages long-term commitment to sustainable practices by various stakeholders.
- **Access to information (Principle 10)** at National level access to information ensures that relevant data, documents, and decision-making processes related to environmental issues are transparent and accessible to all stakeholders. At global level it allows countries to share data, research, and best practices, leading to more effective global efforts to address environmental challenges associated with plastics.
- **Transboundary environmental justice**, also known as the “no harm rule” protecting states from transboundary harm (Principle 14) – It emphasizes the need for countries to work together to prevent, reduce, and mitigate the adverse impacts of plastics in shared marine environments. In addition Plastic pollution can disproportionately affect countries with less capacity to manage or mitigate its impacts. The "no harm rule" helps address the potential inequity by holding polluting countries accountable and ensuring that they provide assistance and support to affected states.
- **The precautionary principle** (Principle 15)- plastic pollution in the marine environment is a transboundary issue that requires international cooperation. The precautionary principle encourages countries to work together to address the issue collectively, even in the absence of comprehensive scientific data.
- **The polluter pays principle** (Principle 16) In the context of a global treaty, the polluter pays principle can help allocate financial responsibilities fairly among countries and parties to the treaty. It can ensure that countries with higher levels of plastic production and pollution contribute proportionally to mitigation efforts. Encouraging the polluter to pay for the environmental costs of plastic pollution reinforces the idea of long-term sustainability. It discourages short-sighted practices that prioritize profit over environmental well-being.
Explanatory Text:
In addition to the above there are various other important principles that can also be considered under the treaty including: intergenerational equity, prevention principle, Zero waste principle (this deviates from the traditional waste hierarchy in that a zero waste system; all waste can be reused until the optimum level of consumption is achieved.

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:

- Annex on key principles and minimum requirements for Extended Producer Responsibility (EPR) systems
  This annex may recommend or require parties to the treaty to establish EPR measures or legislation or align their existing measures with standardized requirements, with a primary focus on reducing mismanaged waste and advancing circular economy solutions, particularly in priority sectors like packaging. The proposed Annex can be designed to establish a standardized approach to the implementation of national EPR legislation or measures, recognizing that countries may have varying starting points and regulatory paths. It would address several critical aspects of EPR systems, including: Scope, Roles, Responsibilities, Reporting, Monitoring and Enforcement

  If this is not appropriate for an annex, then it is proposed that a temporary body or technical committee or task force of subject experts be established for specific tasks to develop criteria, or guidelines on key principles and minimum requirements for Extended Producer Responsibility (EPR) systems as requested by the CoP

Explanatory Text:
Extended Producer Responsibility is important for developing countries within the context of a legally binding treaty to combat plastic pollution because it offers a comprehensive framework for reducing environmental harm, promoting sustainable development, and creating economic opportunities while addressing the unique challenges and limitations faced by these nations in managing plastic waste

1 Also see INC-3 Submission by Business Coalition for a Global Plastics Treaty, Written submission prior to INC-3 (part a)