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 prospective instrument is clearly outlined in Resolution 5/14 and it should not be expanded in the text of the prospective instrument or be subject to negotiations. Doing so will run counter to the ambition that helped pass Resolution 5/14 and divert the attention that is needed for defining and negotiating control measures that will become treaty articles.

Explanatory Text:

2. Principles

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

Proposed principles:
1. Precaution
2. Polluter Pays
3. Volume Control
4. Zero Waste Management Hierarchy
5. Common but Differentiated Responsibility (CBDR)
6. Multi-stakeholder Participation
Explanatory Text:
The instrument should identify a range of market instruments to ensure the “polluter pays” principle and extended producer responsibility, ranging from charging an importer, producer, or disposer of plastic product for its production or disposal and shifting product life cycle costs to producers through take-back mandates.

The treaty should be guided by the principle of the zero-waste hierarchy. How to operationalize the principle: the (especially financial) resource allocation needs to prioritize to the top layer of the hierarchy i.e. to reduce & redesign (the system) which normally received much less attention and (financial support) in the existing mechanisms (national, regional and international) and should be reversed in this new treaty. To justify our demand above, an intersessional work on mapping out the current financial resource allocation along the zero-waste hierarchy landscape will be helpful.

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:

1. Definition of plastic
   Plastics are complex materials composed of chemical mixtures, including polymers, additives, and processing aids, as well as unintentionally added substances. To make the instrument fully solve the problem of plastic pollution, plastics should be defined as chemical mixtures.

2. Stakeholder engagement
   More participation support for NGOs is needed, including financial and interpretation assistance in INC negotiations as observers, as well as access to contact groups to make suggestions to Member States.

Explanatory Text: