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:

Substances, materials, products, and behaviors:

The future instrument should cover a wide range of substances, materials, products, and behaviors that contribute to plastic pollution. This could include single-use plastics, microbeads, plastic packaging, and plastic waste management. The instrument should also address the behavior of individuals, businesses, and governments in relation to plastic pollution. This could include education and awareness campaigns, waste reduction measures, and recycling programs.

Geographical scope:

The future instrument should have a global scope, as plastic pollution is a global problem. However, it could also include provisions for regional or national implementation. The instrument should also take into account the specific needs of developing countries, as they are often the most affected by plastic pollution.

Explanatory Text:

The proposed scope for the future instrument is based on the following considerations:
The need to address the full life cycle of plastics: The future instrument should address all aspects of the life cycle of plastics, from production to disposal. This is necessary to prevent plastic pollution from occurring in the first place and to minimize the environmental impacts of plastic pollution.

The need to be comprehensive: The future instrument should be comprehensive in its coverage of substances, materials, products, and behaviors. This is necessary to address the full range of challenges posed by plastic pollution.

The need to be effective: The future instrument should be effective in reducing plastic pollution. This means that the instrument should be legally binding and should include strong enforcement provisions.

The proposed scope is ambitious, but it is necessary to address the serious problem of plastic pollution. The instrument should be comprehensive and flexible enough to adapt to the changing nature of plastic pollution. It should also be fair and equitable, so that all countries can benefit from it.

2. Principles

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

Proposed principles:

Principle of precaution: This principle states that action should be taken to prevent environmental harm, even if there is no scientific certainty about the risks.

Principle of polluter pays: This principle states that the polluter should bear the costs of pollution, including the costs of cleaning up and preventing pollution.

Principle of equity: This principle states that the benefits and burdens of environmental protection should be shared equitably among all countries.

Principle of cooperation: This principle states that countries should cooperate to address environmental problems, such as plastic pollution.

Principle of sustainability: This principle states that environmental protection should be integrated into economic and social development.

Explanatory Text:

The proposed principles are based on the following considerations:

The need to take a precautionary approach to plastic pollution, given the serious environmental and health risks it poses.

The need to ensure that polluters pay for the damage they cause, in order to discourage pollution and to provide resources for clean-up and prevention.

The need to ensure that the benefits and burdens of environmental protection are shared equitably, so that no country is unfairly disadvantaged.

The need for international cooperation to address plastic pollution, as it is a global problem.

The need to integrate environmental protection into economic and social development, so that it does not become a barrier to development.
The proposed principles are essential for the effective implementation of the future instrument. They will help to ensure that the instrument is fair, equitable, and effective in addressing the serious problem of plastic pollution.

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:

**Preamble:** The preamble should set out the purpose and objectives of the future instrument. It should also reaffirm the principles of international law that are relevant to plastic pollution, such as the precautionary principle and the polluter pays principle.

**Institutional arrangements:** The future instrument should establish an institutional framework to oversee its implementation. This could include a governing body, subsidiary bodies, and a secretariat. The institutional framework should be designed to be effective, efficient, and transparent.

**Scientific and technical cooperation and coordination:** The future instrument should promote scientific and technical cooperation and coordination on plastic pollution. This could include the establishment of a scientific advisory body, the development of guidelines and standards, and the sharing of information and data.

**Dispute settlement:** The future instrument should include a dispute settlement mechanism to resolve disputes between parties to the instrument. This mechanism should be fair, equitable, and effective.

**Annexes:** The future instrument could include annexes that provide more detailed information on specific aspects of plastic pollution, such as the definition of plastic pollution, the scope of the instrument, and the institutional arrangements.