Call for written submissions – Proposed response template on the potential options for elements towards an international legally binding instrument

On 9 December 2022, the Executive Secretary of the INC Plastic Pollution Secretariat sent a notification inviting written submissions from members of the committee and from observers. The template below is intended to provide guidance to members of the committee and observers in structuring the written submissions.

As requested by INC-1, written submissions will inform the secretariat in the preparation of a document with potential options for elements towards an international legally binding instrument, for consideration at the second session of the INC, without in any way prejudging what the committee might decide regarding the structure and provisions of the instrument. The document is to be based on a comprehensive approach that addresses the full life cycle of plastics as called for by UNEA resolution 5/14, including identifying the objective, substantive provisions including core obligations, control measures, and voluntary approaches, implementation measures, and means of implementation.

The template below is meant to assist Members and Observers to prepare their written submission as a guide. A number of documents prepared for INC-1 are of relevance, notably 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’.

The template is divided into three sections:

I. Substantive elements
II. Implementation elements
III. Additional input

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

Please note that it is not required for all fields to be answered in the template for submission.

Deadline for submissions:

- 6 January 2023 for written submissions from observers.
- 10 February 2023 for written submissions from Members of the Committee.
I. Substantive elements

1. Objective(s)

a) What objective(s) could be set out in the instrument?

Proposed Objective:
Adopting a circular approach along the full life cycle of plastics to ensure that no plastic is leaked into the environment by a specific date, e.g. by 2035.

Explanatory Text:
The overall objective should establish a specific year after which no plastic should be leaked into the environment. To achieve this, a life cycle approach should be adopted to address the full plastics value chain. This should guide the development of the international legally binding instrument on plastic pollution.

Proposed Objective:
Cap the total amount of virgin plastic production and gradually reduce it to a minimum.

Explanatory Text:
The total amount of virgin plastic production should be capped, either by determining a ceiling of material volume for each country based on population size and presence/size of major plastic producers within that country, or by establishing a year after which no virgin plastic is to be produced. Simultaneously, measures and solutions to increase the use of secondary materials, as well as ensure their safety through managing harmful substances, need to be established. This includes harmonizing regulatory standards and definitions across markets.
Existing plastic pollution needs to be removed from the environment.

Explanatory Text:

Existing plastic pollution on land, including rivers and lakes, as well as in the oceans, needs to be removed. To achieve this, the polluter pays principle should be applied to include major plastic producers and emitters into the implementation.

2. Core obligations, control measures and voluntary approaches

a) What core obligations, control measures and voluntary approaches would provide a comprehensive approach to addressing plastic pollution, including in the marine environment, throughout the full life cycle in line with the future objective(s) of the instrument?

   a) Core obligations should include defining national targets, in collaboration with local governments and major producers, to reduce plastic pollution. To achieve these targets, national action plans developed with local governments and major producers are required as control measures. Another control measure should see the establishment of a mechanism to harmonize the regulatory framework for a circular economy for plastics.

II. Implementation elements

1. Implementation measures

a) How to ensure implementation of the instrument at the national level (e.g. role national action plans contribute to meeting the objectives and obligations of the instrument?)

b) How to ensure effectiveness of the instrument and have efficient national reporting?

c) Please provide any other relevant proposals or priorities here on implementation measures (for example for scientific and technical cooperation and coordination as well as compliance).

   a) National action plans to address plastic pollution addressing the three core objectives should be developed in consultation with local governments and major plastic producers and emitters. Corporations can submit action plans on a voluntary basis.
b) Common reporting methodologies and metrics need to be established across the entire plastic value chain, to ensure corporate as well as national reporting is facilitated. Reporting should be obligatory at national level and for major producers and polluters.

c) 1. Financing: A financing mechanism needs to be developed following the polluter pays principle.
   2. Science-based policy making: The integration of new scientific insights and developments into policy making needs to be ensured. This could follow the example of the Intergovernmental Panel on Climate Change (IPCC), to establish an Intergovernmental Panel on Plastic Pollution (IPPP).

2. **Means of Implementation**

With respect to means of implementation, document UNEP/PP/INC.1/5 covers the following elements: capacity-building, technical assistance, technology transfer on mutually agreed terms and financial assistance.

a) **What measures will be required to support the implementation of the instrument?**

Capacity-building, technical assistance and technology transfer should be delivered to countries and localities most affected by plastic pollution.
III. Additional input

Please provide any other relevant proposals or priorities here (for example introductory elements; awareness-raising, education and exchange of information; research; stakeholder engagement; institutional arrangements and final provisions).

Cities and local governments remain an important stakeholder and need to be formally integrated into this process.

Considering that there is no SDG focusing on waste or plastics specifically, the development of an international legally binding agreement on plastic pollution should be linked to the 10YFP for Sustainable Production and Consumption. Further, the development should seek synergies with climate neutrality targets, as well as biodiversity targets.

The drafting and adoption of a convention should not be the only goal, there needs to be a clear vision for implementation. Of the many environmental conventions adopted, only a select few of them have delivered. The global community should refrain from drafting legal documents without enforcement or implementation - this is why engaging local governments is vitally important in developing this global plastics treaty.