Written submissions prior to INC-3 (part b)

Potential areas of intersessional work

Name of organisation (for observers to the committee)	**Business Coalition for a Global Plastics Treaty** https://www.businessforplasticstreaty.org/ Convened by the Ellen MacArthur Foundation and WWF, in collaboration with aligned businesses and financial institutions, and supported by NGO partners
Contact person and contact information for the submission	**Carsten Wachholz, Co-Lead** Coalition Secretariat c/o Ellen MacArthur Foundation carsten.wachholz@businessforplasticstreaty.org
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Introductory remarks

The Business Coalition's view on the 'INC options paper' (UNEP/PP/INC.2/4) is that it provides a good basis to inform both the development of a zero draft legal text for the instrument and the definition of potential areas of intersessional work, provided that we maintain the following structural elements to inform the work of INC-3:

- The broad coverage of potential core obligations and control measures across the plastics life-cycle, including reduction, circulation, and prevention alongside remediation. This is vital as a combination of all those solutions is required to end plastic pollution in line with the Business Coalition's policy recommendations for an ambitious and effective global treaty.
- The use of technical annexes to the treaty, allowing for a "start-and-strengthen" approach and tailoring control measures to the specifics of different sector and product applications.
- No decision should be taken at this stage whether or not a certain option would become mandatory for all parties to the treaty to implement, or not. The drafting of legal text expected to happen ahead of INC-3 can provide options for both where needed.
- However, ultimately the Business Coalition calls for a treaty with legally-binding global rules and measures to drive change on a global scale through harmonised regulations. Therefore, it is key to enhance a common understanding amongst government delegations of what each option entails and not waste precious negotiating time to discuss purely voluntary measures.
- Therefore, we encourage governments to agree on organising additional intersessional work on key policy areas as outlined below in this submission.

BUSINESS COALITION FOR A GLOBAL PLASTICS TREATY

Priority policy areas proposed for intersessional work

In its position paper for INC2, the Business Coalition for a Global Plastics Treaty has outlined 11 policy priorities for further consideration in the negotiations:

REDUCTION of plastic production and use through a circular economy approach

1. Reduction strategy
2. Elimination criteria
3. Reuse options and new delivery models

CIRCULATION of all plastic items that cannot be eliminated

4. Product design and recycling systems
5. Extended Producer Responsibility (EPR) and Deposit Return Systems (DRS)
6. Recycled plastics
7. Informal sector

PREVENTION and REMEDIATION of remaining micro- and macro-plastic leakage into the environment

8. Waste management
9. Microplastics

CROSS-CUTTING ISSUES

10. Economic instruments and financial mechanisms
11. Monitoring and reporting

Without preempting the outcome of the INC, the Business Coalition is supportive of governments conducting intersessional work on all of these policy areas listed above. In this submission, we would like to focus on the following areas where we plan to provide further input to governmental delegations, consultation processes and/ or when the INC requests stakeholders and experts for contributions, based on the summary of our recommendations below.

Elimination criteria

This proposal is linked to both Section B. 2. Banning, phasing out and/or reducing the use of problematic and avoidable plastic products and Section B. 3. Banning, phasing out and/or reducing the production, consumption and use of chemicals and polymers of concern (see pages 5-6 in the INC options paper).

Intersessional work in this area should focus on criteria and lists establishing

- Chemical substances used in the production process, specific polymers, or plastic additives that pose a significant health or environmental risk over their product lifecycle, including for workers in the informal waste sector
- Material combinations and product designs that technically or economically hamper the recycling of specific waste streams
- Plastic applications that are at high risk of ending up in nature and should be prioritised for elimination if circulation does not work in practice and at scale

Intersessional work is key to start applying harmonised criteria and compiling an initial list of problematic plastics and additives, differentiated by application, prioritising short-lived items including packaging. Governments should also discuss any provisions needed to avoid unintended environmental, social, or economic consequences. The Business Coalition is of the view that good starting points for developing both criteria and initial lists for phasing out problematic plastic products and packaging exist.[1]

Reuse options and new delivery models

This proposal is linked to Section B. 7. Encouraging reduce, reuse and repair of plastic products and packaging (see page 9 in the INC options paper).

Intersessional work in this area should focus on establishing

- Definitions, metrics, and standards for reuse systems and new delivery models
- Best practices for hygiene, safety, and quality management of reuse and refill systems
- Incentives and support needed to direct investment from the private sector into reuse models, including shared infrastructure and reverse logistics

Intersessional work is key to provide guidelines to governments to facilitate a globally coordinated implementation of national reuse policies. The Business Coalition is of the view that individual countries and businesses alone cannot realise the shift to reuse and refill solutions at a global scale without supportive legislation applied consistently across markets.[2]

Product design and recycling systems

This proposal is linked to Section B. 5. Strengthening waste management, B. 6. Fostering design for circularity and B. 7. Encouraging reduce, reuse and repair of plastic products and packaging (see pages 7-9 in the INC options paper).

Intersessional work in this area should focus on establishing

- Clear definitions and harmonised criteria on design for circularity, distinguishing between design for reduction, design for reuse, and design for recycling of plastic products and packaging
- Sector-specific design for recycling requirements to ensure that products and packaging containing plastics are 'designed for recycling' or 'technically recyclable'[3]

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[1] Ellen MacArthur Foundation (2023): Initial considerations for global rules in the international legally binding instrument to end plastic pollution. Appendix A: Elimination of problematic plastic packaging; WWF (2023): Breaking down high-risk plastic products; WWF (2023): Regulating High-risk Plastic Products

[2] Ellen MacArthur Foundation (2023): From single-use to reuse. A priority for the UN plastics treaty

[3] Many voluntary guidelines on design for recycling already exist, mostly focusing on packaging. While they have some differences, they are broadly aligned and would provide valuable input for discussion in this area: The Consumer Goods Forum Golden Design Rules, The Association of Plastic Recyclers (APR) Design Guide, China National Resources Recycling Association: 'General guidelines for the evaluation of plastics products', Indian Plastic Pact Design Guidance, Australian Government: National Plastics Plan, and Plastics Recyclers Europe RecyClass Guidelines.

- The type of infrastructure and systems needed for after-use recirculation that match those design for recycling requirements, focusing first on plastic products that have high-leakage rates and/or are short-lived, such as packaging or apparel, while adding other sectors and plastic applications over time
- A common framework for setting national targets and standards for the collection, sorting, reuse and recycling, reflecting the infrastructure development needs for different plastic applications
- Rules on how to account for the international trade of both plastic products and waste:[4] (1) when products are shipped to a country where a suitable (mechanical) recycling system does not yet exist at the scale needed, and (2) when plastic waste requires processing in a third country to achieve national recycling targets
- A recyclability assessment method, including global and regional thresholds when a 'technically recyclable' plastic product or packaging is to be assessed as being 'recycled in practice and at scale', or identified to be phased out if no sufficient recycling infrastructure is ultimately built[5]
- A common approach to define the end of waste status of recycled plastics, determine quality of recyclates, and manage harmonised limits on the presence of problematic chemicals

Intersessional work is key to make sure that harmonised design requirements for plastic materials and products match with the setting up and scaling of infrastructure and systems for their after-use recirculation. The Business Coalition is of the view that compliance with globally harmonised standards is the key to ensure that plastics are safe to be used, reused, and recycled as a prerequisite to keep them in the economy at their highest value for as long as possible.

Extended Producer Responsibility (EPR)

This proposal is linked to Section B. 5. Strengthening waste management, paragraph 14.(d)(iii) Establish EPR systems to incentivize recycling, taking into account national circumstances, as well as Section C. 1. Financial Assistance, paragraph 24.(e)(ii) on EPR systems (see pages 8 and 14 in the INC options paper).

Intersessional work in this area should focus on establishing

- A definition for EPR schemes that require all companies who introduce certain products or packaging to the market to fund their eventual collection and treatment[6]
- Key principles for the design and implementation of EPR policies at the national level, while acknowledging different starting points and regulatory pathways of countries on their journey to establishing mandatory, effective and fee-based EPR schemes
- Minimum requirements for well-designed EPR systems, including the scope of covered materials, activities, and targets; the roles and responsibilities of different stakeholders (such as Producer

[4] In line with other international agreements such as the Basel Convention Plastic Waste Amendments

[5] This 'in practice and at scale' approach is already used by more than 130 large businesses in the Global Commitment to assess the recyclability of their plastic packaging portfolio in a 2025 timeframe. The recyclability of a packaging design is proven 'in practice and at scale' only if that packaging achieves a 30% post-consumer recycling rate in multiple regions, collectively representing at least 400 million inhabitants. The EU proposal for a Packaging and Packaging Waste Regulation (PPWR) also acknowledges the need to go beyond just design for recycling. It sets an objective for all packaging to be recyclable 'at scale' by 2035, meaning packaging is collected, sorted, and recycled through infrastructure covering at least 75% of the European Union's population.

[6] Ellen MacArthur Foundation (2021): EPR as a necessary part of the solution to packaging waste and pollution

Responsibility Organisations who administer EPR systems, waste management service providers, and informal waste workers); as well as reporting, monitoring, and enforcement mechanisms[7]
- Support for governments to establish or improve their legislative framework, including through knowledge exchange across industries and countries on the development of socially inclusive, harmonised, and transparent EPR systems

Intersessional work is key because sufficient funding for scaling up plastic waste collection, sorting, and recycling systems worldwide is unlikely to come from public budgets or voluntary industry contributions at the required scale or on a continuous and reliable basis. The Business Coalition is of the view that EPR and associated compliance measures are key elements of a robust regulatory framework in which the responsibility, investments, and operational costs for the circulation and after-use management of relevant products and packaging are shifted, partly or fully, to the producing or importing industry.

Waste Management

This proposal is linked to Section B. 5. Strengthening waste management and B. 11. Facilitating a just transition, including an inclusive transition of the informal waste sector (see pages 7-8 and 12 in the INC options paper).

Intersessional work in this area should focus on establishing

- Support mechanisms for the implementation of effective municipal waste management systems tailored to national and local conditions, ensuring high collection and mechanical recycling rates, while minimising plastics being littered, landfilled, or incinerated
- Minimum requirements for the safe and controlled operation of waste management facilities that minimise emissions and releases of pollutants to water, land, and air
- Provisions to protect and respect the livelihoods, health, labour, and human rights of informal waste workers and enable a safe and just transition[8] to a circular economy
- Opportunities for the greater integration of the informal waste sector within formal value chains, including investments to build capacity, resilience, and self-organisation, informed by the views of informal sector workers themselves[9]

Intersessional work is key to better understand how the treaty could support countries in improving their waste management governance, taking national and regional differences into account. The Business Coalition is of the view that the treaty can support the collaboration of informal waste workers with more formal value chains at the same time as addressing human rights impacts and improving the effectiveness of current waste collection and recycling systems.

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[7] EPR is a policy tool already widely supported by the industry, with existing guidelines for the establishment of optimal EPR schemes in particular for packaging, including guiding principles for eco-modulation of fees – see for example: American Beverage Association (2020): Essential Principles for a Successful Circular Collection System; Consumer Goods Forum (2020): Building a circular economy for packaging (2020); Consumer Goods Forum (2022): Guiding principles for the Ecomodulation of EPR fees for packaging

[8] A just transition is defined as ending plastic pollution in a way that is as fair and inclusive as possible to everyone concerned, creating decent work opportunities and leaving no one behind. (Tearfund, Pre-INC2 submission, 12 January 2023)

[9] UN Habitat & NIVA (2022): Leaving no one behind