

Potential elements towards an international legally binding instrument to end plastic pollution

Response to the call for written submissions,
issued by the INC secretariat on 9 December 2022

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 strategic NGO partners
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About us

Launched in September 2022, the **Business Coalition for a Global Plastics Treaty** brings together businesses from across the plastics value chain, financial institutions and NGOs who are committed to supporting the development of an ambitious, effective and legally binding UN treaty to end plastic pollution, including from microplastics. The Coalition is convened by the Ellen MacArthur Foundation and WWF.

Over 80 organisations are already aligned on the vision of the treaty as the single most important opportunity to accelerate progress towards a circular economy in which plastic never becomes waste or pollution, and the value of products and materials is retained in the economy. Our coalition will **develop** ambitious policy recommendations, aligned with this vision, **engage** with treaty negotiators, **expand** its membership and convene an inclusive group of businesses and investors across different regions, and **build confidence** in the business community on the benefits and necessity of an effective treaty that sets common goals, rules, and obligations to be implemented in national jurisdictions.

Based on our shared vision, we outline in this submission the key outcomes required to achieve this vision, and key elements we believe a global treaty to end plastic pollution must include.

I. Substantive elements

1. Objective(s)

Our vision

Our vision is a circular economy in which plastic never becomes waste or pollution, and the value of products and materials is retained in the economy.

A comprehensive circular economy approach, that goes beyond better waste management and plastic recycling, can address the root causes of plastic pollution, and contribute to the global efforts to combat the climate¹ and biodiversity crisis² while delivering economic, environmental, and social benefits.

Currently, most plastics are not designed for a circular economy nor are they circulated in practice. Yet, the best available scientific analysis shows us that known circular economy solutions, if applied at scale, can reduce annual volumes of plastic pollution by at least 80% by 2040 compared to business-as-usual³ and achieve near-zero plastic pollution by 2060

¹ The Pew Charitable Trusts, Systemiq (2020), Breaking the Plastic Wave

² Ellen MacArthur Foundation (2021), The Nature Imperative: How the Circular Economy tackles Biodiversity Loss

³ The Pew Charitable Trusts, Systemiq (2020), Breaking the Plastic Wave

globally.⁴ **To end plastic pollution for good and increase the pace of change, we need a system-wide transformation that prevents plastic waste from being created in the first place, using a circular economy approach that tackles all steps of the value chain with a high level of ambition.**⁵

We welcome the UNEA Resolution, 'End Plastic Pollution: Towards an international legally binding instrument', and the establishment of an Intergovernmental Negotiating Committee (INC). **We see a legally binding treaty as the single most important opportunity to accelerate progress towards a circular economy for plastic, building on the lessons learned from existing initiatives.** By working together we aim to bring a clear and amplified voice of forward-thinking businesses, financial institutions, and key NGOs to the treaty negotiations, supporting the development of an ambitious and effective treaty.

We believe this treaty has the potential to stimulate, coordinate, and align national policies and actions towards a common global strategic direction. We call for governments to develop an ambitious and effective treaty that provides the right international policy framework and creates the enabling conditions for the much needed investments in infrastructure, innovation, and skills worldwide.

Global outcomes necessary to achieve our vision

To achieve our vision of a circular economy for plastic, we believe that progress must be achieved in three critical areas:

- 1. REDUCTION of plastic production and use through a circular economy approach,** focusing on those plastics that have high-leakage rates, are short-lived, and/or are made using fossil-based virgin resources. For example, by aiming to:
 - **Eliminate plastic materials, components or additives** that hinder recyclability or compostability, or have a high risk of leaking into nature, including intentionally-added microplastics
 - **Move away from single-use plastics** in favour of reusable and more durable solutions whenever possible, reducing overall material consumption and environmental impact
 - **Substitute with alternative materials** if they can be effectively circulated in practice and at scale, and demonstrate reduced environmental impacts
- 2. CIRCULATION of all plastic items that cannot be eliminated,** keeping them in the economy at their highest value. For example, by aiming to:
 - **Design products and systems** for all plastics to be reused, recycled, or composted in practice and at scale

⁴ OECD (2022), Global Plastics Outlook - Part 2: Policy Scenarios to 2060

⁵ OECD (2022), Global Plastics Outlook - Part 1: Economic Drivers, Environmental Impacts and Policy Options

- **Accelerate the uptake of new business and delivery models** at scale that reduce the need for single-use and short-lived applications
- **Mobilise sufficient, ongoing, and dedicated public and private funding** for infrastructure and systems to collect, sort, and recycle plastics
- **Increase the volume and quality of recycled plastics** that can be used in a broad range of uses
- **Transition away from landfill, incineration, and waste-to-energy** towards implementing locally relevant circular solutions over time

3. **PREVENTION and REMEDIATION of remaining, hard-to-abate micro- and macro-plastic leakage** into the environment, including robust waste management practices and tackling legacy pollution. For example, by aiming to:

- **Strengthen waste management governance and infrastructure** to improve practices for safe disposal of all plastic that cannot be eliminated or circulated
- **Establish and improve collection systems** to reach high collection rates
- **Prevent the release of microplastics into the environment** from, for example, abrasion, fibre shedding or pellet loss
- **Coordinate global efforts to address the damage caused by ongoing and legacy plastic pollution**, protecting the most affected and vulnerable communities and ecosystems

Additional considerations on objectives and scope

While we have not yet agreed on a target date within the Business Coalition, **we think a global goal to end plastic pollution is needed that is not too distant in the future but still leaves time for implementing significant changes to the status quo.**⁶ In line with the [Vision Statement of the Business Coalition for a Global Plastics Treaty](#), **negotiators need to underpin such a global goal with a clear set of 3-5 targets or obligations which should be defined to support progress on the [global outcomes](#) listed above.**

The treaty must set out comprehensive and coordinated measures to accelerate the transition to a circular economy for plastic globally and include supporting mechanisms for its effective implementation, allowing for the adaptation of solutions to local conditions. It must also adopt a broad scope, covering both macro- and microplastics and addressing all sources and pathways of plastic pollution into the natural environment.

We should target the most relevant plastic applications, including packaging, and tackle key steps of the value chain with a high level of ambition first. Therefore, we suggest focusing on those plastics that have high-leakage rates or are short-lived products that become waste very quickly as a priority while additional sectors and plastic applications could be covered over time.

⁶ We took note that governments in the [High Ambition Coalition](#) support a global goal to end plastic pollution by 2040.

2. Core obligations and control measures

Key elements we support in the treaty

To support our vision and associated outcomes, a legally binding treaty must set the right enabling conditions to successfully scale a circular economy for plastic and end plastic pollution, including microplastics. For businesses and investors, this means creating a level playing field and preventing a patchwork of disconnected solutions. To achieve this, we believe the treaty should include the following key elements:

The treaty must set clear goals, targets, and obligations, with a sense of urgency, that all Parties to the treaty will be required to implement in their national jurisdictions to align the actions of governments, businesses and civil society. These provisions must be based on common definitions as well as harmonised standards and metrics, and include a review mechanism to gradually strengthen them over time.

The treaty must define a comprehensive and coordinated set of upstream and downstream policy measures that help achieve our desired global outcomes and are adaptable to local conditions, including:

- **A timeline for the phasing-out of problematic plastics** that hinder progress towards a circular economy, pose critical health risks, or have a high risk of ending up in nature
- **Harmonised regulatory and financial incentives to scale circular economy solutions** by stimulating the necessary innovation, investment and consumer choices
- **Mechanisms to ensure dedicated, ongoing and sufficient funding for the after-use collection and treatment of plastic**, for example through well-designed mandatory Extended Producer Responsibility schemes
- **Provisions to protect and respect the livelihoods, health, labour and human rights of all people involved in the value chain**, for example through the recognition of and engagement with workers in informal and cooperative settings as important stakeholders to achieve a safe and socially-just circular economy

II. Implementation elements

1. Implementation measures

The treaty must include instruments to support implementation and monitoring of progress at national, regional and global levels, including by:

- **Supporting policy impact assessment**, for example through the establishment of a scientific advisory body, to better understand environmental, social, and economic impacts over the whole life cycle of plastics
- **Strengthening accountability of governments and businesses**, for example through globally harmonised disclosure obligations and reporting standards
- **Improving transparency on plastic flows through harmonised monitoring**, to track progress towards the implementation of circular economy solutions, for example using common rules on data and information sharing across the value chain

2. Means of Implementation

The treaty must ensure countries' effective participation through a dedicated financial mechanism and capacity building to develop and implement national legislation and action plans.

III. Additional input

Why are global rules important?

Global rules are important for businesses. We cannot rely on national action plans alone. A legally binding treaty must help governments create a level playing field for a globally operating industry and prevent a patchwork of disconnected national solutions. Because of the international trade of plastics products, packaging and waste, the treaty provisions must be based on common definitions and metrics as well as on harmonised standards. Businesses struggle to comply with different rules in 193 countries around the world. Examples for policy areas where global rules would be particularly beneficial in our view include: Elimination of problematic plastics, reuse and refill solutions, product design requirements, Extended Producer Responsibility (EPR) schemes, recycling definitions and standards.

The ambition must be to define globally applicable rules and obligations that all Parties to the treaty will be required to implement in their national jurisdictions. At the same time, all governments agree on the need to acknowledge national circumstances and capabilities. It will be key for the success of the negotiations to strike the right balance. In our view an effective treaty will define a comprehensive and coordinated set of upstream and downstream policy measures that help achieve our desired global outcomes and are adaptable to local conditions. Different regions of the world face different starting points and challenges when tackling the plastic pollution challenge. The treaty should provide them with instruments to support implementation of effective measures and monitoring of progress.

Learnings from existing initiatives

Through the network of our Coalition members and supporters, **we can point negotiators to useful experiences with existing initiatives and frameworks** that the treaty can build on, for example when it comes to:

1. **Definition of unnecessary or problematic plastics:** For example, as part of the [Ellen MacArthur Foundation's Plastics Pact network](#), various national plastics initiatives have agreed on elimination lists for packaging materials and formats that are not reusable, recyclable, or compostable at scale - based on common definitions from the [The New Plastics Economy Global Commitment](#).
2. **Product design criteria:** For example, the [Consumer Goods Forum](#) published in 2021 its [Golden design rules for optimal plastic design, production and recycling](#).
3. **Investor engagement guides on plastic packaging:** The PRI's [Plastics Investor Working Group](#), that consists of 29 global investors representing US\$5.9 trillion in assets, has supported the development of the plastics landscape series and four [guides to support investor engagement on plastic packaging with relevant sectors](#).
4. **Corporate reporting, data and metrics:** [CDP](#) is a not-for-profit charity that runs the global disclosure system for investors, companies, cities, states and regions to manage their environmental impacts. They recently announced plans to expand [its global environmental disclosure system to help tackle the plastic pollution crisis](#).

In preparation for INC-2 in May 2023, the Business Coalition for a Global Plastics Treaty intends to develop further insights and recommendations that we will share at a later stage with the INC secretariat, national focal points and interested stakeholders.

Annex

Endorsers of the Coalition's [Vision Statement](#) as of January 6th, 2023

CONVERTERS AND PRODUCERS	WASTE MANAGEMENT
<ul style="list-style-type: none"> • Alpa Werke Alwin Lehner GmbH & Co KG • Amcor • Aptar Group, Inc • BIOCERR • Borealis AG • Emerald Packaging, Inc • Greiner AG • LeanPie Ltd • Minipak • Mondi plc • Okeanos Group, LLC • PACKEM SA • TERNOVA 	<ul style="list-style-type: none"> • CleanHub • Gemini Corporation NV • Green Worms Waste Management • Pinovo AS • TerraCycle • TOMRA • TriCiclos
BRAND OWNERS AND RETAILERS	FINANCIAL INSTITUTIONS
<ul style="list-style-type: none"> • 3M • ALDI SOUTH Group • Beiersdorf • Bisley Workwear • Carrefour • Colgate-Palmolive • Danone • Earth Brands • EcoPlum • Essity • everdrop GmbH • FERRERO • gDiapers • Henkel AG & Co KGaA • IKEA • Kimberly-Clark • L'Occitane Group • L'Oréal • Mars, Incorporated • Mondelez International, Inc. • Nestlé SA • Orestia • PepsiCo • Reckitt 	<ul style="list-style-type: none"> • Achmea Investment Management • Actiam • Albizia Capital Pte Ltd • ASN Bank • ASN Impact Investors • BNP Paribas Asset Management • Bonafide Wealth Management • Circulate Capital • DNB Asset Management • Fidelity International • Geroa Pentsioak EPSV • Handelsbanken Fonder • J. Stern & Co • Khumo Capital (Pty) Ltd • LPPI • NEI Investments • Robeco • Rockefeller Asset Management • Target Asset Management Pte Ltd • Trinetra Investment Management LLP • Valori Asset Management • Vancity Investment Management

<ul style="list-style-type: none"> ● The Coca-Cola Company ● Unilever ● Walmart ● Werner & Mertz GmbH 	
<p>OTHER COMPANIES</p>	<p>NGOS AND BUSINESS ORGANISATIONS</p>
<ul style="list-style-type: none"> ● Amplphi ● Digimarc Corporation ● EA - Environmental Action ● The Grieg Group ● Paper Tree ● Plasteax ● Quantis ● SALT LOFOTEN AS ● SAP SE ● Searious Business ● Skin Insight Ltd 	<ul style="list-style-type: none"> ● Business for Nature ● Circular Australia ● Ellen MacArthur Foundation ● The Consumer Goods Forum ● WBCSD ● WRAP ● WWF