

Business Coalition Assessment of the 'Zero Draft' for a Global Plastics Treaty

Referring to the “Zero draft text of the international legally binding instrument on plastic pollution, including in the marine environment” ([UNEP/PP/INC.3/4](#))

Prepared for the discussion with government delegations and observer organisations at the third meeting of the Intergovernmental Negotiating Committee ([INC-3](#))

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businessforplasticstreaty.org

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About this document

Political context

At its second session, the Intergovernmental Negotiating Committee (INC) requested the INC Chair to prepare for consideration by the INC at its third session a zero draft text of the international legally binding instrument on plastic pollution, including in the marine environment ('Zero Draft'). The INC Chair, in preparing the document (UNEP/PP/INC.3/4), has, in consultation with the INC Secretariat, drawn on the views expressed by Member States during the first two sessions of the committee and through previous submissions. In addition, stakeholders and Member state were invited to submit written submissions on additional elements not discussed at INC-2, such as on Scope, Principles and Additional Consideration ("Pre-INC3 Submissions Part A"), as well as proposals for intersessional work ("Pre-INC3 Submissions Part B").

Our contribution

The Business Coalition for a Global Plastics Treaty brings together more than 150 organisations from across the plastics value chain, including companies, financial institutions and NGOs who are committed to supporting the development of an ambitious, effective and legally binding UN treaty to end plastic pollution. To support our joint vision and desired outcomes in the treaty negotiations, we develop Policy recommendations for each INC meeting. This document builds on previous Business Coalition contributions to the INC process, including the Business Coalition Policy Recommendations, as well as the Pre-INC3 submissions (Part A on elements not being discussed at INC-2 and Part B on potential areas for intersessional work). This is a comprehensive assessment of the recently released 'Zero Draft', with a particular focus on the key priority areas for the Business Coalition, and provides recommendations for consideration to government delegations attending INC3.

Development process

This document was developed in close coordination with a Policy Working Group co-chaired by business representatives, and through a consultation process with the Members of the Coalition, ensuring a high-level of alignment amongst member organisations. However, it does not necessarily reflect in all aspects the position of every single Coalition Member.

Contact

If you have any questions or would like to request a meeting with representatives from the Business Coalition for a Global Plastics Treaty during INC3, please contact us by email via secretariat@businessforplasticstreaty.org.

Executive Summary

General assessment

The Business Coalition welcomes the ‘Zero Draft’ for a Global Plastics Treaty (UNEP/PP/INC.3/4) prepared by the INC Chair, which in our view forms a good basis to continue negotiations at INC-3 in Nairobi in November 2023. UN Member States have the opportunity to further strengthen the draft legal text and create alignment on the most ambitious options.

The ‘Zero Draft’ is a comprehensive document that contains various options for potential treaty provisions that could support progress on all three global outcomes the Business Coalition calls for in its [Vision Statement](#): Reduction, Circulation, and Prevention alongside Remediation¹ to achieve a circular economy for plastic and to end plastic pollution.

The current structure of the document allows governments to:

1 Clarify and align on effective treaty provisions to ensure harmonised regulations over the whole life-cycle of plastics

2 Agree on additional intersessional work to be organised on critical policy areas.

The Business Coalition calls for organisation of intersessional work for example on:

- Chemicals and polymers of concern (Part II.2 and Annex A)
- Problematic and avoidable plastic products, including packaging (Part II.3 and Annex B)
- Reuse options and new delivery models (part II.5.b + Annex C)
- Product design and recycling systems (Part II.5.a + Annex C)
- Extended Producer Responsibility (EPR) (Part II.7 + Annex D)
- Waste management (Part II.9.a + Annex F)

3 Advance discussions on the development of technical annexes to the treaty by adopting a start-and-strengthen approach. With just over one year of negotiating time left, the INC must ensure that key provisions in the treaty become fully operational from the very beginning while being able to further expand and update technical annexes over time.

Businesses respond to certainty. We believe that the final treaty must contain strong and legally-binding provisions that require national governments to implement and enforce harmonised regulations over the full life-cycle of plastics.

At INC-3 it is key for governments to develop a common understanding of what each option entails and not waste precious negotiating time to discuss purely voluntary measures. The Business Coalition stands ready to work with governments and stakeholders in this important next stage of the treaty negotiations.

How our priority policy areas are currently reflected in the ‘Zero Draft’

To support our joint vision and desired outcomes in the treaty negotiations, we have developed [Business Coalition recommendations for 11 priority areas](#) ahead of the Second Session of the Intergovernmental Negotiating Committee on Plastic Pollution (INC-2). The table below summarises in which sections of the ‘Zero Draft’ document we see our policy recommendations at least being partly reflected.

Global outcomes mentioned in the Business Coalition Vision Statement	Our policy priorities for consideration by the INC	Sections in the 'Zero Draft' Document that reflect (part of) our policy recommendations
REDUCTION of plastic production and use through a circular economy approach	Reduction Strategy	Part II.1: Primary Plastic Polymers
	Elimination Criteria	Part II.2: Chemicals and polymers of concern Part II.3.a: Problematic and avoidable plastic products Part II.6 Non-plastic substitutes Part II.10 Trade in listed chemicals, polymers and products, and in plastic waste
	Reuse options and new delivery models	Part II.5.b: Reduce, reuse, refill and repair
CIRCULATION of all plastic items that cannot be eliminated	Product design and recycling systems	Part II.5.a: Product design and performance Part II.5.d Alternative plastics and plastic products Part II.9: Waste Management Part II.10 Trade in listed chemicals, polymers and products, and in plastic waste
	Extended Producer Responsibility & Deposit Return Systems	Part II.7: EPR Part II.5.b: Reduce, reuse, refill and repair
	Recycled plastics	Part II.5.c: Use of recycled plastic content
	Informal sector ²	Part II.12: Just transition
PREVENTION and REMEDIATION of remaining micro- and macro-plastic leakage into the environment	Waste management	Part II.9: Waste Management
	Microplastics	Part II.3.b: Intentionally added microplastics Part II.8: Emissions and releases of plastics throughout the life-cycle
CROSS-CUTTING ISSUES	Economic instruments and financial mechanisms	Included in several provisions as enabler of the presented options Part III.1 Financing
	Monitoring and reporting	Part II.13: Transparency, tracking, monitoring and reporting Part IV.3 Reporting on progress Part IV.4 Periodic assessment and monitoring of the progress of implementation of the instrument and effectiveness evaluation Part IV.8 Stakeholder engagement

All our policy recommendations are to some extent reflected in the structure of the 'Zero Draft' but this document will provide a more detailed assessment of the sections in the 'Zero Draft' related to the Business Coalition's focus areas, highlighted in bold in the table above. These are the focus areas where we plan to provide further input to governmental delegations, consultation processes and/ or when the INC requests stakeholders and experts for contributions during intersessional work. For these focus areas, you can find below a summary of our assessment of progress made in the 'Zero Draft' document prepared for INC3 since the beginning of the negotiations. Please note that we have also provided additional comments on other sections in the 'Zero Draft'.

Part II.2 Chemicals and polymers of concern

What is already included in the 'Zero Draft' that governments should support and further build on?

- ☒ **A core obligation** to phase out, phase down or to restrict the presence and use of chemicals and polymers of concern (Options 1+3)
- ☒ **Criteria** to identify chemicals and polymers of concern (Options 2+3)
- ☒ **A reference to an Annex containing a specific list** of chemicals, groups of chemicals and polymers (Option 1+2)
- ☒ **A review process** that allows the governing body of the treaty to amend, update and expand the Annex (see Part III.4.b)
- ☒ **Clear import and export provisions** on trade in listed chemicals and polymers, (see Part II.10.a)

What is still missing and should be prioritised by the INC for additional work?

- ☐ **Further clarifications on the criteria**, building on other relevant international policy frameworks
- ☐ **An initial list** of chemicals and polymers subject to prohibition or restrictions and applicable control measures for immediate action
- ☐ **Necessary sector- or application specific considerations**, including phase-out dates and potential exemptions as relevant
- ☐ **Harmonised information disclosure**, marking and labelling requirements

Part II.3.a Problematic and avoidable plastic products

What is already included in the 'Zero Draft' that governments should support and further build on?

- ☒ **A core obligation** to phase out or phase down the production, sale, distribution, import or export of certain short-lived and single-use plastic products (Option 1)
- ☒ **A reference to an Annex containing criteria** to identify problematic and avoidable plastic products (Options 1+2)
- ☒ **A reference to an Annex containing a specific list** of problematic and avoidable plastic products alongside dates for applicable control measures & registered exemptions (Option 1)
- ☒ **A review process** that allows the governing body of the treaty to amend, update and expand the Annex (see Part III.4.b)

What is still missing and should be prioritised by the INC for additional work?

- ☐ **Harmonised criteria** to identify problematic or avoidable plastic items that should be eliminated
- ☐ **An initial list** of problematic and avoidable plastic products, differentiated by sector or application, starting with priority sectors, including packaging,
- ☐ **Target dates or timelines** for phasing out or phasing down listed items
- ☐ **Guidance on short-lived and single-use plastic applications in other sectors** to be evaluated against the criteria and to be potentially added to the list at a later stage
- ☐ **References to other treaty provisions** addressing chemicals and polymers of concern as well as potential mandatory product design requirements to ensure coherent implementation

Part II.5.b Reduce, Reuse, Refill and repair of plastics and plastic products

What is already included in the 'Zero Draft' that governments should support and further build on?

- ☒ **A focus on the implementation of reuse**, refill and repair systems (Options 1+2)
- ☒ **A provision related to minimum targets** in support of this objective (Options 1+2)
- ☒ **A reference to the development of a dedicated Annex** (Option 1)
- ☒ **A reference to guidance on effective measures** in particular to promote different return and refill models (Options 1+2)

What is still missing and should be prioritised by the INC for additional work?

- ☐ **Harmonised reuse definitions** and metrics
- ☐ **Guidance on identifying priority product categories** and conditions needed to demonstrate sound environmental benefits when scaling reuse models
- ☐ **A common framework to help countries develop targets** that facilitate reuse as a mechanism to deliver on the objectives of the treaty within realistic timelines
- ☐ **Standards and guidelines** to facilitate a globally coordinated implementation, including hygiene, safety, and quality management of reuse systems
- ☐ **Incentives and measures** to direct investment from the private sector into return & refill systems

Part II.5.a Product design and performance

What is already included in the 'Zero Draft' that governments should support and further build on?

- ☒ **A core obligation to implement minimum design and performance criteria** contained in an annex to the treaty, including sector- or product-specific requirements by a specified date (Option 1)
- ☒ **References to generic design principles increasing** the safety, durability, reusability, refillability, repairability and refurbish-ability of plastics and plastic products, as relevant, and their capacity to be repurposed, recycled and disposed of in a safe and environmentally sound manner upon becoming waste (Options 1+2)
- ☒ **A provision on establishing labelling and certification procedures and requirements for plastics and plastic products** that conform to the design and performance criteria (Options 1+2)
- ☒ **References to relevant international, sector- or product-specific standards and guidelines** (Option 2)

What is still missing and should be prioritised by the INC for additional work?

- ☐ **Harmonised criteria** distinguishing between design for reduction, design for reuse, and design for recycling of plastic products and packaging
- ☐ **A recyclability definition and 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
- ☐ **Sector-specific design for recycling** requirements to ensure that products and packaging containing plastics are 'designed for recycling' or 'technically recyclable'
- ☐ **Guidance on the type of infrastructure and systems needed** for after-use recirculation that match those design for recycling requirements
- ☐ **Harmonised information disclosure**, marking and labelling requirements
- ☐ **A review process** that allows the governing body of the treaty to amend, update and expand an annex on product design
- ☐ **References to other treaty provisions** addressing chemicals and polymers of concern, problematic and avoidable products, Extended producer Responsibility and Waste management

Part II.7 Extended Producer Responsibility

What is already included in the 'Zero Draft' that governments should support and further build on?

- ☒ **A core obligation** to establish EPR systems in line with the modalities contained in an annex, including for sectoral approaches (Option 1)
- ☒ **A reference to modalities** to inform the establishment of national EPR systems on a sectoral basis and define their essential features, and to support their harmonisation (Option 2)
- ☒ **A reference to just transition** to be taken into account when implementing the EPR provision (Options 1+2)

What is still missing and should be prioritised by the INC for additional work?

- ☐ **A clearer definition** of EPR that requires all companies who introduce certain products or packaging into a country's market to be responsible for, and provide funding to their after-use collection and processing
- ☐ **Key principles** for the design of effective EPR systems
- ☐ **Minimum requirements** to be implemented in sector-specific EPR regulations at the national level, starting with packaging
- ☐ **References to available resources** and support, such as EPR guidelines, toolboxes, assessments of existing EPR systems
- ☐ **Guidance on identifying priority product categories** to be covered by EPR regulations
- ☐ **A review process** that allows the governing body of the treaty to amend, update and expand an annex on EPR

Part II.9.a Waste Management

What is already included in the 'Zero Draft' that governments should support and further build on?

- ☒ **A core obligation** to ensure that plastic waste is managed in a safe and environmentally sound manner throughout its different stages, including handling, collection, transportation, storage, recycling and final disposal, taking into account the waste hierarchy (Options 1+2)
- ☒ **A reference to minimum requirements** for safe and environmentally sound collection, recycling and disposal rates, including through a sectoral approach (Option 1)
- ☒ **A provision on measures to invest in waste management** systems and infrastructure (common provisions)
- ☒ **An obligation to not allow certain waste management practices** contained in an annex and to take the necessary measures to prevent open dumping, ocean dumping, littering and open burning (common provisions)
- ☒ **A reference to existing international agreements** (Option 1)
- ☒ **References to additional requirements, guidance and guidelines** to be adopted by the governing body (Options 1+2)

What is still missing and should be prioritised by the INC for additional work?

- ☐ **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
- ☐ **Minimum requirements** for the safe and controlled operation of waste management facilities that minimise emissions and releases of pollutants to water, land, and air
- ☐ **Measures to protect and respect the livelihoods, health, labour, and human rights** of 'waste pickers', the 'informal waste and recycling sector' and 'workers in informal and cooperative settings' to be linked with the treaty provisions to ensure a just transition
- ☐ **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
- ☐ **A review process** that allows the governing body of the treaty to amend, update and expand an annex on waste management

Assessment of our focus areas in the ‘Zero Draft’

Part II.2 Chemicals and polymers of concern

Summary of potential provisions contained in the ‘Zero Draft’ document

The ‘Zero Draft’ currently proposes three different options for legal provisions in the treaty text.

- **Option 1** includes text that would require governments to not allow or to eliminate the use of identified chemicals/groups of chemicals/polymers in the production of plastic polymers, plastics and plastic products, but also the production, sale, distribution, import or export of polymers and products containing them. It also mentions the creation of an annex that would contain criteria for the determination of chemicals and polymers of concern, a list of what needs to be prohibited or restricted, including potential exemptions, and applicable control measures as well as target dates for the implementation.
- **Option 2** presents text that would require governments to minimise and, as appropriate, eliminate chemicals/groups of chemicals/polymers, and also provides high-level criteria for their identification including impacts on human health or the environment across the life cycle, and properties that may hinder their safe and environmentally sound waste management, reusability, repairability, recyclability and disposal. This option doesn’t include target dates, but leaves it open to countries to reflect at the national level on the measures to implement the provision and address the chemicals/group of chemicals/polymers listed in the Annex.
- **Option 3** suggests that governments will take measures to not allow or to regulate chemicals/groups of chemicals/polymers that meet the criteria for adverse impacts on human health or the environment identified in the Annex, but in this option no specific list is created.

Business Coalition recommendations

The Business Coalition encourages UN member states to consider a combination of these options that would include clear criteria for the identification of chemical and polymers of concerns and a reference to a technical annex containing a list of chemicals, groups of chemicals and polymers that can be expanded and updated over time.

In this case, the core obligation in the treaty should require each party to not allow, eliminate or to restrict the use and presence of these chemicals and polymers of concern in specific plastic applications, including the production, sale, distribution, import or export of plastic polymers, plastics and plastic products containing these. The annex linked to these provisions should contain target dates for implementing phase-outs, phase-downs or restrictions.

Building on the text in the ‘Zero Draft’ options, the criteria for compiling the list of chemicals, groups of chemicals and polymers could refer to:

- Adverse impacts on human health or the environment at any stage of the plastic life cycle
- Properties that may hinder their safe and environmentally sound management, including their reusability, repairability, recyclability and disposal

An initial list of chemicals and polymers of concern should be differentiated by sector and plastic applications, and be included in a technical annex to the treaty that can be amended, updated, or expanded over time, based on the best available scientific assessments and technological developments. The approach to identify and the control measures to be applied to chemicals, groups of chemicals and polymers listed in the annex to the plastics treaty should ensure and reinforce a consistent implementation in line with other relevant international policy and regulatory frameworks.³

Additional work needed

To facilitate a harmonised regulatory approach, the annex would have to be as specific as possible and contain the following information:

- List of chemicals and polymers subject to prohibition or restrictions and applicable control measures (including exclusions and phase-out dates as relevant)
- Harmonised information disclosure, marking and labelling requirements

Previous efforts have been conducted by a number of organisations to identify lists of chemicals of concern, for example in plastics and food packaging, however further work is required to align globally on a list of chemicals and polymers of concern to be phased out. Health agencies across different geographies (the FDA in the US, or ECHA and EFSA in the EU) are monitoring and regulating the use of chemicals in plastics. While they have some differences, there is some overlap on the chemicals of concern identified by these health agencies.

As a starting point, the Business Coalition supports intersessional work to identify a priority list of chemicals and polymers of concern for immediate action, which could draw on existing regulatory listings of individual chemicals and chemical groups. This could include a mandate for the INC Secretariat to compile existing lists with the possibility for scientific experts and stakeholder contributions on other candidates for immediate listing.

Intersessional work should leverage scientific classifications and risk assessment that have already been carried out by existing international policy frameworks with already-established rules and review mechanisms to regulate certain chemicals, groups of chemicals or polymers used in the production of plastics, including the Stockholm and Rotterdam Conventions.

Part II.3.a Problematic and avoidable plastic products

Summary of potential provisions contained in the ‘Zero Draft’ document

This section covers both problematic and avoidable plastic products as well as intentionally added microplastics. The Business Coalition’s recommendations below refer only to the former in this section. In addition, we provide some more generic comments on how the ‘Zero Draft’ also covers options for effective provisions on microplastics further below in this document

On problematic and avoidable plastic products, two options are currently presented in the ‘Zero Draft’:

Option 1 would require governments to not allow or reduce the production, sale, distribution, import or export of the plastic products, including short-lived and single-use plastic products and packaging. An Annex would provide the criteria for the identification, as well as a list, the dates and the actions specific for the identified products, together with potential registered exemptions for relevant product(s).

Option 2 would require criteria to be identified in an Annex, but would not provide a list of products to be regulated. The identification of such products together with relevant measures and target dates would be left to countries for national implementation.

Business Coalition recommendations

The Business Coalition welcomes the options included in the ‘Zero Draft’ on the phase out of problematic and avoidable plastic products, including short-lived and single-use plastic applications such as packaging. Learning from the examples of the Minamata Convention on Mercury and the Montreal Protocol on Substances that Deplete the Ozone Layer, the future treaty to end plastic pollution must establish binding criteria and a harmonised approach that allow governments to define what type of plastics shall no longer be placed on the market in a consistent manner.

We support the need for defining the term ‘problematic and avoidable plastic products’ through clear criteria. Such ‘elimination criteria’ could build on the work carried out by the Ellen MacArthur Foundation and UNEP in the context of the The New Plastics Economy [Global Commitment](#), which brings together over 500 signatories that are determined to start building a circular economy for plastics. Signatory governments and businesses have aligned on a common vision, targets and definitions which includes the following list of criteria to define a problematic or avoidable plastic item that should be eliminated within agreed timelines:

- 1 It contains, or its manufacturing requires, hazardous chemicals that pose a significant risk to human health or the environment.⁴
- 2 It is not reusable, recyclable, or compostable in practice and at scale.⁵
- 3 It can be avoided (or replaced by a reuse model) while maintaining its utility.⁶
- 4 It hinders or disrupts the recyclability or compostability of other items.
- 5 It has a high likelihood of ending up in the natural environment.

Based on the criteria above, parties to the treaty should be required to phase down or phase out problematic and avoidable plastic products by certain target dates or timelines, differentiated by sector or application, and listed in an annex to the treaty that can be expanded and updated over time.

In line with the criteria established by the treaty, each Party shall not allow the manufacture and use, import or export of problematic and avoidable plastic products, including packaging, after the phase-out date specified for those items listed in an annex to the treaty. This provision should also be linked to Part II.5.a on product design and performance. This means that products that don’t meet mandatory product design requirements by a certain date should be added to the list of problematic and avoidable plastic products.

Additional work needed

The Business Coalition encourages the INC to agree on intersessional work to start the development of a technical annex, based existing resources and additional inputs from experts and stakeholders with the aim to compile an initial list of problematic and avoidable plastic products, prioritising short-lived applications such as packaging, and focusing on the following elements:

- **Material combinations and product designs** that technically or economically hamper the recycling of specific waste streams⁷
- **Plastic applications** that are at high risk of ending up in nature and should be prioritised for elimination if their circulation does not work in practice and at scale⁴

Part II.5.b Reduce, Reuse, Refill and repair of plastics and plastic products

Summary of potential provisions contained in the ‘Zero Draft’ document

The ‘Zero Draft’ currently outlines potential treaty provisions on promoting reuse options, covering both return and refill models, only within subsection b of Part II.5 on “Product design, composition and performance”. Within that subsection, there are no standalone provisions defined that promote reuse options specifically but they are bundled with measures that are equally applicable to “Reduce, reuse, refill and repair of plastics and plastic products”.

Two alternative options are presented under Part II.5.b:

Option 1 would mandate governments to take effective measures to promote the reduction, reuse, refill, repair, repurposing and refurbishment of plastics and plastic products. These measures would be based on guidance adopted by the governing body at its first session. In addition, the second paragraph of the provision mentions the adoption of an annex that specifies relevant targets and timeframe for their achievement.

Option 2 would require the same measures to be based on guidance provided by the governing body at its second session. However, there is no mention of an annex, but only a request for governments to adopt time-bound targets.

Within the footnotes related to these options, the ‘Zero Draft’ document lists potential measures that could be included in the guidance on ‘Reduce, Reuse, Refill and repair of plastics and plastic products’:

- Product take-back and right-to-repair requirements
- Product and service delivery systems
- Deposit refund schemes
- Supporting the development of skills and infrastructure for repair, repurposing and refurbishment of plastic products
- Economic instruments such as fees, tax incentives, subsidies and subsidy reform, as appropriate
- Leveraging public procurement
- Actions to raise consumer awareness and incentivize changes in consumer behaviour

Business Coalition recommendations

Scaling reuse options and new delivery models is a key strategy to reducing material consumption, decreasing single-use plastic applications, and taking effective actions against plastic pollution.⁸ The treaty represents a unique opportunity for promoting different return and refill models in targeted supply chains with the most significant environmental impact, in particular in the packaging sector.⁹ Currently, there is a lack of clear policy frameworks to promote reuse options and new delivery models at the economic scale required. Reuse policies need to provide realistic targets combined with effective economic incentives, definitions, and metrics to shift supply chains.

Therefore, the Business Coalition believes that governments should agree on creating a specific section on reuse policies in the treaty, including provisions targeting both return and refill models that go beyond voluntary guidance on product design. That’s why we think that the current structure of the ‘Zero Draft’ with a heading like “Product design, composition and performance” is not adequate to cover clear provisions on promoting reuse policies.

In our view, the new provisions on ‘reuse policies’ in the treaty should be linked to an annex covering the following aspects:

- 1 The treaty should mandate robust and harmonised reuse definitions, metrics, and standards, with the aim of establishing the conditions needed to demonstrate sound environmental benefits.
- 2 Based on the above, and tailoring the approach towards different plastic applications, countries should start setting binding, quantitative, and time-bound reuse targets to be achieved by economic actors in priority product segments¹⁰ that would be strengthened and expanded over time.
- 3 The treaty must provide guidelines to governments to facilitate a globally coordinated implementation, ensuring hygiene, safety, and quality management of reuse systems, and as part of an integrated approach towards waste policies.
- 4 Governments should provide incentives and regulatory support to direct reuse investments from the private sector towards setting up and operating shared infrastructure and reverse logistics.

Additional work needed

Currently, the ‘Zero Draft’ mentions only a potential annex that would contain minimum targets on “reduce, reuse, refill and repair of plastics and plastic products” plus timeframes for their achievement. The Business Coalition believes that this annex should contain additional elements to ensure that national targets and measures are developed in a harmonised way. This information should help governments to tailor their reuse policies towards different sectors, plastic applications and product categories.

A technical annex supporting the reuse provisions on promoting return and refill models in the global plastics treaty should establish:

- Robust and harmonised definitions and standards
- Guidance on identifying priority product categories for reuse policies
- Conditions needed to demonstrate sound environmental benefits when scaling reuse models
- Common reuse metrics and methodologies to help governments set targets

For establishing effective and sector-specific return and refill systems that can be operated across markets, investment in shared and standardised infrastructure (e.g. large scale sorting, washing facilities, shared standardised packaging) will be necessary. Therefore the Business Coalition suggests to convene intersessional work on the following aspects of the reuse section in the treaty:

- Solutions that are already available in some market segments
- Key barriers to see reuse and alternative business models to scale need to be addressed
- Existing definitions, metrics, and standards for reuse systems and new delivery models
- Best practices for hygiene, safety, and quality management of return and refill systems
- Incentives and support needed to direct investment from the private sector into reuse systems, including shared infrastructure and reverse logistics

Part II.5.a Product design and performance

Summary of potential provisions contained in the ‘Zero Draft’ document

The zero draft presents an introductory paragraph, two alternative options for the core obligation as well as additional provisions that are common for the 2 proposed options.

The intro paragraph acknowledges the need for governments to take measures to enhance the design, improve the composition of plastics with the goal of reducing demand for and use of primary plastic, as well as increasing certain characteristics¹¹ and minimise releases and emissions including microplastics.

Option 1 would require governments to implement the minimum design and performance criteria contained in an annex, including sector- or product-specific criteria by a specified date. The second paragraph of the options requires governments to establish and maintain certification procedures and labelling requirements reflecting the content of the annex.

Option 2 requires governments to adopt design and performance criteria by themselves, and does not include minimum design and performance criteria in the annex. It suggests taking into account relevant international standards and guidelines, and requires governments to establish transparency, labelling and certification procedures.

The common provision outlined in Paragraph 4 encourages governments to work with relevant international organisations for the development of standards and guidelines including on a sectoral basis as relevant.

Business Coalition recommendations

The Business Coalition encourages member states to strengthen the core obligation on product design, building on the different options contained in the ‘Zero Draft’ and complement it with additional provisions. This should include a technical annex that contains both generic design principles, but also mandatory product design requirements for specific categories of plastic applications. We are also supportive of integrating adequate references to any relevant sector- or product-specific standards and guidelines.

In our view, the Global Plastics Treaty should focus on matching product design standards with corresponding systems for the mechanical recycling of plastics as a priority, while promoting other end-of-life pathways only as complementary approaches when proven to be effective in diverting plastics that are not mechanically recyclable from landfill, incineration, or waste-to-energy.¹² Plastics that will not meet the above-mentioned standards, or that will not be considered to be recyclable in practice and at scale by a certain target date, must eventually be phased out. This provision must include a clear link with the treaty obligations to implement EPR and to establish systems for waste collection and recycling..

Provisions should enable governments to adopt a start-and-strengthen approach, 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. By taking a harmonised and mandatory approach towards ‘design for recyclability’ and by ensuring that plastic materials are ‘recycled in practice and at scale’, the treaty will improve the economics and quality of plastics recycling.

Such regulations would give a clear signal to the private sector to align their innovation strategies and investment plans accordingly. Businesses should be required to redesign their products in a way that facilitates their recycling and results in high-value recycled plastics. Recyclers would benefit from receiving a finite set of materials of known quality and composition to be able to sort and reprocess them to be used again.

Additional work needed

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’¹³
- The type of infrastructure and systems needed for after-use recirculation that match those design for recycling requirements
- 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, as part of the ‘Waste Management’ section of the treaty
- 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 built¹⁴

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 standards¹⁵ 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.

Part II.7 Extended Producer Responsibility

Summary of potential provisions contained in the ‘Zero Draft’ document

The Zero Draft presents a standalone section dedicated to Extended Producer Responsibility – EPR (Part II.7) which is a different approach from the Option paper (UNEP/PP/INC.2/4) where EPR was nested under ‘*strengthening waste management*’.

The Zero Draft includes two potential options for core provisions

Option 1 would mandate governments to establish and operate EPR systems based on an Annex that should contain elements for the establishment and operation of EPR systems based on common principles, including for sectoral approaches as relevant. The need for consideration of measures that would contribute to a just transition are addressed in Option 1 only.

Option 2 would encourage governments to establish and operate and does not mention the necessity of developing an annex specific to this provision. Instead, the modalities to inform the establishment of national EPR and its essential features with a support for harmonisation would be adopted by the governing body at its first session.

Both Options broadly define the scope of EPR systems “*to incentivize increased recyclability, promote higher recycling rates, and enhance the accountability of producers and importers for safe and environmentally sound management, of plastics and plastic products throughout their life cycle and across international supply chains*”

Business Coalition recommendations

The Business Coalition welcomes a stand-alone section in the treaty focussing on EPR, and encourages governments to further strengthen current options because EPR is a policy instrument that can help deliver on a broader set of objectives linked to the waste management hierarchy¹⁶ instead of only the ones currently mentioned in the ‘Zero Draft’.

Extended Producer Responsibility (EPR) policies come with a long list of benefits, including, but not limited to supporting better design of products, higher collection and recycling system efficiency, and increased transparency of material and financial flows. Businesses have recognised fee-based mandatory EPR systems as a necessary part of the solution to address plastic waste and pollution.¹⁷

The treaty should define ‘Extended Producer Responsibility’ (EPR) as an environmental policy approach in which a producer’s responsibility for a product is extended to the after-use stage of a product’s life cycle. It requires all companies who introduce certain products or packaging into a country’s market to be responsible for, and provide funding to their after-use collection and processing. The Business Coalition believes that EPR systems should be mandated by legislation, and producers should fulfil their obligations either individually or through Producer Responsibility Organisations (PROs).

The treaty should require all parties either develop or align their legislative framework to ensure that EPR systems are developed and implemented in line with the key principles and sector-specific minimum requirements contained in an annex to the treaty. This annex should provide the necessary conditions to ensure a harmonised approach across countries towards establishing mandatory, effective and fee-based EPR schemes, while acknowledging different starting points in their regulatory development, the need for technical assistance and capacity-building, as well as important safeguards to ensure a just transition.¹⁸

Stringent EPR regulations at the national level could serve as a key enabler to meet circular economy objectives, increase the availability and quality of recycled plastics to replace virgin materials, as well as define clear rules for the collaboration with municipalities, service providers, workers in informal and cooperative settings¹⁹. In addition, we suggest establishing a global EPR hub under the treaty, based on existing initiatives and in line with other international agreements, to provide the necessary support for governments to develop or improve their legislative framework, and facilitate knowledge exchange across industries and countries on the development of socially inclusive, harmonised, and transparent EPR systems.

Additional work needed

EPR is to be implemented and enforced as a performance-based regulation in which specific outcomes and objectives are set and defined by law at the national or subnational level, including the specific roles and responsibilities of stakeholders involved in delivering on these. Only the development of a dedicated annex to the treaty will ensure a minimum level of harmonisation of EPR regulations across markets.

An annex to the treaty should establish:

- A** Key principles for the design of effective EPR systems
- B** Minimum requirements to be implemented in sector-specific EPR regulations, starting with packaging
- C** Available resources and support

Intersessional work could support in the development of such an annex, and should start with compiling the existing knowledge, guidelines, toolboxes, assessments of national and international policy frameworks on EPR, but also gather additional inputs from experts and stakeholders with a focus on priority sectors.²⁰

Part II.9.a Waste Management

Summary of potential provisions contained in the ‘Zero Draft’ document

The text presents two potential options for core obligations.

Option 1 is divided in 3 main paragraphs mandating governments to take effective measures to ensure plastic waste management by meeting minimum requirements set out in an annex, including through a sectoral approach. The annex should take into account other international agreements, including the Basel Convention, and the governing body shall adopt additional or complementary requirements and guidance to the ones already adopted in such agreements.

Option 2 instead, mandates governments to take effective measures based on harmonised indicators to be developed in an annex, but would leave it to the national level to define national determined targets and set minimum requirements. The governing body would be requested to develop guidelines for plastic waste management based on the waste hierarchy as well as existing agreements.

Extra provisions common to the two options would mandate governments to:

- Not allow or regulate certain waste management practices listed in an annex that may lead to the emission and release of hazardous substances, and would require governments to prevent open dumping, ocean dumping, littering and open burning
- Take additional measures to invest in systems and infrastructure and to mobilise resources to cover the financing gaps in light of current and expected waste generation levels

In the zero draft section on 'Waste management', the terms "waste", "waste management" and "environmentally sound management" of plastic waste are used with the same meanings as under the Basel Convention, without prejudice to how UN member states may ultimately choose to define these terms as needed for the purposes of the Global Plastics Treaty.

Business Coalition recommendations

The Business Coalition is of the view that the current text for option 1 is more adequate for UN member states to further strengthen the core obligations and the corresponding annex related to waste management. In line with the waste management hierarchy,²¹ policy efforts should prioritise waste prevention and minimisation. As well as increasing collection rates for both recyclable and non-recyclable plastic waste, countries must also put better controls in place on what happens to this waste after it is collected.

Countries must commit under the treaty to strengthen their waste management governance and to improve their citizens' access to a clean, healthy, and sustainable environment, which includes adequate and harmonised waste management infrastructure for the safe disposal of plastics²² Under the treaty, all governments must be required to set national targets and standards for the collection, sorting, and recycling²³ of plastics, starting with high-impact sectors and applications. The treaty should also establish minimum requirements for the safe and controlled operation of recycling and waste management facilities that minimise emissions and releases of pollutants to water, land, and air.

In addition, the treaty should mandate national governments to prevent certain waste management practices as a matter of priority such as open dumping, burning of plastic waste and unmanaged landfills, and make sure that these are replaced with systems that eliminate or reduce plastic leakage into the environment. The treaty must provide mechanisms to support countries to transition away from landfill, incineration, and plastic waste-to-energy technologies and towards implementing locally relevant circular solutions over time, including through the use of economic instruments and financial mechanisms.

UN member states could consider establishing a competence centre and collaborative platform to support the implementation of effective municipal waste management systems tailored to national and local conditions, ensuring high collection and recycling rates, while minimising plastics being littered, landfilled, or incinerated.

Additional work needed

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 with workers in informal and cooperative settings at the same time as addressing human rights impacts and improving the effectiveness of current waste collection and recycling systems.

Additional 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
- 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
- Minimum requirements for the safe and controlled operation of waste management facilities that minimise emissions and releases of pollutants to water, land, and air
- Measures to protect and respect the livelihoods, health, labour, and human rights of workers in informal and cooperative settings to be linked with the treaty provisions to ensure a just transition

Other sections with relevance to the Coalition

Part II.1 Primary plastic polymers

The Business Coalition welcomes inclusion of provisions targeting the reduction of primary plastic polymers, and is open to consider clarifications on and improvement of the draft legal text, including merging language presented in Option 1 and 2. In our view, Option 3 does not provide sufficient elements for meaningful and harmonised reduction strategies to be adopted by UN Member States.

The Business Coalition is broadly supportive of

- Reporting on the type and quantity of plastic polymers produced in each country, including information on the origin of the raw materials used.
- Reduction targets that should address all virgin plastics, with a focus on those produced from fossil fuels, and to be aligned with sectoral decarbonisation strategies in line with a 1.5°C climate change pathway and evolving waste management capacities
- Sector-specific strategies to reduce plastic demand to underpin these targets to be developed as part of national implementation under the treaty
- An annex to outline the relevant baselines and timeframes

Part II.3.b: Intentionally added microplastics

Part II.8: Emissions and releases of plastics throughout the life-cycle

The Business Coalition is supportive of measures targeting all major types of micro- and nanoplastics covering the full range of direct and indirect pollution sources. For this reason, it welcomes the inclusion of provisions on ‘Intentionally added microplastics’ (part II.3.b) as well as additional provisions on “Emissions and releases of plastic throughout its life cycle” (Part II.8).

The knowledge of microplastics and their impacts on the environment and on human health, including methodologies for their detection and control, is constantly evolving. Therefore, potential provisions, measures and annexes to the treaty should be regularly updated to ensure that harmonised global rules reflect best scientific knowledge and practices as reflected in part IV.4 on “Periodic Assessment” in the ‘Zero Draft’.

The Business Coalition is broadly supportive of

- Part II.3.b where the treaty must define what constitutes ‘intentionally added microplastics’ to enable and harmonise approaches to phase out their production, use, and trade globally, as well as establish clear functions and additional requirements for applications that may be subject to exemptions via an annex
- Part II.8 para.2. where the treaty should mandate globally applicable standards and requirements for the transport, storage, trade, and stockpile management of plastic pellets, flakes, and powders

However, the provisions in Part II.8 para 4 must be further strengthened in order to establish harmonised rules for priority product categories such as paints, tyres, and textiles that are known to release the majority of ‘use-phase secondary microplastics’ in order to prevent or reduce the release of these particles into the environment. This may require the development of dedicated technical annexes to the treaty.

Part II.3.c Use of recycled plastic contents

The Business Coalition welcomes the inclusion of a section on the use of recycled plastic contents in the ‘Zero Draft’, which is currently nested under the provisions on ‘product design, composition and performance’. In our view, stronger treaty provisions are needed, going beyond recycled content requirements and including measures to increase availability, quality and competitiveness of recycled plastics. This requires a clear global strategy to mobilise and stimulate public and private investment to scale collection and recycling of plastics at the same time as developing markets for recycled plastics with a focus on fostering closer material loops and reducing downcycling. Given the complex reality of global value chains, the treaty must play an important role in aligning trade policies and facilitating the use of recycled plastics.

The Business Coalition is broadly supportive of establishing

- A common methodology under the treaty, or a mandate for an international standard, to define recycled plastics, determine quality of recyclates, and manage harmonised limits on the presence of problematic chemicals
- Targets for minimum recycled plastic content in specific applications and product categories, including harmonised measures and regulations to create the enabling conditions for the sectors to achieve these targets, e.g. for contact sensitive / food contact materials

Part II.5.d Alternative plastics & plastic products/ Part II.6 Non-plastic substitutes

While the Business Coalition welcomes provisions to regulate the use of alternative plastics, plastic products as well as non-plastic substitutes under the treaty, the purpose and potential impacts of Part II.5.d is not entirely clear at this stage. Whatever the nature of plastic polymers, the same criteria should apply in assessing their adverse impacts on human health or the environment at any stage of the plastic life cycle, and identifying properties that may hinder (technically or economically) their safe and environmentally sound management, including their reusability, repairability, recyclability and disposal. Therefore, the Coalition supports the notion in footnote 32 that “*as plastics and plastic products, under the proposed definition, alternative plastics and plastic products would fall within the scope of other provisions in the instrument applicable to plastics and plastic products respectively*”.

Instead, the Business Coalition suggests that part II.5.d and Part II.6 are merged, and the same provision(s) should apply to alternative plastics, plastic products or non-plastic substitutes. Such a provision should focus on avoiding ‘regrettable substitution’ and ensuring a lower environmental impact when parties of the treaty implement their obligations on primary plastic polymers, chemicals and polymers of concern, and problematic or avoidable plastic products under the treaty.

Part II.10 Trade in listed chemicals, polymers and products, and in plastic waste

The Business Coalition welcomes both provisions addressing the international trade of chemicals, polymers and products, as well as transboundary movement of plastic waste.

In particular, it is worth mentioning that, without duplicating, and in line with existing international agreements, the treaty should establish common global rules on how to account for the international trade of both plastic products and waste

- 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

Considering the importance of cross-border trade and global supply chains, it is imperative that the provisions in this section provide clear definitions²⁴ and are addressing trade between parties and non-parties to the future Global Plastics Treaty.

Part II.12 Just transition

The Business Coalition welcomes the acknowledgement of a ‘just transition’²⁵ in the Global Plastics Treaty, and is broadly supportive of the following elements to be included in this section:

- The treaty must provide mechanisms for national governments to support a just, inclusive, and equitable transition for all people involved in the plastics value chain, recognising regional, national or local differences.
- Workers in informal and cooperative settings should be explicitly recognised in the treaty and associated decision-making at the regional, national, or local levels. Formal mechanisms to support workers in informal and cooperative settings’ participation and active engagement must be established.
- The treaty should promote opportunities for the greater integration of the workers in informal and cooperative settings within formal value chains, including investments to build capacity, resilience, and self-organisation, informed by the views of the workers in informal and cooperative settings themselves.
- Clear rules on traceability and documentation of public and private funding to ensure that supported activities and measures to address human rights impacts result in the intended benefits for workers in informal and cooperative settings.

However, in our view it is not enough for governments to commit to a “just transition” by agreeing on well-meaning aspirational language within a separate section of the ‘zero draft’. To make these paragraphs become operational and effective, the treaty provisions containing specific obligations and control measures to be implemented by UN member states must embed ‘just transition’ safeguards and requirements too.

For example, under Part II.7 Extended Producer Responsibility and Part II.9.a Waste Management, the Business Coalition supports the integration of provisions targeting workers in informal or cooperative settings specifically. This should include requirements for governments to ensure that they are empowered to collaborate within existing or emerging regulatory systems, such as EPR. Intersessional work in this regard could also build on the existing engagement of businesses with workers in informal and cooperative settings, for example as part of the [Fair Circularity Initiative](#).

Part III.1 Financing

The Business Coalition acknowledges the need for resources to implement the treaty, and that resources may include domestic and international funding, as well as mobilisation of financing from the private sector.

In this regard, it is worth underlining that the use of revenues from any financial mechanism established under the treaty is key, in particular for scaling systems and infrastructure for collection and sorting, reuse and recycling as well as residual waste management in developing economies.

As part of a dedicated financial mechanism supporting countries' efforts to end plastic pollution, public funding needs to be leveraged to mobilise private capital to support the implementation of the global plastics treaty, e.g. through pooled or blended finance solutions. Bringing together development and commercial investors can help de-risk investments by the private sector.

It is key that, building on the example of the Paris Climate Agreement, the treaty must require making both public and private financial flows consistent with a pathway towards ending plastic pollution and promoting the safe circulation of plastics.

Part II.13. Transparency, tracking, monitoring and labelling Part IV.3 Reporting on Progress

The treaty has a key role to play in improving transparency on plastic flows through the economy, including what is placed on the market either domestically or via international trade, and what has been collected for reuse or recycling, incinerated, or been disposed of in landfills.

Corporate disclosures should feed into the overall assessment of progress towards the objectives of the treaty, which should require plastic-related disclosures, and ensure reporting takes place in a harmonised and coherent way. However, none of the existing provisions provide a basis for a solid corporate reporting and disclosure. Existing provisions represent a good starting point, but should be strengthened in order to avoid a patchwork of fragmented national disclosure requirements.

Provisions in Part II.13 touch upon corporate disclosure, but do not specify who 'producers' and 'importers' are. Paragraph 1.a on corporate reporting does not mention guidance adopted by the governing body and would leave it unclear on how corporate disclosure should happen.

In Part IV.3 'Reporting on progress' paragraph 6 includes mandatory reporting for businesses, including the financial sector. However, it still misses references on how such information disclosure could be harmonised and how the treaty could outline principles or information on risks, opportunities, and impacts related to plastic pollution should be considered.

Part IV.4 Periodic assessment and monitoring of the progress of implementation of the instrument and effectiveness evaluation

The Business Coalition welcomes the provisions on 'periodic assessment and monitoring of the progress of implementation and effectiveness evaluation' contained in the 'zero draft'. With less than 1 ½ years of negotiating time left, the INC must ensure that key provisions in the treaty become fully operational from the very beginning while being able to further expand and update technical annexes.

Building on the 'zero draft' proposals for the review of chemicals and polymers of concern, microplastics and problematic and avoidable products, the Business Coalition suggests that the INC develops Part IV.4 further to implement a more comprehensive start-and-strengthen approach for the Global Plastics Treaty overall. This would allow future parties to the treaty to make use of a similar procedure to review and update other annexes linked to core obligations, tailor policy measures to different sectors, and add new plastic applications or product categories over time.

Part IV.8 Stakeholder engagement

The Business Coalition agrees with the intention to establish a multi-stakeholder action agenda to facilitate the implementation of the Global Plastics Treaty. However, ideally the format and modalities for stakeholder engagement would already be established in the treaty itself and not only via future decisions of the governing body. In our view, the multi-stakeholder action agenda to end plastic pollution should be structured around a sectoral approach and foster collaboration on any additional measures needed along the whole life-cycle of plastics. We recommend the INC to build on the experiences with the Marrakech Partnership for Global Climate Action under the UNFCCC and to elaborate about a structured contribution from such a multi-stakeholder platform to the planned periodic assessment and monitoring of the progress of implementation and effectiveness evaluation of the Global Plastics Treaty.

Endnotes

1 Three global outcomes in our shared Vision Statement for the Global Plastics Treaty are:

- 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
- CIRCULATION of all plastic items that cannot be eliminated, keeping them in the economy at their highest value
- 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

- 2** In the context of the legally binding instrument to end plastic pollution, it is key to acknowledge the crucial role that 'waste pickers', the 'informal waste and recycling sector' and 'workers in informal and cooperative settings' play today in support of a recycling economy in many countries around the world. It is crucial for the INC to define such terms to reduce ambiguity and make provisions effective and operational; in this policy briefing, by the notion 'workers in informal and cooperative settings' we refer to the three different categories mentioned above.
- 3** Such as the new Global Framework on Chemicals, and the Basel, Rotterdam and Stockholm conventions
- 4** This criterion would become redundant if separate provisions on chemicals and polymers of concern are included in the treaty - see previous section in this document
- 5** This requires that the governing bodies of the future Global Plastics Treaty should be mandated to develop a harmonised assessment method, including global and regional thresholds to determine when a plastic product or packaging is to be assessed as being 'reusable, recyclable, or compostable in practice and at scale'. This could happen as part of the treaty provisions and annexes related to product design for example.
- 6** Maintaining utility for packaging means being able to deliver products with the required level of consumer protection, avoiding spoilage and damage, at reasonable cost and with less environmental impact.
- 7** The Business Coalition is in the process of developing a detailed policy briefing on these elements, and stands ready to provide further input to compiling such lists as part of future intersessional work.
- 8** The Pew Charitable Trusts and SYSTEMIQ (2021): Breaking the Plastic Wave: A Comprehensive Assessment of Pathways Towards Stopping Ocean Plastic Pollution
- 9** Ellen MacArthur Foundation (2019): Reuse – rethinking packaging
- 10** For packaged consumer goods, a category-by-category approach to reuse systems will be needed, recognising the differences between food, beverages, personal care, and household products.
- 11** Safety, durability, reusability, refillability, repairability, refurbish-ability of plastics and plastic products, and their capacity to be repurposed, recycled and disposed of in a safe and environmentally sound manner upon becoming waste.
- 12** European Commission (2023): Environmental and economic assessment of plastic waste recycling
- 13** 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.
- 14** 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.
- 15** TESS/ ISO (2023): Standards and Related Initiatives in International Cooperation to End Plastic Pollution: Mapping and State of Play.

- 16 UNEP/ ISWA (2015): Global Waste Management Outlook, page 31
- 17 Ellen MacArthur Foundation (2021): Extended Producer Responsibility: a necessary part of the solution to packaging waste and pollution
- 18 Defining the term 'just transition' will be crucial in the Treaty process: the International Labour Organisation (ILO) defines just transition in their Guidelines for a just transition towards environmentally sustainable economies and societies for all as "greening the economy in a way that is as fair and inclusive as possible to everyone concerned, creating decent work opportunities and leaving no one behind"
- 19 The Business Coalition calls negotiators to consider the position of the International Alliance of Waste Pickers when defining key principles and minimum sector-specific requirements on EPR in the Global Plastics Treaty
- 20 The work conducted by the OECD, WWF, the Consumer Goods Forum, and the Producer Responsibility Coalition coordinated by Citeo, provides a good starting point, with significant overlap on key principles for EPR
- 21 UNEP/ ISWA (2015): Global Waste Management Outlook, page 31
- 22 IDB (2023): Sostenibilidad financiera de la gestión de residuos sólidos en América Latina y el Caribe
- 23 Recycling must generate recycled plastics as outputs that can be incorporated into new products, excluding waste-to-energy or plastics-to-fuel technologies and processes.
- 24 For example, it is important to distinguish 'material inputs for recycling' versus 'waste for safe disposal', as well as 'recycled plastics' after it has been reprocessed versus when it is already incorporated into a product. Recyclers face barriers when it comes to trade of either feedstocks for recycling or recycled plastics because the legal definitions are often not clear or not harmonised across countries.
- 25 Defining the term 'just transition' will be crucial in the Treaty process: the International Labour Organisation (ILO) defines just transition in their Guidelines for a just transition towards environmentally sustainable economies and societies for all as "greening the economy in a way that is as fair and inclusive as possible to everyone concerned, creating decent work opportunities and leaving no one behind"

