

# Our view on the 'Zero Draft' for a Global Plastics Treaty

20 October 2023 | [businessforplasticstreaty.org](https://businessforplasticstreaty.org)



## 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 Remediation<sup>1</sup> 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.
- 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 important for governments to develop a common understanding of what each option entails and strengthen binding elements. 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).

All our policy recommendations are to some extent reflected in the structure of the 'Zero Draft'. This document provides a high-level summary of our assessment for those sections in the 'Zero Draft' that are related to the Business Coalition's focus areas. It also sets out where we think the INC should agree on [intersessional work](#) to be carried out:

- 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)

Please note that we have also provided additional comments on other sections in the 'Zero Draft' with relevance to the Business Coalition's policy recommendations for a Global Plastics Treaty in a more detailed assessment available [here](#).

## 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.

<sup>1</sup> 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

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## 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

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## 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

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## 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