Proposal by the EU and its Member States on Part II.7 – Extended Producer Responsibility Scheme

Rationale

- The EU and its Member States submit the text proposal below with regard to Part II.7 on Extended Producers Responsibility (EPR). This proposal builds on elements contained in the streamlined document submitted by the co-chairs on 24 April 2024 for discussions in subgroup 1.3. It aims at further streamlining and structuring this document.

- The paragraph 1 establishes first the principle that producers of plastic products have a responsibility for the waste phase of their products (new element compared to the document by the co-chairs). It then contains a provision requiring each Party to set up EPR schemes, specifying that EPR schemes should be nationally driven and applied to specific sectors or products, giving flexibility to Parties to adapt their system depending on their national circumstances (elements taken from paragraph 1 of option 1 of the document by the co-chairs).

- The “objectives” section aims at clarifying in a structured manner the main objectives of EPR schemes. It builds on elements from the streamlined document by the co-chairs, and specifies that EPR schemes should be contributing to all stages of waste management, which is a key component of such schemes. It is especially important that the collection of waste is mentioned in this provision, which was not the case in the revised zero draft.

- Paragraph 2 underscores the importance that the measures taken to implement the measures on EPR take account of the just transition including waste pickers (elements taken from paragraph 2.1 of option 1).

- Paragraph 3 contains provisions pertaining to the implementation of EPR schemes. It contains elements from paragraphs 1 and 2.3 of option 1. The EU and its Member States support the integration of the measures related to EPR within national plans. However, as this is the case for other obligations under the instrument, the inclusion of a paragraph on this point is not necessary here and this should be covered by a more horizontal reference in another place in the instrument.

- Finally, the EU and its Member States submit a proposal for Annex D containing proposed modalities to be taken into account when establishing and monitoring the functioning of EPR schemes.

Text proposal

Introduction

1. Each Party shall ensure that producers are responsible for their products after becoming waste and shall establish Extended Producer Responsibility (EPR) schemes for these products, taking into account national circumstances, and on a sectoral or product basis…
Objectives:

- ... to cover the organisation and/or financing of the collection, transport, sorting, environmentally sound treatment of waste and where appropriate clean-up of littering;
- to incentivize sustainable and circular design of plastic products as well as re-use;
- to enhance the accountability of producers and importers for safe and environmentally sound management of plastic products throughout their life cycle;
- to increase public awareness on waste prevention and collection of plastic waste.

Implementation

2. Parties shall, in implementing this provision, take into account how the measures taken would contribute to a just transition, including in relation to waste pickers.

3. Each Party shall ensure that EPR schemes take into account the modalities in Annex D and cover the sectors and product groups referred to in 4b Dedicated Programmes of work. The Governing Body shall, where relevant, adopt guidelines to facilitate the implementation of this Article.

Annex D

When establishing and monitoring the functioning of EPR schemes, Parties shall consider the following elements:

a. define in a clear way the roles and responsibilities of all relevant actors involved, including producers and importers of products placing products on the market, organisations implementing extended producer responsibility obligations on their behalf, private or public waste operators, local authorities and, where appropriate, informal sector, re-use and preparing for re-use operators and social economy enterprises;
b. define targets for collection, re-use, recycling and other recovery operations;
c. set out a methodology determining minimal costs that shall be covered by the producers (e.g., collection, transport, sorting, treatment, cleanup after littering, information, awareness raising, data gathering and reporting, research and development);
d. modulate the financial contributions by producers, taking into account the durability, reparability, re-usability, recyclability and incorporation of recycled materials of the products concerned;
e. consider the integration of informal waste management operators in the schemes, where appropriate, seeking mutual benefits;
f. require that EPR schemes operate in a transparent way, make publicly available information on their functioning, main activities and results and report regularly to competent authorities;
g. ensure a regular dialogue between relevant stakeholders involved in the implementation of extended producer responsibility schemes.