

ICC response to request for written contributions in advance of the second informal in-person meeting of Heads of Delegation to the Intergovernmental Negotiating Committee on Plastic Pollution 27 – 30 September 2026, Bangkok

INTRODUCTION

The International Chamber of Commerce (ICC) – as the institutional representative of more than 45 million companies in over 170 countries, remains resolutely and squarely behind global efforts to secure an ambitious, workable, effective and inclusive agreement that delivers on UNEA Resolution 5/14 and rallies all actors of society, including the business community, in the collective charge to end plastic pollution, including setting the frame and direction for business action.

ICC welcomes the Chair's Aid to Negotiations and thanks the INC Chair and Secretariat for their work. The Aid provides an important basis for structuring Member States' engagement ahead of INC-5.4.

On behalf of the global business community, ICC offers the following initial reflections on the Aid to Negotiations in response to the call for written contributions. These reflections are intended to inform Member States' consideration of the options for the future treaty's provisions.

ICC supports the Chair's focus on areas of convergence, interlinkages and practical bridging solutions. The future instrument should provide sufficient legal clarity and predictability to support implementation by governments and economic actors, including businesses. It should combine mandatory and voluntary measures in a complementary mix, with the instrument setting out core obligations, common definitions, principles and frameworks, and voluntary measures supporting and accelerating implementation. Detailed methodologies, technical guidance and procedures for progressive strengthening should be developed through COP decisions.

Where appropriate, the Diplomatic Conference should mandate interim work on technical guidance, standards, reporting modalities and institutional arrangements.

Cluster A — National plans, reporting, implementation and compliance, information exchange and effectiveness evaluation

Question 1 — What purposes are National Plans expected to serve as a contribution to the achievement of the objectives of the instrument?

ICC is of the view that national plans should be the principal mechanism through which Parties translate the instrument's common obligations and objectives into clear, nationally determined targets, measures and implementation pathways. A common framework would help ensure that country-led approaches collectively contribute to the

instrument's objectives, while taking into account national circumstances, priorities and needs. The framework should strike an appropriate balance between legally binding and voluntary elements and provide a workable pathway for all actors in the collective charge to end plastic pollution.

In the immediate term, a smart mix of complementary measures is required for effective implementation, comprising both mandatory and voluntary elements, as well as procedures to adapt these elements over time to help strengthen objectives and targets.

In addition, as Member States consider developing national plans, ICC recommends that governments lean on and learn from experiences and best practices with the Nationally Determined Contributions process as well as take into account other internal and national efforts and agreed reference systems, which could also provide clarity on how business contributions will be taken into account in countries' reporting towards the achievement of national and global goals and targets. As proposed in the Aid to Negotiations, governments should consult with relevant stakeholders, in the development of their Plans.

The instrument should establish the core requirement to prepare, implement and periodically update plans; detailed templates and guidance could be adopted by the COP and developed during the interim period.

Question 2 — How could provisions on reporting, implementation and compliance, information exchange, and effectiveness evaluation support the overall implementation of the instrument, and what is the relationship between these articles?

These provisions should form a mutually reinforcing implementation cycle. National Plans establish intended action; reporting provides transparent information on measures and results; information exchange enables learning, cooperation and diffusion of solutions; implementation and compliance arrangements should facilitate delivery and address capacity gaps; and effectiveness evaluation should assess collective progress and inform the refinement of plans, guidance and support.

Parties should agree on an effective and workable monitoring and reporting system with a clear set of modalities, procedures and guidelines for governments to track progress towards national and global objectives.

Parties should leverage and incorporate learnings from existing measurement and monitoring mechanisms.

The reporting and transparency framework should provide built-in flexibility for developing countries in accordance with their national capacities and should provide

capacity-building mechanisms to facilitate improvement in reporting over time.

The instrument should facilitate the exchange of information to support implementation of the instrument, to inform ongoing work and to guide actions across the plastics value chain and strengthen obligations and targets over time.

Information exchange should be underpinned by science and include reliable and adequate data, scientific research and socioeconomic assessments, sound forecasting and measurement metrics as well as the role and impact of technologies and innovative solutions.

Transparency and disclosure should align with universally accepted frameworks and standards through clear and balanced reporting requirements that reflect business realities.

Question 3 — What will be the role of information exchange in the overall implementation of the instrument and how can it contribute to its effectiveness?

Information exchange should support implementation by making reliable scientific, technical and socio-economic information accessible across the plastics value chain. It should cover effective policies, standards, technologies, financing approaches, waste-management practices, product-design solutions and lessons from national implementation. Exchange should be underpinned by sound data and recognised measurement frameworks, while protecting confidential business information and intellectual property. The instrument should provide the mandate and safeguards; the COP could establish interoperable platforms, common formats and cooperation arrangements, building on existing initiatives.

Cluster B — Releases and leakages, existing and legacy pollution, waste management, product design and plastic products

Question 1 - What considerations should guide decisions on determining which plastic products will require possible global measures, actions or cooperation?

The provisions of the instrument should, as a priority, establish a common, transparent assessment framework [methodology], underpinned by evidence-based criteria and an application-based approach, to help governments evaluate and address plastic products and applications with a high propensity to leak into the environment or that hamper an effective circular economy for plastics at the national/local level.

Governments should use the evidence- and applications-based common assessment framework [methodology] to continuously improve waste management and plastics circularity at the national level, taking into account local contexts. Should policy

interventions not lead to improvements of the application's circularity, governments should consider those plastic applications/products as problematic and take appropriate, evidence-based and proportionate measures at the national/local level, upon additional consideration of their essentiality, availability of viable alternatives, life-cycle assessment (LCA) and socio-economic impacts.

Measures addressing plastic products should be complemented by practical guidance on product design recognising that effective circularity depends not only on product selection but also on how products are designed, used and managed throughout their life cycle. Design-related measures should support reuse, remanufacturing, recycling and environmentally sound management, while taking into account product functions, end-of-life pathways, regional waste-management capacity and local infrastructure readiness. Any resulting product-design measures should be determined at national level, taking into account local circumstances, capability and resources. They should also avoid requirements that could unintentionally restrict innovation or fragment global supply chains. Guidance with respect to plastic product design, which could be developed subsequently by the Conference of the Parties, will also provide the private sector with much-needed certainty and efficiencies that result from more harmonised approaches.

Any trade-related provisions of the instrument should align with World Trade Organization (WTO) principles, ensuring that measures avoid unnecessary and costly trade barriers or restrictions. This framework should complement existing international instruments, including Basel, Rotterdam and Stockholm Conventions, and the Global Framework on Chemicals; and avoid any duplication or regulatory fragmentation.

The future instrument should provide a common assessment framework or methodology, supported by clear guidance to inform the development of nationally appropriate actions. Such guidance could be informed by recommendations from a review committee and further elaborated through decisions of the COP.

Before any product-specific measures are considered, a transparent, science-based alternatives assessment should be conducted. This analysis should consider full life-cycle impacts, economic feasibility and unintended consequences.

Question 2 — What type of enabling factors should be considered to address existing and legacy plastic pollution, including the process to identify and evaluate the locations or accumulation zones and subsequent remediation efforts?

Parties should first agree on measures to identify and prioritise accumulation zones and hotspots through harmonised methodologies, sound data and monitoring, including identification of pollution sources and the interventions most likely to be effective. This will enable Parties to take effective measures to remediate existing plastic pollution, with

flexibility to determine context-specific measures that also take into account national circumstances and capabilities, and to leverage existing initiatives.

The instrument should establish the obligation to identify, prioritise and address existing pollution, while COP guidance can elaborate assessment methodologies, remediation standards and mechanisms for cooperation.

Question 3 — How can Parties cooperate in the implementation of effective waste management policies, taking into account the different national circumstances and needs?

Parties should cooperate through common principles, technical guidance, capacity-building, technology cooperation and financing that supports collection, sorting, recycling, recovery and environmentally sound management.

Parties should agree on a core obligation for Parties to take measures for environmentally sound management (ESM) of plastic waste, with flexibility to define national objectives and targets that reflect local infrastructure, capacity and socio-economic priorities. A non-prescriptive list of measures should be provided to support country-led efforts including investment in waste collection, sorting and recycling systems, and policies that enable circular economy approaches, including Deposit Return Schemes. Existing international guidelines on waste management, particularly from the Basel Convention, should be referenced to ensure coherence and avoid regulatory overlapping or fragmentation. Alignment with these instruments can help streamline implementation and support global best practices.

Parties should take measures to establish or promote the development of effective and well-designed extended producer responsibility approaches and/or, as appropriate, other economic instruments within their jurisdiction, to ensure the environmentally sound management of plastics throughout their life cycle.

Circularity should be fostered by utilising all the available technology solutions. When specific capabilities, resources, or know-how are not available in the country, additional considerations should be made to ensure that collecting systems are well connected to ESM disposal and recovery operations. Cooperation may include alignment with existing provisions for the transboundary movement of plastic waste to increase circularity, such as under the Basel Convention's technical guidance, avoiding duplication and facilitating circularity, including where appropriate through coherent approaches to transboundary movements.

While a harmonised policy framework can offer benefits in certain regions, circular economy policies, including any use of EPR, incentives for recycled materials or other instruments, must remain adaptable to each country's specific market conditions,

infrastructure maturity, and implementation capacity. A flexible, enabling approach will be more effective than prescriptive models in fostering sustainable outcomes.

***Cluster C — Capacity-building, technical assistance, technology transfer,
international cooperation and financial resources***

Question 1 — What elements must be considered to ensure that all available financial sources, including public finance, are effectively mobilized for the implementation of the instrument?

The instrument should establish an effective, fit-for-purpose financial mechanism, supported by a clear financing roadmap that sets out how public, private, domestic and international resources can be mobilised to meet implementation needs. Treaty provisions should facilitate finance from multiple sources, calling on all actors to work together to enable the scaling of financing, also recognising the critical role of the private sector. Reflections on financial mechanisms and their implementation should draw from existing systems, and should take into account local contexts and circumstances, as there may not be a one-size-fits-all financial instrument applicable to all countries. In determining appropriate funding mechanisms, it would be important to provide clarity with respect to relevant financial resources as well as aspects related to allocation and management of the mechanisms.

It will also be key to adopt policies and incentives that enable and encourage additional private sector investments and create the right conditions for businesses to invest and innovate, including in developing countries. Predictable frameworks, sustained demand signals, market-based mechanisms and targeted support for innovation are critical. Public-private partnerships can help align public and private investment, address regulatory constraints and mobilise private capital alongside public finance, including finance from Multilateral and other Development Banks. Stronger global partnerships between the public and private sector should support implementation needs to (i) address the social, economic and environmental dimensions of a transition to a circular economy for plastics; (ii) reinforce coherence in implementation, leveraging resources across diverse funding mechanisms; and identifying new and innovative funding sources (iii) strengthen governance and accountability, including for financing, technology innovation and diffusion, and capacity building for people and institutions (iv) enable universal access to collection services and environmentally sound disposal and management practices.

It would also be important to align public and private financial flows to incentivise market behaviour and investments in circular and sustainable products. There is significant potential to build on existing efforts and utilise public policy levers to leverage the right market-based instruments—at national, regional and global levels. Clear policies and international consistency will be critical to enable business to drive investments in

innovation and technological solutions. With respect to proposals for specific new funding mechanisms, building and leveraging existing mechanisms to the extent possible, including the Global Environment Facility (GEF) and Green Climate Fund (GCF) should be explored. Key learnings from past experiences under the GEF and GCF, as well as in the context of discussions and developments in the UNFCCC and CBD processes, should also be considered. Drawing on lessons from existing systems, including the UNFCCC process, the design and implementation of financial arrangements should prioritise the enabling conditions needed at national level - such as clear action plans, predictable policy signals and investment-ready regulatory frameworks.

Question 2 — What role should the private sector have in facilitating the mobilization of financial resources, capacity building and technical assistance, and what elements could be considered under the financial mechanism to promote such a role?

The private sector should be recognised as a key implementation partner of the future instrument, including as a source of investment, technology, operational expertise and innovation across the plastics value chain.

The instrument should consider the challenges that emerging markets and developing economies (EMDEs) face in securing financing and attracting private-sector investment. As the private sector will play a critical role in implementing the instrument's objectives, it will be key to enable policies that create the right conditions for business to invest and innovate, including in EMDEs. In this regard, governments should create stable policy frameworks, clear standards and incentives that give businesses confidence to invest in circular products, infrastructure and scalable solutions.

The COP can adopt instruments to strengthen global public-private partnerships to mobilise resources including reinforcing coherence across diverse funding mechanisms, identifying new and innovative funding sources, and aligning public and private financial flows to incentivise market behaviour and investments in circular and sustainable products.

The financial mechanism could promote blended finance, risk-sharing tools, project-preparation support, public-private partnerships and dedicated or simplified access windows for MSMEs. Business and financial-sector expertise should be integrated transparently into relevant advisory and technical processes, with safeguards for environmental integrity and accountability.

Question 3 — What provisions related to technology transfer could foster international cooperation, considering the capacity differences between countries?

Provisions should promote technology development, access, deployment and transfer on mutually agreed terms, while respecting intellectual property rights and enabling innovation.

Cooperation should respond to nationally identified needs and cover skills, institutional capacity, infrastructure readiness, operation and maintenance, and adaptation to local conditions. The instrument should encourage partnerships among governments, businesses, research institutions and international organisations; support research and development into affordable and cost-efficient solutions; and facilitate voluntary knowledge-sharing and demonstration projects.

Currently many of the technologies capable of addressing plastic pollution are still at a relatively early stage of development and require financial support to develop and to be deployed at scale. It is integral to support these innovative new technologies to help drive action at all levels across the value chain towards a plastic pollution free economy. MSMEs, in particular in emerging and developing economies will be the lynchpin in any economy-wide transition to a circular economy for plastics and can play a crucial role in driving the innovation needed to tackle the plastic pollution crisis. Effective government policies that genuinely incentivise MSMEs to invest in innovation and technologies will be critical, alongside regulatory requirements that are sufficiently clear to provide investment certainty without inadvertently hindering innovation. Setting clear standards that specify criteria will encourage innovation by providing the goalposts against which companies can innovate.

COP guidance and dedicated technical-assistance platforms could match needs with available technologies and finance, with differentiated support for developing countries and MSMEs.

Cluster D — Preamble, objective, principles and approaches, definitions, just transition, public information, Secretariat and final provisions

Question 1 — Which principles and approaches could be useful in guiding the effective implementation of the instrument, and how could these be best reflected in the instrument?

The instrument should provide the context necessary for interpreting its provisions, drawing not only on the principles identified below but also on relevant rules of international law, applicable principles of treaty interpretation and other concepts pertinent to its subject matter.

Combined with preambular paragraphs and text on the scope and objective, the principles of an instrument may provide context for interpreting the operative provisions to ensure effective implementation and guide Parties while accommodating the commitments under their national legal framework.

In line with the point above, whilst it is an international legally binding instrument, it is important that the instrument coexists with non-binding provisions. As examples of non-binding acts, the Rio 92 Declaration on Environment and Development, and the Stockholm Declaration stand out.

ICC highlights the following principles and approaches that should guide the implementation of the future instrument. These could be reflected, as suggested in paragraph (b) of the Aid to Negotiations, by drawing on principles contained in the Rio Declaration on Environment and Development and other relevant principles and approaches developed in international environmental law and policy. Their application should be consistent with the instrument's objective, scope and operative provisions and should not create uncertainty regarding Parties' obligations.

- Common but differentiated responsibilities
- Sustainable development
- State Sovereignty over natural resources
- Waste hierarchy
- Prevention

Common but differentiated responsibilities.

This principle recognises that all States share responsibilities to protect the environment and promote sustainable development, while the nature and extent of the actions required may vary according to their different social, economic and environmental circumstances and respective capabilities. Its application should take account of developing country Parties' circumstances, including differences in the maturity and coverage of take-back schemes and waste-collection systems. The principle is reflected in numerous multilateral environmental agreements, including the differentiated commitments established under the United Nations Framework Convention on Climate Change and the Paris Agreement.

Sustainable development.

This principle is concerned with the interdependence of all human activities. It requires that the environment is considered as part of all policies and activities, including those intended to promote economic and social development. The most widely used definition of sustainable development is that of the Brundtland Commission of 1987: 'Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs.' The principle is mentioned in several multilateral environmental agreements.

State sovereignty over natural resources.

State sovereignty over natural resources is a recognised principle of international law

and is linked to the sovereign equality of States. States have the sovereign right to exploit their own resources pursuant to their environmental and developmental policies, together with the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond national jurisdiction. The Rotterdam Convention's Prior Informed Consent procedure applies to international trade in certain hazardous chemicals and pesticides and illustrates how consent and notification procedures can support cooperation while respecting States' sovereign decision-making.

Waste Hierarchy

Waste hierarchy principles give top priority to waste prevention, followed by re-use, recycling, recovery and finally disposal and set out a useful ranking for waste management in terms of what is best for the environment.

ICC notes that the instrument should support actions to help close the loop of plastics in the economy to ensure that products and materials are designed for circularity and are circulated in practice, while taking appropriate steps to tackle leaked plastic waste especially in high leakage economies.

It would be equally important to include measures across the plastics value chain to address plastic waste, end-of life management including collection, sorting and recycling, in an effort to ensure waste minimisation and remediation, as well as actions related to managing plastics that cannot be reused or recycled in an environmentally sound manner.

This will be essential in supporting a global transition to a circular economy that creates coherent, enabling policy frameworks and conditions to incentivise and support business action, and facilitates an effective circular economy that works in practice and at scale. It would also be useful to give special consideration for developing countries' proportionally different needs, capabilities and existing resources regarding waste management and recycling.

All design for circularity should be sector specific, and consider the unique challenges and solutions found in each sector. Even without government mandates, the business community has been voluntarily developing circular principles that the instrument can lean on.

Regulations should also be created that establish a supportive environment, taking into account local socio-economic contexts for the growth of design for circularity and reuse/refill, such as more consumer education on refill and reuse systems and incentives.

It would also be useful for the instrument to be grounded on best practice standards and

definitions to foster greater harmonisation, enhance circularity and environmentally sound management of waste. Existing work, definitions and international standards can provide a useful base and reference for consideration in this respect.

Prevention.

The principle of prevention states that protection of the environment is better achieved than trying to remedy or compensate for harm caused by pollution. It will be applicable when there are safe elements to confirm the existence of a threat. It is closely linked to the duty not to cause transboundary harm and to the precautionary principle. It is most developed with respect to the prevention of pollution.

More broadly, implementation should also promote a just and inclusive transition that takes account of national circumstances and capabilities and engages relevant stakeholders. Particular attention should be given to waste pickers and MSMEs, which are integral to the transition towards a circular and plastic-pollution-free economy and may require targeted capacity-building, access to finance and technical support.

Question 2 — How can actions related to public information, awareness, education, and research support implementation?

These actions can strengthen implementation by building public understanding, supporting informed consumer and business choices, developing workforce capabilities and enabling uptake of circular practices such as reuse, refill, repair and recycling.

Parties should promote education, awareness and research that are adapted to national contexts and accessible to MSMEs and communities. Research should support reliable data, life-cycle assessment, innovation and evaluation of policy impacts. The instrument should establish an obligation and broad areas of action.

COP decisions can promote cooperation, shared resources, good practices and support for developing and emerging economies.

Question 3 — Considering the progress achieved so far in the discussions related to issues such as the Secretariat and definitions, does the current formulation in the Aid to Negotiations reflect the level of detail required?

Developing and adopting globally harmonised definitions and focusing only on those most relevant for the purposes of the instrument, will be key. In this regard, it would be helpful to consider including agreed definitions from other multilateral environmental agreements and standardisation bodies. Updated and harmonised standards will be useful for common interpretation and implementation.

Definitions essential to the scope and operation of obligations should be included in the instrument; overly technical terms and methodologies may be elaborated or updated

through COP guidance, provided legal predictability is maintained.

The Secretariat provisions should specify the core functions, accountability, coordination role and support to Parties and subsidiary processes, while administrative detail can be settled through COP decisions. Interim mandates may be useful to map relevant definitions and standards, prepare draft rules of procedure and develop options for information exchange and technical coordination.

Conclusion

The ICC global business community welcomes the opportunity to contribute to the ongoing process and urges Member States to make the best use of the limited time remaining ahead of and during INC-5.4 to forge consensus towards successful conclusion of a robust agreement that sets the frame and direction for accelerated business action.

We recognise the pivotal role that businesses have to play for the systems change that will be needed to address the challenge of plastic pollution at the required scale and speed. However, businesses need an agreement that provides the enabling frameworks and policies to drive innovation and accelerate business action across all sectors and geographies. This will be indispensable for businesses to effectively deliver on the objectives of the agreement and spur impactful change.

It is essential that at INC-5.4, Member States agree on the key elements of an effective, implementable and fit-for-purpose instrument to address plastic pollution. Further guidance and technical arrangements can be further developed and agreed upon at future sessions of the Conference of the Parties. Looking ahead, it will also be essential to consider models and systems that can reflect private sector and stakeholder expertise more formally and substantively in order to strengthen the envisioned outcomes of the process. In this regard, the UNFCCC's nine established constituency groups offer a valuable model: ICC has led the Business and Industry constituency for over 30 years and stands ready to share its experience and recommendations on ensuring effective and coherent business engagement in the INC process. Bringing all stakeholders across society, including governments, the private sector, academia, consumers, informal waste sector, etc. alongside the journey will be integral to ensure a holistic approach and effective implementation of the instrument to end plastic pollution.