Call for written submissions – Proposed response template on the potential options for elements towards an international legally binding instrument

On 9 December 2022, the Executive Secretary of the INC Plastic Pollution Secretariat sent a notification inviting written submissions from members of the committee and from observers. The template below is intended to provide guidance to members of the committee and observers in structuring the written submissions.

As requested by INC-1, written submissions will inform the secretariat in the preparation of a document with potential options for elements towards an international legally binding instrument, for consideration at the second session of the INC, without in any way prejudging what the committee might decide regarding the structure and provisions of the instrument. The document is to be based on a comprehensive approach that addresses the full life cycle of plastics as called for by UNEA resolution 5/14, including identifying the objective, substantive provisions including core obligations, control measures, and voluntary approaches, implementation measures, and means of implementation.

The template below is meant to assist Members and Observers to prepare their written submission as a guide. A number of documents prepared for INC-1 are of relevance, notably UNEP/PP/INC.1/5 on ‘Potential elements, based on provisions in paragraphs 3 and 4 of United Nations Environment Assembly resolution 5/14, including key concepts, procedures and mechanisms of legally binding multilateral agreements that may be relevant to furthering implementation and compliance under the future international legally binding instrument on plastic pollution, including in the marine environment’.

The template is divided into three sections:

I. Substantive elements  
II. Implementation elements  
III. Additional input

All written submissions must be sent to unep-incplastic.secretariat@un.org. The statements received will be compiled and made available the INC webpage.

Please note that it is not required for all fields to be answered in the template for submission.

**Deadline for submissions:**

- 6 January 2023 for written submissions from observers.
- 10 February 2023 for written submissions from Members of the Committee.
I. Substantive elements

1. Objective(s)

a) What objective(s) could be set out in the instrument?

**Proposed Objective:**

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

**Explanatory Text:**

As supporters of the Business Coalition for a Global Plastics Treaty, the Consumer Goods Forum supports the vision statement from the Business Coalition for a Global Plastics Treaty statement on 14th September 2022, copied above.

2. Core obligations, control measures and voluntary approaches

a) What core obligations, control measures and voluntary approaches would provide a comprehensive approach to addressing plastic pollution, including in the marine environment, throughout the full life cycle in line with the future objective(s) of the instrument?

As a supporter of the Vision Statement from the Business Coalition for a Global Plastics Treaty, the Consumer Goods Forum believes a legally binding treaty must set the right enabling conditions to
successfully scale a circular economy for plastic and end plastic pollution. For businesses and investors, this means creating a level playing field and preventing a patchwork of disconnected solutions. To achieve this, we believe the treaty should include the following key elements:

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

2. **The treaty must define a comprehensive and coordinated set of upstream and downstream policy measures** that help achieve our desired global outcomes and are adaptable to local conditions, including:
   - A timeline for the phasing-out of problematic plastics that hinder progress towards a circular economy, pose critical health risks, or have a high risk of ending up in nature
   - Harmonised regulatory and financial incentives to scale circular economy solutions by stimulating the necessary innovation, investment and consumer choices
   - Mechanisms to ensure dedicated, ongoing and sufficient funding for the after-use collection and treatment of plastic, for example through well-designed mandatory Extended Producer Responsibility schemes
   - Provisions to protect and respect the livelihoods, health, labour and human rights of all people involved in the value chain, for example through the recognition of and engagement with workers in informal and cooperative settings as important stakeholders to achieve a safe and socially-just circular economy

3. **The treaty must include instruments to support implementation and monitoring of progress at national, regional and global levels**, including by:
   - Supporting policy impact assessment, for example through the establishment of a scientific advisory body, to better understand environmental, social, and economic impacts over the whole life cycle of plastics
   - Strengthening accountability of governments and businesses, for example through globally harmonised disclosure obligations and reporting standards
   - Ensuring countries’ effective participation through a dedicated financial mechanism and capacity building to develop and implement national legislation and action plans
   - Improving transparency on plastic flows through harmonised monitoring, to track progress towards the implementation of circular economy solutions, for example using common rules on data and information sharing across the value chain

Any standards, principles, and guidelines outlined in the treaty should work in unison, across the full value chain to end plastic waste. Outlined below are standards, principles and guidelines published by
The Consumer Goods Forum (and several of its members) which can be considered as core obligations, control measures and voluntary approaches. These are:

- 9 Golden Design Rules for plastic packaging
- Principles for optimally designed EPR systems
- Principles for the ecomodulation of EPR fees
- Vision and principles for chemical recycling

These guidelines together do not provide an exhaustive solution to the problem of plastic waste. However, as you can see from what is outlined below, these principles have been developed to work in unison: packaging redesign is critical to eliminating unnecessary plastic and to improving the recyclability of any remaining plastic packaging. Effective EPR systems are needed to ensure the collection and recycling of plastic packaging (amongst other materials) and ecomodulated fees are an important lever for incentivising improved packaging design. At the same time, the development and scaling of collection, sorting and recycling infrastructure is key to ensuring that we can recycle more plastic and have access to more and higher quality recycled plastic content.

A) The Golden Design Rules for Plastic Packaging – 1 or more rules endorsed by 33 companies (as of 19/12/2022):

Companies in the Consumer Goods Forum (CGF) Plastic Waste Coalition of Action worked with industry experts, recyclers and plastics associations from over 25 countries to develop the Golden Design Rules. These rules complement and amplify the years of high-quality technical work and stakeholder alignment that has taken place across industry platforms and within country-level discussions. These rules provide a simple and accessible entry point to help companies and national organisations prioritise and deliver the most important design changes needed across the plastic packaging landscape, drawing on technical guidelines and local advice.

The 9 Golden Design Rules:

1) Increase recycling value in PET bottles
2) Remove problematic elements from all plastic packaging
3) Eliminate excess headspace
4) Reduce plastic overwraps
5) Increase recycling value in PET trays
6) Increase recycling value in flexible packaging
7) Increase recycling value in rigid HDPE and PP
8) Reduce virgin plastic in B2B packaging
9) Use on-pack recycling instructions

For more information about the Golden Design Rules, please visit the following websites:
B) The CGF Optimal Extended Producer Responsibility (EPR) Principles – endorsed by 35 companies (as of 19/12/2022):

In 2020, 34 companies in the CGF Plastic Waste Coalition made a statement recognising the positive impact that effective EPR schemes for packaging can have as a downstream waste management solution, and in incentivising packaging and product design for sustainability. To support the development of EPR globally, we published global principles and parameters for Optimal EPR policies that serve as a starting point for productive multi-stakeholder engagement and dialogue – these are:

- Strong environmental outcomes
- Efficient, cost-effective, transparent and accountable
- Shared financial responsibility
- Convenient for consumers
- Long-term financial sustainability
- Allow producers to secure material for closed loop recycling
- Social inclusiveness and fairness, especially in transitional markets with informal sector involvement

To read about these EPR principles in more detail, please visit this website: https://www.theconsumergoodsforum.com/wp-content/uploads/Building-a-Circular-Economy-for-Packaging-July-15-2022.pdf

C) The CGF Principles for Eco-modulation in EPR policies for packaging, endorsed by 36 companies (as of 19/12/2022):

To support the CGF Optimal EPR Principles, companies in the CGF Plastic Waste Coalition developed principles for the eco-modulation of EPR fees. Eco-modulation refers to variations in EPR fees according to specific criteria, to incentivize packaging and product design for sustainability. The principles are:

- **Simplicity**: An eco-modulation system should be designed as simply as possible, with practical implementation in mind.
- **Clarity of objectives and criteria**: The objectives of eco-modulation should be made explicit to make clear which improvements in the waste management and recycling system it targets. These can include a drive towards more efficient technology and better packaging design.
• **Focus on net cost:** Eco-modulation must include the ‘net cost’ of collection, sorting and recycling of a material stream to provide the optimal set of incentives for the design and production of recyclable packaging.

• **Investment into system improvement:** EPR fees collected on materials with relatively low recycling rates should be ringfenced for the development of infrastructure, technology, and consumer education to enable recycling of those materials.

• **Transparency and consultation:** The rules of an eco-modulation system should be fully transparent to all stakeholders and defined through a dialogue with industry.


**D) The CGF Vision and Principles for Chemical Recycling – endorsed by 17 companies:**

Chemical recycling can play an important role in a circular economy for plastics if it is developed and operated under credible, ethical, safe and environmentally sound conditions. To help encourage this we have outlined six key principles to guide the development of pyrolysis technologies in line with the vision for pyrolysis in a circular economy for plastics. They should be complementary to existing principles and standards guiding all recycling (mechanical or chemical). Such principles include for example: A) Recycled content claims should be standardised, clear and credible, such as ensuring it is derived from pre-consumer and post-consumer waste. B) Input material to recycling processes must be sourced in alignment with the principles of ethical sourcing. C) Recycled content must meet equivalent quality and safety standards (including food safety) as virgin-grade plastic for the corresponding application. D) The recycling process must not produce unmanaged emissions or pollution that contravenes international accepted levels for impact on human or wider ecosystem health.

**The CGF Principles for Chemical Recycling are:**

1. **Source of Input Materials:** Py-CR increases overall recycling volumes. Input material for PyCR does not include material that can be economically recycled by mechanical recycling in practice and at scale.

2. **Material Traceability:** Recycled content from Py-CR is accurately traced from plastic waste inputs through to recycled plastic using a mass balance protocol that is widely accepted and applied. This enables Py-CR to contribute towards both recycling and recyclability targets and recycled content targets.

3. **Process Yields:** Suppliers demonstrate they have maximised the plastic-to-plastic portion of outputs from Py-CR processes, de-prioritised the portion being used for other recycled outputs (e.g. bitumen/asphalt, waxes), and minimised non-recycled outputs such as fuels.

4. **Environmental Impact:** The life cycle impact (with a focus on climate14) of chemically recycled plastics is credibly demonstrated as equivalent to or lower than fossil fuel-based virgin plastics in a comparable system.
5. **Health and Safety**: Emissions and pollutions from chemical recycling processes are properly managed to safeguard health and safety of people and the environment.

6. **Claims**: Claims about chemical recycling made by companies purchasing plastics produced by chemical recycling are communicated credibly and transparently to support consumer decision-making.

To read about the CGF Vision and Principles for Chemical Recycling in more detail, please visit this website:

In parallel, the coalition commissioned an independent Life Cycle Analysis (LCA) that evidences, in Europe and for flexible packaging, the superiority of pyrolysis (one of the leading chemical recycling technologies) to both virgin plastic and incineration. Llorenç Milà i Canals was a member of the LCA independent expert review panel and UNEP supported the findings of the LCA. To read more about the LCA results please use the websites below:

Non-technical summary of the LCA:

Full LCA study:
[https://www.theconsumergoodsforum.com/wp-content/uploads/2022/04/Life-Cycle-Assessment-of-Chemical-Recycling-for-Food-Grade-Film.pdf](https://www.theconsumergoodsforum.com/wp-content/uploads/2022/04/Life-Cycle-Assessment-of-Chemical-Recycling-for-Food-Grade-Film.pdf)

II. **Implementation elements**

1. **Implementation measures**

   a) *How to ensure implementation of the instrument at the national level (e.g. role of national action plans contribute to meeting the objectives and obligations of the instrument?)*

   b) *How to ensure effectiveness of the instrument and have efficient national reporting?*

   c) *Please provide any other relevant proposals or priorities here on implementation measures (for example for scientific and technical cooperation and coordination as well as compliance).*

2. **Means of Implementation**
With respect to means of implementation, document UNEP/PP/INC.1/5 covers the following elements: capacity-building, technical assistance, technology transfer on mutually agreed terms and financial assistance.

a) What measures will be required to support the implementation of the instrument?

III. Additional input

Please provide any other relevant proposals or priorities here (for example introductory elements; awareness-raising, education and exchange of information; research; stakeholder engagement; institutional arrangements and final provisions).

Background information on The Consumer Goods Forum and the Plastic Waste Coalition of Action:

The Consumer Goods Forum is a non-for-profit association that offers global, CEO-led collaboration between retailers and manufacturers to implement positive change at scale. As the only organisation that brings consumer goods retailers and manufacturers together globally the CGF is in a unique position to help address key challenges that impact the industry, including environmental and social sustainability, health, food safety and product data accuracy. Responsible use of plastic packaging plays an important role in the consumer goods sector - to improve food safety, reduce food waste, reduce greenhouse gas emissions, and enable access to products for low income consumers. In 2019, the CGF launched the Plastic Waste Coalition of Action (PWCoA) with the aim of delivering and accelerating progress towards the New Plastics Economy Global Commitments that was co-founded by The Ellen MacArthur Foundation and United Nations Environmental Programme. Within this CEO-led coalition, over 250 representatives from 40 global companies work together to drive voluntary action on tackling plastic waste and pollution.


The CGF is a supporter of the Business Coalition for a Global Plastics Treaty.