Proposed response template on written submissions prior to INC-3 (part a)

At its second session, the intergovernmental negotiating committee (INC) requested the secretariat to invite written submissions on:

- Elements not discussed at INC-2, such as principles and scope of the instrument

INC-2 further requested the secretariat to post any submissions received on the INC website and to prepare a synthesis report of the submissions.

The template below was prepared by the secretariat, in consultation with the Chair, and is meant as a guide to assist Members and Observers in preparing their written submissions.

A number of documents prepared by the secretariat for INC-1 and INC-2 are of relevance to this submission, including:

- **UNEA resolution 5/14** on ‘End plastic pollution: towards an international legally binding instrument’
- **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’
- **UNEP/PP/INC.1/6** on ‘Glossary of key terms’
- **UNEP/PP/INC.1/8** on ‘Description of standard articles on final provisions that are typically included in multilateral environmental agreements’
- **UNEP/PP/INC.2/4** on ‘Potential options for elements towards an international legally binding instrument, based on a comprehensive approach that addresses the full life cycle of plastics as called for by United Nations Environment Assembly resolution 5/14’
- **UNEP/PP/INC.2/INF/4** on ‘Additional information linked to the options for the potential elements towards an international legally binding instrument’
- **UNEP/PP/INC.2/INF/7/REV.1** on ‘Information submitted by the Secretariat of the Basel, Rotterdam and Stockholm conventions’

All written submissions must be sent to unep-incplastic.secretariat@un.org. As detailed in the mandate, the submissions received will be made available on the INC webpage, a synthesis report of the submissions will also be developed in advance of INC-3.

Please note that not all fields in the template need to be answered in the submission.

**Deadline for submissions:**

I. **By 15 August 2023** for written submissions from observer organizations.

II. **By 15 September 2023** for written submissions from Members of the Committee.
Response template / INC on Plastic Pollution / 21 June 2023

TEMPLATE FOR SUBMISSIONS (part a)

| Name of country (for Members of the committee) |  |
| Name of organization (for observers to the committee) | Citeo |
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About us:

Citeo is the French Producer Responsibility Organisation for the implementation of Extended Producer Responsibility of household packaging and graphic paper. Producer Responsibility Organizations (PROs) operate along the value chain by helping companies to reduce the environmental impact of their packaging. From waste prevention with the role of EPR with ecodesign measures, building reuse systems and ensuring the recyclability of their packaging with existing and effective recycling schemes, to the protection of biodiversity by fighting against littering with the integration of clean-up costs in the EPR.

Citeo pursues several social and environmental objectives, within the framework of its activity as reducing the environmental impact of Citeo’s customers’ products, by embedding a circular economy and ecodesign in their practices and strategies; creating conditions to build solutions for today and tomorrow that combine environmental and economic performance; and providing consumers with the means to reduce the impact their consumption has on the environment.

Following the mandate launched by the United Nations Environment Assembly for an international treaty on plastic pollution, Citeo wanted to advocate the integration of Extended Producer Responsibility model within the future instrument. By creating a coalition that brings together various contexts of EPR united with a same political objective, Citeo has collected the signatures and expertise of nearly 40 Producer Responsibility Organisations around the world.

Elements not discussed at INC-2
1. Scope

What is the proposed scope for the future instrument?

Which types of substances, materials, products and behaviors should be covered by the future instrument?

1/A holistic approach is crucial in effectively addressing plastic pollution as it considers all aspects of plastic production, use, and management. By including every stage of the value chain, the Treaty can target key sources of pollution and encourage sustainable solutions throughout the lifecycle of plastics.

To achieve this goal, it is crucial for the final instrument of the Treaty to incorporate mandatory measures. While voluntary commitments may hold importance, they alone are insufficient in driving real change. By establishing binding standards, the Treaty can create a common framework for plastic regulation, fostering international cooperation and consistent implementation of measures to reduce plastic pollution.

Therefore, a particular attention must be given to the most polluting, prevalent, and easily replaceable plastic products. This selective approach is strategic in maximizing the impact of the Treaty within a reasonable timeframe. By targeting plastics with high environmental impact, such as single-use packaging, disposable plastic bags, or microplastics, the instrument can make a targeted and effective intervention. By reducing the production and use of these specific products, a significant inflection point can be achieved swiftly, contributing to the overall reduction of plastic pollution.

Furthermore, it is important to note that focusing on the most polluting and easily replaceable products does not mean neglecting other aspects of plastic pollution. Efforts should be made to promote the circular economy, reuse, recycling, and the development of sustainable plastics. The share of packaging in global plastic production is significant, accounting for a substantial portion of the total plastic output. Estimates suggest that plastic packaging comprises approximately 41% of the world's annual plastic production. This includes various types of packaging such as bottles, bags, plastic films, food packaging, and more.

2/Consequently, it is necessary to develop Extended Producer Responsibility (EPR) mechanisms, particularly focusing on packaging, as they will enable the structuring and coordination of an entire industry involved in one of the major contributors to plastic pollution. By addressing common challenges in production and eco-design, an EPR program will facilitate the discovery of more effective collective solutions compared to the mere payment of a tax. Extended Producer Responsibility (EPR) schemes are organizational mechanisms for the prevention and management of waste that concern certain types of products. EPR ensures that producers take responsibility for the entire lifecycle of their products, including the management of packaging waste. By shifting the burden of waste management onto the producers, EPR encourages them to design more sustainable packaging, promote recycling initiatives, and invest in innovative solutions to reduce plastic pollution. This comprehensive approach fosters a circular economy mindset, where packaging materials are reused, recycled, or properly disposed of, minimizing their impact on the environment.

Reducing consumption, developing reuse, reducing and eco-designing packaging, increasing collection, sorting, and recycling rates as well as decarbonizing virgin and recycled raw materials are all solutions
which, used together, will reduce plastic pollution to a level necessary to fight against global warming and to preserve biodiversity and resources. Therefore, Producer Responsibility Organisations on packaging can be an essential lever for this change because they make it possible to pool the responsibilities of companies and increase expertise on plastic material.

**Extended Producer Responsibility (EPR) goes beyond merely financing the management of plastic waste and encompasses the entire life cycle of plastic.** It addresses various aspects, including eco-design, production, consumption, and end-of-life management. EPR sets different objectives, such as promoting sustainable packaging design, reducing plastic consumption, and fostering recycling and circular economy practices. The comprehensive nature of EPR makes it a crucial solution to be included in an international treaty on plastic pollution.

**3/Here are the missions that must be included in the scope of the future International Treaty and for which the EPR will be able to support:**

- **Strengthen waste management:** At 5(a) (Possible core obligation: strengthening waste management) UNEP underlines the need to reinforce at a global stage the waste management. By making producers financially responsible for the collection and treatment of their products after use, EPR creates a funding mechanism that can support the development and improvement of waste management infrastructure. EPR can facilitate the implementation of robust monitoring and reporting systems. Producers, as part of their responsibility, can be required to monitor and report on the amount of plastic waste generated, collected, and properly managed. This data can then be used by policymakers to measure the effectiveness of targets and policies, identify areas for improvement, and make informed decisions based on the impact assessment of plastic waste in the environment.

- **Fees for eco-design:** At 6(b) (Possible core obligation: fostering design for circularity), UNEP’s option paper mentioned the need to “Establish a requirement to use fees derived from EPR schemes to fund an upgrade of infrastructure and technical and management skills for informal waste pickers to function as waste collection and sorting companies.” This financial responsibility encourages producers to consider the environmental impact of their products throughout their entire lifecycle, including during the design phase. Producers have a financial incentive to design products that are easier to recycle, reuse, or dispose of in an environmentally friendly manner. Therefore, EPR systems can require producers to conduct a lifecycle assessment of their products, which involves evaluating the environmental impact of a product from raw material extraction to final disposal. This assessment helps identify areas where eco-design improvements can be made. Finally, EPR systems often involve collaboration between producers, regulators, and other stakeholders. This collaboration provides a platform for sharing best practices, technical knowledge, and research findings related to eco-design. Producers can learn from each other’s experiences and innovations, leading to the development of more sustainable plastic products.

- **Reduction:** As it is mentioned in 1(b) (Possible core obligation: phasing out and/or reducing the supply of demand for and use of primary plastic polymers), EPR can support the reduction of the use of plastic packaging on a large scale, which will be the key to the success of the instrument. However, the scope of the instrument must face the complexity of the reduction,
which often requires a case-by-case analysis. It is therefore necessary to consider: the functions that the packaging must fulfill; the exact composition of the packaging and the analysis of its entire life cycle. The Treaty, through the generalization of EPR, can thus capitalize on the most advanced companies in terms of reduction, by sharing best practices.

➢ Reuse: Define, in conjunction with industry/producers national and local authorities, mandatory minimum targets for reuse. Reuse and bulk can help reduce our impact, provided we have an efficient and sustainable operational model from an economic point of view. To succeed, reuse and bulk must be based on reliable technical solutions, shared devices at relevant scales and new consumption habits. Thus, experiments and examples of the deployment of reuse internationally show that the most dynamic projects are those carried out directly by producers. In addition, it is important that the Treaty completes these reuse policies by generalizing Deposit Return System (DRS), when the various stakeholders have been able to install the necessary infrastructure and the data prove its environmental benefit.

➢ Littering: In relevant cases, educate consumers about the effects of littering. As such, EPR can encourage municipalities and companies to develop more solutions on littering and waste collection. This consists of eliminating or reducing packaging, creating reuse systems and design against littering. It is necessary to accompany the territories on structuring commitments for biodiversity by installing collection systems in very polluted natural places.

➢ Informal sector: Considering the 11(b), “Facilitating a just transition, including an inclusive transition of the informal waste sector” and where necessary and appropriate, EPR systems under development should also include measurable targets for informal sector inclusion. These goals can be achieved by several issues: 1. The development of collection and sorting infrastructure, which will allow all waste collectors to collect materials in better technical and sanitary conditions. 2. During the development of the EPR, the informal sector could benefit from support for collection, i.e., a payment per ton collected which should make it possible to improve the economic conditions and therefore the attractiveness of this sector. This payment requires that the sector is structured to offer good working conditions and remuneration to the teams of waste picker, and, of course, protected against corruption.

➢ Information and behaviour: The Treaty must also provide for measures to involve citizens more strongly by mass communication campaigns, as it is mentioned on 1(e) “Awareness-raising and education”. Several actions can be deployed jointly, supported by national and local initiatives: the simplification of sorting rules, accessibility with the most accessible technical device, the involvement of advertising and media actors, traditional and social, which must support these levers.

2. Principles

What principles could be set out in the future instrument to guide its implementation?

Proposed principles:

The EPR model should be integrated into the Treaty and be defined between strong global principles and effective national deployment. Several principles must be taken into consideration:
➢ A solid legal framework:

A solid legal framework that effectively implies the financial responsibility of producers is a fundamental precondition for the successful deployment of Extended Producer Responsibility. Therefore, the inclusion of the EPR principle should be mandatory in the Treaty. However, once this mandatory principle is well integrated by the governments and producers, it remains up to the respective states to design and manage their EPR model in the most efficient way, according to the country's production, dedicated funding, and waste management infrastructures.

➢ International and national deployment:

In the context of a global circulation of plastic products and their concentration in waste at specific locations, it is crucial to understand the transboundary nature of the plastic value chain and the pollution it generates. Therefore, applying common and harmonized standards of accountability is necessary, as they will be deployed by all states and will set ambitious means and targets. For this reason, it is better to conceptualize policies that can only be covered by binding and common provisions, otherwise the objective of ending plastic pollution will not be met.

➢ National implementation:

Production, collection, sorting, and recycling systems differ from one country to another. These systems emerge and develop within different political governance frameworks, including different social actors, and supported by varying degrees of public funding. Thus, some of the accountability measures taken by governments can only be deployed at the national level, avoiding the risk of macro-economic conceptualization that is not adaptable to the economic realities in different regions.

➢ Entire plastic value chain:

The EPR instrument should cover the entire plastics value chain (as well as other materials like glass, aluminum, steel, paper...), not only the waste management. National EPR laws should therefore include minimum standards in terms of eco-design, consumer awareness and coverage of collection and sorting costs.

➢ State control:

The large transfer of funds that a EPR scheme can carry out absolutely requires good monitoring and control by the State. This public presence will be able to control the good governance framework, the good use of funds and the achievement of objectives through the issuance of approvals. In the case of mandatory EPR systems, it will be necessary for the State to help the PROs to establish a unique identifier that proves the correct registration of the producers, to ensure compliance and transparency.

3. Additional considerations

Provide any other relevant inputs, proposals or priorities here that have not been discussed at INC-2 (e.g. preamble; institutional arrangements, including governing body, subsidiary bodies, scientific...).
and technical cooperation and coordination, and secretariat; final provisions including dispute settlements; and if appropriate annexes).

The various stakeholders very often remarked that it was necessary to deploy such an international instrument with the support of various support mechanisms, the sharing of scientific and technical resources, and the creation of a legal monitoring protocol to assure the effectiveness of the instrument. Consequently, we plead for the creation, under the aegis of UNEP, of a mechanism for knowledge, monitoring and support of EPR.

**Explanatory Text:**

The way an EPR law is developed, the sector it will empower, and its political governance model are crucial. In several countries that have never implemented any EPR policy scheme, effective knowledge of its issues and application is still very low and can be easily confused with other public waste management instruments. **For this reason, a common knowledge platform on EPR should be created and led by UNEP, in collaboration with existing EPR schemes, states, local authorities, NGOs, scientific research organizations and international donors.**

Subsequently, a harmonized and robust monitoring framework of reciprocal contributions would allow for better reporting on policy and operational developments of EPR. It will identify the main obstacles to its successful deployment and serve as a concrete proof-of-concept for stakeholders. In this sense, the Reuse Portal platform is an interesting and innovative example of a knowledge aggregation platform dedicated to the same operational objective.

Finally, the organization in charge of the platform's activity could demand and receive different national reports that will allow it to ensure the good progress of the Extended Producer Responsibility mechanisms, both in its legal integration and in its operational results.