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

Potential Areas Identified by the Contact Groups

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

- Any potential areas for intersessional work compiled by the co-facilitators of the two contact groups\(^1\), to inform the work of INC-3.

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.

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

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.

\(^1\) Contact Group 1 focused on Section A: Objective(s). Section B: Substantive Obligations; Contact Group 2 focused on Sections C: Means of Implementation. D: Implementation measures. E: Additional matters as contained in part II of the Annex to document UNEP/PP/INC.2/4.
Input on the potential areas of intersessional work to inform the work of INC-3 (following the lists compiled by the co-facilitators of the two contact groups)

**Potential areas for intersessional work**

The list of potential areas for possible intersessional work compiled by the co-facilitators of the two contact groups at INC-2 is set out below. Members and observers may wish to provide input on one or more of these areas.

**Contact group 1:**

1. Information on definitions of, e.g. plastics, microplastics, circularity
2. Information on criteria, also considering different applications and sectoral requirements, including:
   a. Chemical substances of concern in plastics,
   b. Problematic and avoidable plastic polymers and products and related applications
   c. Design e.g. for circularity, reuse
   d. Substitutes and alternatives to plastic polymers and products
3. Potential substances of concern in plastics, problematic and avoidable plastic polymers and products
4. Potential sources of release of microplastics (applications and sectors).
(Please note: A longer list is included in the co-facilitators report on discussions in contact group 1. Submissions may also include input on any of the items in that longer list, such as, amongst others, the development of criteria to prioritise problematic and avoidable plastics; the development of targets for the reduction, reuse and repair of problematic and avoidable plastic products; or the guidelines on EPR)

Contact Group 2:

1. To consider the potential role, responsibilities and composition of a science and technical body [to support negotiation and/or implementation of the agreement]

2. To consider potential scope of and guidance for National Action Plans [including optional and/or suggested elements]

3. To identify current provisions within existing MEAs [and other instruments] on cooperation and coordination that could be considered

4. To consider how other MEAs provide for monitoring, and suggest best practice

5. To consider options to define ‘technology transfer on mutually agreed terms

6. To further consider how a potential financing mechanism could work [including a new standalone mechanism, a hybrid mechanism, or an existing mechanism]

7. To identify options to mobilise and align private and innovative finance (including in relation to matters at 24(e) and the proposed Global Plastic Pollution Fee (GPPF))

8. To map current funding and finance available [to address plastic pollution] and determine the need for financial support for each Member

9. To identify capacity building and training needs for each Member.

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 their 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 eco-design 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.

Inputs relating to potential areas for inter-sessional work. Please identify clearly which area your input relates to.

Citeo will focus its contribution on areas 1, 6 and 7.
1. **To consider potential scope of and guidance for National Action Plans** [including optional and/or suggested elements]

Citeo supports the implementation of National Action Plans as soon as the Treaty is ratified, because these plans showcase a country’s willingness to take concrete steps to tackle the problem within its borders. Therefore, National Action Plans provide a platform for countries to collaborate and share best practices in dealing with plastic pollution. Through international discussions and exchanges facilitated by these plans, countries can learn from one another and build consensus on the need for a global treaty.

**National action plans often include provisions for data collection, monitoring, and reporting on plastic pollution.** This data can be valuable in assessing the magnitude of the problem, identifying sources and hotspots, and evaluating the effectiveness of implemented measures. Such comprehensive information can strengthen the case for an international treaty by highlighting the urgency and extent of the issue.

Moreover, the development of national action plans encourages countries to align their policies and regulations related to plastic pollution. This alignment can create a foundation for harmonization of approaches across borders and facilitate the negotiation and implementation of a global Treaty.

The deployment of national action plans can generate political momentum and public awareness about the issue of plastic pollution. As countries witness the positive impacts of their efforts, there is a greater likelihood of garnering political support and public pressure for an international Treaty.

Then, the establishment of an Extended Producer Responsibility mechanism can be a crucial support for developing common objectives and, thus, contributing to the content of National Action Plans. On the one hand because they aggregate many essential elements for the end of plastic pollution, on the other hand because they simplify the construction and transfer of data, shared by a Producer Responsibility Organization.

Extended Producer Responsibility is a policy approach aimed at shifting the burden of managing post-consumer products, such as plastic packaging, onto the producers. It promotes a more sustainable and circular economy by incentivizing producers to take responsibility for the entire lifecycle of their products, including their own disposal and recycling.

To effectively integrate EPR into national action plans, the following elements should be considered:

- **Legal Framework:** National action plans should include the establishment of a robust legal framework that outlines the responsibilities, obligations, and roles of producers, consumers, and relevant stakeholders. This framework should clearly define the scope of products covered under EPR, mechanisms for compliance, and enforcement measures.

- **Product Design and Material Choices:** Encouraging producers to prioritize eco-design and consider the environmental impact of their products is essential. National action plans should emphasize the adoption of sustainable materials, promoting recyclability, reducing the use of hazardous substances, and minimizing plastic packaging where feasible.

- **Collection and Recycling Infrastructure:** Effective EPR implementation requires the development of well-functioning collection and recycling infrastructure. National action plans should focus on expanding and optimizing collection systems, including the establishment of convenient drop-off points and promoting efficient recycling processes.
By incorporating these elements into national action plans, countries can effectively integrate Extended Producer Responsibility and contribute to tackling the pervasive issue of plastic pollution. **Such a comprehensive approach will foster a more sustainable, circular economy and help achieve the goals outlined in the proposed instrument.**

6. To further consider how a potential financing mechanism could work [including a new standalone mechanism, a hybrid mechanism, or an existing mechanism]

And 7. To identify options to mobilize and align private and innovative finance (including in relation to matters at 24(e) and the proposed Global Plastic Pollution Fee (GPPF))

**Citeo supports the UNEP 4 (e) proposal to create multilateral funds dedicated to plastics.** As such, we emphasize the close collaboration that must be achieved with the various global donors, to exchange best practices and experiences already carried out on this subject, and to be able to create complementary and not similar directions.

As envisaged in 24(e), it is necessary to supplement these multilateral funds with additional financing, which does not come directly from an international agreement. However, we would like to warn about a particular danger, namely the multiplication of financing options. The UNEP proposal mentioned both plastic taxes, EPR schemes, public-private partnerships, credit schemes, voluntary contributions, etc.

The complementarity of these funds can be very useful, because they often make it possible to capture many stages of the value chain, and thus, many stakeholders. However, a multiplication of funds can weaken the clarity and understanding of the means implemented, the establishment of common and harmonized objectives and the sustainability of funding. **Consequently, we favour the general adoption of the Extended Producer Responsibility mechanism.**
The continuous and proven development of Producer Responsibility has demonstrated the success of a management entrusted to obliged producers - under the effective regulation of a legal framework. The success of this private responsibility is justifiable because it defines the principles of EPR:

- **Dedicated funding.** The funds collected by the producers’ contributions are entirely dedicated to the objectives set by a Producer Responsibility Organization. In contrast, a tax, whether it is applied to plastic or any other type of polluting material and activity, is a response to an upstream problem, without covering the downstream funds needed to eliminate it. The tax therefore motivates producers to direct investments and production methods towards e.g., prevention sustainability but does not ensure that the funds raised by its imposition are dedicated to the development sustainable solutions.

  Integrated into a State's overall budget, a plastic tax remains dependent on political circumstances, government choices and state budget plans. Competing with other political priorities, whether environmental or not, a plastic tax is often dissolved in the overall budget and does not cover the costs of collecting, sorting and eventually recycling plastic.

  A legislative framework on Extended Producer Responsibility ensures the non-retractability of the financed commitments of producers, and thus, a perpetuation of the funds for the circular economy and fight against littering.

- **Sustainability of the fees.** The logic of Extended Producer Responsibility applies first and foremost to waste management, which is a common and daily problem, irresolvable by a single fund. If investments and punctual projects can be raised for the development of infrastructures, collection systems and R&D programs, they will never be enough to cover the continuity of the waste disposal of plastic materials. Moreover, the sustainability of the contributions allows for more ambitious and secure long-term projects, whose direction can be corrected, and achievement verified.

- **Flexible cost coverage.** When these funds are both sustainable and dedicated to covering the costs of collection, sorting, awareness, and circular solutions, they become more able to meet the costs generated. This unprecedented flexibility allows for a better economy of resources, targeting of investments and development of new circular projects.

- **Improve the efficiency of waste management.** The developments undertaken by a mandatory and collective model allow producers to improve implementation of Ecodesign, collection and sorting gradually, and thus reduce the costs of this system management. This improvement is achieved by all the collective and operational intelligence of a PRO dedicated to a material or product type. As EPR pricing will be scaled according to the net costs of this activity, it can be continuously readapted and optimized.

- **Eco-modulation of the fees.** Once the Extended Producer Responsibility system has been established and once the cost of the system has been analyzed and fully understood, eco-modulation of contributions is one of the main keys to achieve economic incentives for producers, combining both environmental circularity requirements as well as reducing contribution costs for producers. The criteria for calculating contributions can therefore be based on weight, volume, packaging complexity, recyclability, and recycled content. Packaging which causes disruptions to
recycle or products that cannot be recycled or have no recycling infrastructure available would have to pay higher EPR fees.

**Disclaimer:** This does not mean that public funding cannot supplement the PROs' own funding according to political or contextual priorities, but the latter will ensure at least the minimum net cost required. In this context, the state will have a monitoring and target-setting role, which will be updated according to the activity of the PRO.