WRITTEN SUBMISSION FOR INC-3 (Part B)

POTENTIAL AREAS OF INTERSESSIONAL WORK

<table>
<thead>
<tr>
<th>Name of organisation (for observers to the committee)</th>
<th>Ellen MacArthur Foundation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><a href="https://ellenmacarthurfoundation.org/">https://ellenmacarthurfoundation.org/</a></td>
</tr>
<tr>
<td>Contact person and contact information for the submission</td>
<td>Marta Longhurst</td>
</tr>
<tr>
<td></td>
<td><a href="mailto:marta.longhurst@ellenmacarthurfoundation.org">marta.longhurst@ellenmacarthurfoundation.org</a></td>
</tr>
<tr>
<td>Date</td>
<td>15th August 2023</td>
</tr>
</tbody>
</table>

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)

A UN treaty based on legally-binding global rules and comprehensive circular economy measures is a unique opportunity to accelerate systems change and end plastic pollution. To enable development of an effective instrument, we suggest the INC considers as a priority the following policy areas for intersessional work:

1. **Total volume reduction to limit or reduce total volume of virgin plastics put on the market** (linked to Sections B.1. in the Options Paper).

   Intersessional work in this area should focus on:
   - Developing a framework for setting specific reduction targets and monitoring of volumes of different types of plastics put on the market
   - Outlining economic instruments to support total volume reduction

   *Limiting and reducing virgin plastic production is essential to address both plastic pollution and the climate impact of plastics.*

2. **Elimination criteria & lists for determining problematic and avoidable plastic products and packaging as well as polymers and chemicals of concern** (linked to Sections B.2. and B.3. in the Options Paper).

   Intersessional work in this area should focus on:
   - establishing definitions, criteria, and an initial list of polymers, additives and formats to be eliminated
   - prioritising high-leakage and short-lived plastic applications including packaging to eliminate them as soon as possible if circulation does not work in practice and at scale
   - addressing hazardous chemicals to ensure that all plastics are safe to be made, used, reused, and recycled

*Clear starting points and stakeholder alignment regarding plastic materials, formats, and components most frequently identified as unnecessary or problematic already exist. Please refer to EMF’s Pre-INCC2 submission (Appendix A) for more details.*
3. **Reuse systems and delivery models** (linked to Section B.7. in the Options Paper)

Intersessional work in this area should enable **setting quantitative, binding reuse targets** and focus on:

- **establishing definitions and design standards (for product and infrastructure)** to facilitate scale up of efficient reuse systems
- **developing robust and comprehensive reuse metrics** covering all reuse model types to facilitate credible reuse measurement and effective regulatory enforcement in practice
- **outlining incentives to make the economics work** to level the playing field for reuse solutions currently disadvantaged by single-use models with existing regulatory and economic conditions being hardwired for single-use, throw-away plastics.

*Reuse offers one of the biggest opportunities to cut plastic pollution, while lowering emissions and pressure on natural resources.* More detail on the role the Treaty can play in overcoming current barriers to scaling reuse can be found in the briefing paper *From single-use to reuse: a priority for a UN Treaty.*

4. **Product design** (linked to Sections B.5/B.6/B.7 in the Options Paper)

Intersessional work in this area should focus on:

- Clear definitions and criteria on design for circularity, distinguishing between **design for reduction, design for reuse, and design for recycling**
- Sector-specific design for recycling requirements to ensure that products and packaging containing plastics are ‘designed for recycling’ or ‘technically recyclable’
- Clear definitions, along with global and regional thresholds, when a plastic product or packaging is to be assessed as being ‘recyclable in practice and at scale’
- Global or regional **target dates by which only plastic products and packaging assessed to be ‘recyclable in practice and at scale’ are allowed to be put on the market**

*Design for circularity encompasses design for reduction, design for reuse, and design for recyclability. These are distinct and should all be covered.*

*When it comes to recyclability: a high level of alignment on the definition of ‘technical recyclability’ is an important starting point, but is not enough by itself. It also needs to be proven ‘in practice’ and ‘at scale’ that a packaging type or format can be widely recycled. Clear starting points and stakeholder alignment exist on those topics and could be leveraged for the intersessional work. Please refer to EMF’s Pre-IN2C2 submission (Appendix B) for more details.*

5. **Key principles and minimum requirements for establishing mandatory Extended Producer Responsibility (EPR) systems to ensure all industry players fund the collection and treatment of plastic that is put on the market.** (linked to Section B.5. paragraph 14.(d)(iii) Section C. 1.paragraph 24.(e)(ii) in the Options Paper)

Intersessional work in this area should focus on:

---

1 Pew Charitable Trusts and Systemiq, Breaking the Plastic Wave (2020); Reloop platform & ZeroWaste Europe. Reusable Vs Single-use packaging (2020); European Environmental Bureau, Realising Reuse (2021)
• Developing principles and criteria to enable design and implementation of an effective EPR scheme at the national level in terms of:
  o the scope of covered materials;
  o the scope of activities and targets to be achieved;
  o roles and responsibilities of stakeholders involved;
  o reporting, monitoring, and enforcement mechanisms.

• Developing support mechanisms for subsequent implementation of the EPR scheme, acknowledging the need for adaptation to the local context. This could be achieved through establishing a global EPR hub to help governments develop and implement effective legislation, and facilitate knowledge exchange across countries.

It is widely recognised by businesses and other stakeholders that mandatory EPR is the only proven and likely way to provide dedicated, ongoing, and sufficient funding to manage packaging waste and reduce plastic pollution. To address important limitations and draw lessons from the implementation of EPR schemes to date, several reports and publications by different stakeholder groups have highlighted key considerations for what an effective and inclusive EPR scheme looks like. These could be used as an input into the intersessional work and are summarised in EMF’s Pre-INCI2 submission (Appendix C).

6. Definitions, metrics and methodologies for robust national reporting (linked to Section D.2. And D.4 in the Options Paper)

Intersessional work in this area should focus on:

• development of harmonised definitions, standards and metrics that enable the collection of relevant, reliable and comparable data covering the entire plastic life cycle. Key monitoring metrics should include both “upstream” material input data (e.g. total plastic production per polymer type and application, volume of recycled content), “midstream” to understand the split between single-use vs reusable and recyclable vs non-recyclable, as well as “downstream” waste and fate data (e.g. total plastic waste recycled)\(^2\).

• development of associated data collection and distribution systems - that are aligned with the instrument’s objectives and scope, enabling the collection of current and future data points on production, use, waste and pollution.

Several existing data collection and reporting initiatives have paved the way for reporting on plastics by public and private actors and could be used as a starting point for intersessional work to inform and inspire the development of an effective and harmonised reporting mechanism. Please refer to the CDP, EMF, Minderoo Foundation, Pew Charitable Trusts Joint Pre-INCI2 submission for more detail.

---

\(^2\) UNEP/PP/INC.1.7 Plastic Science (September 2022), para 69-72.