Kenya’s submission on Extended producer Responsibility

Extended Producer Responsibility
1. Kenya supports the Africa Group Position for Option 1: with addition of the term “Mandatory EPR”.
   a. Kenya affirms that, extended producer responsibility provides a holistic framework for addressing the full lifecycle aspects, including enhancing circularity of plastic products.
   b. Kenya has piloted two voluntary EPR schemes for plastics for the last five years (since 2018), and realized that, voluntary schemes are not effective as the EPR responsibility is spread only to the coalition of the willing.
   c. Post-consumer materials are often mixed, and cannot be isolated easily according to the members who subscribe to the voluntary arrangements, leading to unsustainable operations, coupled with an uneven playing field. Through the mandatory EPR, it is possible to apprehend free riders.
   d. We therefore note, that voluntary EPR mechanisms are not effective in realizing the systemic transformation, required in holistic management of plastic pollution. In line with the binding nature of the treaty, we advocate that, ALL EPR schemes for plastics should be Mandatory.
   e. ALL EPR schemes shall integrate engagement with waste pickers, and facilitate a just transition.

Role of EPR in Closing Material Loops:
2. EPR schemes can ensure full closure of plastic value chain and that the chain of custody between producers, distributors, and consumers through take back schemes, is traceable with an accountability mechanism. This assures minimum leakages to the environment.
3. We also observe that transnational and multinationals plastics value chains transcend beyond geographical boundaries and regions. Their products often end up in regions beyond their physical location, and often to developing countries, that do not have capacity to handle end of life processing and safe disposal of plastics.
4. It is imperative that plastics material loops, are fully closed beyond the physical and geographical location of the production and distribution operations. Through respective allocation of the EPR obligation that follows the true full life cycle of plastics, we will be
able to close material loops, control pollution and plastic waste to the last bit of the value chain.

**Kenya therefore proposes new text under 7 as follows:**

5. Parties shall ensure that **ALL Plastic Producers** operating in their jurisdiction are part of **mandatory EPR schemes** and Multinational corporations who introduce plastic products especially in developing countries through franchise, subsidiaries’, agents or any other arrangements’, shall minimize their plastic pollution footprint through EPR schemes.

6. Parties shall ensure that EPR schemes have efficient and effective traceability and accountability mechanisms.

7. Lastly, Kenya notes that, some countries may not have adequate plastic material feedstock to sustain processing of post-consumer plastics. There is therefore need, to provide for regional based EPR operations that tap into economies of scale. Kenya therefore proposes additional text as follows:

   Parties may consider to co-operate at regional and global level, in the implementation of EPR schemes.

**Thank you.**