

## Plastics Europe position on the Global Plastics Pollution Agreement objectives, scope, obligations and measures ahead of INC2

*For UNEA Resolution 5/14, 'end plastic pollution: towards an international legally binding instrument', Plastics Europe supports the overarching objective **to end plastic pollution by 2040 through a circular economy.***

*Our goal is to end plastic pollution by 2040 through a circular economy where all plastic applications are reused, recycled, and responsibly managed during and after use while enabling a lower greenhouse gas emissions plastic economy.*

*We support an international agreement including ambitious measures and an enabling framework to facilitate this global transformation of the plastics systems<sup>2</sup>. These measures should include the creation of a market pull for circular plastics, the rapid global expansion of collection, sorting and recycling as well as a financing system supporting the massive investments needed for facilitating this change.*

To achieve the goal of ending plastics pollution<sup>1</sup> by 2040 through a circular plastics economy, we support a set of core obligations and measures to ensure the envisioned system transition. We are convinced that an ambitious global agreement that provides guidance and supports global harmonisation of standards is the basis for an inclusive transition of the plastic system<sup>2</sup> for all stakeholders. We consider the suggested obligations below as key drivers to enable circularity and end plastic pollution in shortest period possible, while ensuring the protection of human health and the environment. We believe measures set at the level of plastics applications are best placed to tackle the problem of plastics pollution in the environment.

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<sup>1</sup> 'Plastics pollution' is considered as 'Plastics ending up in the environment after the use-phase or due to unintentional discharge'.

<sup>2</sup> The 'Plastics System' includes the broader plastics value chain from feedstock providers, plastics production, compounding, business models such as reuse, plastics applications usage through to end of life and recycling.

## **A. Requirement to sustainably produce and consume plastics and for environmentally sound management of all plastics waste**

We need a holistic approach to stop plastics pollution. One that is built on sustainable plastic production and consumption with waste prevention, reuse, reduce and repair, and the development of a circular economy. In addition to the global scale up of known solutions, we will need to harness the power of innovation, technology and eco-design-based solutions to significantly increase the amount of reuse and recycling, by designing for recycling/circularity and developing more cutting-edge recycling technologies. The current global challenges need to be addressed with globally harmonised measures that can be nationally implemented recognising national and local circumstances and enabling policies.

### **1) Ensure sustainable production through diversification of feedstock and reduction of dependence on fossil feedstocks**

Plastics Europe supports the need to increase the use of circular feedstocks thereby reducing the dependence on fossil feedstocks<sup>3</sup> used for the production of plastics products. In order to achieve sustainable production through feedstock diversification, high recycling rates and investment are needed to secure circular feedstock availability.

We consider the setting of recycled plastic content targets as a highly effective option to support investment in the roll-out of segregated collection and recycling infrastructure. Such targets can help to create a market demand for recyclates across all plastics applications (for example in packaging, consumer goods, or the automotive sector). To safeguard effective plastic pollution prevention, a robust and competitive business case for plastic waste-based feedstock streams is essential to unlock and safeguard constant and significant waste and recycling infrastructure investments at scale. Furthermore, we encourage the establishment of global end-of-waste criteria to enable trade in circular feedstocks and scale up global plastic circularity whilst reducing illegal exports of plastic waste and leakage into the environment.

Supported by a science-based report and using the European Plastics system as base model, we additionally believe the increase of all non-fossil circular feedstocks is essential for reaching a net zero emissions plastics industry<sup>4</sup>. To ensure faster systemic change, it is also essential to use the existing assets of plastics production while diversifying feedstock sources. From that perspective, we support the increased use of all kinds of circular feedstocks, including recycled feedstock from plastic and other wastes, sustainably sourced biomass, and captured carbon feedstocks (CCU), which will help to reduce the reliance on fossil feedstocks and considerably lower GHG emissions and the waste footprint of the plastics system. In order to achieve sustainable plastics production

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<sup>3</sup> Circular feedstocks are recycled feedstock, bio-based feedstock, carbon captured feedstock.

Note: The definition is based on the feedstock used and does not refer to the End-of-Life of the plastics

<sup>4</sup> ReShaping Plastics Report, SystemIQ, 2022

through feedstock diversification, high recycling rates and investment are needed to secure circular feedstock availability.

For certain biogenic feedstock usage and chemical recycling technologies, a transparent mass balance accounting system (including chain of custody) for allocating recycled and bio content is required to accelerate the circular economy and uptake of recycled content in plastics products. This will further ensure that credible and transparent claims can be made to end consumers, thus preventing greenwashing. The global agreement should enable the uptake of all recycling technologies in national/regional policies (by remaining technology-neutral) to create a demand for plastic wastes, thus creating an economic incentive for collection, sorting and recycling.

In order to enable and drive the transition towards a circular economy, we see the need for an appropriate regulatory framework on a national level that should include the following measures:

- Create demand drivers for the transition to circular plastics production, e.g., via legislative targets for circular plastics based on national circumstances
- Recycled plastics content targets per industry sector to create a demand driver for waste management and recycling
- Secure circular feedstock availability e.g., through recycling rate targets combined with collection and sorting of plastics waste
- Financial incentives to promote essential investments in circularity and support the development of innovative technologies (e.g. innovations in recycling, carbon capture).
- Re-use targets for specific packaging applications

## **2) Obligations for sustainable consumption and design for circularity to prevent plastic pollution and avoid problematic and unnecessary plastic applications**

Design for circularity is an essential obligation to end plastic pollution. Plastics Europe believes that the global agreement should focus on the following core levers for a systemic change:

### Reuse and Refill

In certain instances, reuse, refill or other new business models and alternative delivery systems are effective ways of saving resources, reducing the generation of waste and improving the environmental footprint of plastic products. This principle is currently applied in numerous applications and due to their versatility and durability, plastics provide enormous potential for supporting reuse and refill systems in different applications, while allowing for their return to the circular economy at their end of life. A recent report commissioned by Plastics Europe, ReShaping Plastics, highlighted the potential of reuse systems and new delivery models covering different plastic uses and the significant role they play in reducing both emissions and waste from the plastics system.

Plastics Europe supports measures to increase reuse of plastics through both obligations and voluntary measures. We call for an ambitious, effective, and sustainable global agreement to give guidance and lay the ground for a national implementation.

Reuse (and refill) systems should be assessed on an individual basis considering the possible health and hygiene requirements in specific applications, design criteria, as well as the environmental impact of their required supporting systems and processes and the local conditions for implementation. Individual assessments of their feasibility for different market sectors, products and market environments will be required as these may well vary. To secure circularity of the material, design for repair and recycling considerations should be at the forefront of materials selection for reuse / refill systems to maximise their service life and secure their return to the circular economy at end of life.

### Sustainable consumption of plastics applications

We support the vision of enabling the sustainable consumption of plastics applications globally. We see tackling plastic pollution on an **application level** as the most effective lever to reach the objectives of the agreement. Due to strong national differences, we see the need to create a set of harmonised criteria to determine how to avoid problematic and unnecessary plastics applications as a fundamental first step. This could serve as the basis for a methodology for national evaluation of the plastics applications (by priority waste stream) on the local market. As a first step for an assessment of which products might require further regulation to meet the objectives of the global agreement, the following criteria could be considered as part of this methodology, amongst others:

- likelihood of leakage of the application during or after use,
- possible improvements to the availability of waste management infrastructure and/or to the existing infrastructure
- potential for behavioural changes,
- potential for redesigning the application in line with a life-cycle assessment including evaluation of the material usage,
- evaluation of effects on human or animal health, and other socio-economic aspects

Such a methodological approach should be applicable to products made from all materials and could help to eliminate the production of problematic or unnecessary **(plastic) products** and support the replacement of short lived or single use applications with durable applications or other alternatives (if reduced environmental footprint can be demonstrated) while also considering health and safety information and other socio-economic aspects. It will allow for a focus on the items most likely to leak into the environment, enabling an effective and efficient fast track to end plastic pollution by 2040.

An approach (e.g., negative lists) focusing solely on specific polymers or substances viewed as problematic without considering the application and potential alternatives will not create the desired environmental benefits and risks unintentionally increasing environmental damage. Furthermore, potential alternatives may prove problematic when considering all socio-economic factors and life cycle assessments.

### Design for Recycling/Circularity

Design for Recycling/Circularity is an additional valuable tool to support the sustainable consumption of plastic applications in a circular economy. We support the development of Product Design Principles, based on LCA assessment, to increase recycling and where possible reuse. Design for Recycling (DfR) criteria need to be application specific and must aim to support an inclusive transition.

Currently, no globally aligned methodology for the evaluation of plastic applications is available. Nevertheless, we consider the development of such a methodology for driving sustainable consumption on an application level as a core objective of the future agreement. Therefore, we propose the establishment of a multistakeholder global intersessional working group to inform the negotiation process. The resulting methodology could be added to the agreement as an Annex to give guidance on the national implementation measures. On a national level, measures will need to be reviewed over time to adapt local regulation to the development of central factors such as the waste management and recycling infrastructure and technology availability.

### **3) Establish environmentally sound management for all plastics waste**

Universal access to integrated waste management systems (collection, sorting and treatment) for all wastes, not only plastic waste, is crucial to prevent littering and pollution. We support the important objective to globally develop waste management systems, thus preventing pollution and laying the ground for a circular economy. We welcome the development of global guidelines and best practices in the global agreement or via the development of technical standards to support the development of plastic waste management plans and infrastructure. Additionally, we fully agree on the importance of involving citizens, the informal sector, and consumers in the design of the collection systems.

The transition towards a global circular economy for plastics can be supported by targets on recycling rates. Hereby we see a need to adapt the timeline of the potential mandatory recycling rates based on the industry sector (e.g. packaging, or building & construction waste) and the current availability and status of collection, sorting and recycling infrastructure at local or regional level. To achieve sufficient plastics recycling, we call for a clear pathway towards a market environment supportive of a circular economy, including through a global ambition to transition away from waste treatment approaches such as incineration or landfill of recyclable plastics waste towards more environmentally sound waste management approaches like recycling.

Additionally, we consider the setting of minimum recycled content targets as an efficient policy, considering regional/national circumstances, to support the development of recycling infrastructure, as those targets can help to create a market drive for the uptake of recyclates.

To meet the plastic circularity objectives and optimise the availability of resources for future generations, the contribution of all recycling technologies including mechanical, physical, organic, and chemical recycling is required. A fast scale up of all technologies requires a supportive framework that allows existing and new processes among plastics value chain actors to be deployed.

For certain chemical recycling technologies, a transparent mass balance accounting system (including chain of custody) for measuring recycled content is required to accelerate the circular economy and the uptake of recycled content in plastics products. The global agreement should enable the uptake of all recycling technologies (be technology-neutral) in national/regional policies.

## **B. Sustainable and safe use of chemical constituents and additives as part of global chemical regulation**

Plastics Europe highlights that there are many chemical regulations in place at the global and national/regional level. It welcomes further efforts to enforce these existing schemes and the further establishment of exposure-based chemical management legislation in countries that are lacking such schemes, to ensure protection of human health and the environment.

At the international level, we believe that this aspect is best addressed as part of other multilateral environmental agreements and activities such as the Stockholm Convention on Persistent Organic Pollutants, the UN GHS, and the Strategic Approach to International Chemicals Management (SAICM).

Within the global agreement, we support and continue to engage in efforts to provide more transparency around constituents and additives in plastics products. Design for Recycling/Circularity Guidelines, on an application and technology basis, can then address specific substances or additives of concern and drive innovations on additives enabling recycling and a circular plastics economy. We therefore also support policies and incentives in support of industry efforts to deploy innovations in plastic additives that enable circularity, and which consider different recycling technologies.

## **C. Global objective on pellet loss and microplastics release**

One source of microplastics is plastic pellet losses. Operation Clean Sweep (OCS) is a global voluntary industry programme which has been developed for the plastics value chain to prevent pellet losses. This programme is being implemented worldwide including in Europe where the plastics value chain has launched a certification scheme for OCS implementation to independently verify commitment to the OCS programme.

We recommend including a zero-pellet loss objective in the global agreement. The objective should be accompanied by globally consistent minimum requirements for standards across the plastics value chain and among all actors handling or using plastics pellets as well as global guidelines based on the Operation Clean Sweep programme and a regional implementation such as the OCS Europe Certification Scheme. This will allow countries and regions to set their own measures taking into account national circumstances.

In addition to tackling plastic pellet losses, we are collaborating closely with scientists to better understand how microplastics are formed and the impact of microplastics on the environment and health. We are collaborating closely with policymakers and regulators to introduce measures to help mitigate their release for example through a five-year, fully independent scientific research project, engaging world-renowned microplastic experts – the Brigid<sup>5</sup> project. Brigid is part of the International Council of Chemical Associations (ICCA) MARII<sup>6</sup> initiative of global industry supported research on the impact of microplastics. The global plastics agreement should further boost such research initiatives.

## **D. Measurement obligation through data collection and reporting**

The ability to monitor and follow the process of eliminating plastic pollution as well as establishing a circular economy will be decisive for an inclusive plastic system transition. In fact, we consider it essential to first establish measurement metrics (based on available data), before some of the global and national targets of the global agreement are set, in order to ensure successful implementation. We therefore welcome the inclusion of mandatory data and reporting objectives as part of the International Legally Binding Agreement. We see as essential the identification of key levers for monitoring to eliminate plastic pollution for all stages of the life cycle of the plastics system.

Plastics Europe supports the reporting of production capacity data globally, including the monitoring of the transition to circular feedstock utilisation and additionally sees it as essential to include further reporting obligations based on plastics conversion, data from economic operators or municipality data on waste collection as a decisive element in monitoring plastics pollution.

In order to create an understanding of key levers and metrics for monitoring and reporting to achieve the core objective, Plastics Europe encourages the establishment of an intersessional working group on monitoring and reporting.

## **E. Financial core obligations**

Plastics Europe supports the establishment of a sustainable financing mechanism, including the following tools based on national or local requirements:

- Development of assistance and capacity building to support countries which do not have the financial and geographical resources to implement environmentally sound waste management

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<sup>5</sup> More information on <https://plasticseurope.org/sustainability/plastics-health/microplastics/brigid/>

<sup>6</sup> Microplastics Advanced Research and Innovation Initiative (MARII), more information on <https://icca-chem.org/focus/microplastics-advanced-research-and-innovation-initiative-marii/>

- Public-Private partnerships
- Material-neutral Extended Producer Responsibility (EPR) schemes as a valuable tool for managing a producer's responsibility in financing the end-of-life management of the products placed on the market. At the same time, EPR incentivises the opportunity to secure an easy and open supply of high-quality recycled material for producers of plastics or plastic products. It is a driver of circularity that secures the transformation of waste into the future feedstock for plastics products. EPR schemes should be material neutral, comply with minimum requirements and be designed for local conditions to ensure solutions that meet the needs and economies of their area and help to build sustainable business models that benefit local communities, including the informal workers/waste collectors. EPR-like systems need to secure a transparent flow of financial resources to fund the establishment of collection, sorting and recycling systems.

## **F. Introducing standards and transparency for biodegradable and compostable plastics**

Although the term “bioplastics” is widely used, it can often refer to two entirely different properties of plastic materials, namely a) plastics using a bio-based feedstock (origin of carbon) and b) plastics that are intrinsically biodegradable under one or more environmental conditions (end-of-life). An approach that differentiates between bio-based plastics which are part of a transition to non-fossil feedstock in plastics production and biodegradable or compostable plastics applications is important and possible. We welcome technical global standards developed by International Organizations for Standardization, such as ISO 17088 - Specifications for compostable plastics or ISO 16620 – Specifications for bio-based plastics.

Biodegradation of a plastic material is a systems property that “requires both plastic material properties that allow for biodegradation and suitable conditions in the receiving environment such that biodegradation can take place.”<sup>7</sup> There is a need for clear differentiation between certified compostable plastic applications supporting organic waste recycling and environmentally biodegradable plastic applications. In fact, these two plastic application types have different biodegradation needs, end-of-life receiving environments and, linked to the aforementioned aspects, sustainability value proposition. This distinction in terms and potential labelling is key to avoid misunderstanding and confusion. Environmental biodegradation shall never increase litter or be an excuse thereof.

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<sup>7</sup> Scientific Opinion of the European Commission's Group of Chief Scientific Advisors; Biodegradability of plastics in the open environment, 2020, <https://www.sapea.info/wp-content/uploads/bop-report.pdf>



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