



Preliminary business recommendations for an ambitious UN instrument to end plastic pollution

The International Chamber of Commerce (ICC) – as the institutional representative of more than 45 million companies in over 100 countries – welcomes the landmark decision at the resumed fifth session of the UN Environment Assembly (UNEA5.2) to develop a legally binding instrument (LBI) to end plastic pollution. We fully commend the UNEA 5.2 President, the Executive Director of UNEP and Member States for their determination and willingness to address this pressing environmental challenge.

ICC further welcomes the recognition of the essential role of business in the process to develop such an instrument. We are deeply committed to support efforts to secure an ambitious, workable and effective agreement by 2024. In this context, ICC recognises and supports the need for urgent and ambitious action by all stakeholders to address rapidly increasing levels of plastic pollution globally.

The business community has a critical role to play in providing the solutions that will be needed to address the challenge of plastic pollution at the required scale and speed. A coordinated, concerted and holistic approach will be required with respect to design, use, reuse, and recycling of plastics. So too will the need to take into full account the interlinkages between climate, biodiversity and trade, in moving from a linear to a circular economy.

Circular economy considerations are inextricably linked with trade policies and will be critical in supporting an LBI on plastics pollution and its successful implementation. In the context of the World Trade Organisation multi-stakeholder structured discussions on trade and environmental sustainability, we encourage governments to consult the findings of a new ICC study – [“The Circular Economy and International Trade: Options for the World Trade Organization”](#) on how smartly designed trade policies and rules can support a transition to a circular and resource-efficient economy. Consolidated thinking between trade and environmental policymaking will be essential if we are to deliver on the shared goal of ending plastic pollution.

ICC looks forward to supporting governments in the development of an ambitious and effective legally binding instrument, providing technical expertise, best practices and approaches to the discussions that reflect the experience of the global business community – including small and medium sized companies, in particular from developing countries.

In view of the upcoming Ad hoc Open-Ended Working Group meeting, scheduled to take place in Dakar from 29 May to 1 June 2022, ICC would like to highlight some key preliminary views and issues for consideration as the work plan is developed.

What business needs from the LBI on Plastic Pollution

The business community has an essential role to play as a key stakeholder in the negotiation of a LBI on Plastic Pollution and will be an integral partner in the implementation of its objectives. ICC members reaffirm their commitment to inform the deliberations and to contribute extensive experience and expertise, as well as provide constructive recommendations and feasible solutions to the process.

To enable and encourage businesses to fully play their role, the LBI on plastics pollution should:

- **Provide a global, common vision and harmonised standards, definitions and rules** that strengthen global coordination and align stakeholders behind a common understanding and a shared approach to end plastic pollution and help drive the transition to a circular economy for plastic. All targets should build on existing globally harmonised standards, with interim targets for the short and medium term differentiated from longer term targets.
- **Align all stakeholders**, including business, government and civil society on a common understanding of, and approaches to, address plastic pollution. Particular consideration should be given to small and medium sized companies – the lynchpin for the transition to a net zero plastic pollution economy, given their limited capacities and resources. It will be equally important to recognise the existence of diverse national and regional realities and challenges, including across developing and least developing countries. Similarly, the needs of vulnerable communities and low-income households as well as the key role of the informal sector with respect to collection and recycling of plastics, should be taken into account. In working to achieve a plastic pollution free economy, it will be necessary to engage all stakeholders to set a sustainable path that leaves no one behind.
- **Establish a common policy framework for a coordinated international approach, with clear targets and goals to be translated into national and sectoral action pathways.** An ambitious and implementable legally binding agreement with a clear overarching objective, and a common framework for national action plans, will be key to help countries translate the provisions into clear national targets and action plans that aggregate delivery on the treaty's objective. It would be useful to provide direction and clarity on how business contributions will be taken into account in national efforts towards the achievement of the treaty's goals and targets.

Particular considerations should be given to key success factors from global agreements that catalysed joint action. In this respect, governments could draw key learnings from the Montreal Protocol on Substances That Deplete the Ozone Layer, for example, how the Montreal Protocol provides for technical panels involving business, to provide expert guidance across the entire life cycle of plastic pollution. Existing experiences and best practices as well as other internal and national efforts and reference systems could also be of benefit. Experience has also shown that business

in-country engagement in the development and implementation of the climate targets is critical in order for governments to further advance the ambition of their national contributions.

- **Support a global transition to a circular economy** by creating coherent, enabling policy frameworks and conditions that incentivise and support business action, and facilitate an effective circular economy that works in practice and at scale. These policy frameworks also need to address the full life cycle of plastics, including upstream and downstream measures, and create the necessary enabling conditions to support the economy to progressively move away from single-use plastic to reuse and recycling of plastic. The LBI should keep plastics in the economy and out of the environment, and essentially focus on addressing overall plastic pollution, including land-based and marine environments. It also should support the necessary shift in the design, use and reuse of plastics. For that purpose, it will be critical to understand how trade and trade policies can effectively support a circular economy transition and contribute to efforts to tackle plastic pollution. Policies to address plastic pollution should be developed taking into account potential interactions and integration with trade, climate, biodiversity or other relevant policy objectives and instruments for better coordination and alignment. A successful transition to a circular economy will require (i) a high-level of cooperation and engagement by all stakeholders and (ii) the enhancement of coherent, consistent and comprehensive solutions that take into account the interaction of different policy instruments and approaches to achieve environmental and climate policy objectives.
- **Balance legally binding and voluntary elements for effective implementation.** In the immediate term, a mix of complementary measures is required, that will be comprised of mandatory and voluntary elements, together with a step-by-step approach to facilitate workable solutions that can be applied broadly, as well as encourage better standards and greater business participation. It would be useful to consider the distinction between different applications and sectors throughout the life cycle, as well as different stages of progress in less developed countries, with a view to providing voluntary elements for new and ongoing recycling processes for materials and flexible mechanisms for achieving the targets. The inclusion of procedures to adapt these elements over time should be explored to help strengthen objectives and targets.
- **Consider economy-wide approaches** to manage and eliminate plastic pollution that encourage innovation and solutions in all sectors, including design, substitutes, recycling, re-use, recovery and re-purposing. The treaty should address the full life cycle of plastics, with particular focus on reuse, recovery and recycling. Lifecycle assessments should be used to inform policy makers and to reduce the risk of any implementation, or use, of plastic substitutions causing inadvertent negative consequences for the intended use or impact. Considering global supply and value chains, trade in plastics, aligning design approaches and the regulation of chemicals will be key to improving the circularity of plastics. Consideration of national circumstances and capabilities is critical to a successful agreement.

- **Ensure effective means of implementation – with regards to financial resources, technology development and transfer, capacity-building.** It will be critical to strengthen global partnerships between the public and private sector to mobilise implementation needs to (i) address the social, economic and environmental dimensions of a transition to a circular, net-zero plastics waste economy; (ii) reinforce coherence in implementation, leveraging resources across diverse funding mechanisms; and identifying new and innovative funding sources (iii) strengthen governance and accountability, including for financing, technology innovation and diffusion, and capacity building for people and institutions (iv) enable universal access to collection services and environmentally sound disposal and management practices.
- **Establish capacity building mechanisms,** in particular for developing countries with (i) funding to build waste collection and management capabilities in key markets and countries located on the coastline; (ii) support for technology, government and consumer knowledge transfers; and (iii) an innovation fund to scale viable initiatives. It would also be critical to encourage the development of mechanisms that support less developed countries in their journey towards a circular economy.
- **Support, leverage and upscale existing and new voluntary initiatives and commitments.** A global agreement on plastic pollution would complement and enhance existing initiatives and encourage additional voluntary efforts. While it is recognised that voluntary action is critical to build momentum, with forerunners raising the levels of ambition and pioneering rapid responses to the challenge – it will not be enough to achieve the systemic change needed to tackle the plastic pollution crisis. For that reason, it is important that an ambitious, effective and implementable treaty be realized.

ABOUT THE INTERNATIONAL CHAMBER OF COMMERCE (ICC)

The International Chamber of Commerce (ICC) is the institutional representative of more than 45 million companies in over 100 countries. ICC's core mission is to make business work for everyone, every day, everywhere. Through a unique mix of advocacy, solutions and standard setting, we promote international trade, responsible business conduct and a global approach to regulation, in addition to providing market-leading dispute resolution services. Our members include many of the world's leading companies, SMEs, business associations and local chambers of commerce.