



Input to The Zero Draft Ahead of INC3

November 2023

TOMRA is a member of the Business Coalition for a Global Plastic Treaty (BCGPT) and we support the Business Coalition Assessment of the 'Zero Draft' for a Global Plastics Treaty: [Policy | Business Coalition for a Global Plastics Treaty \(businessforplasticstreaty.org\)](https://businessforplasticstreaty.org).

Additional Input and Commentaries:

General

Where the Zero Draft proposes Options, the Option 1 variant is generally preferred. The Option 2 (or 3) variants leave too much to change, are likely to have weak outcomes and will lead to a lack of harmonisation for businesses.

Part IV, National Action Plans (NAPs) would have a much more slimmed down role under an Option 1 Instrument. An Option 2/3 version will lead to undue focus on a bureaucratic exercise which may deliver limited change. The worst outcome would be an Instrument which effectively funds the preparation of NAPs that deliver little in terms of the Instrument's Objective.

Part II

Control Measure 3a

Option 1 is specifying exactly which products should be banned everywhere, it might be useful to allow some flexibility to Parties consistent with meeting the Objective of the Instrument. There could be a requirement, for example, for Parties to ban, or ensure effective collections systems that can prove collection rates > 90% within a given timeline. (E.g. applicable to plastic products / packages that account for a minimum of X% of all items found in analysis of collected litter (in beaches / rivers)).

This type of formulation would allow some flexibility to parties while still respecting the objective of the instruments and potentially allow for a broader coverage of items under the measure.

We believe that it could be relevant to acknowledge the role of deposit return systems (DRS) here in that they can be a way to address littering / mismanagement of waste. DRS are discussed in the Zero Draft only as a means to encourage reuse and refill, while their role in reducing littering seems highly relevant

to the Instrument beyond that. In places where there is limited waste collection most plastic waste will be problematic.

Control Measure 7

We support BCGPT's position on EPR, though there may be a risk of overcomplicating such systems. If formal and comprehensive EPR legislation will be deemed too challenging and time consuming to implement by a high number of Member States, we think the main issue that should be emphasised is the role of EPR as means for funding end of life management. As the Business Coalition states: "It requires all companies who introduce certain products or packaging into a country's market to be responsible for, and provide funding to their after-use collection and processing".

It should be emphasised that alongside a cost recovery mechanism, there ought to be relevant targets for recycling set somewhere in law (not necessarily 'an EPR law') as well as minimum standards for e.g. collection services.

Specific EPR requirements and harmonized guidelines needs to be sector specific, prioritizing high impact sectors as a start. For some sectors, like packaging and textiles, it makes sense to extend EPR to the broad category (not just plastics) to provide a level playing field, avoid unintended consequences and support cost recovery.

There is no mention of DRS as a means of implementation of EPR although it is highly relevant for several products/packaging formats (beverage containers, small WEEE items, fishing gear, agricultural products etc.). We would recommend this to be made explicit since there remain some who see DRS as 'apart from' EPR.

Control Measure 9a

We would recommend cross-referencing between measures 7 and 9a. Measure 7 could be central in financing waste management (9a) and further cross reference to Part III (Financing) would be beneficial.

The discussion regarding waste management appears to assume that there will be 'a waste management system' for plastics, but with no reference to other wastes. For many nations, introducing improved waste management will be the critical measure determining the extent to which the flow of plastics into rivers and seas is reduced. Whilst we recognise that this is an Instrument focussed on plastic pollution, we wonder whether the discussion concerning waste management can meaningfully be had without considering other wastes (than plastics).

A footnote to Option 2 indicates that: 'The term "waste hierarchy" may require a definition'. We believe it would be useful to argue for incineration to be classified as disposal where plastics are concerned. This would be consistent, we believe, with the approaches of OECD countries other than the EU vis a vis transfrontier shipments. Furthermore, it should be clarified that the term 'recycling' does not include 'coprocessing' (combustion in cement kilns, etc.) as it does in some countries.

Control Measure 11

There is no reference made to the funding of actions to be taken / proposed. We believe mechanisms e.g. like the proposed global plastic pollution fee could be suitable to support funding of remediation measures under this control measure.

Paragraph 1b, effective measures such as deposit return systems could be referenced here as a means to mitigate ongoing pollution. A deposit gives waste a value and is proven to incentivise people to pick up already littered items as well as reduce littering in the first place.

Paragraph 4b, guidance on best available techniques could be useful, but this might also be supported by indications of cost-effectiveness of measures to address the flows of litter / the existing stocks of litter.

Part III

1. Financing

The Financing section needs improvement as it pre-empts funding sources without considering the impact of pushing for producer funding or extended producer responsibility (Control Measure 7) to support waste management. The focus should be on determining funding sources and their specific purposes. It may be problematic if Control Measures and Financing are discussed separately as the overlaps are considerable.

Part IV

3. Reporting on progress

Neither Option is especially clear in this matter. It seems to be deferring modalities and formatting of reporting issues to the first session. For reasons we have discovered in the past, e.g. within EU: the nature and format of reporting have to be agreed, as far as possible, within the legal instruments. Unless this happens, any discussions on performance targets will be based on insufficient information, for example measuring plastic recycling rates at the point of waste collection or at the end of the recycling process will give a very different answer. The principles underlying the measurement of performance will need to be specified within the instrument so that negotiating parties understand what they sign up to. Details of methodology may be left until the first session.