

Common Seas' position on the Global Plastics Treaty - Statement on Extended Producer Responsibility

Common Seas drives systemic change, creating partnerships to design and deliver resources and solutions that stop the flow of plastic pollution. We believe that for the Global Plastics Treaty to fulfil its vital role of driving coordinated action to end the plastics crisis and safeguard our health, oceans, and future, it must comprise bold, globally legally-binding measures. These measures must cover the full lifecycle of plastics, prioritise upstream measures and facilitate a just transition to a circular economy.

The Global Plastics Treaty presents a once in a lifetime opportunity to develop a critical framework for:

1. The global elimination and phase-out of harmful and unnecessary plastics.
2. Driving coordinated national action through ambitious national plans and reporting
3. Addressing the health impacts of plastics
4. Prioritizing the needs of SIDS and small coastal economies, who are disproportionately impacted by plastic pollution
5. Addressing the unequal impacts of plastics and ensure a just transition to a circular economy leaves no one behind
6. Ensuring stable, adequate and predictable levels of financial support for governments to fulfil their core obligations
7. **Facilitating harmonised implementation of effective and inclusive EPR systems**

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Introduction to plastics EPR and the Treaty

Extended producer responsibility is a policy tool that draws from the polluter pays principle. It refers to expanding the responsibilities of product manufacturers and brands beyond the point of sale, making them accountable for the entire product lifecycle – from design through to end of life.

The benefits of EPR are widely recognised¹ and well understood, including, but not limited to: supporting design for circularity, higher collection and recycling system efficiency, and increased transparency of material and financial flows. To date, over 400 EPR schemes exist worldwide, 75% of these developed in the last 20 years.

Producers need to design products for circularity, which is currently not happening at the scale we need. Governments need private sector contributions to effectively handle waste, as public sector budgets and voluntary contributions are not sufficient to handle the volume of plastic waste produced.

Businesses need harmonised rules in order to scale innovative systems-change solutions. **To accomplish this, we need a global plastics treaty that mandates EPR with agreed minimum levels of harmonisation and key principles.**

The Global Plastics Treaty provides a unique opportunity to provide a global framework that addresses the current challenge of our linear plastic economy, which does not provide the required funding, incentives for circular design, or consistent regulation to drive the transition to a circular economy. An ambitious provision on EPR in the Global Plastics Treaty has the potential to:

1. **Provide dedicated, ongoing and sufficient funding.** EPR is the only proven and likely pathway to provide funding that is dedicated, ongoing, and sufficient and at the scale that we need to achieve an end to plastic pollution by 2040.
2. **Incentivise producers to minimise waste and increase circularity.** While financing the collection and recycling of waste is important, this is not the only goal of EPR. Through eco-modulation of fees, it can also incentivise changes in product design toward refill and reuse.
3. **Ensure consistency in application of EPR.** Aligning regulations across borders creates a more predictable and consistent framework for multinational businesses to operate within, levelling the playing field and allowing opportunities for innovation and mobilise investments.

Key messages

1. **To ensure an effective provision on EPR in the Global Plastics Treaty, there must be a legal obligation for all parties to the treaty to establish and regulate EPR systems.**
2. **To facilitate an effective system, member states need to develop an agreed definition of EPR in the treaty text.**
3. **The Treaty needs to set out key principles for the design of effective and fair EPR systems**
4. **The Treaty also needs to set out minimum requirements for the design of effective and fair EPR systems, which are vital to facilitate a harmonised implementation of EPR regulations by the future parties to the treaty.**
5. **The treaty needs to provide specific and dedicated support for governments to establish or improve their legislative framework to support the design of EPR.**

1. **To ensure an effective provision on EPR in the Global Plastics Treaty, there must be a legal obligation for all parties to the treaty to establish and regulate EPR systems.**

This should be based on modalities to be developed in an Annex, which would provide clear information on the elements needed to design effective and fair national EPR systems based on common principles, taking into consideration different starting points for different countries, such as SIDS.

Common key principles and minimum requirements will ensure a minimum level of harmonisation of EPR regulations across markets and consider the need for technical assistance and important safeguards to ensure a just transition.

2. **To facilitate an effective system, Member States need to develop an agreed definition of EPR in the treaty text.**

Extended Producer Responsibility should be defined as an environmental policy approach that holds producers accountable for the entire lifecycle of their products, from design decisions through to the end-of-life stage – including managing and funding the collection, treatment, and processing of post-consumer waste. The objective of EPR schemes is to encourage producers to develop products that are easier to reuse, recycle, or dispose of sustainably.

EPR policies establish clear roles and responsibilities, often enforced through performance-based regulations, with specific outcomes defined by law. These obligations apply across a range of products, not limited to plastic, and typically involve collaboration with Producer Responsibility Organisations (PROs) and other stakeholders to ensure compliance and sustainability goals are met.

3. The Treaty needs to set out key principles for the design of effective and fair EPR systems

The work conducted by the Business Coalition for a Global Plastics Treaty, OECD, WWF, the Consumer Goods Forum, and the Producer Responsibility Coalition, demonstrates a good level of convergence on the key principles required for an ambitious provision on EPR.

Common Seas aligns with the key principles put forward by these actors. We believe that the below key principles should be defined in an annex to ensure that EPR schemes are designed in such a way as to be effective and fair:

Effective:

- **Objectives, scope and governance model** of EPR systems must be clearly determined in each party's national legislative framework to ensure sufficient government oversight and control.
- **Promotion of waste minimisation and circularity**. National EPR schemes should incentivise waste prevention and upstream solutions to minimise the amount of waste produced, e.g. by requiring eco-modulation of fees, bonuses to reward efforts going beyond the minimum product design requirements to be established in the treaty, and penalties for noncompliance (to be determined and effectuated at the national level).
- **Setting of quantitative targets accompanied by transparent reporting**. National EPR schemes should be designed to complement national integrated waste management systems and accelerate the transition to a circular economy ideally by setting quantitative targets, which should be reported upon in an open and transparent manner through National Plans.
- **Scope of fees**: The scope of national EPR fees must be clearly spelled out in the Annex, and should cover the costs of collection, sorting, recycling, residual waste treatment as well as clean-up costs and related communication activities and administration costs of the EPR system. Obligated producers should be involved in the process of setting EPR fees, and have access to a transparent breakdown of them.

Fair:

- **Supporting a just transition**. The annex must specify that the design of national EPR schemes must be conducted in an inclusive, participatory process with representation from relevant stakeholders (e.g. public authorities and municipalities, waste management service providers, consumer associations, micro- and- small-to-medium enterprises, and organisations representing workers in informal and cooperative settings).

- **Consideration of local context.** The starting points and regulatory systems between countries and regions will differ greatly. Commonalities across geographies can be identified that can allow for a ‘start and strengthen’ approach, where EPR legislation can be improved and increasingly aligned around key policy principles and minimum requirements globally.
 - **Protecting consumers.** EPR schemes should be developed to protect consumers by ensuring that the financial burden of waste management and product disposal does not get passed on to them. If producers are allowed to transfer these costs to consumers through higher product prices, it undermines the fundamental goal of EPR and ‘polluter pays principle’, which is to hold producers accountable for the environmental impact of their products.
- 4. Minimum requirements are vital to facilitate a harmonised implementation of EPR regulations by the future parties to the treaty.**

The annex should establish minimum requirements to be included in national EPR schemes.

- **Harmonised scope** of packaging types and materials.
- **Harmonised mechanisms** to ensure robust, comprehensive and transparent reporting, monitoring and enforcement.
- **Harmonised time-bound targets** (e.g. minimum level of collection, or time-bound collection and recycling targets by packaging type)
- **Harmonised roles and responsibilities** of the main stakeholders involved, defining who bears what part of the financial/operational responsibilities. It is important that the obligated ‘producers’ do not automatically default to the importer for the case of SIDS who have little/no on-island production.

As described in the ‘key principles’, the minimum requirements defined the annex should adopt a ‘start and strengthen’ approach, with the minimum requirements increasing in ambition and/or scope over time, accounting for different starting points of countries. Countries should be encouraged to develop EPR schemes over and above the minimum.

5. The treaty needs to provide specific and dedicated support for governments to establish or improve their legislative framework to support the design of EPR.

SIDS, developing countries, and emerging economies may face significant challenges when establishing the necessary infrastructure and other enabling conditions to design and deliver effective EPR schemes.

For example, a global ‘EPR hub’, established under the treaty and based on exiting initiatives, could provide guidance and facilitate knowledge exchange across industries and countries on the development of socially inclusive, harmonised and effective systems.

The global EPR hub could help member states adopt a phased approach for the implementation of the EPR obligations under the treaty. It could also support by investigating coordinated approaches to EPR that may be more relevant to some geographies, e.g. remote islands and SIDS.

The treaty should allow for sufficient transition time to allow both local and national governments, as well as waste management service providers, to adjust their existing

operations to the new EPR requirements, with time-bound targets for eventual full market coverage.

It must also provide a framework for the development of solutions tailored to the realities of remote geographies to more effectively tackle plastic pollution and strengthen blue economy resilience.

Looking ahead to INC-5.2

As we approach resumed final negotiations, it is vital that policymakers ensure the final UN Global Plastics Treaty contains strong measures on Extended Producer Responsibility. This should include a clear definition of EPR within the treaty text and stipulates that an annex will be developed covering key principles, minimum level of harmonisation, and support for governments for developing effective and equitable EPR systems for future parties to the treaty.

Common Seas remains committed to supporting efforts to accelerate research into the design and effective implementation of EPR for remote geographies, in line with the future treaty and informed by our work co-developing national policies to tackle plastic pollution with SIDS governments.

We have been **leading collaborative research into how a regional approach to EPR could provide sustainable solutions to waste management challenges in SIDS**, reducing plastic pollution and strengthening blue economy resilience. Further updates on this work will be shared following INC5.2.