

Recommendations on the revised draft text of the international legally binding instrument on plastic pollution, including in the marine environment

Submitted by

PR3: The Global Alliance to Advance Reuse | April 2024

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Part I, Section 3: Definitions

PR3 recommends the following language be utilized in the instrument.

Reuse: operation by which a product or packaging is refilled or reused for the same purpose for which it was conceived, with or without the support of auxiliary products present on the market enabling the reuse ~~packaging to be refilled~~

Reusable packaging: packaging or packaging component which has been designed to accomplish or proves its ability to accomplish a minimum number of trips or rotations in a system for reuse

System for reuse: established arrangements (organizational, technical, financial) which ensure the possibility of reuse

Rotation: cycle undergone by reusable packaging from filling/~~loading~~ to the next filling/~~loading~~. One rotation is completed when a product or packaging has been filled a second time by a user, producer or third party

Explanatory note: The above definitions have been taken from ISO-18603 with minor modifications, which are indicated in track changes. ISO-18603 is developed by participating members from 23 countries and observing members from 17 countries, including:

- 2 participating African states (Congo, South Africa) and 1 observing (Kenya)
- 8 participating Asia Pacific states (China, India, Japan, Jordan, Korea (Republic of), Philippines, Saudi Arabia) and 5 observing (Malaysia, Mongolia, Iran, Sri Lanka, Thailand)
- 1 participating Eastern European states (Russian Federation) and 3 observing (Czech Republic, Romania, Serbia)
- 4 observing Latin America and Caribbean states (Argentina, Chile, Mexico, Panama)
- 13 participating Western European and other states (Belgium, Finland, France, Germany, Italy, Luxemburg, Netherlands, Portugal, Spain, Sweden, Switzerland, UK, US) and 4 observing (Austria, Denmark, New Zealand, Norway)

Part II, Section 4bis: Dedicated programmes of work

PR3 agrees that dedicated programmes of work should be established to support the implementation of the instrument and that packaging should be one of the dedicated programmes of work.

Part II, Section 5: Product design, composition and performance

PR3 recommends that Parties be required to set targets and follow standardized product design criteria to reduce plastic demand and increase reusability. While incomplete, PR3 sees this intent reflected in 5a [Product [design and] performance], Option 1 and Sub-Option 2 (including the common provision paragraph 4), as well as in 5b [[Reduce,]** [reuse], [recycling,] refill and repair of plastics and][Circularity approaches for] plastic products, Option 5.

However, PR3 strongly recommends that in Part II, Section 5 and any corresponding annex (currently part II of annex C) the provisions and targets for reduction, reuse, repair, and recycling be separated and reorganized in line with the waste management hierarchy. For example, the structure of the Section could be:

Section 5: Product design, composition and performance

- a. Reduction
- b. Reuse
- c. Repair/refurbish
- d. Recycling
- e. Use of recycled content

Reduce, reuse, and recycle have long been lumped together in common parlance, but this is an unhelpful conflation. Each requires different systems and criteria. Separating these practices as suggested will help undo confusion.

Under the suggested structure, PR3 recommends the following provisions for the section on reuse and/or corresponding annex:

1. The governing body shall establish minimum performance criteria for reusable packaging systems. The performance criteria must include a requirement that reusable packaging systems achieve a minimum number of rotations and/or minimum packaging return rates.

Explanatory note: PR3 standards are the only standards globally that have set such criteria, and currently require a minimum of 20 rotations on average for packaging in practice.

2. Parties shall be required to adopt national and/or international standards for reusable packaging systems that set design criteria that enable interoperability between reuse systems, while also ensuring minimum levels of environmental and social performance. The criteria should include:
 - A. harmonized reuse labeling,

- B. packaging design that enables effective washing and reuse,
- C. requirements for proper washing and handling
- D. provisions that enable interoperable collection systems
- E. aligned methodology for environmental and social accounting,

The national/international standards must also meet the minimum performance criteria set by the governing body in 1.

Standards development must include equitable participation from a broad spectrum of impacted communities and sectors, including: small, medium and large businesses, formal and informal workers, consumers, communities, and environmental and public health experts.

3. The governing body shall identify reusable packaging phase-in targets that support an overall plastic reduction target. Reuse targets shall include the following packaging sectors:
 - food and beverage take-away packaging for restaurant and food service sectors,
 - consumer packaged goods, including beverage, food, personal and home care products,
 - Business-to-business packaging, including transport, shipping, secondary packaging,
 - e-commerce packaging.

Explanatory note: Mandated reuse targets are the largest driving force in establishing reuse systems globally, including in Germany, Chile, France, etc. The governing body can identify phase-in targets in line with what has worked in these countries.

4. Parties shall establish national reusable packaging phase-in targets for the above sectors in accordance with their individual priorities and capacities.
5. The governing body shall explore the feasibility of reuse phase-in targets for other sectors, including fisheries, aquaculture, agriculture, healthcare, textiles with a view to their implementation.

Part II, Section 12: Just transition

In many cases, plastic production and disposal financially sustain the very same individuals and communities they harm and pollute. This instrument has the potential to drastically improve the world's plastic supply chain and materials management systems - but it must bring along those whose livelihoods depend on the current systems.

PR3 thus recommends the inclusion of provisions that require Parties to facilitate just transitions for affected businesses, workers and vulnerable populations.

PR3 recommends that these provisions specifically call for support for economic development and small businesses, and capacity building that will enable workers to transition to jobs in *upstream industries* like reuse, as done in OP1. Alt.

Part III, Section 1: Financing [mechanism [and resources]]

PR3 recommends that the instrument recognizes the obligation to prioritize funding in accordance with the waste hierarchy in this order: reduction, reuse, repair, recycling, composting, and disposal.

PR3 also recommends these provisions:

Parties shall make efforts to increase mobilization of private funding for reuse, including the alignment of public and private investment. Investment should be aligned around standardized infrastructure that is interoperable between companies and communities. Parties shall also work toward a whole-of-government approach for reuse that streamlines funding opportunities and applications for small and medium sized businesses, especially in economic development zones.

Funding mechanisms shall prioritize economic development opportunities, capacity building, technology transfer, and standards implementation, with particular focus on fenceline communities, SIDS and LDCs.

Extended Producer Responsibility (EPR) schemes must contribute at least 15% to deployment of reuse systems.

Part V, Section 2: Subsidiary bodies

Because reuse is such a practical solution to the plastic waste and climate crises, PR3 recommends that the governing body considers establishing a subsidiary body to support reuse development and implementation. Reuse can save up to 90% of packaging production and 80% of climate emissions compared to single-use alternatives, and when implemented at scale can provide significant system cost savings to both consumers and industry. Reuse also has the potential to transform and improve supply chains and operations for agriculture, fisheries, aquaculture, electronics, textiles and more.

A subsidiary body could support the adoption of international reuse standards in multiple sectors, provide capacity building and technology transfer opportunities, and help align investment across public and private sectors, especially in fenceline communities, SIDS and LDCs. Such a subsidiary body could also help ensure that systems are developed with equitable participation and input from a broad spectrum of impacted communities and stakeholders.