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ICC response to call for submissions on potential areas of intersessional work to inform the work of INC-3

The International Chamber of Commerce (ICC) – as the institutional representative of more than 45 million companies in over 150 countries – applauded the landmark decision at the resumed fifth session of the UN Environment Assembly (UNEA5.2) to develop an international legally binding instrument (ILBI) to end plastic pollution.

ICC remains deeply committed to support the Intergovernmental Negotiating Committee (INC) Secretariat's and Members States' efforts and forthcoming work to secure an ambitious, effective and workable agreement by 2024 – that rallies all actors of governments and society in the collective charge of addressing plastic pollution – including setting the frame and direction for accelerated business action.

In doing so, ICC emphasises the need for an agreement that ensures the broadest possible uptake across the global business community, by businesses of all sizes, sectors and from all geographies, taking into account in particular the capabilities of micro, small and medium enterprises (MSMEs) – the lynchpin of the global economy.

ICC welcomes the continued efforts by the INC Secretariat to involve all stakeholders and particularly the business community, in all its diversity, in the process. The INC Secretariat's calls for submissions from non-Party stakeholders and Member States to inform ongoing discussions, are a critical step to continue to engage all stakeholders in an open, transparent and inclusive process.

In response to the call for submissions on elements that were not included in the options paper, such as on principles and scope, as well as on any areas for intersessional work, ICC offers the following reflections and recommendations for consideration. In preparing this submission, ICC has considered perspectives from member companies and experts from sectors across the plastics value chain, as well as representation from different jurisdictions.

General Principles for Intersessional Work

ICC welcomes the consideration by Contact Group 1 and Contact Group 2 of possible areas for intersessional work. Intersessional work in specific priority areas relevant for future work of the Contact Groups can help build sound technical and scientific understanding on critical issues and can guide forthcoming discussions.

It is imperative that such work is of a technical and scientific nature and with the main objective to help advance discussions and build consensus; is conducted in an inclusive and transparent manner and should not prejudice the outcome of negotiations. Any intersessional technical and scientific expert group/body, open-ended working group, or other informal settings, should include and engage experts from civil society, and in particular the private sector.

Particular attention should be paid to provide clarity on the modality, scope, format, frequency and timeline of such work in order to guarantee a smooth and efficient workflow. As well as for the instrument itself, it is important to avoid any duplications and overlaps with existing workstreams under other Multilateral Environmental Agreements and that existing work is leveraged to the best extent possible.

Contact Group 1

With regards to possible areas for intersessional work outlined in Contact Group 1 report, ICC would like to provide the following general reflections.

A common approach and harmonised standards, definitions and rules are essential for increased cooperation, collaboration and unified action. Intersessional work that can help provide relevant information to advance a common understanding in key areas should be considered.

Consistent global rules and enabling policy frameworks are key to setting a level playing field for businesses to operate. In this regard, ICC believes that providing global, harmonised standards, definitions and rules will be key for the successful implementation of the ILBI, in particular to 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.

Intersessional work, based on the broader principles outlined above, that can help provide valuable information to guide deliberations on definitions and criteria for specific areas as well as on design for circularity and environmentally sound waste management, should be considered.

Building on existing global standards, definitions and work to foster greater harmonisation and to avoid any risk of duplication or overlap with existing policies and rules is critical in this regard.

The future instrument should be underpinned and informed by science and effectively harnesses scientific knowledge and technological innovation to inform ongoing work, including the goal, objectives and actions across the plastics value chain.

It would also be useful for the instrument to be grounded on best practice standards and definitions to enhance circularity and environmentally sound management of waste. Useful work in this area could include, for example, considerations regarding product design for circularity and labelling. The already existing work, definitions and international standards can provide a useful base and reference for consideration in this respect and further intersessional work should be considered as needed.

ICC further believes that the treaty should promote reduction in overall volumes of plastic waste as well as incentivise greater investment in the necessary infrastructure to reuse, recycle and recover plastic waste. It should also encourage innovative solutions to help curb rising levels of mismanaged waste – particularly for plastics (and microplastics) that leak onto land and then find their way into the oceans.

MSMEs, in particular in emerging and developing economies, will be the lynchpin in any economy-wide transition to a circular economy for plastics and can play a crucial role in driving the innovation needed to tackle the plastic pollution crisis. Effective government policies that genuinely incentivize MSMEs to invest in innovation and technologies will be critical. Setting clear standards and criteria can encourage innovation and research, by providing the goalposts against which companies can innovate and are important aspects to be taken into consideration for future deliberations.

Contact Group 2:

Inputs relating to potential areas for intersessional work.

A. To consider the potential role, responsibilities and composition of a science and technical body [to support negotiation and/or implementation of the agreement]

ICC believes that the ILBI should be underpinned and informed by science and effectively harness scientific knowledge and technological innovation to inform ongoing work, including the goal, objectives and actions across the plastics value chain.

However, an increased understanding of the multifaceted and complex reality of plastic pollution, through reliable and adequate data, scientific and socioeconomic assessments, sound forecasting and measurement metrics as well as the role and impact of technologies and innovative solutions, will be critical to achieve the ultimate goal of the treaty, inform targets and guide actions over time. 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. Consideration of national circumstances and capabilities is critical to a successful agreement.

ICC recommends that the establishment of an UN scientific group or technical advisory body that includes private sector scientists and experts and reflects necessary expertise from natural, social and economic sciences, including engineering. Such a body could expand knowledge as well as assess and develop scientific standards or guidance for the implementation of the ILBI as well as to ensure the safety and efficacy of new and emerging innovative technologies. This will essentially help underpin the instrument's long-term effectiveness and impact.

B. To consider potential scope of and guidance for National Action Plans [including optional and/or suggested elements]

The ILBI should consider national action plans and business contributions for the prevention and elimination of plastic pollution as a key pillar of the instrument, taking into account country-specific circumstances and needs, to ensure that measures are fit for implementation at national level.

Intersessional work should be considered to inform the development of a common framework for national action plans including requirements and guidance for national reporting, which 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.

Experience from the international climate change process has shown that business in-country engagement in the development and implementation of national action plans is critical in order for governments to further ramp-up the ambition of their national contributions.

Further considerations on approaches for a harmonised global landscape for plastic regulation in order to avoid trade barriers, compliance burdens and incumbent costs for businesses trading or operating across borders when complying with different national regulations and reporting requirements will be critical.

Work should further focus on the best approach to balance legally binding and voluntary elements for effective implementation, to facilitate workable solutions that can be applied broadly, as well as encourage better standards and greater business participation. In the immediate term, a mix of complementary measures is required, that will be comprised of mandatory and voluntary elements, as well as include procedures to adapt these elements over time to help strengthen objectives and targets.

C. To identify current provisions within existing MEAs [and other instruments] on cooperation and coordination that could be considered

D. To consider how other MEAs provide for monitoring, and suggest best practice

Particular considerations should be given to key success factors from MEAs that catalysed joint action. In this respect, governments should 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, as well as other relevant conventions and existing work, to avoid duplication. Existing experiences and best practices, also on monitoring as well as other internal and national efforts and reference systems could also be of benefit.

F. To further consider how a potential financing mechanism could work [including a new standalone mechanism, a hybrid mechanism, or an existing mechanism]

G. To identify options to mobilise and align private and innovative finance (including in relation to matters at 24(e) and the proposed Global Plastic Pollution Fee (GPPF))

H. To map current funding and finance available [to address plastic pollution] and determine the need for financial support for each Member

Funding and technical assistance, including financial mechanisms, will be integral to support implementation of the instrument and development and deployment of technological solutions. Possible intersessional work should focus on mapping of existing financial mechanisms, that have potential to be leveraged or further developed. In determining appropriate funding mechanisms, it is important to take into account local contexts and circumstances, as there may not be a one-size-fits all financial instrument applicable to all countries and to provide clarity with respect to relevant financial resources as well as aspects related to allocation and management of the mechanisms.

It will also be key to identify policies and incentives that enable and encourage additional private sector investments, and to create the right conditions for business to invest and innovate, including in developing countries. It will be critical to determine opportunities for strengthened 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, economy for plastics; (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.

There is significant potential to build on existing efforts and utilise public policy levers to leverage the right market-based instruments—at national, regional and global levels. Clear policies and international consistency will be critical to enable business to drive investments in innovation and technological solutions. With respect to proposals for specific new funding mechanisms, building and leveraging existing mechanisms to the extent possible, including the Global Environment Facility (GEF) and Green Climate Fund (GCF) should be

explored. Key learnings for past experiences under the GEF and GCF should also be considered.

It would also be critical to remove barriers on access to finance and encourage the development of specific and targeted mechanisms that ensure a stable and predictable funding in support of less developed countries in their journey towards a circular economy.

ICC emphasises the need to strengthen global partnerships between the public and private sector to mobilise implementation needs. In terms of activities that could be prioritised for financing and resource mobilisation we note the following of particular importance:

- Building collection and sorting infrastructure in developing economies
- Scaling up existing recycling infrastructure
- Technological innovation in for recycling of existing plastic waste

I. To identify capacity building and training needs for each Member.

ICC emphasises the need to establish capacity building mechanisms, including education and awareness raising, in particular for developing and emerging economies. Intersessional work in this area should focus on identifying capacity-building needs and needs for trainings, in particular from developing countries and providing recommendations with regards to best approaches to address these. Strengthening and supporting existing initiatives to increase impact with respect to education and awareness should be prioritised.

Capacity building should also be based on the national targets and needs to have a specific framework/mechanism under the instrument to monitor progress.