

INC Plastic Pollution Secretariat United Nations Environment Programme

Executive Secretary of the INC Plastic Pollution Secretariat

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04 January 2023

Dear Mrs Jyoti Mathur-Filipp,

Thank you for the opportunity to make a submission on behalf of the Australian Packaging Covenant Organisation (APCO) to the Executive Secretary of the INC Plastic Pollution Secretariat on *potential options for elements towards an international legally binding instrument*.

Introduction

APCO is an independent, not-for-profit organisation committed to the development of a circular economy for packaging. As a co-regulatory product stewardship organisation APCO works with Member organisations from large multinational businesses to small local companies throughout the packaging system.

Noting that an estimated 32% of plastics placed on the Australian market were plastic packaging in 2020-21, APCO is a well-placed organisation to provide input into the Treaty process and is pleased to see Australian Government taking a leadership role in the negotiations.

APCO is charged to support the delivery of the Australian National Packaging Targets and is the lead organisation for the Australia, New Zealand and the Pacific Islands Plastics Pact (ANZPAC). In addition, APCO operates several other activities including the Australian Sustainable Packaging Guidelines, Australasian Recycling Label Program (ARL) across Australia and New Zealand and acts as the independent administrator of the Australian Packaging Covenant (the Covenant) on behalf of the Australian Federal, State and Territory Governments and its 2,300 industry Members.

About ANZPAC

ANZPAC is an ambitious cross-regional program driving circular plastic solutions across Australia, New Zealand and the Pacific Islands. As a pre-competitive, collaborative platform, ANZPAC and its Members seek to transform the regions' response to plastic by working towards the common vision of a circular economy for plastics, where it never becomes waste or pollution.

ANZPAC is the first in the Oceania region and the second regional Plastics Pact to become part of the Ellen MacArthur Foundation's global Plastics Pact network, joining with Pacts in Africa, Europe, Latin America and North America. As an international challenge, Plastics Pacts aim to address the transnational nature of the issues related to managing plastic by providing a consistent approach for global supply chains dealing with plastic waste travelling across our borders, moving from a linear approach to a circular economy for plastic.

ANZPAC sees an important opportunity to reduce plastic pollution in Oceania by providing a regional mechanism to connect Pacific Island Countries as well as remote and regional communities across Australia and New Zealand with brand owners, plastic packaging manufactures and the waste and recycling industry to tackle the issue of plastic pollution in the Region.

About the ARL

A key program APCO is delivering with businesses across Australia and New Zealand is the ARL Program, an evidence-based labelling scheme that provides clear, consistent on-pack recycling information to inform consumers of the correct disposal method. It consists of two elements: the Packaging Recyclability Evaluation Portal (PREP) and the Australasian Recycling Label (on pack). The ARL plays a crucial role to strengthen the design mechanism for sustainable packaging in the Region, improving the recovery of plastic packaging and driving consumer behaviour change.

APCO supports the negotiations of the development of an International Treaty on Plastics Pollution and encourages Governments to continue to engage with APCO and other stakeholders throughout this process across Australia, New Zealand, the Pacific Islands, South East Asia, India and Indonesia as well as with other major markets in Europe and North America.

Importantly, APCO also welcomes the approach of Governments to work closely with First Nations communities globally, and Oceania in particular, to find not only an environmentally sound Treaty but one that considers social impacts of plastic production and pollution.

Yours Sincerely,

Chris Foley,
Chief Executive Officer

SUBMISSION

Name of country (for Members of the committee)	
Name of organization (for observers to the committee)	Australian Packaging Covenant Organisation (APCO)
Contact person and contact information for the submission	Meredith Epp, mepp@apco.org.au
Date	04 January 2023

I. Substantive elements

1. Objective(s)

a) *What objective(s) could be set out in the instrument?*

Proposed Objective:

Define clear global guidelines on the responsibility for plastic packaging, including design, distribution and responsible end-of-life management to reduce packaging impact on human life, environment, particularly marine environment, and national economies. The instrument outlines mandatory and voluntary approaches to address different country's capacities, economic abilities, and environmental urgencies.

Explanatory Text:

Clear global guidelines for sustainable packaging production to guarantee for items to stay in use for as long as possible. This can include, but is not limited to:

- Global sustainable design principles with mandatory approaches and voluntary elements to cater for different national capabilities
- Global extended producer responsibility approach across borders to monitor the flow of packaging throughout the markets and countries and guarantee a consistent product life-cycle responsibility monitoring including end-of life management.
- Establishment of mandatory recovery or reuse targets aligned with national considerations of capability and dependency on import.
- Sustainable financing mechanism for recovery of plastic packaging, especially for countries with limited financial, economic abilities or are affected by plastic pollution due to the transboundary nature of the oceans, e.g. Pacific Islands. Funding mechanism based on collaboration between producers, importers and users.
- Promotion of innovation and investment in R&D to accelerate alternatives to plastic packaging as well as improvement in new technologies to achieve circularity of packaging

2. Core obligations, control measures and voluntary approaches

a) *What core obligations, control measures and voluntary approaches would provide a comprehensive approach to addressing plastic pollution, including in the marine environment, throughout the full life cycle in line with the future objective(s) of the instrument?*

Core obligations:

- Producers to include in cost evaluation of a product production, the responsible/circular end of life management.

- Investment in science and innovation of packaging alternatives to reduce the impact of packaging across society and environment.
- Producers or beneficiaries of products to invest in recovery of products in countries other than countries of origin.
- Align production of packaging across government jurisdictions to a global design standard that is supportive of existing recycling and reprocessing infrastructure and flexible to adjust to future technical innovations in production as well as recovery. Include the viable process of turning feedstock into high quality recycled content.
- Governments to consider sustainable use or the ban of packaging that is deemed to have disproportionately high environmental impacts in their respective countries.

Control measures:

- Strengthen the research into impact of plastic pollution on humans and nature to strengthen the narrative around cause and effect.
- Establish global material flows and use of packaging through mandatory brand/manufacturer reporting to identify import/export, material types and impact on countries.
- Government to establish mandatory targets, based on the instrument, around packaging production, use and recovery.

Voluntary approaches:

- National deposit or payback schemes to secure clean streams for recycling and achieve above mentioned targets.
- Increased education of industry as well as consumers around impact of plastic packaging to increase knowledge and the urgency to act.
- Stronger collaboration between producers as well as countries to find innovative upstream and downstream solutions to avoid, reduce or keep plastic packaging in the economy.
- Strengthen the knowledge across countries on successful market interventions for litter reduction or waste management schemes, e.g. Container Deposit Schemes/Product Stewardship schemes and facilitate the sharing of learnings and insights across regions and countries.

II. Implementation elements

1. Implementation measures

- a) *How to ensure implementation of the instrument at the national level (eg. role national action plans contribute to meeting the objectives and obligations of the instrument?)*
- b) *How to ensure effectiveness of the instrument and have efficient national reporting?*
- c) *Please provide any other relevant proposals or priorities here on implementation measures (for example for scientific and technical cooperation and coordination as well as compliance).*

How to ensure implementation of the instrument at the national level

- Responsibility of national governments to establish a framework to deliver on instrument's targets, such as targets on recycling rates and policies to support reusability and reparability of items.

- Establish national organisations to monitor the measurable goals of the instrument.
- Break target of instruments down into national and local targets based on national capabilities and capacities.
- Apply mandatory timelines to achieve targets depending on national capabilities and capacities.
- Goals are measured through mandatory reporting by producers.

How to ensure effectiveness of the instrument and have efficient national reporting

- Regulate targets of instrument and define consequences if goals are not achieved on a national level.
- Establish a national body to monitor the measurable goals of the treaty.
- Goals are measured through mandatory reporting by producers.
- National bodies are reporting back to global monitoring body.

2. Means of Implementation

With respect to means of implementation, document UNEP/PP/INC.1/5 covers the following elements: capacity-building, technical assistance, technology transfer on mutually agreed terms and financial assistance.

a) What measures will be required to support the implementation of the instrument?

- Financial support for import dependent and economically weakened countries to strengthen local knowledge, infrastructure and capacity to delivery on targets
- Financial support for highly impacted countries by climate change for immediate downstream action, such as removal of plastic pollution from marine environments, local solutions for litter reduction and collection of plastic packaging to feed into upstream solutions by governments and industry.
- Accelerate the transition of producers towards sustainable packaging through mandatory sustainable packaging standards and financial assistance for R&D in innovative sustainable packaging and technology solutions.
- Encourage technology advancement in a circular approach to packaging from product production, use, recovery and reproduction.
- Define country/region specific implementation measures to allow for local requirements and national capabilities.

III. Additional input

Please provide any other relevant proposals or priorities here (for example introductory elements; awareness-raising, education and exchange of information; research; stakeholder engagement; institutional arrangements and final provisions).

Comments on the Implications of an International Treaty on Plastic Pollution

Plastic pollution knows no international boundaries and the importance of working within our Oceania region to design out potential litter is critical. Alignment on key design policies and phase outs of problematic materials will be essential to ensure Oceania doesn't become a global dumping ground of problematic plastics.

APCO encourages the global community to understand challenges of our region, one with a relatively low population, remote and isolated communities, and often extreme climates, which present different requirements for packaging to protect product loss and extend product shelf life.

Design and labelling

Design plays a critical role in the reduction of plastic pollution. APCO’s Sustainable Packaging Guidelines and Australasian Recycling Label (ARL) provide clear guidance on recyclability based on evidence. The ARL Program supports product design to achieve recyclability and guidance for consumers for correct disposal. The label is already operational in Australia and New Zealand with over 800 organisations participating in the program. The Treaty could find common definitions for recyclability across polymer types which will support countries to work towards a label that supports recovery of plastic packaging in their regions.

APCO supports the alignment of recyclability definitions globally and to consider the definition of ‘recyclable packaging’ being ‘A packaging or packaging component is recyclable if its successful post-consumer collection, sorting, and recycling is proven to work in practice and at scale’ as per [EMF, The New Plastics Economy – Plastics Pact network, vision & definitions](#).

Capacity-building based on regional knowledge

Beyond recyclability, APCO encourages the treaty negotiations to consider how the Treaty focuses on capacity-building across geographical, cultural and socially different regions including learning from traditional and indigenous communities how to avoid or manage waste in their regions and apply reuse or repair cultures.

Increase of sustainable feedstock, plastics alternatives and elimination of unnecessary and problematic plastics

Many governments across Oceania have implemented bans on single use plastic packaging. Alignment with a global treaty on further bans on certain plastic types will help the region to manage the import and use of single use plastic packaging as well as maintain a level commercial environment.

Coordination with peak science and innovation bodies, government and industry can also accelerate the research of new materials. Consideration on water, land and other resource use and life cycle assessments should be implemented on new materials as well.

More education on environmental and social benefits of reuse models is needed to increase consumer understanding of the benefits of reuse initiatives as a key role in plastic reduction and offer a solution to businesses to lower their impact on human and environmental health. This could be by encouraging the uptake of traditional reuse models or strengthening existing models in remote areas through incentives or levies on single use items.

Recycled content requirements

The gap between total plastic packaging put on market (POM) and recycling rate is still significant in Australia, New Zealand and Pacific Island Countries (Fiji, Solomon Islands, Samoa, Tonga and Vanuatu).

Geography	Placed on Market (tonnes)	Recycling (tonnes)	Recycling rate (%)
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Australia	1,123,800	178,600	15.9%
New Zealand	146,200	37,700	25.8%
Pacific Island Countries	34,800	40	0.1%

([2020 ANZPAC Baseline Recyclability Assessment](#)).

Australia and New Zealand have collections systems in place to increase their recycling rate and provide feedstock for recycled content. The Pacific Island Counties have limited recycling infrastructure and therefore a high potential of uncollected materials, that could be used as feedstock for recycled content if collected and transported to reprocessors facilities, potentially to Australia.

A global treaty offers the opportunity to increase accountabilities for plastic packaging thus increasing collection and driving demand for recycled content. An important piece to drive recycled content demand will be to align on a global traceability standard for recycled content and further research on implications of recycled materials in food contact applications.

Market/regulatory action on single use/short use plastics

Australian state and territory as well as New Zealand and some Pacific Island Country governments have implemented bans on single use plastic packaging. Alignment with a global treaty on further bans on certain plastic types will help the whole region, but especially Pacific Island Countries with limited recycling system in place, to manage the import and use of single use plastic packaging as well as maintain a level commercial environment.

APCO encourages the treaty negotiations to consider how the treaty can support Product Stewardship schemes and Producer Responsibility across borders to keep the responsibility for end-of-life management with producers of packaging. This could be buy-back schemes or support for collection, transport and processing back to the land of origin.

Scale up mechanical and advanced recycling

Australia's recycling infrastructure has developed since the China Sword Policy in 2018, but more needs to be done to increase the current 16 % recycling rate across the country. Other regions such as Pacific Island Countries have limited recycling infrastructure and a huge potential for collection. Any intervention to improve recycling will be beneficial across the Region. Particularly improving mechanical and implementing advanced recycling can increase the quality and quantity of recycled content output.

Advanced recycling is still in early stages but as an addition to mechanical recycling it can be a supportive mechanism for hard to recycle materials such as soft plastics. An international treaty can strengthen the need and investment in all recycling infrastructure, including chemical recycling, by increasing the value of plastic and therefore increasing the demand for it, causing incentives for collection, increased producer responsibility and support for innovation or new technology across all regional areas.

Restrict imports and exports of problematic plastics

APCO encourages all governments to work closely to create alignment on policies that impact import or export of problematic plastics through import regulations. Global supply chains should be considered as well as capacity to reprocess plastic materials especially in the Pacific Island Countries, which are heavily import dependant and most products including packaging. Due to the limited waste and recycling infrastructure in the region most plastic packaging can't be recycled and therefore are defined as problematic.

The potential for financial mechanisms such as a packaging tax or eco-modulated fees should be explored and learnings from overseas established systems taken into consideration to ensure the best environmental and economic outcomes to transform the plastics system

