

ICC recommendations for agreeing on an international legally binding instrument to address plastic pollution at INC5.2

The International Chamber of Commerce (ICC), as the institutional representative of more than 45 million companies in over 170 countries, **remains resolutely and squarely behind global efforts to secure an ambitious, workable, effective and inclusive agreement** that rallies all actors of society, including the business community, in the collective charge to end plastic pollution.

We stand at a critical juncture in the process with only one negotiating session left to conclude an agreement, with the INC Chair's latest text proposed as a basis for negotiation at INC-5.2 to facilitate progress and make the best use of the limited time for negotiations in Geneva. The global business community emphasizes the **need and urgency to conclude an agreement in Geneva**, which will be imperative to setting a workable pathway to achieve the objectives of UNEA Resolution 5/14 with the sense of urgency the plastic pollution crisis warrants.

Whilst clear areas of divergence emerged at INC5.1 in Busan and many issues still remain to be resolved, there is an opportunity to harness the strength of collective will and multilateralism to forge an agreement at INC5.2.

ICC is of the view that it is **essential to agree on the contours of the agreement** in Geneva, with a **smart mix of complementary measures**, comprising both mandatory and voluntary elements, as well as **procedures to adapt these elements over time** to help strengthen objectives and targets.

The provisions of the instrument can help drive harmonisation across countries and support effective implementation by providing common definitions, principles, standards and guidelines, as relevant, for application at national level. This includes coherent policy frameworks that will provide incentives and support action for all businesses.

The perspectives and recommendations provided below provide an outline of key elements to consider for integration in the international legally binding instrument, as well as point to considerations and potential procedures to be taken forward by the Conference of the Parties (COP) for implementation of the instrument's core provisions.

Definitions, plastic products and plastic product design

Article 2: Definitions

Developing and adopting globally harmonised definitions and focusing only on those most relevant for the purposes of the instrument, will be key. In this regard, it would be helpful to consider including agreed definitions from other multilateral environmental agreements and standardization bodies. Updated and harmonized standards will be useful for common interpretation and implementation.

Article 3: Plastic products

Efforts towards the prevention, reduction and elimination of plastic pollution, with specific focus on plastic products, should prioritize products and applications with a demonstrably high risk of environmental leakage. To support effective implementation, Parties should develop a common, evidence-based framework that is applications-specific and accounts for national circumstances, technical capacity and socio-economic realities.

This framework should complement existing international instruments, including Basel, Rotterdam and Stockholm Conventions, and the Global Framework on Chemicals; and avoid any duplication or regulatory fragmentation.

Any trade-related provisions of the instrument should align with World Trade Organization (WTO) principles, ensuring that measures avoid unnecessary and costly trade barriers or restrictions.

Before any product-specific measures are considered, a transparent, science-based alternatives assessment should be conducted. This analysis should consider full life-cycle impacts, economic feasibility and unintended consequences. To guide such assessments, the Conference of Parties should establish an open-ended multi-stakeholder technical review committee tasked with a clear and well-defined scope of work to develop practical guidelines for appropriate measures to be implemented by Parties at national level..

Article 5: Plastic Product design

A fully circular approach looking at the entire plastics life cycle—with principles and practices for circularity engrained at the core of the instrument—will be critical in ensuring the systems change needed to end plastic pollution, including with respect to plastic product design.

The instrument should support the development of practical guidance on product design to ensure that products are designed for circularity and are circulated in practice, facilitating improved collection, reuse, recycling, and environmentally sound management. Design for circularity should promote the sustainable design of plastic products so that they can be reused, remanufactured or recycled and therefore

retained in the economy for as long as possible. In addition, design considerations for plastic products should be sector specific, and consider the unique challenges and solutions found in each sector as well as reflect the diversity of product functions, end-of-life pathways, and regional waste management capacities.

Article 5.3 is essential in that national implementation of design-related measures should be informed by a science-based, life-cycle approach and guided by internationally recognized standards. The work of international standards setting bodies should be leveraged to promote coherence and interoperability across markets. This will help avoid duplicative or inconsistent national product requirements that could fragment global supply chains or undermine investment in circular solutions.

To be effective, design-related provisions and deployment of sustainable and safer alternatives should also consider local infrastructure readiness, avoid one-size-fits-all requirements, and ensure that innovation in material science and packaging formats is not unintentionally restricted.

Plastic waste management, emissions and releases, existing plastic pollution, including in the marine environment, and just transition

Article 7: Releases and leakages

Parties should agree on an obligation for each Party to implement nationally determined measures to prevent, reduce, and, where possible, eliminate releases and leakages of plastics (including microplastics) into the environment.

Article 8: Plastic waste management

Parties should agree on a core obligation for Parties to take measures for environmentally sound management (ESM) of plastic waste, with flexibility to define national objectives and targets that reflect local infrastructure, capacity and socio-economic priorities. A non-prescriptive list of measures should be provided to support country-led efforts including investment in waste collection, sorting and recycling systems, and policies that enable circular economy approaches, including Deposit Return Schemes. Existing international guidelines on waste management, particularly from the Basel Convention, should be referenced to ensure coherence and avoid regulatory overlap or fragmentation. Alignment with these instruments can help streamline implementation and support global best practices.

Parties **should** take measures to establish or promote the development of **effective and well-designed** extended producer responsibility approaches and/or, as appropriate, other economic instruments within their jurisdiction, to ensure the environmentally sound management of plastics throughout their life cycle.

Circularity should be fostered by utilizing all the available technology solutions. When specific capabilities, resources, or know-how are not available in the country, additional considerations should be made to ensure that collecting systems are well connected to

ESM disposal and recovery operations. This may include alignment with existing provisions for the transboundary movement of plastic waste to increase circularity, such as under the Basel Convention.

While a harmonized policy framework can offer benefits in certain regions, circular economy policies, including any use of EPR, incentives for recycled materials or other instruments, must remain adaptable to each country's specific market conditions, infrastructure maturity, and implementation capacity. A flexible, enabling approach will be more effective than prescriptive models in fostering sustainable outcomes.

Article 9: Existing plastic pollution

Parties should agree on measures to identify and prioritize accumulation zones and hotspots as a first step, including identifying sources of pollution and what interventions are most effective. This will enable Parties to take effective measures to remediate existing plastic pollution, with flexibility to determine context-specific measures that also take into account national circumstances and capabilities, and to leverage existing initiatives.

Article 10: Just transition

Parties should agree on a robust article that recognises the importance for each Party to promote and facilitate a just transition that leaves no-one behind, and takes into account national circumstances and capabilities, including engaging with all stakeholders to ensure an inclusive, holistic approach and effective implementation of the instrument.

Particular mention should be given to waste pickers and micro, small and medium enterprises who are integral to transition to a plastic-pollution free economy.

Finance, including the establishment of a financial mechanism, capacity building, technical assistance and technology transfer, and international cooperation

Article 11: Financial [resources and] mechanism

Article 12: Capacity Building, Technical Assistance and Technology Transfer, including International Cooperation

The future instrument must establish effective means of implementation. In particular, Parties should agree on establishing a strong financial mechanism to mobilise resources, as well as a frame for international cooperation for technology development and transfer, as mutually agreed; and capacity building for effective implementation of the instrument. This should draw from existing systems while considering local contexts and the needs and priorities of developing countries.

The instrument should also include reference of specific examples of innovative public-private financing mechanisms, such as outcomes-based instruments, impact bonds and plastic credit facilities, with environmental and social safeguards.

The instrument should consider the challenges that emerging market and developing economies (EMDEs) face in securing financing and attracting private-sector investment. As the private sector will play a critical role in implementing the instrument's objectives, it will be key to enable policies that create the right conditions for business to invest and innovate, including in EMDEs.

The COP can adopt instruments to strengthen global public-private partnerships to mobilise resources including reinforcing coherence across diverse funding mechanisms, identifying new and innovative funding sources, and aligning public and private financial flows to incentivise market behaviour and investments in circular and sustainable products.

The instrument should also incorporate sufficient flexibility and necessary support for MSMEs, given their limited capacity.

Implementation and compliance, national plans, reporting, monitoring of progress and effectiveness evaluation, information exchange, and awareness, education and research

Article 14: National plans

Parties should agree on a common framework for national plans to help countries translate the provisions into clear national targets and action plans, taking into account country-specific circumstances, priorities and needs, including those of MSMEs.

In the immediate term, a smart mix of complementary measures is required for effective implementation, comprising both mandatory and voluntary elements, as well as procedures to adapt these elements over time to help strengthen objectives and targets.

Article 15: Reporting

Article 16: Effectiveness evaluation

Parties should agree on an effective and workable monitoring and reporting system with a clear set of modalities, procedures and guidelines for governments to track progress towards national and global objectives.

Parties should leverage and incorporate learnings from existing measurement and monitoring mechanisms.

The reporting and transparency framework should provide built-in flexibility for developing countries in accordance with their national capacities and should provide capacity-building mechanisms to facilitate improvement in reporting over time.

Article 17: Information Exchange

Parties should facilitate the exchange of information to support implementation of the instrument, to inform ongoing work and to guide actions across the plastics value chain and strengthen obligations and targets over time.

Information exchange should be underpinned by science and include reliable and adequate data, scientific research and socioeconomic assessments, sound forecasting and measurement metrics as well as the role and impact of technologies and innovative solutions.

Transparency and disclosure should align with universally accepted frameworks and standards through clear and balanced reporting requirements that reflect business realities by protecting confidentiality of sensitive information.

Article 18: Public Information, Awareness, Education and Research

Parties should establish capacity building mechanisms, including education and awareness raising, in particular for developing and emerging economies.

Taking into account national contexts will be essential for successful implementation, as well as the need to strengthen and support existing initiatives to increase impact with respect to education and awareness, including for MSMEs.