

Towards an *international treaty* on *plastic* pollution: issues, options, negotiating positions

RAPPORTEURS

Sabine Roux de Bézieux and Nathalie Van Den Broeck

APRIL 2023

2023-007
NOR: CESL1100007X
11 April 2023

OFFICIAL JOURNAL
OF THE FRENCH REPUBLIC

2021-2026 Term of office
Meeting of 11 April 2023

Towards an *international treaty on plastic pollution: issues, options, negotiating positions*

Opinion of the Economic, Social and Environmental Council on the proposal of the European and International Affairs Committee

Rapporteurs:
Sabine Roux de Bézieux
Nathalie Van Den Broeck

Question referred to the Economic, Social and Environmental Council by decision of its office of 20 September 2022 pursuant to Article 3 of Order No. 58-1360 of 29 December 1958, as amended, on the Organic Law on the Economic, Social and Environmental Council.

The office entrusted the European and International Affairs Committee with the preparation of an opinion *Towards an international treaty on plastic pollution: issues, options, negotiating positions*. The European and International Affairs Committee, chaired by Mr Serge Cambou, appointed Ms Sabine Roux de Bézieux and Ms Nathalie Van Den Broeck as rapporteurs.

contents

Executive summary	4
Introduction	8
PART 01	
PLASTIC POLLUTION IS A GROWING GLOBAL PROBLEM THAT REQUIRES AN URGENT INTERNATIONAL RESPONSE	10
A. Pollution and health issues	10
B. The impasse of increasing use that is unsustainable for the planet	15
C. A global problem that is gradually being taken into account, but which can only be resolved within an international framework	20
PART 02	
HOW CAN AN EFFECTIVE INTERNATIONAL TEXT BE ACHIEVED?	27
A. The United Nations Assembly Resolution of 2 March 2022 on plastic pollution: an historic initiative	27
B. What are the objectives of an ambitious text?	31
C. The issue of the effectiveness of a legally binding instrument to put an end to plastic pollution	48
D. Involving stakeholders: a condition for the success of the treaty	58
E. Securing funding for transition, territories and the most vulnerable populations	61
Group statements	68
Vote	84
Appendices	86

executive summary

Today, plastic pollution is a growing global problem that requires an urgent international response. Its repercussions, which we are only beginning to understand, represent a major threat to the planet.

The use of plastic products raises major pollution and health issues. It is estimated that today plastic waste accounts for 85% of marine litter and no place on the planet escapes this pollution, including the most remote areas. Similarly, developing countries, although they have less waste per capita, have become major contributors of plastic pollution due to the problems they face in managing waste. The impact of plastic pollution on human health is also a worrying issue. Studies on this subject are still insufficient but often alarmist. Microplastics and nanoplastics can enter the human body.

Today, we find ourselves at an impasse due to its increasing use in all sectors (transport, packaging, construction, etc.). The OECD predicts that global plastic consumption will increase 2.5 times by 2060.

This problem is gradually being taken into account in national legislation (France, African States, European Union, etc.) but can only be resolved within an international framework. It is in this context that the United Nations Assembly adopted an historic resolution on 2 March 2022: *End plastic pollution: towards an international legally binding instrument*.

In this opinion, the ESEC proposes the conditions for achieving an effective international text. Its recommendations, the main ones of which are set out below, cover three main areas.

FIRST AREA: AGREE ON PRECISE OBJECTIVES IN THE TREATY

RECOMMENDATION 2

The ESEC supports an **ambitious international target to eliminate plastic pollution in all areas by 2040**. The ESEC therefore calls, within the framework of the treaty, for the establishment of an implementation pathway with milestones every three years, providing in particular for the involvement of national public policies (investment strategies and public orders), but also an approach by sector of activity. It calls on the French government and the EU to assess and anticipate the achievement of this objective.

RECOMMENDATION 3

The ESEC believes that to reduce the production and consumption of plastics, the draft treaty should include the **concept of a 'plastic footprint'**, which will make it possible to assess the real impact of plastic products on the environment throughout their life cycle. This should be defined and a method of assessment and calculation proposed in the technical annexes.

RECOMMENDATION 4

The ESEC believes that the future treaty should set trajectories to **stabilise in the short term and then reduce global plastic production and consumption** (currently at almost 60 kg per year per capita). The national action plans for the implementation of the treaty will then have to set implementation targets and will have to act at the same time on supply-side policies. The means of monitoring the achievement of these objectives should be included in these plans.

RECOMMENDATION 6

The ESEC proposes that the treaty should define the **concept of circular economy as applied to plastic products and their alternatives** (sustainable sourcing, extension of useful life, economy of functionality, etc.) and integrate the notion of eco-design (saving raw materials, water and energy, reparability, reuse and recycling) throughout the life cycle of products in order to implement this concept in the states parties to the treaty.

RECOMMENDATION 7

The ESEC believes that the treaty should include a **minimum target of 30% recycled plastic in packaging by 2030**, as proposed by the EU.

The ESEC calls for this figure to be increased to 50% on all products by 2050. For states without waste collection systems, special support will be needed to achieve this objective. The treaty should also include measures to encourage reuse along the lines of the EU's Green Deal.

RECOMMENDATION 8

The ESEC calls for **the banning in principle of single-use plastics by 2040** to be enshrined in the treaty. This will have to be the subject of a technical annex to the treaty that will define the list of plastic products concerned. The treaty should also provide that the national strategies include accompanying measures for producers, employees and consumers, and arrangements for monitoring compliance.

RECOMMENDATION 9

The ESEC proposes that a **list of the most toxic groups of additives that are harmful to health and the environment** be included in an annex to the treaty. To this end, it calls on UNEP to set up a scientific database on plastics and more specifically on additives, along the lines of the European REACH Regulation. It encourages cooperation with IPBES and the WHO on these issues.

SECOND AREA: GUARANTEE THE EFFECTIVENESS OF THE TREATY

RECOMMENDATION 10

The ESEC supports the use of a **specific international convention-type treaty with technical annexes**. This type of text will allow for agreement on specific objectives within the treaty and for its flexible development through its technical annexes. The Montreal Protocol, whose effectiveness is recognised, could serve as a model during the negotiations.

RECOMMENDATION 12

The ESEC calls on the EU to be a driving force in the WTO's '*Informal Dialogue on Plastic Pollution and Environmentally Sustainable Plastics Trade*' so that concrete solutions can be formulated by June 2023. It has the same expectations for the World Customs Organization.

RECOMMENDATION 14

The ESEC calls for scientific research to be placed at the heart of the governance of the treaty so that decisions are based on objective, harmonised and shared data. The role of the future **IPCC on chemicals, waste and pollution**, which is being established, should be enhanced in the future treaty.

THIRD AREA: INVOLVE CIVIL SOCIETY AND OBTAIN THE NECESSARY FUNDING FOR THE TRANSITION, THE TERRITORIES AND THE MOST VULNERABLE POPULATIONS

RECOMMENDATION 1

The ESEC calls for organised civil society, which played a decisive role in the run-up to the draft treaty, to be effectively involved in the second meeting of the International Negotiating Committee in Paris in **June 2023**. The ESEC asks France **to organise a side event** to allow civil society to present its recommendations.

RECOMMENDATION 15

The ESEC supports the EU's proposal to establish a stakeholder forum at each session of the Treaty Negotiating Committee. This forum should participate in the negotiation work - in a form to be determined - to provide input, for example on the implementation pathway, on the modalities for updating the annexes, and on the accompanying measures for developing countries.

RECOMMENDATION 17

The ESEC recommends that **an ad hoc fund be set up** on the model of the Montreal Protocol's multilateral fund, and urges the Member States to define a financial trajectory up to 2060 to safeguard the financial efforts they are prepared to make in this area. States' contributions could be calculated on the basis of their annual plastic use.

RECOMMENDATION #18

The ESEC reiterates its call for states, and France in particular, to respect their commitments to achieve **the 0.7% target for development aid and recommends that part of it be allocated to the fight against plastic pollution**. These budgets should be used to support developing countries in their fight against plastic pollution (support programme for states and local authorities in the collection, sorting and treatment of waste, aid for workers in the informal sector, etc.).

RECOMMENDATION 20

To accompany the international implementation of the circular economy, the ESEC considers that **Extended Producer Responsibility (EPR)** and the 'polluter pays' principle should be included in the future treaty. This tool is particularly well suited to the management of plastics and makes the entire sector responsible. The implementation of such a system in developing countries will require specific support.

Introduction

Plastic is a paradox. Although it has become an essential part of our lives and is sometimes irreplaceable, this material is, in fact, increasingly being questioned.

Widely acclaimed as a synonym for practicality, adaptability, low cost and applicability in many fields (packaging, transport, construction, medicine and hygiene, etc.), the perception of its benefits has changed. Awareness of its negative impact on the environment, particularly the marine environment, but also on health, has led our societies to question their ability to manage the consequences of its use (waste treatment, pollution, etc.).

Against this backdrop, the 175-state United Nations Environment Assembly adopted the resolution *End plastic pollution: towards an international legally binding instrument* of 2 March 2022, which paves the way for the negotiation of a global treaty by 2024.

The ESEC welcomed the project. The ambition of organised civil society is clear: to eradicate the negative effects of plastic products, and in particular the pollution they cause in all environments, without however condemning plastic as a whole.

In order to contribute to the ongoing negotiations on the future international treaty, the ESEC has drawn up 20 recommendations concerning the entire life cycle of plastics, their production, use and disposal. The aim is also to feed into the positions of the EU, which is currently negotiating on behalf of its 27 Member States, including France.

In this opinion, the ESEC points out that plastic pollution is a growing global problem that requires an urgent international response. It identifies ways and means to achieve an effective international text, as the aforementioned resolution represents an historic initiative for action. Within this treaty, the ESEC proposes to set ambitious targets such as the elimination of plastic pollution by 2040, the recognition of the notion of '*plastic footprint*', targets for stabilising and then reducing production and consumption, a systematic review of our current use of plastic products, support for sustainable alternative products, the development of eco-design and the circular economy, and targeted bans (single-use plastics and environmentally harmful additives). The ESEC calls for science to be placed at the heart of regulations to develop harmonised tools and methods.

The ESEC also takes a stand on the form of the treaty and advocates the adoption of a specific convention with annexes as the most appropriate way to make the treaty legally binding. Similarly, for this international commitment to be effective, it recommends relying on stakeholders, and in particular organised civil society, which is very active in bringing this issue to the forefront of international debates. With this in mind, the EESC proposes the establishment of a Stakeholder Forum that would be involved in the various negotiating committees.

PART 01

Plastic pollution is a growing global problem that requires an urgent international response

A. Pollution and health issues

Plastic pollution, described as a ‘*time bomb*’ by the French Parliamentary Office for the Evaluation of Scientific and Technological Choices (OPECST)¹, is a global crisis whose repercussions, which are only just beginning to be understood, represent a major threat to biodiversity, the climate and human health.

1. A global pollution issue

In less than a hundred years, plastic, a purely human creation, has become the third most manufactured material in the world after cement and steel, and its production is set to double by 2050². However, its use is destined to be short-lived. For example, 81% of products made of plastic end

up as waste within a year³. In 2019 alone, the OECD has estimated that for every 460 million tonnes produced, 353 million tonnes became waste.

In view of their annual quantity, their nature and the inadequacy of their treatment, the planet as a whole is incapable of coping with the consequences of their use. Of this waste, only 9% was recycled, 19% was incinerated and almost half ended up in landfills⁴. By way of example, the life of a plastic bottle is estimated to be between 100 and 1000 years⁵.

These plastic waste streams join the stocks already accumulated in aquatic environments. It is estimated that today, plastic waste represents 85% of marine litter⁶.

1 *Pollution plastique : une bombe à retardement ?*, Parliamentary Office for the Evaluation of Scientific and Technological Choices (OPECST), December 2020.

2 Same report.

3 *Atlas du plastique - Faits et chiffres sur le monde des polymères synthétiques*, produced in partnership by the Ecological Factory and *Break Free From Plastic, March 2020*.

4 In 2019, 22 million tonnes of plastics are therefore estimated to have leaked into the environment, 82% of which were macroplastics and 12% microplastics, i.e. particles smaller than 5 millimetres in size.

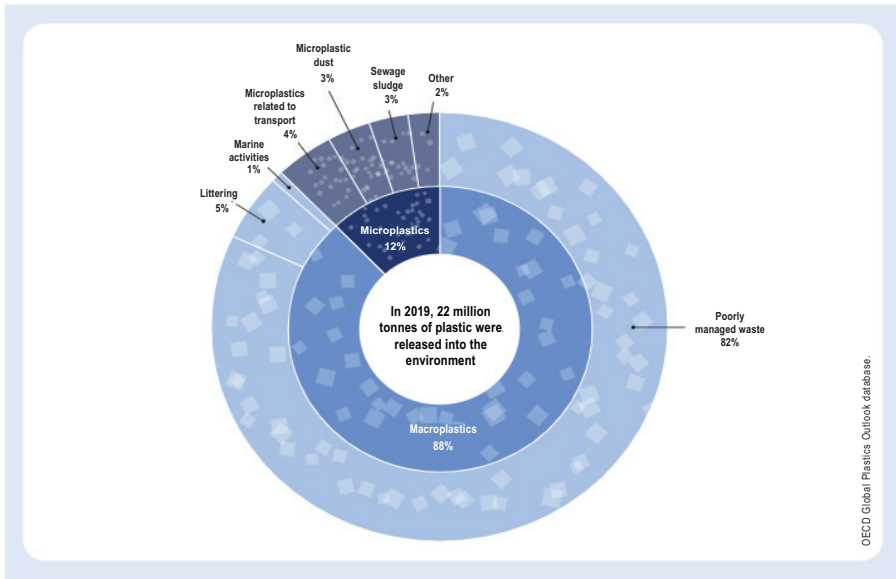
5 <https://www.futura-sciences.com/>.

6 Report *From pollution to solution: a global assessment of marine litter and plastic pollution*, UNEP, October 2021.

GRAPH 1: THE AMOUNT OF MACROPLASTICS AND MICROPLASTICS RELEASED INTO THE ENVIRONMENT IN 2019

Graph 5. The quantity of macroplastics and microplastics discharged into the environment worldwide is estimated at 22 million tonnes

Percentage of total plastic discharges into the environment, 2019



Source: OECD Global Plastics Outlook Database

There is no place on the planet that escapes this pollution. Five major gyres⁷ with areas of maximum plastic concentration have been identified: North and South Pacific, North and South Atlantic and Indian Ocean. Plastic waste is also present in the most remote areas (deep ocean, Arctic Ocean⁸, deserts, etc.). For example, airborne microplastics have been found in glacial regions, where they could contribute to accelerated global warming by absorbing light and reducing the albedo of snow-covered surfaces. Beyond the natural

environment, we should not forget the impact of plastics on the urban fabric, with cities faced with unmanageable pollution⁹.

Developing countries, although they have less waste per capita¹⁰, have become major contributors of plastic pollution due to the problems they face in managing waste.

China, Indonesia, Thailand, the Philippines and Vietnam are estimated to be responsible for more than half of the plastic waste that ends up in the

⁷ Gyres are areas in the oceans where different ocean currents converge and where huge permanent eddies are formed. At the centre of these systems are thousands of tonnes of plastic waste.

⁸ The amount of waste observed in Arctic areas has increased 20-fold over the last 10 years.

⁹ RDC : Kinshasa noyée sous une mer de déchets plastiques, *Le Monde*, January 2023.

¹⁰ 156 kg for OECD and 39 kg for non-OECD countries.

oceans. In developed countries, despite having an efficient waste management infrastructure¹¹, the situation also remains problematic¹².

As well as being difficult to treat, this pollution is a time bomb, because it is largely invisible and therefore undetectable. While macroplastics (larger than 5 mm) are visible to the naked eye, microplastics (smaller than 5 mm) and nanoplastics (between 1 nm and 1 µm) are 'insidious pollution'¹³. As it ages, plastic breaks down into particles that are disseminated in the environment, affecting biodiversity and living organisms. In the marine environment, it is found in food chains and presents dangers to marine animals (ingestion, suffocation, transport of pathogenic elements, etc.).

The impact of plastic waste on soil ecosystems is also of concern, with between 4 and 23 times more plastic present than in the oceans¹⁴. Plastics stored in landfill sites release potentially toxic substances into the soil and water, disintegrating into microparticles and nanoparticles. They can thus interact with soil fauna, which impacts health and can *ultimately*

threaten food security. Waste water also spreads plastic particles that can persist in waste water sludge, which is often used as a field dressing. Yet little research has been done into these issues.

It should also be pointed out that the production of plastics worldwide is a major emitter of CO₂: 56 billion tonnes of CO₂ eq by 2050¹⁵.

2. A health issue

The impact of plastic pollution on the environment is an issue that is gradually being addressed. However, the few studies, which are still insufficient, are mostly alarmist about the impact on human health.

At every stage in its life cycle, plastic can present risks to human health. At the production stage, polymers are mixed with additives. These additives, although necessary to give the plastic its strength and shape, can present risks. Recent scientific studies¹⁶ estimate that around 25% of the 6,000 to 10,000 additives used are potentially dangerous.

The second type of impact on human health is related to the use of plastics and to our consumption. Microplastics and nanoplastics (between 50 and 100 micrometres)

11 Of the 29 million tonnes of waste collected in the European Union in 2018, 24.9% was landfilled, including 900,000 tonnes in France (32.5%).

12 According to data from the *Déplastifier le monde* dossier (https://popsciences.universite-lyon.fr/le_mag/un-encombrant-dechet/?cn-reloaded=1), Europe produces 69.3 million tonnes of plastic waste annually, of which 5% is considered to be poorly managed (i.e. not collected, dumped on the streets, or sent to uncontrolled landfills), while Asia produces 121.7 million tonnes, of which 48% is poorly managed. In addition, the three rivers that emit the most plastic waste into the oceans (Pasig, Klang, Ulhas) are in Asian countries.

13 Term used by OPECST.

14 Source: *Atlas du plastique*, op. cit.

15 Figures from the *Atlas du plastique*, March 2020. Plastics may therefore require between 10 and 13% of the remaining carbon budget if we want to limit the temperature rise to 1.5°C.

16 Studies *Enabling a circular economy for chemicals in plastics*, Nicolo Aurisano, www.sciencedirect.com, May 2021 and *Deep dive into plastic monomers, additives and processing aids*, Helen Wiesinger, *Environmental science and Technology*, June 2021.

can penetrate the human body by ingestion or inhalation, or penetrate the skin in the case of nanoparticles. A 2019 WWF report estimates that each individual swallows ‘2,000 plastic particles per week, equivalent to 5 g of plastic, the weight of a bank card’¹⁷. Contamination also occurs via the food chain¹⁸.

Consumer exposure to chemical additives can also be significant through plastic-based materials (food packaging, building materials, toys, etc.). According to a study conducted in 2021¹⁹, 25% of children’s toys contain hazardous chemicals. Exposure to endocrine disruptors contained in plastics could lead to various human pathologies, including certain cancers, diabetes, reproductive disorders, etc. In general, plastics, particularly microplastics, are suspected of being able to harbour microbial pathogens²⁰. A recent study by the French National Research Institute for Agriculture, Food and Environment (INRAE) concluded that polyethylene (PE) microplastics alter the gut microbiota *in vitro*. The study notes an increase in potentially harmful bacteria and a decrease in bacteria that are beneficial to health²¹.

In addition, plastic pollution contributes to air pollution by microplastics and nanoplastics and leads to possible human health effects from inhaling these plastics. Furthermore, the open burning of plastics leads to the release of toxic chemical substances and particles (dioxins, furans, mercury, etc.), posing a particular threat to the eleven million workers in the informal sector who handle waste around the world.

Plastics are also found in dust, especially via textiles and fibres. They can enter the respiratory tract of humans and animals, as well as food and the environment in general. It is estimated that around six of the 20 kilograms of dust produced by an average household each year is made up of microplastics. It is also estimated that tyre wear accounts for between 3% and 7% of particulate matter in the air²².

However, these studies are still fragmentary and need to be continued in order to assess the health effects on humans of plastic pollution, including microfibrils and other plastic microparticles. Following a 2019 study, the World Health Organization (WHO)²³ concluded, for example, that ‘microplastics in drinking water do not appear to pose a health risk, at least at current levels, but the issue needs to be further investigated’. The impact of

17 *Océan plastique, Enquête sur une pollution globale*, Nelly Pons, Actes sud, 2020.

18 Even more worryingly, for the first time ever, plastic has also been found in our blood, as revealed by a study carried out by the Free University of Amsterdam in March 2022. <https://www.sciencedirect.com/science/article/pii/S0160412022001258?via%253Dihub>.

19 Nicolo Aurisano and others, *Chemicals of concern in plastic toys*, *Environment International*, vol. 146, January 2021.

20 Valentin Foulon and others, *Colonization of polystyrene microparticles by Vibrio crassostreae: light and electron microscopic investigation*, *Environmental Science and Technology*, Vol. 50, No. 20, October 2016.

21 *Quand les microplastiques s’installent à la table du microbiote des petits et des grands*, www.inrae.fr, October 2022.

22 According to Andreas Stohl of the Norwegian Air Research Institute, a tyre loses an average of 4 kg of microplastics during its lifetime (Study *Atmospheric transport is a major pathway of microplastics to remote regions*, *Nature communications*, July 2020).

23 *The WHO calls for more research into microplastics and strong action on plastic pollution*, WHO press release, August 2019.

plastics on the health of women is also poorly understood, although biologically their metabolism has a greater capacity to accumulate fat-soluble contaminants, including many toxins in plastics, such as phthalates. Particular attention should be paid to this issue.

Faced with the exponential production and consumption of plastics and the consequences for our environment and our health, it is urgent and essential that our society speeds up the assessment of the risks associated with plastics and takes the necessary measures, with particular reference to the precautionary principle. Consecrated by the Rio Declaration²⁴ of 1992, and introduced into the French Constitution by Article 5 of the Environment Charter, this provision states that *'despite the absence of certainty, at a given moment, due to a lack of technical, scientific or economic knowledge, anticipatory risk management measures should be taken with regard to potential immediate and future damage to the environment and health'*. In the event of proven scientific knowledge, the principle of prevention could be applied. The use and implementation of these principles will need to be debated as part of the draft treaty on plastics so that they can be included in it.

²⁴ Rio Declaration on Environment and Development principles of forest management, June 1992.

B. The impasse of increasing use that is unsustainable for the planet

1. 'Plastics': diversity of materials and current uses (transport, packaging, health, etc.)

'Plastics' or 'plastic materials' are polymers²⁵ to which additives or other substances may be added and which are capable of serving as structural components of final materials and articles²⁶. This definition reflects their versatility. They come in a wide variety of structures, sizes, properties and uses, and can meet the needs of many

economic sectors and consumers.

This material, which appeared in the nineteenth century²⁷ and was produced on a large scale after the Second World War, soon conquered the whole world.

Gradually, the chemical formulas became more diverse. Today, there are seven major families of plastics or resins²⁸, representing almost 45,000 different types of plastic²⁹, which makes sorting and recycling operations more complex.

25 'Polymers (etymology: from the Greek *polus*, many, and *meros*, part) are a class of materials. From a chemical point of view, a polymer is a substance composed of macromolecules and derived from low molecular weight molecules', Wikipedia definition [translation of FR Wikipedia entry].

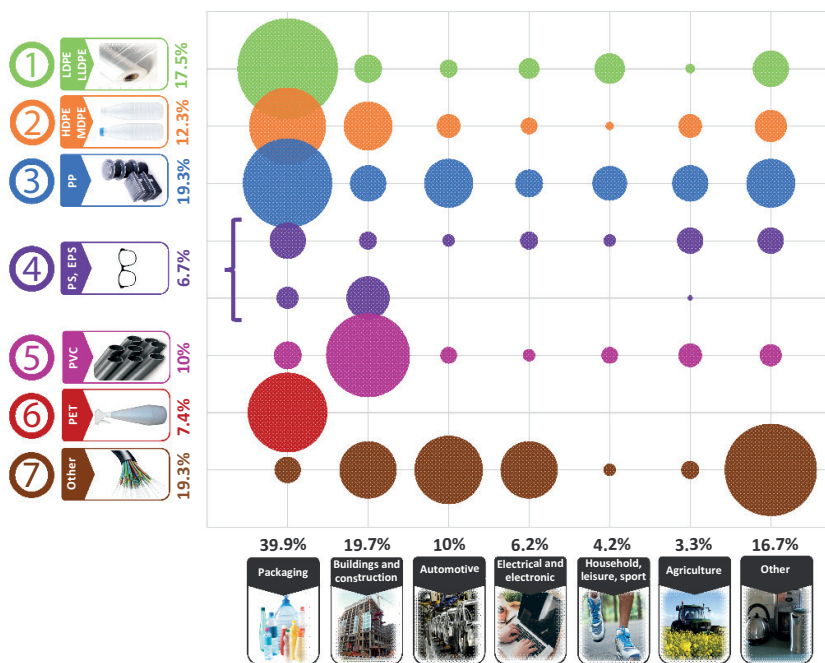
26 Regulation (EU No 10/2011, January 2011).

27 'Parkesin', the forerunner of plastic, was presented at the London World's Fair in 1862.

28 PET: Polyethylene Terephthalate (the most common plastic used in food packaging); HDPE: High-Density Polyethylene (household product bottles) PVC: Polyvinyl chloride (rigid or flexible, used for packaging cheese and meat); LDPE: Low-Density Polyethylene (plastic bags and packaging); PP: Polypropylene (temperature-resistant, food containers, medical packaging, car parts), PS: Polystyrene (hard and brittle, food packaging but also furniture, toys, etc.), and all other types 'Others'.

29 Hearing of Nathalie Gontard, Research Director at INRAE, before the Standing Committee ESEC European and International Affairs, 11 October 2022.

FIGURE 1: USE OF RESINS BY PURPOSE (EU)



- 1 Reusable bags, trays and containers, agricultural film (LDPE), food packaging (LLDPE), etc.
- 2 Toys, milk bottles, shampoo bottles, pipes, household items (HDPE), etc.
- 3 Food packaging, packaging for sweets and snacks, hinged caps, pipes, car parts, etc.
- 4 Spectacle frames, plastic cups, egg cartons (PS), packaging, building insulation (EPS), etc.
- 5 Window frames, floor and wall coverings, pipes, cable insulation, garden hoses, inflatable swimming pools, etc.
- 6 Water bottles, fruit juice bottles, soda bottles, spray cans, etc.
- 7 Fibre optics, touch screens, coatings, medical implants, etc.

Source: Pollution plastique : une bombe à retardement – report on behalf of the Parliamentary Office for the Evaluation of Scientific and Technological Choices (December 2020)

Over the last 50 years, plastics, thanks to their properties (diversity of shapes, colours, flexibility or rigidity, lightness, strength and durability, etc.) have contributed to many innovations. During the period from 2010 to 2019, plastic use grew 40% faster than GDP. Per capita and per annum, its consumption in 2019 was 156kg in OECD and 39 kg in non-OECD countries³⁰ countries, with a global average of around 60 kg per person.

Due to their low manufacturing cost, plastic products are ubiquitous in industry. Today, no sector or everyday consumer product is 'free' of plastic, as the diagram above shows.

The main user sector is packaging

(39% of consumption at EU level)³¹.

Plastic is a lightweight material that reduces CO₂ emissions, especially during transport, and is very practical, protects food, improves safety and hygiene and extends shelf life. It limits food waste and avoids additional greenhouse gas (GHG) emissions³². Yet almost half of the plastic pollution visible in the environment was used to package food products³³. Food packaging is particularly problematic as it is often a multi-layered product made of different plastics that are difficult to separate. These are mainly polypropylene (PP), polyethylene (PE) and polyethylene terephthalate (PET), all of which are recycled in different ways.

The construction sector is the second largest user (19.7%), with increasing use of polyvinyl chloride (PVC) equipment in buildings: thermal insulation, plumbing, doors and windows, etc.

The transport sector is also a major consumer (10% in the automotive sector alone, with PPs and a wide variety of plastics), notably for reasons of vehicle weight reduction, which has led to lower fuel consumption and hence CO₂ emissions. Today, it is estimated that plastics account for about 20% of the total weight of a car (250-300 kg of plastic per car). In the aviation sector, since the 1970s, the amount of plastic in an aircraft has increased from 4% to around 50%. Similarly, in maritime transport, fibre-reinforced plastics (glass or carbon) are being used more and more, as these materials do not rust and are less affected by seawater, thus spacing out maintenance cycles and reducing operating costs.

Plastics are also essential materials for the production of **electrical and electronic equipment**, with varying lifetimes depending on the product.

30 *Global Plastic Outlook, vol. 1* OECD, March 2022.

31 158 million tonnes produced in 2018.

32 Hearing of Jean-Yves Daclin, Director of Plastic Europe, before the ESEC's Standing Committee on European and International Affairs, 8 November 2022.

33 Hearing of Nathalie Gontard, Research Director at INRAE, before the Standing Committee ESEC European and International Affairs, 11 October 2022.

In **the clothing sector**, synthetic fibres³⁴ have made their mark, and now account for two thirds of the textile fibre market. Today, the average useful life of a garment is between two and 10 years, depending on the type of item³⁵, a figure that is constantly decreasing with the development of ‘fast fashion’, which amplifies the increase in waste.

Finally, in **the field of health**, plastics have enabled the development of medical devices, syringes, catheters, physiological bags, respirators and prostheses that are essential to the medical sector, as they guarantee safety and hygiene. At present, there is no viable and widely available alternative to plastic in this sector.

In general, plastics producers³⁶ are very positive about the use of plastics as a ‘low-carbon asset’³⁷ that reduces CO₂ emissions³⁸, particularly by making vehicles lighter³⁹. On the other hand, several of those interviewed questioned the carbon footprint approach, in favour of the more comprehensive notion of a ‘plastic footprint’⁴⁰, which takes into account the environmental impact of plastic.

2. Increased use of plastic creates an ‘unsustainable’ model⁴¹ for the planet

According to the OECD⁴², global plastic consumption is expected to increase 2.5 times by 2060. It is forecast to rise from 460 million tonnes in 2019 to 1,231 million tonnes in 2060, mainly as a result of demographic and economic growth. OECD countries are expected to remain the largest consumers of plastics per capita in 2060, with an average of 238 kg per capita in 2060, with the US remaining the largest consumer of plastics at 415 kg per capita. In non-OECD countries, consumption will rise to 77 kg per capita in 2060, with Asia (x3) and sub-Saharan Africa (x6) expected to see the greatest increase.

34 Polyester, acrylic, nylon, elastane, etc.

35 *We are lagging behind on clothing recycling*, Mathieu Barrère, website of Slate.fr, July 2020.

36 Hearing of Jean-Yves Daclin, Director of Plastic Europe, before the ESEC’s Standing Committee on European and International Affairs, 8 November 2022.

37 *Le plastique, l’atout bas carbone*, Polyvia brochure, March 2022.

38 ‘The CO₂ emissions reduced by plastics during their use phase are 5 to 9 times higher than the emissions required for their production and end of life’, hearings of Jean-Yves Daclin, Director of Plastic Europe, and Marc Madec, Director of Sustainable Development at Polyvia, before the ESEC’s Standing Committee on European and International Affairs, 8 November 2022.

39 During their use phase, 5 to 9 times more than the emissions required to produce them.

40 Expression used during the hearing of Nathalie Gontard, Director of Research at INRAE, before the ESEC’s Standing Committee on European and International Affairs on 11 October 2022.

41 Expression used by the OECD, which predicts that the absence of ambitious measures to reduce plastic pollution will lead to an unsustainable future, *Global Plastics Outlook – Policy Scenarios to 2060*, June 2022.

42 Same source.

Projections of plastic waste volumes are of particular concern. These are expected to triple to more than one billion tonnes by 2060 due to the rapid growth of African and Asian economies and the insufficient pace of waste treatment infrastructure development in these countries. By this time, two thirds of plastic waste will be produced in non-OECD countries. Half of all waste will still be landfilled and less than a fifth will be recycled. As for greenhouse gas emissions linked to the life cycle of plastics, they are expected to more than double, rising to 4.3 gigatonnes of CO₂ eq. Other effects linked to the life cycle of plastics, such as ozone formation, acidification and human toxicity, could also more than double.

The economic and industrial model is therefore no longer tenable, with a large proportion of states already unable to reprocess their waste. Some territories, such as overseas departments and municipalities, will be particularly affected in the absence of local treatment solutions and a ban on waste exports. The ubiquity of plastic has made our planet dependent, and the paradigm shift will be complex.

In economic terms, plastics are a significant factor and provide a living for many people around the world. China now accounts for more than a quarter of production. For Europe, the world's second largest producer, plastics is a major employer (1.5 million employees in 52,000 companies), a turnover of over 400 billion euros and a trade surplus of 14.4 billion euros⁴³. By 2050, the plastics industry could account for 20% of the

world's oil consumption⁴⁴, compared with 4% today – a strategic outlet for an increasingly contested raw material.

Without action, and according to OECD scenarios, the future will be 'unsustainable'. Plastic, which at the beginning of the twentieth century was synonymous with progress and numerous technological innovations, has become unmanageable because of our collective inability to prevent it from leaking into the environment.

Plastics production and waste treatment capacity have gradually become uncoupled, particularly in developing countries. The French Development Agency (AFD)⁴⁵ has found that in the countries where it operates, 93% of waste is not properly treated. However, the change of model in the management of plastic waste, in addition to its environmental and health impacts, can bring hope and jobs. For the AFD, the jobs created for 10,000 tonnes of waste treated are 2.4 for landfill, 6.6 for composting and 115 for recycling.

The globalised model that has been put in place, i.e. production by OECD countries and China and then export of materials (and some of the waste) to developing countries, is also not sustainable.

43 *Plastics the Facts*, <https://plasticseurope.org>, October 2022.

44 *Océan Plastique*, Nelly Pons, Actes Sud, 2020.

45 Interview with the French Development Agency (AFD) before the ESEC's Standing Committee on European and International Affairs, 7 December 2022.

Many developing countries (DCs), already overwhelmed by plastics, are no longer able to accommodate waste treatment on their territories. In recent years, many Asian states have refused to allow the import of these materials.

Similarly, some European shipowners have recently stopped transporting plastic waste⁴⁶, the majority of which leaves the United

States, the United Kingdom and the Netherlands and ends up in Asia, particularly Indonesia and Vietnam. Plastic, found everywhere on the planet, has become a material synonymous with pollution and an excessive consumer society in which fewer and fewer people seem willing to accept the consequences of its use.

C. A global problem that is gradually being taken into account, but which can only be resolved within an international framework

1. A proliferation of national legislation on plastics, which is sometimes difficult to enforce

Many states on all continents have passed legislation to combat and restrict plastic pollution. A distinction can be made between two types of countries: developed countries with more efficient waste treatment systems and developing countries, which are often forced to adopt very restrictive measures because they are not able to treat their own waste. In the latter, the absence of national plastic production industries has facilitated the adoption of such measures, even if they are nevertheless sometimes complex to implement (parallel economy, lack of funding, etc.).

Among developing countries, those in Latin America and the African continent are particularly involved. In Africa, there are 34 states, both democratic and authoritarian, which have adopted legislation to combat plastic⁴⁷, some of which are accompanied by very repressive policies. Among the most committed schemes are those of Rwanda, South Africa and Kenya. Conversely, some states have only partial regulations (e.g. Egypt, Libya, etc.)⁴⁸, while others have no laws on solid waste management (Guinea, Sudan, etc.).

⁴⁶ CMA CGM *va arrêter de transporter des déchets plastiques, Mer et Marine*, February 2022.

⁴⁷ *La multiplication de lois nationales pour lutter contre la pollution plastique en Afrique*, www.droitdelenvironnement-pour-lafrique.com, June 2019.

⁴⁸ These states only regulate the disposal of plastics at national level through the legal system for solid waste and household refuse.

The example of Rwanda, one of the pioneer countries, is significant, with a ban on plastic bags as early as 2008, based on the precautionary principle. Law No. 57/2008 of 10 September 2008 on the prohibition of the manufacture, import, use and sale of polyethylene bags in Rwanda sets a general ban on plastic bags and institutes penalties ranging from fines to imprisonment. Rwanda has even provided for an exchange of plastic bags on arrival at Kigali airport. However, at the ESEC hearing, the state mentioned the difficulties of implementing this legislation, as its direct neighbours (Democratic Republic of Congo) do not have this type of legislation. The laws of Kenya (2007 and 2011), another leading state, also provide for prison sentences of up to four years, as does Senegal's law (2015)⁴⁹, which bans plastic bags.

The ESEC also heard from the Moroccan ESEC in the context of this opinion. This country has implemented several laws on waste management, banning plastic bags (manufacture, use, import). Its representatives stressed the need to support the most vulnerable populations and to take into account the social dimension of this transition, so that the law is properly applied and effective.

Asia is the continent that generates the most plastic pollution. As of 2022, the five countries responsible for more than half of all plastic waste are all located in Asia: China, Indonesia, Thailand, the Philippines and Vietnam⁵⁰.

Rather than introducing comprehensive legislation on the life cycle of plastics, Asian countries have acted to restrict or ban the import of plastic waste onto their soil, mainly from Europe, the United States and Japan.

In the decade after 2010, China introduced the first restrictions on imports of foreign waste. In 2013, the 'Green Fence' – a 10-month initiative to prevent the import of unsorted shipments of recyclable waste – introduced import restrictions, preventing 58,800 tonnes of foreign rubbish from entering the country. At the end of 2017, China, the world's largest producer of plastics, banned the import of 24 types of waste, including plastic waste, and saw a 95.4% drop in plastic waste imports between 2017 and 2018⁵¹. This policy of restrictions has led developed countries, deprived of this channel for disposing of their waste, to question and rethink their own plastic management policies.

49 Senegalese legislation prohibits the production and import of plastic bags with a thickness of less than 30 microns, but also the possession and use of plastic bags with a thickness of 30 microns or more.

50 *Five Asian Countries Dump More Plastic Into Oceans Than Anyone Else Combined: How You Can Help*, Hannah Leung, *Forbes*, April 2018.

51 *Panique générale face à l'interdiction d'exporter nos déchets en Chine*, <https://mrmondialisation.org>, February 2021.

The widespread deployment of such national legislation is encouraging, but the difficulties of implementation in many countries must be emphasised. Plastic Odyssey⁵² highlights the lack of will on the part of some states and their governments to implement controlled policies, preferring to maintain a parallel waste economy, as in Lebanon.

Most of those interviewed also noted the presence of parallel markets or trafficking⁵³, even leading to waste-related crime, as identified by Interpol in a 2022 report⁵⁴. The report notes an increase in illegal waste incineration and dumping in Europe and Asia, as well as a significant increase in the use of false documents and fraudulent waste declarations.

As far as developed countries are concerned, France was one of the pioneers in the field of the circular economy by adopting a law on the elimination of waste and the recovery of materials in 1975⁵⁵, or more recently Law 2020-105 of 10 February 2020 on the fight against waste and the circular economy, known as the 'AGEC Law'. The aim of this law is to improve reuse and recycling and to reduce plastic consumption. It aims to gradually transform the current linear mode of production, consumption

and waste management into a circular economy. The law includes approximately one hundred measures organised under seven main headings, most of which concern plastics, such as better information for consumers, an end to single-use plastics, improved recovery and recycling, support for eco-design, and reform of the Extended Producer Responsibility (EPR) system. The implementation of this law is detailed in a number of decrees that provide for a gradual deployment of the actions to be taken between 2021 and 2040⁵⁶, this final deadline marking the end of the marketing of single-use plastics. A national '3Rs'⁵⁷ strategy for the reduction, reuse and recycling of single-use plastic packaging has also been developed.

52 Hearing of Simon Bernard, Co-founder of *Plastic Odyssey*, and Jean-Baptiste Grassin, Entrepreneur and Engineer at *Plastic Odyssey*, before the ESEC's Standing Committee on European and International Affairs, on 22 November 2022.

53 Same hearing.

54 Interpol report reveals sharp rise in plastic waste crime, <https://www.interpol.int>, August 2020.

55 Law No. 75-633 of 15 July 1975 on waste disposal and materials recovery.

56 Four successive periods are planned: 2021-2025; 2025-2030; 2030-2035; 2035-2040.

57 The development of a strategy for the reduction, reuse, reemployment and recycling of single-use plastic packaging (known as the '3Rs strategy for plastic packaging') is provided for in Law No. 2020-105 of 10 February 2020 on the fight against waste and the circular economy (known as the 'AGEC Law').

However, significant differences also exist among developed countries. The United States generates the largest amount of plastic waste: 42 million tonnes in 2016, twice as much as China and more than all the EU countries combined. In addition, the United States also leads in per capita plastic waste production, with an average of 130 kg. In the United States, the country which uses the largest quantity of plastics in the world, the situation is mixed. While some states are proactive, such as California, the federal government is only targeting 2032 for a ban on single-use plastics.

Although all these national laws have been passed in very different countries (income levels, waste management policies, etc.), their main advantage is that they create a sort of common base between countries, which will facilitate the adoption of certain measures at international level. Thus, the French Parliamentary Office for the Evaluation of Scientific Choices (OPECST) noted that of the countries that had adopted legislation on plastics, 80% had banned single-use plastics, 70% had introduced recycling obligations and 50% had banned plastic bags⁵⁸.

2. The EU and its ambitious regulations, influenced by France

As the issue of plastic pollution transcends national borders, it is quite logical that this topic is dealt with within a regional or supranational framework. This is the case in the European Union, which has implemented a number of regulations on plastics and is considering tightening its legislation.

The initial awareness of the EU was through the prism of waste. Between 2015 and 2019, several directives⁵⁹ developed a broader approach to the circular economy. Among the latest regulations adopted in this area is the Single Use Plastics Directive of June 2019 (in force since 3 July 2021), which bans single-use plastic straws, plates and cutlery from being placed on the European market and provides for better recycling of bottles. The text also sets a target for the separate sorting of plastic bottles (90% by 2030) and the inclusion of 30% recycled plastics in bottles by 2030 (the '30/30' target).

A contribution on plastic packaging waste, designed to encourage countries to improve recycling, has also been in place since 1 January 2021. Its mechanism is based on a '*bonus-malus*' process: a country that reduces its volume of non-recycled plastic waste therefore reduces the amount of its contribution. However, there is a disparity in the progress made in transposing the measures into national law.

⁵⁸ *Pollution plastique : une bombe à retardement ?*, OPECST, December 2020.

⁵⁹ E.g.: European Directive 2015/720 of 29 April 2015 amending Directive 94/62/EC as regards reducing the consumption of lightweight plastic carrier bags.

Some European countries are late in implementing this directive (Bulgaria, Poland, etc.), while others have already committed themselves (Estonia, France, Greece, Sweden, etc.). France is nevertheless obliged to pay a significant contribution to the EU (1.2 billion euros in 2021)⁶⁰ because it recycles little of its waste (25% compared with 41% in the EU), but the implementation of the AGEC Law should help to close this gap⁶¹.

Finally, in December 2022, the European Commission, as part of its 'Green Pact for Europe'⁶², proposed new EU-wide rules on packaging, with the dual aim of reducing this source of waste and meeting consumer expectations. The proposed rules include ensuring reusable packaging options, eliminating unnecessary packaging, limiting over-packaging, providing clear labels to encourage recycling and reducing the need for virgin materials. Consumers will also be informed about the differences between bio-based, compostable and degradable plastics. France also has a micropollutants plan. It will then be able to rely on a body of knowledge and local feedback that can serve as a basis for the treaty negotiations.

All of these regulations in the EU have direct global consequences for plastics, with each European alone generating around 180 kg of packaging waste per year⁶³.

3. At international level, the initial focus on waste at sea has been gradually extended to include pollutants and plastics

As the marine environment is the most affected by plastic pollution, it was the first to be the subject of international conventions in the 1970s. Among the major conventions, we can mention:

- the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, known as the London Convention of 13 November 1972⁶⁴;
- the International Convention for the Prevention of Pollution from Ships (known as Marpol) of 2 November 1973. Developed by the International Maritime Organization (IMO), it is the major text related to marine pollution. Its Annex V includes a ban on the dumping of plastics in any form at sea and the keeping of a litter register;
- the United Nations Convention on the Law of the Sea of 10 December 1982, which requires States 'to adopt laws and regulations to prevent, reduce

60 <https://www.consoglobe.com/taxe-plastique-cg>.

61 *Qu'est-ce que la taxe plastique de l'Union européenne ?*, website of *Toute l'Europe*, March 2022.

62 The Green Deal for Europe is the EU's long-term growth strategy, which aims to make Europe climate-neutral by 2050.

63 https://france.representation.ec.europa.eu/informations/pacte-vert-pour-leurope-en-finir-avec-les-dechets-demballages-encourager-la-reutilisation-et-le-2022-11-30_fr.

64 This Convention was supplemented by the 1996 Protocol. It shifted the scope of the 1972 Convention to the land environment, creating a link between land and maritime waste management.

*and control pollution of the marine environment from land-based sources*⁶⁵.

The marine environment is also the subject of regional conventions such as the OSPAR Convention of 22 September 1992 for the protection of the marine environment of the North-East Atlantic and the Barcelona Convention of 16 February 1976 for the protection of the Mediterranean Sea against marine pollution from ships, aircraft and land-based sources. It has been supplemented by two protocols, including the 1996 protocol, which includes land-based pollution.

In 2008, the '*Marine Strategy Framework Directive (MSFD)*' was adopted. In France, the latter has been transposed into the Environment Code and is being implemented as part of the preparation and implementation of strategic façade documents. The MSFD aims to ensure that good environmental status is achieved and marine litter is one of the indicators monitored.

International regulations on pollutants and waste have also gradually been adopted. The international community, recognising the overexploitation of natural resources and its undesirable environmental consequences in terms of transboundary pollution and serious harm to human health, has adopted several international legal instruments to limit or eradicate its effects. This is the context in which the Basel, Rotterdam, Stockholm and recently the Minamata conventions on mercury were born. They each have provisions relevant to plastics.

For example, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal of 22 March 1989 (which brings together 187 states and is therefore quasi-universal) provides for the possibility for each sovereign state to prohibit the entry or disposal of hazardous wastes and other wastes of foreign origin on its territory⁶⁵. Since 1995, the '*ban*' amendment⁶⁶ has prohibited all exports of hazardous waste from a developed country to a developing country or a country in transition.

As regards the Rotterdam Convention of 10 September 1998, this is an international convention that offers the possibility for a country to decide which hazardous chemicals or pesticides they are willing to receive and to refuse those they are not able to manage safely. The 2001 Stockholm Convention regulates persistent organic pollutants (POP). These are partly present in plastics. Many chemicals and compounds are prohibited in the annexes. Finally, the Minamata Convention on Mercury of 10 October 2013 aims to protect human health and the environment from the harmful effects of mercury. The 128 Signatory States have agreed on a number of products whose manufacture, import and export will be banned by 2020.

⁶⁵ Article 4, §1a of the Basel Convention.

⁶⁶ This is an amendment to the Basel Convention adopted in 1995.

Finally, within a UN framework, the adoption in 2015 of the 17 Sustainable Development Goals provides an additional source that can lead to the adoption of regulations to prevent plastic pollution. Among these, the OPECST considers that *'uncontrolled production of plastics is likely to jeopardise seven of these objectives'*. These include good health and well-being, clean water and sanitation, responsible consumption and production, aquatic life, terrestrial life, etc.

An analysis of these national, regional and international legislations shows that they are interesting but also that they are not sufficiently coordinated, that their approach is fragmented and that there is no single international text covering the entire life cycle of plastics, which is essential at global level to reduce plastic pollution. This situation should encourage the international community to act in favour of a legally binding treaty that can engage as many states as possible.

PART 02

How can an effective international text be achieved?

A. The United Nations Assembly Resolution of 2 March 2022 on plastic pollution: an historic initiative

1. The Resolution of 2 March 2022: the culmination of a long process

The outcome of the 2022 Resolution is the result of a long process. The various international conventions related to the sea and pollution (Montego Bay, Basel, Stockholm, etc.) paved the way for an ambitious international text. However, plastic pollution gradually emerged as its own problem that could only be solved within an international framework and in an *ad hoc* legal instrument.

In 2014, the United Nations Environment Programme (UNEP) took up this topic and adopted several successive resolutions, mostly limited to the marine environment:

→ **Resolution 1/6 ‘Marine plastic debris and microplastics’ (2014)**, which stresses the importance of the preventive approach, calls for global action on marine plastic pollution, and calls for a comprehensive study to identify the main sources and possible measures;

→ **Resolution 2/11 ‘Marine plastic waste and microplastics’ (2016)**, which calls for a global response to this emergency and for the establishment of harmonised definitions and monitoring measures. It also highlights the lack of resources within regions and the governance issues associated with plastic waste and microplastics in the marine environment;

→ **Resolution 3/7 ‘Marine litter and microplastics’ (2017)** on discharges of litter and microplastics into the oceans, which acts to establish an open-ended ad hoc group of experts to explore options for addressing marine plastic pollution and options for an international response as well as legally binding approaches;

→ **Resolution 4/6 ‘Marine plastic waste and microplastics’ (2019)**, which reaffirms the importance of the long-term elimination of plastic waste and microplastic discharges into the ocean and encourages the development of sustainable consumption and production patterns, including the circular economy. This text expands the mandate of the expert group (study of resources, technical and financial mechanisms, effectiveness of an international response option).

In parallel to these UNEP resolutions, other international organisations have been mobilised on the subject. These include the IMO’s 2018 action plan to address marine plastic waste⁶⁷ from ships and the G20 agreement of 16 June 2019 on reducing plastic waste in the marine environment.

Against this backdrop, UNEP decided to step up its action against plastic pollution at the fifth session of the United Nations Environment Assembly (UNEA 5) in February 2021. During this session, a large number of states expressed their desire for a decision in this area, and a coalition of 140 states called for the negotiation of a global agreement on plastics. Conversely, some states, such as the United States, India, China and Japan, expressed reservations about a legally binding instrument.

In September 2021, with the support of UNEP, 76 states

organised a ministerial conference and requested the establishment of a negotiating committee. This process was then concomitantly supported by about 100 large companies⁶⁸, emphasising the urgency of starting negotiations.

During the discussions, several draft resolutions were tabled by different states. The one proposed by Japan argued for a global binding agreement, but focused only on marine plastic pollution. The second, submitted by India, did not provide for the establishment of an intergovernmental negotiating committee, but rather for the holding of four forums, meeting annually to address issues such as single-use plastics⁶⁹. The latest draft resolution was submitted by Rwanda and Peru. They were soon joined by 60 other signatories, including Senegal, Kenya, Colombia, Ecuador, Chile, Costa Rica, small island developing states, Thailand and Vietnam, as well as the European Union, including France. At the same time, the US and Japan did not oppose the establishment of a negotiating committee.

Buoyed by this international support, the Rwanda text formed the basis of UNEP Resolution 5/14 *End plastic pollution; towards an international legally binding instrument*, adopted on 2 March 2022 in Nairobi, Kenya. As proof of the importance of this text, it has been described by the Executive Director of the United Nations Environment Programme

67 IMO adopts Action Plan to address plastic waste at sea, <https://www.imo.org>, October 2018.

68 Most of these large companies that support the draft treaty are united in the ‘*Business coalition for a global plastics treaty*’, which currently has more than 80 members (financial institutions, producers, distributors).

69 Source: website of the Ministry of Ecological Transition.

as ‘the most ambitious multilateral agreement since the Paris Agreement’⁷⁰.

2. A landmark resolution that provides a solid foundation and a clear framework for an effective legally binding text.

The text of the resolution has the advantage of being precise and lays the groundwork for subsequent negotiations. The Ministry of Ecological Transition (MTE) stressed that ‘its level of precision is quite rare in a text of this level since it provides the plan of the future treaty and goes as far as the verification measures’⁷¹. UNEP therefore has negotiating guidelines such as the timetable, the nature of the agreement and its scope.

The timetable envisages work starting in the second half of 2022 and completion by the end of 2024, i.e. in just over two years, a very ambitious time frame given the usual time frames for negotiating international agreements. By way of comparison, the negotiations for the draft legally binding treaty on biodiversity in the high seas (‘BBNJ’), launched in 2017⁷² and announced for 2022, have been delayed.

For the future legally binding instrument, which will be referred to as the ‘treaty’ in this opinion, UNEP has scheduled five meetings of the International Negotiating Committee (INC) by the end of 2024. The first was held in Punta del Este, Uruguay, from 28 November to 2 December 2022, and included a study of possible options for the structure of the future agreement and its scope, a state of the science, a

review of existing financial instruments for dealing with plastic pollution and an overview of possible ways of involving civil society. France will host the second meeting of the INC in May 2023 in Paris, which the ESEC welcomes.

RECOMMENDATION 1

The ESEC calls for organised civil society, which played a decisive role in the run-up to the draft treaty, to be effectively involved in the second meeting of the International Negotiating Committee in Paris in June 2023. The ESEC asks France to organise a side event to allow civil society to present its recommendations.

⁷⁰ Statement by Inger Andersen, 2 March 2022.

⁷¹ Hearing of Vincent Coissard, Deputy Director of the Waste and Circular Economy Sub-Directorate of the Ministry of Ecological Transition and Territorial Cohesion, and Marc Fagot, Deputy to the Sub-Director in charge of International Action of the Ministry of Ecological Transition and Territorial Cohesion, before the ESEC’s Standing Committee on European and International Affairs, 4 October 2022.

⁷² Resolution 72/249 of 24 December 2017 to create a new legally binding instrument to protect marine biodiversity outside areas under the jurisdiction of States - beyond 200 nautical miles (370 kilometres) - which is 65% of the world’s ocean surface.

The resolution goes on to specify the nature of the agreement as it is to develop an *'international legally binding instrument on plastic pollution, in particular in the marine environment'*. The binding nature of the text having been established and leaving no room for discussion, the negotiations will have to focus on the type of international treaty to be promoted (framework agreement or specific convention). This wording of the resolution therefore automatically rules out the proposal for a non-binding agreement (*'soft law'*), although texts at this level (national action plans) are planned to supplement and facilitate the implementation of the treaty at national level.

The scope of the agreement is also an important issue. The agreement will apply *'in particular to the marine environment'*, paving the way for its application to all natural environments. This is a step forward from previous international texts on plastic pollution.

The objectives of this instrument are also specified. It should cover the whole life cycle and not just waste. The approach to the issue will therefore be systemic, making it possible to promote action across the entire life cycle of plastics (from oil extraction to end of life).

B. What are the objectives of an ambitious text?

The resolution sets out in fairly precise terms a number of major objectives for the future treaty. In the ESEC's view, as this is a systemic issue, it will be necessary to address them together, while adapting the timetable and the level of ambition according to the country and the area.

1. Set a common target for eliminating plastic pollution

During the ESEC hearings, it quickly became apparent that the total elimination of plastics was not a realistic objective, given the many uses of plastics, the lack of alternative solutions and the presence of waste in all environments. Because of its many advantages (cost, adaptability, etc.), plastic has become the third most manufactured material in the world in less than a century, after cement and steel, a testimony to its presence in all aspects of our society⁷³. Its use worldwide is expected to continue to grow and its consumption could triple by 2060⁷⁴.

The OECD says eliminating plastic pollution is possible but requires strong, coordinated global action⁷⁵. Achieving this goal therefore depends on the commitment of states and the public policies put in place, as well as on international commitment.

It requires a significant improvement in waste management systems to achieve 100% collection and treatment, which is necessary in view of the predicted growth in the volume of plastics to be treated and the current situation of their management, particularly in Asia and Africa.

It will therefore be essential to accompany the '*Zero direct discharge into the environment*' objective with a target for stabilising and reducing the production and consumption of plastics over time (along the lines of what has been done for chlorofluorocarbons - CFCs). This target could be broken down according to the type of plastic and its use, by banning single-use plastic packaging as soon as possible.

The OECD, aware of the different situations between rich countries, which already have policies to combat plastic pollution, and developing countries, has developed **two scenarios, which may be complementary, to achieve the zero pollution objective: the regional action scenario and the global action scenario.**

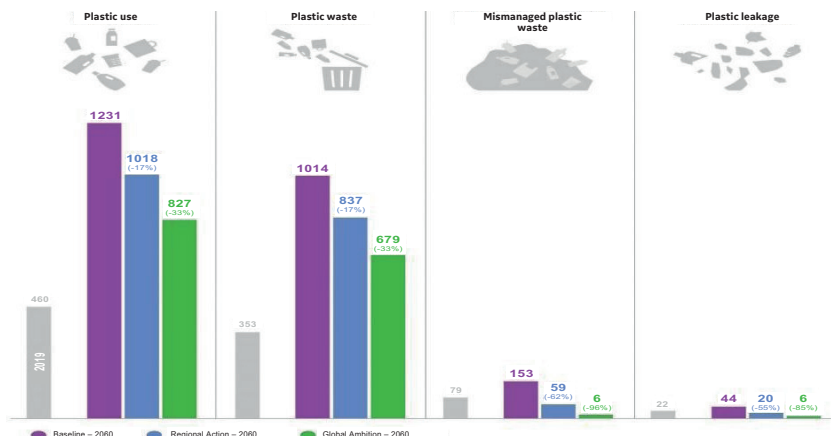
These two scenarios should be seen in the context of the baseline scenario, where the international community takes no particular action (referred to as the '*baseline*' in the diagram below).

⁷³ *Pollution plastique : une bombe à retardement ?*, OPECST, 2020

⁷⁴ *Global Plastics Outlook*, OECD, June 2022.

⁷⁵ *Global Plastics Outlook: Policy Scenarios to 2060*, OECD, June 2022.

FIGURE 2: REGIONAL AND GLOBAL ACTION SCENARIOS



Source: OECD diagram

In the **regional action scenario**, the OECD sets different levels of policy ambition for different regions. The aim is to reduce plastic waste by more than half by 2060 in relation to the baseline scenario, increase the share of recycled plastics to 29% and reduce the share of poorly managed waste to below the 2019 level. The OECD emphasises that the success of the latter goal depends on the performance of non-OECD countries, which implies strong support from the international community in order to achieve this goal. However, the OECD notes that despite these efforts and the realisation of this scenario, plastic use and associated waste will double by 2060 compared with 2019.

This regional action scenario is therefore not sufficient on its own and will need to be supplemented by a **global action scenario**. The OECD believes that only a combination of the two will make it possible to completely eliminate

plastic pollution. This global scenario aims to reduce consumption and waste by one third, reduce poorly managed plastic waste globally by 96% and reduce releases to the environment by 85%. For the OECD, a comprehensive approach to the issues (regulation, implementation of a circular economy, waste treatment) is the only solution. Plastics are integrated into the global value chain and are subject to intense international trade.

This seems a very ambitious goal, but it is achievable. The OECD has estimated the cost of implementing all the measures envisaged in its scenarios. The impact on global GDP is expected to be 0.3 percentage points in the 'regional action' scenario and 0.8 percentage points in the 'global action' scenario. However, developing economies will face a higher cost than the global average.

In Sub-Saharan Africa, for example, GDP would be reduced by 2.8 percentage points in the 'global action' scenario. Financial support for these states, which are also among the most affected by plastic pollution, is therefore essential for the success of this global objective and for these countries to commit to the binding treaty.

For the ESEC, the future treaty must reach agreement on this common objective of eliminating plastic pollution. By way of comparison, for the Paris Agreement, the objective of limiting global warming to below 2 °C has become a marker for international action and a reference for public opinion. The common goal of the treaty could be to end plastic pollution in all areas (land, water, air) by 2040.

An agreement on an ambitious target must be able to draw in the less committed states and rally public opinion in favour of a visible and verifiable goal. The mobilisation of international civil society will be an additional asset to put pressure on negotiators to adopt such a target.

However, the ESEC stresses that the 2040 horizon is extremely ambitious. In order to be realistic, it will be necessary to set intermediate stages for the achievement of the objectives with evaluations every 3 years and a sector-by-sector approach. States, in order to involve their populations, their companies and civil society organisations, will be able to act not only through legislation and regulations but also through their investment and public procurement strategies.

Finally, the ESEC stresses the imperative need to support developing countries, both financially and in acquiring the necessary know-how and technologies, in order to achieve this objective.

RECOMMENDATION 2

The ESEC supports an ambitious international target to eliminate plastic pollution in all areas by 2040. The ESEC therefore calls, within the framework of the treaty, for the establishment of an implementation pathway with milestones every three years, providing in particular for the involvement of national public policies (investment strategies and public orders), but also an approach by sector of activity. It calls on the French government and the EU to assess and anticipate the achievement of this objective.

2. Implement the three strategic objectives of the High Ambition Coalition to End Plastic Pollution (HAC)

Many stakeholders of the treaty (NGOs, international organisations, associations, etc.) have made proposals on the objectives to be achieved in the treaty. In this opinion, the ESEC supports the three strategic objectives set by the High Ambition Coalition (HAC)⁷⁶, of which the European Union and France are members. However, as their implementation requires a number of preconditions and conditions, the ESEC makes some comments and proposals on these demanding objectives:

- ‘objective 1: limit plastic consumption and production to sustainable levels’;
- ‘objective 2: Enable a circular economy for plastics that protects the environment and human health’;
- ‘objective 3: ensure environmentally sound management and recycling of plastic waste’.

Objective 1: limit plastic consumption and production to sustainable levels

According to the OECD, the current global consumption of plastic is 460 million tonnes (Mt) in 2019 for 7.74 billion people, or almost 60 kg per year per capita⁷⁷. Without any corrective measures, the OECD estimates that consumption will reach 1,231 Mt in 2060 for 10 billion inhabitants, i.e. 123 kg per year per capita. If the current level of consumption is already unsustainable, accepting that per capita consumption will double by 2060 without taking drastic measures seems irresponsible.

Even if only a fraction of these plastics end up in the environment with an impact on biodiversity as a whole, the cost of managing them will be borne by consumers, citizens and companies, in their purchases, as well as in their tax burden to finance the collection, sorting and treatment carried out by local authorities.

Until now, policies to reduce consumption and production have been poorly developed. Restrictions on the use of plastics have focused mainly on plastics recycling or targeted bans, which are proving insufficient to bring about a real contraction in demand.

During its hearings, the ESEC noted that limiting the production and consumption of plastics or redirecting it to other solutions was particularly complex. The French Research Institute for Exploitation

⁷⁶ See the High Ambition Coalition website: <https://hactoendplasticpollution.org/>.

⁷⁷ In 2016, the *World Wildlife Fund* (WWF) estimated that each person on the planet consumed 53 kg of plastic.

of the Sea (IFREMER) has pointed out that the production cost of virgin plastic (€1,000/tonne) is much more competitive than that of recycled plastic (€2,500 to €3,000/tonne)⁷⁸. However, it believes that this production cost does not take into account the real environmental cost of plastic and that this approach should be integrated into the life cycle.

Nathalie Gontard of INRAE⁷⁹ also pointed out that the danger of plastic lies in its particular footprint on the environment, which can be described as the '*plastic footprint*'. She believes that carbon footprints are not able to take into account the full environmental impacts of plastics, from upstream to downstream, as carbon emissions are not the main risk associated with this material. They do not make it possible to quantify the particularly environmentally harmful phase in which plastic is transformed into microparticles and macroparticles, which is why it is referred to as '*deycling*' rather than recycling, due to the impossibility of fully recycling all the components of plastic, some of which inevitably end up in the environment (in the earth, air or water).

To account for the full impact of plastics, and to get a more complete picture of the cost of its external effects, we therefore need to analyse its '*plastic footprint*', and thus analyse its impacts from upstream (oil extraction, CO₂ emissions, waste emitted during processing, impacts of successive transports) to downstream (direct or indirect impacts generated by the pollutants emitted on human health or the environment, end of product life).

The ESEC believes that this '*plastic footprint*' approach needs to be formalised and standardised if it is to be recognised at international level. A standardised evaluation method should also be put in place. The carbon footprint and plastic footprint would help to refine public or industrial policy decisions. With the help of these two tools, decision-makers would have additional key elements in their decision-making process.

RECOMMENDATION 3

The ESEC believes that to reduce the production and consumption of plastics, the draft treaty should include the concept of a '*plastic footprint*', which will make it possible to assess the real impact of plastic products on the environment throughout their life cycle. This should be defined and a method of assessment and calculation proposed in the technical annexes.

⁷⁸ Hearing of François Galgani, Director of Research at the Pacific Oceanological Centre, before the Standing Committee on European and International Affairs, 11 October 2022.

⁷⁹ Hearing of Nathalie Gontard, Director of Research at INRAE, before the ESEC's Standing Committee on European and International Affairs, 11 October 2022.

In addition to recognising this ‘*plastic footprint*’ and in order to act on production and consumption, the ESEC also proposes that in their national action plans, states should set targets for plastic consumption in kilograms per year and per capita.

The effort to be made will be specific to developed countries, which will have to moderate their consumption⁸⁰, while the challenge for developing countries is to generate growth without becoming ‘plastic-dependent’. The issue of waste management is also of great concern, with rates of poorly managed waste in non-OECD countries still estimated at 23% in 2060, compared with 1% in the OECD if the action plan is not implemented at global and regional levels⁸¹. The treaty should provide for measures to monitor the achievement of these objectives.

RECOMMENDATION 4

The ESEC believes that the future treaty should set trajectories to stabilise in the short term and then reduce global plastic production and consumption (currently at almost 60 kg per year per capita). The national action plans for the implementation of the treaty will then have to set implementation targets and will have to act at the same time on supply-side policies. The means of monitoring the achievement of these objectives should be included in these plans.

Until now, policies dedicated to the evolution of plastic consumption have been made mainly through bans. The first decisions concerned the withdrawal of carrier bags at checkouts (2016 in France). However, they are not enough, as bans often lead to standards being circumvented.

⁸⁰ Annual waste generation per capita is 221 kg in the United States, 114 kg in European OECD countries and 69 kg on average in Japan and Korea.

⁸¹ *Global Plastic Outlook* figures, OECD, March 2022.

For the ESEC, a key lever for action at international level will be to rethink all our current uses of plastics. Priority should therefore be given to activities where the use of plastic is not essential, and to those where plastic is used too much (e.g. over-packaging, which is still very common in the retail sector). This approach should be based on a sobriety perspective, which the ESEC defines as a *'set of measures, collective organisations and everyday practices that avoid and reduce the demand for energy, materials, soil and water while ensuring the well-being of all within the planetary limits'*⁸².

In sectors where plastics are not substitutable or are difficult to substitute at present, such as the medical sector, alternatives will have to be sought by encouraging public and private R&D.

However, the ESEC noted during its hearings that the existence of alternatives is currently limited. In addition, these often generate other undesirable negative external effects.

Moreover, the sometimes high cost of these alternatives prevents their immediate and credible use. Finally, the alternatives already implemented are sometimes questionable, contributing to the use of unclear terms. For example, biodegradable plastics require very specific conditions that are often difficult to find in nature in order to truly disappear. Their degradability is therefore questionable⁸³.

The future treaty will have to provide for clarification and ensure that the parties share definitions of concepts such as bio-based⁸⁴, compostable⁸⁵ and biodegradable⁸⁶ plastics.

In addition to the alternatives that already exist, the ESEC has noted that they are still few and far between and need to be encouraged and made more widespread if they are to be accessible. Increased support for R&D and tariff and tax incentives, as well as partnerships with businesses to promote and facilitate innovation, need to be developed. Solutions will need to be developed by sector, taking into account the type of plastic used.

82 Opinion *Quelles politiques pour favoriser l'évolution de la société vers la sobriété ?*, ESEC, January 2023.

83 *Emballage en plastique biodégradable, la fausse bonne idée, hélas*, <https://naturaldevelopment.fr> October 2021.

84 Bio-based plastics are plastics whose components are derived from renewable sources, whether animal, vegetable, algal or residual (sugar cane, potatoes, etc.). There is no minimum threshold for bio-based plastics, although the European Committee for Standardisation (CEN) recommends that the term should only be used when bio-based materials make up at least 40% of the material.

85 Compostable plastics must not have a negative impact on the quality of the compost.

86 An element is said to be biodegradable if it can be broken down naturally by the action of microorganisms (bacteria, algae, fungi), oxygen, moisture or heat. For degradation to take place, specific conditions must be met, such as a temperature in excess of 60 °C.

However, these conditions are almost never present in nature, which is why biodegradable plastics cannot be disposed of in nature at all.

For packaging products, Citéo⁸⁷ emphasised during its hearing the numerous works in progress within companies to propose new materials: Paptic, a ‘paper’ as strong as plastic, milk casein for fat and oxygen resistance, transparent and heat-sealing paper films, etc. Other companies such as ALGOPACK have made it their mission to ‘replace all or part of petroleum-based plastic with algae’⁸⁸ in sectors as varied as the automotive, office supplies and electrical products industries.

Part of the food sector, whose main use of plastic is in packaging, has also started its transition⁸⁹: this includes a commitment to Extended Producer Responsibility (EPR, with 850 million euros of eco-contribution per year). It has implemented an ambitious strategy: eco-design of products, use of recycled and bio-based materials, optimisation of packaging, consumer awareness, use of alternative materials such as cardboard. However, the sector’s ambitions in terms of reducing consumption have not yet been quantified and no global targets have been set. Upstream, the agricultural sector also makes use of plastics (tarpaulins, greenhouses, etc.), which are often in direct contact with the environment⁹⁰. Few studies have

been carried out to date on their deterioration in the environment, and solutions for managing this waste are virtually non-existent worldwide.

Some sectors, such as the beauty industry, highlight the benefits of plastic for their packaging. FEBEA⁹¹ points out that cosmetic packaging is unique in its diversity and in terms of its expected functions: shelf life, strong sanitary constraints, unbreakable container, etc. However, the industry has committed itself to reducing its consumption by 15% by 2025, while conceding that it cannot do without plastic altogether and indicating that the medium-term objective is above all to reduce the weight of packaging.

87 Hearing of Jean Hornain, Director-General of Citéo, before the ESEC’s Standing Committee on European and International Affairs, 15 November 2022.

88 <https://www.algopack.com/>.

89 Hearing of Sandrine Blanchemanche, Director of the Healthy, Safe and Sustainable Food Division of the National Association of Food Industries (ANIA) - before the ESEC’s Standing Committee on European and International Affairs, 8 November 2022

90 In France, agriculture has an organisation called ADIVALOR that collects almost 70% of plastics and recycles 90%; it aims to achieve 100% collection and recycling by 2030.

91 Hearing of Emmanuel Guichard, Director-General of the Fédération des Entreprises de la Beauté (FEBEA), before the ESEC’s Standing Committee on European and International Affairs, 8 November 2022.

RECOMMENDATION 5

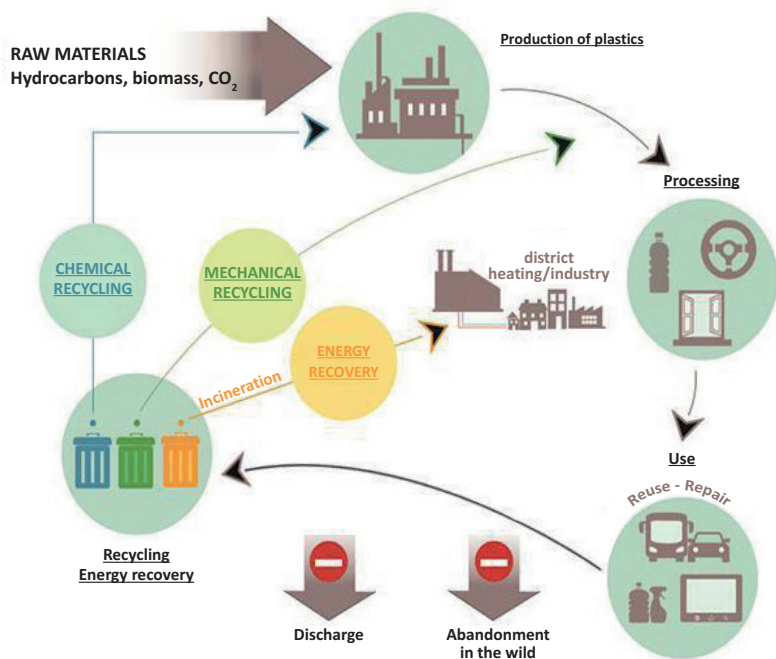
For the ESEC, limiting the consumption of plastic products requires us to rethink our current uses (saving and rearranging packaging, reuse, etc.). In the different economic sectors, viable, sustainable and efficient alternatives that are acceptable to consumers must be encouraged and found. Accompanying and supporting measures for research and innovation will have to be identified in order to promote these new solutions. Finally, a harmonisation of definitions and standards for these new products should be adopted.

Objective 2: enable a circular economy for plastics that protects the environment and human health

The 2022 resolution states in its preamble that the future binding international legal instrument should be based on '*a comprehensive approach covering the whole life cycle of plastics*'. As a reminder, the life cycle of a product takes into account all the activities involved in the manufacture, use, transport and disposal of that product. It is usually illustrated as a series of stages, from production (extraction and harvesting of raw materials), through manufacturing, packaging, transport, consumption by households and industries, and recycling or disposal, to end of life (disposal or recovery)⁹².

⁹² Dictionnaire de l'environnement, <https://www.actu-environnement.com>.

FIGURE 1: LIFE CYCLE ANALYSIS OF PLASTICS



Source: Planète Energies (September 2020)

This life cycle approach in the future treaty has a number of advantages. First of all, it makes it possible to mobilise all the players in the value chain (producer, user, consumer, recycler). In this way, it avoids stigmatising one player rather than another and makes the entire chain more accountable. In the course of the hearings, the ESEC became aware of the difficulty of limiting production alone, for example, or of acting solely on the consumer. Virtually all stakeholders propose

taking action across the entire value chain, thereby involving all players in the process.

This approach is also new at international level, and this draft treaty will be the first global international text covering the life cycle of plastics. It also marks a victory within the international community over states such as Japan that wanted a treaty limited to the issue of marine litter⁹³. However, while this approach may

⁹³ Hearing of Vincent Coissard, Deputy Director of the Sub-Directorate for Waste and the Circular Economy of the Ministry of Ecological Transition and Territorial Cohesion, and Marc Fagot, Deputy Assistant Director for International Action of the Ministry of Ecological Transition and Territorial Cohesion, before the ESEC's Standing Committee on European and International Affairs of the ESEC, 4 October 2022.

be easier for developed OECD countries to understand because of their control of the whole value chain, it may be more complex to integrate within developing countries.

In the ESEC's view, the circularity of plastics needs to be taken into account right from the design stage. Several actions presented in particular by UCAPLAST⁹⁴ will help to achieve this goal: developing design guides for circularity, increasing transparency on the additives used in plastics and avoiding as much as possible the use of substances that hinder recycling and have a potential impact on the environment and health.

Other avenues were mentioned by FEBEA, such as reducing the thickness of packaging, favouring single-material containers or making plastic parts lighter (the 'foaming' technique). The ESEC believes that these actions should give priority to resins, for which there is an existing treatment process.

It will also be necessary to eliminate plastics, components or additives that are too polluting or toxic, hinder recyclability or present a high risk of leakage into nature, including microplastics that are added intentionally.

Finally, for plastic consumption that cannot be avoided, it is best to turn to recycled⁹⁵, reusable, repaired or remanufactured products.

Pollution can also occur during the transport of plastics (industrial plastic granules, finished products). The ESEC hopes that this issue will be included in the treaty negotiations by proposing measures to prevent the loss of containers by securing their loading⁹⁶.

Finally, the fisheries sector accounts for a significant share of plastic waste in the oceans. In addition to pollution, used fishing gear (traps, hooks, nets, etc.) causes a phenomenon known as 'ghost fishing'. Some studies indicate that up to 2%⁹⁷ of used fishing gear is lost or abandoned each year, continuing to catch and kill fish and other marine animals. A number of initiatives have been taken in France, such as the 'Repêchons les océans' programme and various projects, by fishing zone, run by maritime cooperation (pechpropre, recypech, etc.), but also internationally with the 'Global Ghost Gear Initiative', in particular to encourage fishermen to bring their fishing gear ashore so that it can be recycled. Awareness-raising and incentivising programmes must continue to be deployed on a massive scale among fishermen. Lastly, the ESEC encourages the sharing of good practices between states through a database and practical guides that could be managed by UNEP.

94 Interview with Etienne Malher, Vice-President of UCAPLAST, before the ESEC's Standing Committee on European and International Affairs, 9 November 2022.

95 *Secondary plastics from recycling account for only 6% of plastics*, OECD figure, February 2022.

96 Opinion *La politique européenne de transport maritime au regard des enjeux de développement durable et des engagements climat*, ESEC, April 2017.

97 Global estimates of fishing gear lost in the ocean each year, *Avancées scientifiques*, 12 October 2022.

RECOMMENDATION 6

The ESEC proposes that the treaty should define the concept of circular economy as applied to plastic products and their alternatives (sustainable sourcing, extension of useful life, economy of functionality, etc.) and integrate the notion of eco-design (saving raw materials, water and energy, reparability, reuse and recycling) throughout the life cycle of products in order to implement this concept in the states parties to the treaty.

Goal 3: ensure environmentally sound management and recycling of plastic waste

Recycling is an essential stage in the end of life of plastics and is one of the levers in the product life cycle that can reduce the overall volume of virgin plastic consumed. It cannot be conceived as an independent stage.

The ESEC nevertheless stresses that for many environmental associations and scientific experts⁹⁸, recycling is more often than not a matter of '*decycling*'. The new products produced are generally of lower quality, often contain impurities and frequently require the incorporation of virgin plastic and additives.

In order to optimise the channels, the conditions for this recycling must therefore be closely supervised by encouraging the eco-design of products, as mentioned above, in order to promote the recycling of each type of plastic. Since 1997, the European Commission's decision on plastic type labelling⁹⁹ has made it possible to identify the nature of packaging and so improve the traceability of used and recycled plastics. An extension to other types of products could be envisaged.

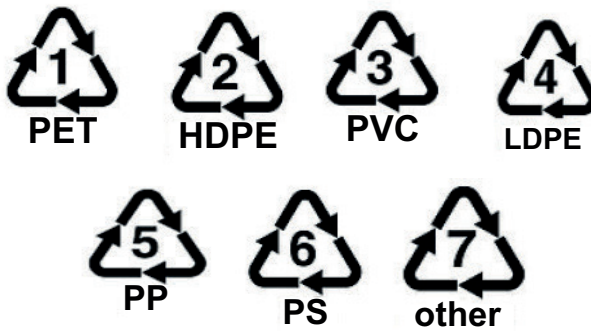
⁹⁸ Hearing of Nathalie Gontard, Research Director at INRAE, before the Standing Committee on European and International Affairs, 11 October 2022.

⁹⁹ <https://eur-lex.europa.eu/eli/dec/1997/129/oj?locale=fr>.

Since the 1970s, to inform consumers, manufacturers have increasingly used a pictogram inspired by the Moebius strip to indicate which plastics are recyclable and the percentage of recycled plastic in a product, adding the type of plastic in accordance with European regulations. However, its use is not controlled and is the sole responsibility

of the manufacturer. Nevertheless, informing consumers is the first step in encouraging them to sort and to allow the development of recycling channels for all plastics. The ESEC therefore calls for international comparisons to be made of consumer information systems and their monitoring, in order to propose a harmonised system.

FIGURE 2: THE MOEBIUS STRIP



Increasing recyclability and recycling also requires investment and innovation in new processes, yet according to the OECD, only 1.2% of plastics-related innovations are related to prevention and recycling.

While mechanical recycling, particularly of PET, is well mastered, chemical recycling, implemented for example by the company Carbios¹⁰⁰, which should enable all types of PET waste to be recycled infinitely, is still in the development phase. It also raises a number of questions, particularly with regard to its still prohibitive

economic cost¹⁰¹. However, it is one of the promising methods for recycling certain plastics, without using solvents and without being limited by the number of possible recycles.

In addition to the choice of recycling techniques to be used for each type of plastic, the draft treaty should include a target for the minimum proportion of recycled materials in their composition, in order to make the production cost of recycled plastic more competitive than that of virgin plastic. The European

¹⁰⁰ Carbios is a French biological chemistry company specialising in the design and development of enzymatic processes for the biodegradation and biorecycling of plastics.

¹⁰¹ Reminder: the cost of virgin plastic is €1,500/tonne, that recycled by mechanical processes €2,500/tonne, that recycled by Carbios chemical processes would be 30 to 60% more expensive.

Union¹⁰², supported by industry, is aiming for 30% recycled content in packaging by 2030. The ESEC believes that this target for the incorporation of recycled materials could be extended beyond 2030, and that a target of 50% by 2050 would be an important contribution to reducing the use of virgin plastics. However, the technical feasibility of this provision will need to be clarified for different types of products.

Reuse is a more efficient way of reducing the amount of virgin plastic used, as well as the costs of processing. The development of the deposit is foreseen in the draft revision of the EU Packaging Waste Directive. The treaty negotiators will need to pay particular attention to the discussions in Brussels to identify levels of ambition that can be taken to the global level.

RECOMMENDATION 7

The ESEC believes that the treaty should include a minimum target of 30% recycled plastic in packaging by 2030, as proposed by the EU. The ESEC calls for this figure to be increased to 50% on all products by 2050. For states without waste collection systems, special support will be needed to achieve this objective. The treaty should also include measures to encourage reuse along the lines of the EU's Green Deal.

¹⁰² European plastics producers have expressed support for a requirement to incorporate 30% recycled material in plastic packaging by 2030. This rate could be imposed by the European Commission as part of the revision of the Packaging and Packaging Waste Directive and the Green Deal, and would help support and accelerate the industry's transformation towards a more circular economy (Source: *L'usine nouvelle, Les fabricants de plastiques soutiennent le taux d'incorporation de 30 % de matière recyclée dans les emballages*, September 2021).

3. Provide for targeted bans: single-use plastics and additives that are harmful to the environment and health

ESEC proposal: ban single-use plastics

Packaging now accounts for 31%¹⁰³ of plastics consumption, making it the biggest user of plastics. For the EESC, tackling this area of consumption will therefore have an immediate impact on global plastic consumption.

In France, the anti-waste law for a circular economy (known as the 'AGEC Law') provides for the end of single-use plastic packaging by 2040. To achieve this, three key words are put forward: 'Reduction, Reuse and Recycling'. As a reminder, single-use plastic carrier bags have been banned since 2016¹⁰⁴. This ban was extended in 2017 to all packaging bags at the point of sale, except for compostable bio-based bags.

Finally, at European level, since July 2021, a European directive¹⁰⁵ has prohibited the marketing of single-use plastic straws, plates and cutlery in the EU. It also provides for better collection of bottles for recycling, aiming for 90% collection by 2030.

All of this legislation has demonstrated the need for strong support. Firstly, alternative products with a low environmental footprint and incentives to change use must be offered. Finally, in developing countries, the hearings raised the existence of parallel markets for plastic bags. The Moroccan ESEC has pointed out the need for social support to encourage this type of measure. The disappearance of an inexpensive product automatically creates a temptation for a parallel market so that people can continue to obtain it, and makes it difficult for the State to enforce the law.

Vanuatu, which does not produce plastic, has implemented an interesting policy of substitution by local products (woven bags made of natural fibre), which, in addition to their ecological aspect, have revived local know-how and have become a real attraction for tourists¹⁰⁶. This solution, which can be deployed in small areas, is not without interest. Ambitious local solutions and legislation have also been deployed in New Caledonia¹⁰⁷: as a territory that does not produce plastic and is only an importer, it has been possible to introduce targeted bans, even if their acceptability (elimination of plastic bags) must be reinforced by alternative solutions.

¹⁰³ *Global Plastics Outlook*, OECD, June 2022.

¹⁰⁴ Act No. 2015-992 of 17 August 2015 on the energy transition for green growth.

¹⁰⁵ Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment.

¹⁰⁶ https://www.huffpost.com/entry/vanuatu-plastic-ban-law-ocean-pollution_n_5c6ee757e4b0f40774cd355d.

¹⁰⁷ Country Act No. 2019-2 of 21 January 2019 on the ban on the marketing of various plastic products, which in particular allowed for a ban on single-use plastic bags and various packaging as well as the import of certain types of plastic, providing for a 7-month period for the practical implementation of these measures.

In general, it can be seen that this type of ban on single-use plastics has been implemented in many countries¹⁰⁸ and has been generally well accepted, even if some problems with implementation have arisen (trafficking, parallel market). In the European Union, manufacturers have adapted their tools and production methods, without any social impacts being reported. In the ESEC's view, targeted bans, subject to transitional measures (timetable), monitoring and support, will have an immediate effect on global plastic consumption and the development of alternative solutions.

RECOMMENDATION 8

The ESEC calls for the banning in principle of single-use plastics by 2040 to be enshrined in the treaty. This will have to be the subject of a technical annex to the treaty that will define the list of plastic products concerned. The treaty should also provide that the national strategies include accompanying measures for producers, employees and consumers, and arrangements for monitoring compliance.

To make plastics, additives are needed. As Nelly Pons reminds us, *'They make it possible to obtain plastics that are transparent, coloured, soft, hard, elastic, anti-UV or anti-mite... All these adaptive capacities are largely provided by these additives'*. During the use of plastic products, especially when the material ages or comes into contact with heat, chemical migration takes place between the plastic and the environment. Among the millions of particles that are released are additives with potentially harmful health effects¹⁰⁹.

Two scientific studies from 2021¹¹⁰ tried to show how many additives there are in plastic. They counted between 6,500 in the first study and 10,000 in the second. Of these 10,000 substances used to give shape, colour and different properties to plastic, 2,500 are potentially dangerous, i.e. One quarter of the additives used in plastic.

In addition to the immediate impacts on health and the environment, this presence of additives is also a problem of concern during the recycling phases.

¹⁰⁸ For example, the French OPECST noted that of the countries that had adopted legislation on plastics, 80% had banned single-use plastics and 50% had banned plastic bags.

¹⁰⁹ Hearing of Nelly Pons, writer and essayist, before the ESEC's Standing Committee on European and International Affairs, 20 September 2022.

¹¹⁰ *Deep dive into plastic monomers, additives and processing aids, Environmental science and technology 2021*, Helene Wiesinger; *Enabling a circular economy for chemicals in plastics*, Nicolò Aurisano, www.sciencedirect.com, June 2021.

Chemical recycling processes are currently emerging to separate the different components of the plastic and the additives (e.g. Carbios) but this practice is not yet widespread.

The banning of certain additives will therefore have to be considered in the draft treaty. It will have to be conceived in partnership with manufacturers to enable them to offer substitute products. R&D efforts will have to be made and supported in this area.

From a practical point of view, it seems complex to draw up lists of banned additives, given the large number of products. It would seem more realistic to work by groups of additives and not substance by substance. The proposed phase-out should be gradual and include a clear timetable for implementation.

Furthermore, the resolution paves the way for this additive ban. It stresses the importance of prevention and the threats posed by toxic plastics to human health and the environment. It therefore calls for coordination with the Basel, Rotterdam and Stockholm Conventions, while drawing inspiration from the Strategic Approach to International Chemicals Management process (SAICM).

This implementation should be accompanied by further scientific work to analyse the environmental and health consequences of additives, in order to inform the decisions of public authorities and stakeholders in this area. The ESEC believes that these could be pursued in several directions, such as the harmonisation of methods for measuring pollutants, methods for monitoring emissions from everyday objects (textiles, packaging, food, etc.), better knowledge

of the sources of exposure to pollution (respiratory and dietary routes)¹¹¹. It also encourages collaboration on these issues between the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) and the World Health Organization (WHO) with a view to planning a ban.

RECOMMENDATION 9

The ESEC proposes that a list of the most toxic groups of additives that are harmful to health and the environment be included in an annex to the treaty. To this end, it calls on UNEP to set up a scientific database on plastics and more specifically on additives, along the lines of the European *REACH* Regulation. It encourages cooperation with IPBES and the WHO on these issues.

¹¹¹ These recommendations were discussed in an interview with Professor Francelyne Marano, Emeritus Professor at the Université de Paris Cité, before the ESEC's Standing Committee on European and International Affairs, 19 October 2022.

C. The issue of the effectiveness of a legally binding instrument to put an end to plastic pollution

1. A sensitive issue to be addressed in a tense international context

While the objective of the 2022 resolution is clear (to achieve a binding international legal instrument), the negotiations are taking place in a sensitive geopolitical context marked by tensions between major economic players and between Western countries and the rest of the world. In addition, the post-COVID economic crisis and inflationary pressures, further reinforced by the conflict in Ukraine, may lead governments to prioritise the recovery of economic activity over the resolution of environmental issues. Political choices can also lead governments to take decisions contrary to the fight against plastic pollution, as Israel's new Finance Minister did in January 2023, by cancelling a tax on single-use plastics¹¹².

During the discussions, some states will give priority to protecting their economic activities (oil and plastics), others will insist on the social issues (informal sector as in India and Morocco) or on their inability to equip themselves with suitable infrastructures (small island states).

However, for the ESEC, whatever the difficulties that have just been outlined, they are not insurmountable, especially as the vast majority of civil societies support this initiative, as shown by the many entities mobilised in the negotiations (High Ambition Coalition, *Business Coalition*, etc.). Moreover, this fight against plastic pollution will create a paradigm shift and many opportunities: new materials and uses, innovations, jobs, investments, especially in developing countries.

For the ESEC, France must maintain a high level of ambition in line with that adopted in other international negotiations with an environmental dimension (COP on climate or biodiversity, 'BBNJ' or negotiations at the International Seabed Authority - ISA).

However, a posture of listening and seeking compromise with its European partners and with the least developed countries would enable France to influence European Union negotiators.

¹¹² <https://fr.timesofisrael.com/premiere-decision-de-smotrich-supprimer-la-taxe-sur-les-plastiques-et-les-sodas/>.

2. The choice of legal vehicle: the advantages of a specific agreement

The resolution of 2 March 2022 clearly states the desire to achieve a ‘legally binding instrument’ to eliminate plastic pollution. The terminology finally chosen by the states is therefore unequivocally *hard law* and entails a legal obligation, as opposed to an assortment of simple voluntary commitments (*soft law*).

In order to achieve the most operational text possible, the resolution nevertheless provides for a combination of binding and voluntary approaches (e.g. national action plans). In concrete terms, this may mean that the treaty may include firm or even immediate targets (e.g. the elimination of certain single-use plastics and hazardous substances) and more progressive provisions incorporating the necessary transformation or upgrading of the socioeconomic models concerned.

The wording retained in the resolution is a real step forward for advocates of the multilateral framework and an engaging approach. This is the case for France, the EU, but also for emerging countries such as Peru and Ecuador, which have already been mobilised since 2015 in favour of the Sustainable Development Goals (SDGs)¹¹³. There is also the combined voluntarism of many other countries around the world such as Rwanda, Morocco, small island states and non-EU European countries such as Norway and Switzerland. These states, most of which are members of the High Ambition Coalition, do not intend to sign an empty

treaty that does not provide for any concrete progress. The ESEC supports this high level of ambition and calls for it to be more widely supported by all G20 countries.

At the first round of negotiations at the end of November 2022 in Uruguay (INC 1), UNEP proposed two main options for the type of text that could be adopted. The choice is between the following two options¹¹⁴:

- **a specific Convention:** the basic obligations as well as certain regulatory measures are contained in the body of the instrument itself and may be supplemented or clarified in additional regulatory measures such as technical and substantive information, inserted in one or more annexes that form an integral part of the instrument.
- **a framework Convention:** the convention includes a standard structure and categories of provisions but some or all of the regulatory measures are contained in one or more separate protocols. The convention and its protocol(s) are legally distinct instruments that can be adopted separately.

In the ESEC’s view, while both solutions have their strengths and weaknesses, the specific convention is the preferred model.

¹¹³ On the role played by these countries in the adoption of the sustainable development agenda and the genesis of the latter, see the opinion *La politique française de coopération internationale dans le cadre de l’agenda 2030 du développement durable*, rapporteur: Philippe Jahshan, ESEC, October 2016.

¹¹⁴ General options for the structure of the international legally binding instrument on plastic pollution, including in the marine environment, taking into account paragraphs 3 and 4 of UN Environment Assembly resolution 5/14, UNEP, 8 September 2022.

A specific convention such as the Montreal Protocol (see box below) would be more operational and engaging in its approach as it would target specific objectives in the body of the treaty. As they have legal force, they could be implemented immediately. In addition, the annexes could regulate the most technical points (ban on certain additives, composition of plastics, etc.) and would be likely to evolve over the course of the Conferences of the Parties, depending on scientific and diplomatic advances. Their revision would not imply renegotiating the whole treaty. Such a text would, however, require agreement on the core obligations that fall within the main body of the treaty and thus a minimum of consensus from the outset.

A framework convention or agreement would provide flexibility as regulatory measures are referred to protocols, which can then evolve. To illustrate this category of text, we can mention the United Nations

Framework Convention on Climate Change (UNFCCC), which, since its adoption in 1992, has given rise to Conferences of the Parties (COP), the Paris Agreement concluded at COP 21 or the Framework Convention on Biological Diversity¹¹⁵. However, if we take stock of these texts, they have not always led to the significant progress hoped for at international level. They are clearly useful in establishing a common understanding and objectives. Nevertheless, such agreements offer privileged forums for global dialogue on sustainable development issues, for example in the case of the UNFCCC, even though global warming reduction targets will be difficult to achieve or are already beyond reach. This is due to the lack of firm commitments, as the whole system is based on voluntary contributions determined at national level, as well as the lack of support or voluntarism of major players (United States, China, India).

¹¹⁵ The Convention on Biological Diversity (CBD, or Rio Convention) is an international treaty adopted at the Earth Summit in Rio de Janeiro in 1992.

INSET 1: THE MONTREAL PROTOCOL

The Montreal Protocol on Substances that Deplete the Ozone Layer was signed in 1987 by the European Economic Community and 24 other countries, following the identification of a degradation ('hole') in the ozone layer. This international agreement was born out of the Vienna Convention on the Protection of the Ozone Layer, which was adopted in 1985.

It aims to reduce and eventually eliminate ozone-depleting substances, primarily CFCs (chlorofluorocarbons). It was signed by 24 countries and the European Economic Community on 16 September 1987 in the city of Montreal, Canada, and entered into force on 1 January 1989.

The two ozone treaties have been ratified by 197 parties (196 states and the European Union), making them the first universally ratified treaties in the history of the United Nations. Parties to the protocol must produce an annual report on their consumption, production and export of controlled substances.

This protocol is an evolving text: new hazardous substances have been added over time, such as hydrochlorofluorocarbons (HCFCs). This protocol, which has now been ratified by 196 States, is the first universal treaty supported by the UN.

It also has ad hoc funding through the Montreal Protocol Multilateral Fund (MPMF), which provides financial and technical cooperation and technology transfer in the form of grants or concessional financing to designated parties to meet their commitments.

RECOMMENDATION 10

The ESEC supports the use of a specific international convention-type treaty with technical annexes. This type of text will allow for agreement on specific objectives within the treaty and for its flexible development through its technical annexes. The Montreal Protocol, whose effectiveness is recognised, could serve as a model during the negotiations.

Beyond the format of the text, it is also important to ensure the '*life of the treaty*'. Ratification by as many States Parties as possible will be one of the conditions for its effectiveness. France also has a special role to play within the EU in encouraging other countries to support the future text, and must continue to be one of the driving forces behind the European Commission in charge of negotiating the treaty.

However, this diplomatic work between the partner states will not stop at the end of the fifth round of negotiations. The treaty will also live on thanks to the persuasive efforts of the Signatory States with their partners: the more the text is ratified in national law, the more effective it will be and the more it will constitute an intangible legal standard at international level. The driving force of the first Signatory States will be important.

The ESEC therefore believes that France has a special role to play in this area. It will have to rely as much as possible on its overseas territories and its partners (Organisation internationale de la Francophonie, Union for the Mediterranean, Pacific Islands Forum) as well as on the groupings (Coalition of High Ambition, Small Island States, *Business Coalition*) to which it belongs in order to rally the maximum number of parties to the future treaty. It will also be important to ensure that any distortions that may arise between states are corrected. During the ESEC hearings, the Rwandan side mentioned the difficulties it was encountering on the subject at regional level, with certain neighbouring states less committed to reducing plastics. France, as co-organiser with Costa Rica of the next UN Conference on the Ocean, will also be able to bring commitments for an ambitious treaty to the maritime nations. The ESEC could also encourage the French government and the EU to refer to the treaty in their partnership agreements when it is finalised.

RECOMMENDATION 11

The ESEC urges the French government and the EU to be active and to be a force of proposal within its partnership networks (Francophonie, Coalition of High Ambition, Union for the Mediterranean, Pacific Islands Forum, etc.) in order to rally as many parties as possible to the future treaty and its ratification. It also encourages them to actively involve non-state actors, particularly companies and NGOs, in the negotiation of the treaty within the framework of existing coalitions (*Business Coalition for Global Plastics Treaty*, etc.).

3. The WTO in the fight against plastic pollution: an essential and complementary support role for the implementation of the future treaty

Intervention by the WTO is a major lever in the fight against this pollution, as the plastics trade accounts for 5% of world trade¹¹⁶.

During the hearings, the ESEC noted that many states are already implementing trade and customs measures at national level to try to address the issue of plastics.

These include, for example, the introduction of bans on plastic waste imports in Asia (China). The AFD also mentioned the implementation of customs taxes in Senegal, for example, on imports of plastic bottles to finance Extended Producer Responsibility (EPR)-type systems in the absence of local producers¹¹⁷.

But these trade and customs measures can hardly be regulated at national level. The ESEC is therefore pleased to note that since December 2020, the WTO has initiated an 'Informal Dialogue on Plastic Pollution and Environmentally Sustainable Plastics Trade', co-chaired by Barbados, China and Ecuador. During a session held in December 2022, the WTO took an interest in and endeavoured to reach a common understanding on 'the promotion of environmentally sustainable and efficient substitutes and alternative products' and intends to achieve concrete results by its 13th Ministerial Conference, in June 2023¹¹⁸.

Although this work is taking place in parallel to UNEP's work, it complements and reinforces it. The WTO is currently exploring several avenues to contribute to the reduction of plastic pollution: the importance of the regional context, the promotion of a circular economy trade in plastics, the improvement of transparency, the monitoring of trade trends, waste management, cooperation with other international processes and initiatives, etc. A resumption of negotiations on the Environmental Goods Agreement could also help reduce barriers to alternative products and waste management equipment.

¹¹⁶ WTO figures, December 2021.

¹¹⁷ Interview with the French Development Agency (AFD) before the ESEC's Standing Committee on European and International Affairs, 7 December 2022.

¹¹⁸ https://www.wto.org/french/news_f/news22_f/ppesp_07dec22_f.htm.

The ESEC believes that the WTO is the appropriate framework for such discussions, as it remains the forum in which trade rules are developed. In this way, if the treaty provides for a ban on the use of certain substances deemed hazardous (e.g. additives), a state would be all the more legally justified in banning their import into its territory or at least in regulating them strongly, the WTO would act in the same way and recognise such measures. This is in line with the ESEC's call for a reform of WTO rules to better integrate sustainable development issues¹¹⁹.

Similarly, the World Customs Organization (WCO) could complement the WTO provisions. At a meeting in December 2022, the World Customs Organisation examined how improving the Harmonised System¹²⁰ could help to reduce plastic pollution. The aim would be to increase the granularity of the codes, to integrate the variety of polymers in the products, thus allowing better traceability. Such statistics are already partly produced by Eurostat. The ESEC would like this proposal to be raised in the negotiations and calls on France and the EU to make specific recommendations to this effect.

RECOMMENDATION 12

The ESEC calls on the EU to be a driving force in the WTO's *'Informal Dialogue on Plastic Pollution and Environmentally Sustainable Plastics Trade'* so that concrete solutions can be formulated by June 2023. It has the same expectations for the World Customs Organization.

¹¹⁹ Opinion *Ambition et leviers pour une autonomie stratégique de l'Union Européenne dans le domaine économique*, ESEC, September 2022.

¹²⁰ <https://www.wcoomd.org/en/media/newsroom/2022/december/visualising-a-greener-hs-reflecting-the-lifecycle-of-basic-materials.aspx>.

4. Coordination with existing legislation: a means of ensuring the overall coherence of the system and of ensuring the immediate effectiveness of certain provisions of the treaty

To be effective, the future treaty will also be able to make use of existing provisions in national or European law. In the EU, for example, the numerous regulations already adopted and to be adopted (Green Pact) complement the future treaty and already set ambitious targets.

In addition, at international level, several major conventions dedicated to hazardous products and pollution, particularly maritime pollution, are in force (Stockholm, Rotterdam, Basel and Marpol Conventions) and will have to be coordinated with the future treaty while avoiding duplication and encouraging the complementarity of interventions. Some hazardous additives will be banned through the future treaty, and may also be included in the list of hazardous products banned in existing conventions.

The various parties to these conventions are already working together (Basel and Stockholm Convention secretariats, *Strategic Approach for International Chemical Management* - SAICM - secretariat, WTO, etc.) but informally. However, the ESEC believes that in order to step up this coordination, it will be necessary to rely on the United Nations Environment Management Group, which has already been tasked since October 2021 with establishing a consultation procedure to prepare a common approach to pollution issues and implement a plan entitled '*Towards a pollution-free planet*'¹²¹.

The ESEC believes that interaction between the future treaty and the major agreements on climate (e.g. the Paris Agreement) and on the protection of biodiversity should also be sought and implemented under the aegis of UNEP. Coordination should also be sought with regional maritime conventions.

5. The role of the standard in the fight against plastic pollution

In addition to legislation to implement the treaty, the use of standards, a flexible and voluntary legal tool, could play a role in its effectiveness.

The *International Organization for Standardization* (ISO) has already developed several standards related to plastics, including ISO 15270, which provides guidelines for the treatment and recovery of plastic waste.

In addition, work was begun in 2020 with a technical report entitled '*ISO TR 21960*' on knowledge and methodologies relating to plastics in the environment, the conclusions of which should provide very useful input for the various rounds of negotiations on the future treaty¹²².

¹²¹ <https://unemg.org/>.

¹²² For more information: <https://www.iso.org/fr/news/ref2292.html>.

The standards can contribute to the end of the disposable economy worldwide and will have a role in creating new, more circular economy-friendly markets. They will be able to specify the characteristics of plastics and their supply chains to make them sustainable. They will be able to facilitate the exchange of information between the different actors in the value chain while protecting intellectual property.

They could also provide a framework and specification for plastics recovery and recycling technologies and promote the development of specific recycling streams and best available technologies worldwide.

Finally, from the point of view of consumer choice, they provide a standardised and credible comparison of the most sustainable products.

RECOMMENDATION 13

The ESEC encourages the use of international standardisation (ISO standards). These standards will support the transition to a new, more sustainable and less plastic-intensive model by defining target processes and providing a framework for product eco-design; substitution, reduction and reuse policies; incorporation of recycled plastics and waste management.

6. Monitoring and evaluation: ensuring concrete results and progress under the future treaty

The monitoring and achievement of the objectives of the future treaty should be ensured by the Conference of the Parties. If the model of the specific convention, as desired by the ESEC, is retained, these conferences will also be an opportunity to update and amend the annexes. The resolution itself already provides for a classic monitoring and implementation process of the future treaty: updating of national action plans, national progress reports, periodic assessments of progress made, scientific and socioeconomic assessments of plastic pollution, etc.

For the ESEC, beyond this ‘classic’ monitoring, it will be necessary to be particularly ambitious in collecting objective scientific data on plastics and to have an independent body to do so, which could be likened to an ‘IPCC’ of plastic pollution.

This body could be built on the International Chemical Pollution Panel (ICPC). Created in 2008 due to a growing awareness of the ‘chemical cocktail’ to which humans and the environment are exposed, and due to the lack of communication between science, policy and the public, this informal structure currently has little power.

While many independent scientific committees exist on health, agriculture and the environment, but lack coordination and global analysis, the ICPC could fill this role.

In 2022, more than 1,900 scientists and 11 countries called for the creation of a panel of independent experts on chemical pollution, like the IPCC for climate, to document and limit emissions of pollutants, plastics and pesticides, and this proposal was presented to the United Nations Environment Assembly at the end of February 2022. The Assembly decided to set up a political science panel, like the IPCC, to deal with chemicals, waste and pollution, including plastic pollution. Negotiations to specify the mandate and modus operandi of the panel began in October 2022 and are expected to be concluded in 2024. This decision is indicative of the commitment of the majority of these countries to lead to a reduction in pollution, including plastic, on a scientific basis.

For the ESEC, this body could provide a set of data with measurements and assessments at global level. The platform for the compiled data could be hosted by UNEP. This body would be able to provide reliable data and scientific knowledge, which is currently lacking, on the life cycle of plastics, pollution and health issues caused by this material.

Moreover, as François Galgani points out, France could play a major role in this because *'it has already been very active in implementing the MSFD¹²³, which has enabled the setting up of structured monitoring networks and assessments on the scale of all European coasts on plastics on beaches, on the sea bed and on microplastics. The EU is thus much more structured in this area than the US and China'*.

RECOMMENDATION 14

The ESEC calls for scientific research to be placed at the heart of the governance of the treaty so that decisions are based on objective, harmonised and shared data. The role of the future IPCC on chemicals, waste and pollution, which is being established, should be enhanced in the future treaty.

¹²³ The Marine Strategy Framework Directive is a European Parliament and Council Directive adopted on 17 June 2008.

D. Involving stakeholders: a condition for the success of the treaty

1. The association in the negotiations

Involving stakeholders from the outset of the negotiations is essential to ensure that their expectations are taken into account, but also to enable them to encourage and contribute to the implementation of the treaty and thus allow for the emergence of changes in production and consumption patterns.

During the drafting of the treaty, organised civil society (OCS) must have forums and places for debate so that its proposals are taken into account. The ESEC believes that this is a legitimate request, as the issue of plastic pollution has emerged on the international scene, largely thanks to NGOs, foundations and scientists.

UN engineering already recognises the role of the COS on an institutional level, ensuring that its voice is heard. For example, in UNEA, nine majority groups represent civil society. These groups include representatives of young people, women, NGOs, business and industry, science and technology committees, farmers, local authorities, autonomous peoples and communities, and trade unions. These stakeholders are accredited, sit in the plenary meetings and can intervene after the states.

Outside the formal meetings, the COS also works actively to bring its ideas to the table, for example through coalitions such as the High Ambition Coalition or the *Business Coalition*, which have a strong presence in the states and in the negotiations.

In the ESEC's view, the role of the COS can be further strengthened. The EU, which is in charge of negotiations for the 27 Member States, must ensure that the voice of civil society is heard.

RECOMMENDATION 15

The ESEC supports the EU's proposal to establish a stakeholder forum at each session of the Treaty Negotiating Committee. This forum should participate in the negotiation work - in a form to be determined - to provide input, for example on the implementation pathway, on the modalities for updating the annexes, and on the accompanying measures for developing countries.

2. Gain support and buy-in from stakeholders to make the future treaty effective

The implementation of the future treaty will require the support and guidance of all parties, from '*producer to consumer*'.

At production level, the ESEC stresses the essential role of business in contributing to a successful transition, in both developed and developing countries. The future treaty must be seen as a source of opportunities for national and European economic players, as there are many innovations and jobs to be developed. They also have a key role to play on the ground to ensure that the assistance provided, both financial and technical, is adapted to the realities of the territories and populations concerned. Support for smaller projects such as those presented during the exchanges with Coordination Sud and Plastic Odyssey should also be encouraged.

To ensure the successful implementation of the treaty, companies will need to be supported and specific guidance will need to be encouraged and put in place by states, in particular through national action plans to control or reduce plastics consumption. These measures may include support for research and development, particularly in favour of less polluting products. Mechanisms for exchanging good practice between countries could be put in place, for example through national development agencies.

Innovations in usage and alternatives should also be encouraged. For example, states can support the use of local resources (without these themselves competing with other needs of the population or generating negative environmental impacts).

The treaty should recommend that states establish a sustainable legal framework to ensure the effectiveness of this transition. It will also be necessary to ensure that the application of new national or regional regulations on plastics does not lead to distortions of competition between states.

Finally, it will be necessary to promote the best-performing companies in terms of material savings and circularity of their products by including an assessment of the plastic footprint in their extra-financial *reporting*, which could, in particular, identify the obstacles to a circular economy policy in the companies' value chains.

On a social level, support and training plans for the new jobs and materials of the transition will have to be put in place, adapting to local realities.

Consumer support will be the second important aspect of the implementation of the treaty. For the ESEC, the acceptability and support of the measures among the public are essential if the treaty is to be effective, as consumer behaviour will have an impact on demand and, consequently, on the products themselves and their production methods.

It will be essential to educate them, raise their awareness and inform them of the impacts of plastics (e.g. international campaigns by the UN, support for the actions of NGOs, associations and foundations, transparency policy on the additives used).

For the ESEC, the acceptability and support of the measures among the public are essential if the treaty is to be effective, as consumer behaviour will have an impact on demand and, consequently, on the products themselves and their production methods.

Ms Joannot¹²⁴, who analysed the implementation of New Caledonia's Country Act No. 2019-2 of 21 January 2019 on the ban on the marketing of various plastic products, notes that certain populations need to be targeted and convinced, for example *'women and the elderly, the backbone of local communities, in order to explain the act of sorting and to educate and raise awareness among children from a very young age, as they are generally receptive to good practices and environmental protection'*. However, while environmental awareness is growing in developed countries, particularly on the issue of packaging, much remains to be done. In developing countries, as Ms Joannot testified, efforts will have to be particularly intensive as the health and environmental impacts of plastics are poorly understood and it is not uncommon to see local populations swimming in seas and rivers filled with plastic waste and drinking polluted water.

The ESEC therefore believes that the treaty should provide an opportunity to implement and support awareness-raising, education and public involvement campaigns. Possible measures include informing consumers of the risks associated with plastic pollution, encouraging them to reduce their consumption and integrating this issue into school curricula while encouraging collection and awareness-raising

campaigns. With regard to product information, particularly on the presence of potentially dangerous additives, the ESEC points out that the EU is ahead of the game on this point with the *REACH* Regulation, a model that could inspire the international community in its fight against plastic pollution.

RECOMMENDATION 16

The ESEC believes that major awareness-raising, education and mobilisation campaigns, under the aegis of the United Nations Environment Programme (UNEP), should be implemented for the benefit of citizens and businesses. They will focus on reduction, reuse and sorting, in order to make them major players in the fight against plastic pollution. Civil society organisations should be involved in these processes.

¹²⁴ Hearing of Pascale Joannot, member of the Council of the French Southern and Antarctic Lands (TAAF), representative of Caledonia on the National Biodiversity Committee (CNB) and member of the Board of Directors of the Fondation de la Mer, before the ESEC's Standing Committee on European and International Affairs, 13 December 2022

E. Securing funding for transition, territories and the most vulnerable populations

In addition to its legal enforceability, the future treaty that will be concluded must be able to mobilise sufficient and appropriate funding to resolve the transition issues (change of model) and support the most vulnerable states. The method of financing will have to rely on several complementary levers and be based on the cross-involvement of different actors: public development aid, institutional and private investors, and also consider new methods of financing (EPR, customs taxes, tax on virgin plastic, etc.).

Many players are unable to implement measures to combat plastic pollution on their own (developing countries, states in conflict or food insecurity zones that are vulnerable to the effects of climate change or lack the resources to make costly recycling infrastructures profitable). However, this question of financing is not limited to developing countries. Ending plastic pollution by 2040 will also require significant public and private investment in all countries, including OECD countries, especially those with a large plastics industry.

They will have to put in place innovative solutions, envisage alternative uses and materials, ensure the conversion of whole sections of economic activity employing hundreds of thousands of people, and not ignore the sometimes prevalent issue of an informal sector around waste collection.

1. The thorny issue of the creation of an ad hoc fund: a major trade-off in the negotiations

The question of creating dedicated funds to finance the implementation of international commitments arises in every negotiation. For example, at the COP 15 on biodiversity in December 2022, states from the North and South clashed on this issue¹²⁵. In the end, they decided on a diplomatically acceptable solution: to create a new fund attached to the Global Environment Facility (GEF). The negotiators then stressed the need to build on an existing structure and to avoid the lengthy implementation of a new mechanism¹²⁶.

¹²⁵ À la COP 15, l'idée de créer un fonds pour financer la biodiversité divise les négociateurs, *Le Monde*, December 2022.

¹²⁶ Same article.

The debate will come up again in the negotiations on the plastics treaty. For the ESEC, there are two possible options: using the Global Environment Facility (GEF)¹²⁷ or creating a dedicated fund.

The first solution to be explored is therefore to use an existing fund such as the GEF. Its broad purpose is the preservation of the environment, including the fight against global warming, the maintenance of biodiversity and soil quality, and the fight against water pollution. Unfortunately, this fund faces a growing number of challenges¹²⁸, and its budget remains limited (US\$7.6 billion of aid distributed since 1991). The objectives of the future treaty could be included in the scope of the GEF, but would rank as one target among others without any guarantee of being privileged or sufficiently endowed. In addition, many states meeting at COP 15 criticised the often long and complex conditions of access to the GEF and the need for a mechanism that is better adapted to new types of financing, noting, for example, that less than 1% of GEF resources are allocated to non-state actors and civil society. The ESEC does not support this solution.

In the light of these observations and feedback, the ESEC supports the creation of a dedicated fund that could be managed by UNEP. It would be specifically dedicated to the fight against plastic pollution, along

the lines of the Montreal Protocol's multilateral fund, which is currently financed by mandatory contributions from States Parties. The purpose of the programme is to provide financial and technical cooperation and technology transfer in the form of grants or concessional financing. Over the past 15 years, the fund has supported projects and activities in 139 developing countries worth over \$1.8 billion¹²⁹.

Of course, it might seem superfluous to create an additional structure, but committing specific funding to deal with this challenge would send out a strong political signal and make it possible to define a scale of action and ensure finer steering of the resources made available by the states.

UNEP seems a priori the most appropriate organisation to pilot these funds, with the successful model of the fund created for the Montreal Convention. However, the ESEC draws attention to several points to be taken into account in the construction of this fund: the North/South balance in governance; the need for accountability of beneficiaries (commitment to levels of ambition to be achieved); the involvement of organised civil society players, etc.

Finally, beyond the structure of the fund itself, the states will have to agree on the overall budget they want to devote to this fight against

¹²⁷ Recourse to the Green Climate Fund should be ruled out from the outset, as it has never been funded to the level of ambition and is not intended to finance measures to combat plastic pollution. Using it for purposes other than combating climate change could lead to confusion.

¹²⁸ The GEF already funds the Conventions on Biological Diversity, Climate Change, Desertification and the Stockholm Convention on Persistent Organic Pollutants.

¹²⁹ *Actu environnement, Dictionnaire de l'environnement, Fonds multilatéral du protocole de Montréal.*

plastic pollution and on the trajectory of the financial efforts they are prepared to make in the long term (2060). The OECD estimates that implementing its global action scenarios to reduce or eliminate plastic pollution by 2060 would represent 0.8 points of global GDP, which would represent a high cost if the negative external effects of plastic pollution are not assessed in parallel. Among the major investments needed, the OECD estimates that investments in waste management systems would amount to US\$320 billion worldwide.

The ESEC also proposes that plastic pollution be included in the Conference of the Parties on biodiversity, since the main purpose of the treaty is to stop plastic pollution in natural environments in order to protect them, and to pool resources.

RECOMMENDATION 17

The ESEC recommends that an ad hoc fund be set up on the model of the Montreal Protocol's Multilateral Fund, and urges the Member States to define a financial trajectory up to 2060 to safeguard the financial efforts they are prepared to make in this area. States' contributions could be calculated on the basis of their annual plastic use.

2. The need for assistance to developing countries: official development assistance (ODA), solidarity instruments and other sources of financing

a. Strengthen ODA and dedicate part of it to the fight against plastic pollution and mobilise international funding

Developing countries face a particular problem. Their plastic consumption forecasts are exponential by 2060 (x 3 in Asia and x 6 in sub-Saharan Africa), while they do not currently have the technical and financial means to deal with the consequences and therefore face immense challenges. For example, a sorting centre such as the one in Limeil Brévannes (95) visited by the ESEC for this opinion and representing an investment of EUR 16 million could not be set up in these states.

Moreover, at present, their ODA hardly addresses this issue: only 0.2% of gross ODA commitments between 2017 and 2019 are specifically targeted at plastics¹³⁰.

The issue of support for developing countries has not yet been addressed in the discussions between states, although several emerging countries have made extensive reference to it in their *position papers*, insisting on the need to mobilise the world's richest countries¹³¹ in the name of the principle of '*common but differentiated responsibility*'.

Even before addressing the issue of specific aid, there is the overall issue of development aid and the failure to deliver on commitments made. At global level, OECD countries promised in the 1970s to devote 0.7% of their gross national income (GNI) to ODA, but this is far from being met, with an average effort limited to 0.33% in 2021¹³². Moreover, the funds dedicated to development respond to an ever-increasing number of challenges (climate issues, food security, education, access to decent employment, etc.)¹³³.

In addition to ODA, developing countries will be able to mobilise funds implemented by the international financial institutions (IFIs). Their investment decisions have a recognised leverage or knock-on effect on private investment, providing a guarantee for the projects they support. At European level, the various financial instruments and institutions (*NextGenerationEU* European recovery plan, EU structural funds, European strategic investment funds such as *InvestEU*, European Investment Bank) have the same effect¹³⁴ and could help to finance projects to combat plastic pollution. At national level, institutional investors are also likely to play the same role (Caisse des dépôts et consignations, Banque des territoires, etc.).

In her call for solidarity from the richest countries at COP 27, the Prime Minister of Barbados, Ms Mottley, did not fail to question the very foundations and logic of the international financial system, calling for an in-depth reform that would enable funding to be redirected towards the countries that need it most, rather than being designed by and for the benefit of the G20 countries.

131 This is the case of Morocco and, at regional level, of the African Union, which insisted on the PRCD and the need for financial and technical support during the preparation of INC-1.

132 Development Assistance Committee (DAC) figures, OECD, April 2022.

133 *L'aide internationale confrontée à des besoins immenses*, *Le Monde*, October 2022.

134 In its opinion *Pour une stratégie d'investissements directs étrangers soutenables et responsables*, the ESEC referred to the leverage effect of EIB investments (initially, one euro invested leads to 6 euros of private investment, then 18 euros, i.e. a catalyst effect), ESEC, March 2021.

RECOMMENDATION 18

The ESEC reiterates its call for states, and France in particular, to respect their commitments to achieve the 0.7% target for development aid and recommends that part of it be allocated to the fight against plastic pollution. These budgets should be used to support developing countries in their fight against plastic pollution (support programme for states and local authorities in the collection, sorting and treatment of waste, aid for workers in the informal sector, etc.).

b. Implement the principles of North-South solidarity, including 'common but differentiated responsibility'

The international community has gradually evolved its approach to North-South relations and has recognised and implemented several principles of solidarity that can be deployed in the fight against plastic pollution.

The first is that of **common but differentiated responsibility**. This concept, enshrined in the Rio Declaration of 1992¹³⁵, implies that all the countries of the planet have a common responsibility for preserving the environment, but that this responsibility is differentiated, either because of the recognition that developed countries consumed resources much earlier during their intensive industrialisation phase, particularly in the nineteenth century; or because of the current needs of developing or emerging countries to pursue their development; or because the resources of developed and industrialised countries (G20 and OECD countries in particular) are far superior to theirs, both financially and technologically. It is this last reason that seems relevant to us in the case of plastics.

¹³⁵ Reflections on this principle emerged as early as the 1960s, but it was effectively enshrined in the 1992 Rio Declaration issued at the end of the United Nations Conference on Environment and Development in Rio, known as the 'Earth Summit', cf. especially Principle 7: 'States shall cooperate in a spirit of global partnership to conserve, protect and restore the health and integrity of the Earth's ecosystem. In view of the different contributions to global environmental degradation, States have common but differentiated responsibilities. The developed countries acknowledge the responsibility that they bear in the international pursuit of sustainable development in view of the pressures their societies place on the global environment and of the technologies and financial resources they command.'

Given the specific weight of plastic pollution generated by Asian countries, it is important that they take full responsibility in the negotiations, both in terms of controlling production and consumption and in terms of better waste management.

c. Mobilise financing tools that act on the life cycle of plastics

Involving the private sector in state and local government projects

States or local authorities can also involve private companies in the management of plastic waste through concessions or public service delegations.

This management method allows the state or the local authority to entrust a private company or a public person with the execution of the public service while retaining control of it. The company is then responsible for the execution of the service. It does this with its own staff according to private management methods and at its own risk.

One of the advantages of this type of delegated management is that the financial risk is not borne by the community but by the company.

For the ESEC, this type of management can thus enable states, particularly those without waste treatment structures, to involve businesses in order to invest and innovate.

Identify subsidies that contribute to the trade in virgin plastic and redirect them to more sustainable production methods

States, under the aegis of UNEP, will be able to make an inventory of subsidies and fiscal arrangements favourable to certain types or uses of plastics that would run counter to the objectives and provisions of the future treaty. This inventory could be an aid to decision making in order to reorient certain productions and accompany certain sectors of activity towards sustainable alternatives.

A reflection should be launched within the EU on the subsidies on fossil products that are the source of virgin plastic, or the VAT rates applied, for example on takeaway sales, in order to favour the most plastic-efficient sales practices.

Subsidies to certain sectors of activity generating plastic waste discharges to the environment on land or at sea could implement the cross-compliance principle.

RECOMMENDATION 19

The ESEC recommends that the relevant international institutions (World Bank, OECD, etc.), under the aegis of UNEP, should draw up an inventory of subsidies that would run counter to the objectives and provisions of the future treaty, with a view to redirecting them towards more sustainable production and consumption patterns.

Rely on the polluter-pays principle by developing, for example, the implementation of Extended Producer Responsibility (EPR)

EPR appears to be a solution that should be encouraged at international level and whose deployment could be promoted within the framework of development aid policies.

For the record, this is a ‘*waste prevention and management mechanism for certain types of products, based primarily on the polluter pays principle. This principle establishes the idea that producers [...] are responsible for financing, organising prevention and managing the waste of these products at the end of their life*’¹³⁶.

While this principle is currently being developed within producer countries, an international dynamic already exists at EPR level. In Latin America and the Caribbean, many countries (Argentina, Ecuador, Peru, Bolivia, etc.) have established legislative frameworks to implement EPR systems. In Africa, Kenya and South Africa are in the process of deploying EPR systems in some sectors. Angola, Nigeria, Ghana are studying its implementation. Similarly in Asia, China, India, Indonesia and Vietnam are developing EPR systems.

The treaty, as requested by the sector’s stakeholders¹³⁷, could therefore include a reference to EPR as a tool and encourage its use in regional and national action plans. Finally, a platform for knowledge sharing on EPR could be created. This inclusion in the treaty could thus lead to the development of national legislation and so expand the use of EPR worldwide.

The ESEC believes that the extended

producer responsibility (EPR) model as deployed in France is viable and operational. However, its implementation is not the only solution that can be envisaged at international level, but needs to be encouraged, particularly in those states that are in a position to develop it. In addition, the ESEC recommends that stakeholders (trade unions, representatives of the communities concerned, NGOs, users or consumers where appropriate) be included in the EPR governance systems to be set up in order to ensure transparency.

RECOMMENDATION 20

To accompany the international implementation of the circular economy, the ESEC considers that Extended Producer Responsibility (EPR) and the ‘polluter pays’ principle should be included in the future treaty. This tool is particularly well suited to the management of plastics and makes the entire sector responsible. The implementation of such a system in developing countries will require specific support.

¹³⁶ Intégrer la responsabilité élargie du producteur dans le traité international sur la pollution plastique, Citéo, November 2022.

¹³⁷ Intégrer la Responsabilité Élargie du Producteur dans le traité international sur la pollution plastiques, Common position (supported by Citéo), November 2022.

Acting otherwise for social and environmental innovation

The tragedy of plastic is its qualities. It is light, it flies, it floats, it circulates everywhere in large or small pieces. It is also solid and durable, remaining in the environment for centuries. Not so sustainable. Even if we try to be good students, to recycle, to reuse, we see the conflict. Therefore, the key recommendation of this opinion seems to us to be the reduction of the use of plastic, in terms of volume produced and consumed per person each year. This recommendation is a social and environmental innovation: it can lead to new business models that bring prosperity if we build them well. We therefore support this ambition, which has already been given and can still give the ESEC visibility ahead of the negotiations for the future treaty. The advantage of limiting the volumes produced or imported is that it would lead to every bit of plastic being reused and recycled, as it is a valuable material, full of qualities, and the market wants as much of it as possible. Distribution, recycling and waste management will be rethought by all stakeholders, and no plastic will be left by the wayside.

It is to move towards this that a treaty is needed. It can, and will, work if all signatory countries commit to reducing their production and/or imports of plastics and take steps to encourage more sustainable practices within this global limit. For a fair and efficient international cooperation that allows this, our group supports the

ambitious and innovative proposal to create (perhaps within the GEF) an ad hoc fund financed by producers and consumers and helping those who consume the least. Thanks to the rapporteurs for this idea and to the committee.

We voted in favour of the somewhat idealistic opinion, but we need to be bold and it is fantastic that the ESEC is taking this on.

Agriculture and Cooperation

With this opinion, the ESEC wishes to put forward the position of civil society in the negotiation of a treaty of crucial importance. Plastic has a number of characteristics that have made it one of the most widely used materials in the world, and its qualities are so irreplaceable that it is hard to imagine doing without it. But there is also a darker side to this picture: the difficulties of collecting, recycling and disposing of an increasingly sophisticated material.

This material, with which we come into daily contact and which is widely used (156 kg per person per year in OECD countries), has the unfortunate tendency to be found everywhere in our environment. It is found in particular where it is not acceptable, floating on land, in the seas and oceans or in the heart of many organisms, in the form of microparticles and nanoparticles. This opinion provides a broad description of the impacts of plastic pollution, which now requires a global approach to provide an effective response.

And it describes in great detail what we, as representatives of civil society in a country that is largely a consumer, should be doing to encourage our government to take a position in these international negotiations.

These positions are simple, but is it not often simplicity that is most effective?

- Have the ambition to limit and then eradicate plastic pollution;
- Aim for effectiveness with a legally binding instrument;
- Involve stakeholders, as they are the ones who will make the measures taken have an effect;
- And finally, ensure the financing of the transition more particularly for the most vulnerable territories and people.

Our proposals in support of these objectives are, in a balanced approach, a guarantee of wider acceptance:

- Define feasible trajectories;
- Integrate the notion of plastic footprint into the treaty to act on both production and consumption;
- Look for alternatives through research and in the context of a circular economy.

The Cooperation and Agriculture groups are in full agreement with Recommendation 2 and in favour of ambitious targets, but the trajectory must be step-by-step, with a targeted and adapted approach by sector of activity.

For all stakeholders, both producers and consumers of plastics, changes can only be translated into reality if the demands are sustainable. It is therefore necessary to mobilise support resources and to create timetables for implementation.

We also support Recommendation 5, which aims to rethink our current practices and seek viable, sustainable alternatives that are acceptable to consumers, whose commitment can be decisive provided that they are well informed. It is therefore essential that, within the framework of a circular economy, public and private research, both basic and applied, should be able to commit its efforts to alternatives to the use of plastics. Accelerated research efforts are also needed to better analyse the risks associated with plastics and to apply the precautionary principle.

It was with this balanced approach that the agricultural profession built ADIVALOR, an eco-organisation for the collection of agricultural waste, a little over 20 years ago. Thanks to the mobilisation of all the players in the agricultural sector, France is today the only country in Europe to have such an efficient organisation, dedicated to the management of all agricultural waste and constantly expanding its collection. ADIVALOR has set itself the goal of achieving an 80% recycling rate in France by 2025.

The professional fisheries sector is also committed, in particular with the Maritime Cooperation, to the fight against marine pollution from used fishing gear. Various projects are in place to encourage the French professional fisheries sector to improve the management of used fishing gear. Many initiatives have been developed along the 20,000 km of coastline and have shown very encouraging results. However, massive collection and recycling requires increased technical and financial support.

Our groups also support Recommendations 11 and 18, which aim to encourage the various countries over which we have influence to follow our lead and help those who need it to combat this pollution. It is a global approach that will be effective and not the response of a few countries, even if they are major consumers.

Recommendation 20 clearly states that we must move towards extended producer responsibility in all countries, but also support developing countries in this process.

The ambition of this opinion, which we share, is to provide the means in our own country and in all countries to implement concrete measures that will eventually eliminate plastic pollution.

The groups voted in favour.

Social and ecological alternatives and Environment

We experience plastic every day as the main waste product, both visible (macro-waste) and invisible (microplastic and nanoplastic particles). It is a major and growing source of pollution. This pollution caused by plastic waste is only the tip of the iceberg; in return for its benefits, plastic has multiple negative impacts on the environment and human health throughout its life cycle, from production to end of life. The most recent research published in March 2023 from 11,000 monitoring stations estimates the amount of debris at around 200,000 billion, mainly micro-debris, weighing around

2.5 million tonnes, a phenomenon that has become much more pronounced since 2005.

Our groups welcome the launch of an international negotiation on plastic pollution. This initiative demonstrates that multilateralism makes sense when it comes to managing common goods such as the ocean, rivers, soils, and even deserts, which are severely affected by plastic pollution, as well as human health.

The rapporteurs have reviewed all the issues raised by this negotiation and propose ambitious options

- a broad view of plastic pollution, a comprehensive approach from production regulation to waste disposal, thus addressing the life cycle of plastics;
- an ambitious option for the future treaty that would include both universal rules, including prohibition, and binding national strategies. The main principles of sustainable development, such as the precautionary principle and the polluter pays principle, should be applied in the treaty;
- an analysis of the specific needs of developing countries and the mobilisation of financial resources to enable them to develop waste collection and treatment channels;
- an invitation to the French and European authorities to have the highest ambition for the content of this treaty to prepare a future where plastic pollution will be controlled, reduced and finally reabsorbed.

In order for the current negotiations to result in a solid and effective treaty, the GEN recommends that French public, economic and associative actors get involved in the negotiations and accompany them by actively participating in international support coalitions.

We also ask that the state and the actors concerned, production and distribution companies, trade unions, local authorities, prepare themselves concretely for the inevitable decisions of the international community and the EU in the field of plastic pollution.

We thank the two rapporteurs and the administration of the Committee for the quality of their work and all the IEA advisors for having found a consensus within the Committee.

Our groups voted for the opinion.

Crafts and Liberal Professions

Plastics are ubiquitous in all aspects of our daily lives: packaging, food containers, clothing, building materials, vehicles, medical devices, etc. It is also an essential component in most industrial sectors.

However, it is now urgent to reduce its use, in addition to developing efficient recycling. The diagnosis is shared and unequivocal: land and sea pollution generated by plastic is a growing global scourge, both for the environment and for human health.

Its global production has grown exponentially over the past 20 years and at this rate, future projections are alarming about the impact of plastic waste on our planet as a whole.

It is in this context that, just 1 year ago, 175 states adopted, under the aegis of the UN, the Resolution calling for the negotiation of an international treaty to address this issue; the various national laws on the subject are insufficient to deal, in a strong and coordinated way, with the scale of an issue that transcends borders.

While negotiations on the future treaty are under way, the Crafts and Liberal Professions Group welcomes the fact that the ESEC is expressing the expectations of organised civil society as to the content and methods of ensuring the effectiveness of this text.

It considers three cross-cutting points to be essential.

First of all, the importance of reaching a binding text on trajectories for reducing plastic production, but also on the eco-design and reuse of this material, as studies show that the necessary increase in recycling can only be a partial response to the problem of plastic waste. It is therefore a question of imposing a change in their practices on all industrial producers. Indeed, while legislation such as that of France and Europe has already made progress on the subject, the globalisation of the economy requires an evolution driven at a global level, through a harmonisation of regulations. Otherwise, in addition to the problem of distortions of competition, the sobriety efforts of some will be annihilated by the inaction of others. The mobilisation of the WTO in the implementation of the future treaty, and the support, particularly financial support, of developing countries will also be crucial levers in meeting this challenge.

Secondly, the importance of finding and encouraging sustainable and viable alternatives to plastic. Prohibition and sanctions cannot be operational, acceptable and therefore effective, if economic actors do not have access to alternative solutions offering the same performance guarantees. Examples include fresh food packaging and various medical devices for which there is no satisfactory alternative to date. This is why states must be called upon to support innovations, but also to involve economic actors in adapting their practices and to accompany them in this respect.

Finally, the importance of mobilising all citizens to reduce the use of plastic and to learn how to sort. In all countries, awareness-raising and education campaigns will have to be carried out, as these are essential levers to influence behaviour in a virtuous way, in terms of both consumption and recycling.

The Crafts and Liberal Professions Group voted in favour of the opinion.

Associations

The environmental impact of plastics is worrying: their production requires non-renewable natural resources, their recycling is costly and even generates new nuisances, and their decomposition generates highly toxic and non-biodegradable particles, seriously endangering biodiversity.

At each stage of their manufacturing, use or processing as waste, plastics generate risks for health, the environment and biodiversity.

Their adverse effects on health have been well known for many years. During the previous mandate, the associations group and the Mutuality group had already listed them in the Resolution 'The value of secondary raw material: the example of the deposit'. When the Minister, Ms Brune Poirson, Secretary of State to the then Minister for Ecological Transition and Solidarity, appeared before our Assembly on the occasion of the vote on this text, we were able to express our reservations about the legal framework proposed by the Government. It really did not seem to address the major challenges facing the world today.

France is still failing to meet the targets set by the European Union for Member States in terms of plastic collection and recycling. Since 2021, it has been paying a fine of €1.2 billion a year in public money. We need more commitment, more resources.

So why not make the voluntary commitments of the petrochemical industry through the Alliance Against Plastic Waste binding and sustainable? It is providing \$1.5 billion over 5 years to fund plastic waste solutions in developing countries. This commitment is commendable, but the numbers remain small compared with the global plastic processing challenge. Binding legislation would be a major lever to force industries to set up genuine recycling programmes. To keep plastic waste out of rivers and oceans, it must be treated and recovered on land through mechanical recycling or chemical recycling (Earthwake). Hence the need for governments and industries to fund research into recycling and new means of packaging that are more respectful of the environment and of life. It is also necessary to rethink consumption and production patterns on a smaller scale in order to limit product packaging.

In this respect, it should be noted that the organisations represented in our group are innovative in their fight against the plastic consequences of consumer madness. They do this by being:

- Pioneers of reconditioning and reuse, fighting against programmed obsolescence that generates plastic waste that ends up in the oceans in particular.
- Actors initiating short and local circuits in all sectors of activity. They thus make it possible to limit the plastic packaging made necessary by the long-distance transport of goods.

- Guarantors of a watchdog mission to sound the alarm in the face of ever more massive insidious pollution. In addition to the necessary recycling actions, actions for a research policy on substitute materials with support for alternative packaging channels should be encouraged
- Fervent advocates for aid to developing countries to help them collect and recover their stock and flow of plastic waste, which will increase dramatically in the next 20 years.
- Finally, providers of insight into the issues, education on the right actions to move towards a better world and advocates for the constitutional right of a balanced environment that is more respectful of health and ecosystems.

But how can these challenges be met without real binding measures and while respecting monitoring indicators? Associations, foundations, public and private partners must, in addition to actions on the ground, act so that treaties and laws do not remain declarations of intent!

Urgent action is needed to stop plastic pollution. What the group is clearly and firmly aiming for is to put an end to the reign of plastic!

The associations group voted in favour of the opinion because it hopes that this new stage will be accompanied by concrete measures for the Ocean and the Earth.

CFDT

In less than a century, plastics have become an essential part of our lives. Thanks to their many properties, they have contributed to numerous innovations and it is now impossible to do without them completely.

However, without regulation, their exponential production and consumption are leading us to an environmental and health impasse. Once discarded in nature, plastics do not disappear. They disperse until they become invisible in the form of nanoplastics. Wherever we look for plastic, we find it: in the oceans, in the soil, in the water. By entering their food chain, they represent a major danger to marine or terrestrial animals, and therefore also to human health, through exposure, ingestion or inhalation.

We are therefore faced with an absolute emergency and it was more than welcome that, within the framework of the UN, 175 states paved the way for a treaty by 2024 with an ambitious objective: '*ending plastic pollution*' by 2040.

The CFDT fully supports this approach and wishes to point out the major role that the European Union, and therefore France, will have to play in the face of the foreseeable reluctance of certain OECD countries.

Faced with this major challenge, we urgently need to rethink our production methods and reduce consumption by assessing the environmental impact of each plastic produced, throughout its life cycle.

For the CFDT, single-use plastics must be eradicated as quickly as possible by substituting products, while developing the circular economy and recycling, despite their limits.

In view of their proven dangerousness, the most toxic additives must be banned without waiting until 2040.

Finally, the objective cannot be achieved without supporting developing countries and therefore ensuring that OECD countries respect their commitments to financial support for development aid.

The CFDT voted for this opinion.

CFTC

When it comes to plastic pollution, action is urgently needed. It is a pity to have to remind people of this today, when the extent of the phenomenon and its consequences on biodiversity and human health have been known for several decades: see the famous plastic continent. If we do not take drastic measures immediately – and look at the issue as a whole – there is a risk that we will no longer be able to provide an effective and definitive solution in the near future.

Hence the central proposal of the opinion submitted to us by the Committee on European and International Affairs and our two rapporteurs, Sabine Roux de Bézieux and Nathalie Van den Broeck: to do everything possible to adopt an international agreement on plastic pollution, as the existing national strategies, although necessary, risk proving insufficient without international coordination.

The CFTC supports all the recommendations put forward in the opinion to achieve this. The method, first of all: building on what already exists and, more specifically, on the resolution adopted by the UN in March 2022. There is no point in reinventing procedures that would only make the decision-making process more cumbersome.

The second advantage of the opinion is that it proposes a short-, long- and medium-term plan to achieve the target as soon as possible, not only as regards banning the use of single-use plastics, but also recycling and the creation of a circular economy that will enable as much plastic waste as possible to be reused for other purposes.

The opinion proposes, once the treaty has been adopted, a follow-up that ensures its effectiveness at all levels: a necessary recommendation for the CFTC in view of the issues at stake.

Finally, the CFTC can only be sensitive to the recommendations of area 3 in favour of involving civil society in the decisions that will have to be taken, so as to take account of everyone's concerns and the ideas they may have, and, in order to ensure that they are acceptable, particularly to the most disadvantaged populations.

The CFTC voted in favour of the opinion.

CFE-CGC

We love plastic because it makes our daily lives easier!

We hate plastic when it soils the beaches, pollutes the sea and damages our forests!

As is often the case on environmental issues, the heart is in the balance but reason must prevail. The long-term future of our planet requires the elimination of plastic waste.

The problem is global! The CFE-CGC therefore supports the establishment of a binding international treaty.

The CFE-CGC welcomes the recommendations made by the ESEC, proposing measures for all phases of the life cycle of plastics: the sometimes necessary ban, eco-design, recycling, etc.

To be effective, the treaty must be able to mobilise citizens, consumers, companies and states around ambitious, clear, well-understood and realistic objectives!

The ESEC's proposals, such as the plastic footprint, commitments to reduce production/consumption or the percentage of recycled material, are in line with this.

For the CFE-CGC, the achievement of the objectives will depend on the support of the population for actions that will require efforts, changes in behaviour or new jobs.

To be accepted, these transitions will have to be adapted to the capacities of each country. Their negative external effects on certain actors will have to be compensated.

It is essential to support waste treatment in developing countries. But it will also be necessary to fund research and development to find alternatives to plastic, to improve design and to improve recycling. The retraining of employees will also need to be supported if certain industrial activities are replaced by other, more environmentally responsible ones.

For the CFE-CGC, the financing of actions is therefore one of the essential conditions for the success of the treaty. The polluter pays principle with Extended Producer Responsibility is worth keeping.

More broadly, international trade rules must take into account the requirements of the treaty so that the most virtuous do not suffer from unfair competition.

The CFE-CGC thanks the rapporteurs for their effective leadership during the Committee's work.

The CFE-CGC gave a favourable opinion.

CGT

This is an historical fact, which brings us together here and to which we can contribute.

For the first time, 175 countries have decided to develop a binding legal instrument to eliminate plastic waste in an international treaty.

The precautionary principle requires that we avoid a major health disaster, such as the one caused by asbestos or tobacco, since plastics are everywhere in our daily lives.

We already know that plastic production and its massive uses have disastrous repercussions for the natural environment, human and animal health, etc. Further work is needed to assess the full health impact on the population.

We also know that powerful lobbies too often hinder this research, for example on the presence of bisphenol in plastic bottled water. France will have to take care of this in its contribution to the negotiation of this treaty if it is to succeed, and then when it is actually applied.

The opinion calls for the establishment of a plastic footprint and a binding instrument like REACH, which is to be welcomed.

Another major problem with plastic is that it is eternal and not biodegradable. As Nathalie Gonthard from INRAE pointed out, the only places where there is no plastic are the places where we haven't looked!

Eliminating plastic waste means first and foremost reducing the overall production of plastics, taxing the raw materials needed, banning single-use plastics, researching sustainable alternative materials with no environmental impact, banning the export of our materials to poor countries, supporting developing countries in their fight against plastic pollution, and supporting employees in these sectors, the vast majority of whom are exploited under unacceptable working conditions and without employment contracts.

The responsibility of rich states and multinational corporations must be engaged.

The 'polluter pays' principle should apply, with the major plastics producers and users contributing financially to the disposal and remediation of the consequences.

The social impact must also be ensured by putting in place negotiated measures as part of a socially just transition.

This opinion supports the creation of this binding international treaty and its effectiveness at global, European and French level. This is undoubtedly its greatest asset.

The CGT voted for this opinion.

CGT-FO

Plastic pollution is on the rise. Unlike some other industrial products, plastics have characteristics that do not allow them to biodegrade in nature. Product discharges are accumulating and their adverse effects on the environment are increasing year by year. Without strong and coordinated action at international level, the cumulative amount of plastic dumped in the oceans, for example, could reach 600 million tonnes by 2040. In addition to the dangers this material poses to animal life, terrestrial and marine ecosystems, it constitutes a risk to human health, and the ingestion or inhalation of microplastic is the cause of several diseases. This pollution is also a factor of inequality, as the richest countries dump their plastics in countries with low labour costs, turning some places into open-air dumps where thousands of people suffer living and working conditions that are out of date.

International awareness is growing and the idea of acting quickly to stop plastic pollution is gaining support. The consensus reached at the United Nations Environment Assembly in Nairobi to develop a legally binding international agreement by 2024 is welcome news. In this opinion, the ESEC takes up this issue and explores the conditions for a successful agreement. The FO Group welcomes this work and the choice of the European and International Affairs

Committee to carry out this type of reflection upstream, to enable the public authorities to take hold of the proposals made during these negotiations.

Without citing them all, the FO group defends several of the principles structuring a large part of the proposed recommendations. If the end point of the treaty to be put in place is the elimination of plastic pollution, the notion of a trajectory should be taken into consideration. This notion implies the establishment of intermediate stages and objectives to be reached with precise actions to be carried out and mechanisms that allow their control. The first step is to reduce production, cut consumption, encourage recycling by combating single uses, develop the circular economy, promote reusable products, eliminate chemical components that are toxic and harmful to health and the environment, and develop scientific research to find new waste treatment processes and invent new replacement products.

For the FO Group, however, this ambition must be long-term and be supported by real cooperation and assistance at the international level. We must therefore prepare our economy to develop products that allow the replacement of plastics, explore the possibilities of creating new jobs and anticipate the reconversions to be implemented. We also need to strengthen development aid, enable poor countries to fight injustice and get millions of waste workers out of informality and the indecent working conditions they endure every day in return for miserable pay: nearly 13 million women in the informal waste sector. This misery also affects children and minors: 18 million children, some under the age of five, are exploited in the recycling industry, and their nimble little hands are a real resource that can be very profitable for those who exploit them.

Of course, an international fund must be set up quickly to finance the transition to a world free of plastic pollution, but for the FO Group the contribution to this fund must be calculated on the basis of each country's wealth and not on the basis of its plastic consumption, as recommended in this opinion. We fear that in the long run, plastics will remain a product of poor countries, as it takes a lot of resources to make the transition to an economy free of polluting plastics. These countries thus risk mobilising contributions to the fund that are disproportionate to their economic capacities.

Despite this reservation, the FO Group voted in favour of this opinion.

Business

As we all know, plastic pollution is a reality today and there is no doubt that we must act. The international treaty on plastic pollution is a real opportunity to debate and implement solutions to plastic pollution around the world, especially where it is concentrated. For the Business Group, it is important to work towards eradicating this pollution without depriving our societies of the positive external effects of plastics. As the rapporteurs point out, it is not a question of putting plastics on trial as a whole.

Plastic is omnipresent in our daily lives and it would be almost impossible to do without it. Medical devices and food packaging are the most prominent examples. However, it is essential that we minimise

the leakage of plastic into the environment. French and European businesses are aware of this and are taking concrete steps in this direction by setting up collection systems, developing recycling processes and incorporating recycled plastic into some of their products.

Businesses in the sector, particularly national ones, are already committed to the virtuous path of the circular economy to limit the negative impacts of plastics. They are already investing in eco-design and the development of recyclable and reusable products. The Business Group therefore supports the recommendations to promote plastics recycling, although consumers should also be made more responsible. In addition, it would have liked to see a recommendation for access to plastic waste collection and processing facilities for the world's populations. The Business Group is also in favour of Recommendations 9 and 14, which provide for shared definitions between stakeholders on various concepts such as bio-based, compostable or biodegradable plastics.

On the other hand, while funding must be organised for the most vulnerable territories and populations, the Business group is not in favour of setting up a specific tax. It advocates the widespread use of EPR systems that give value to waste and allow its treatment to be financed by an eco-contribution on products placed on the market. Finally, concerning Proposals 7 and 8 on limiting the production and use of plastics, the impacts of the

proposed measures must be assessed to reduce unfortunate substitutions that have a greater impact on the environment. Finally, it is important to take into account the disparities between countries on this subject, to remain consistent with European regulations and to set realistic time targets.

In view of these proposals and with the reservations expressed, the Business Group voted in favour of this opinion.

Families

This opinion is timely as France will host the second round of negotiations on the international treaty against plastic pollution at the end of May 2023. The scope of this future treaty is ambitious, but the future of intergenerational solidarity and the challenges of healthy consumption for all are important issues for families. It aims to promote the sustainable production and consumption of plastics, particularly from the design stage. It will also promote environmentally-friendly waste management based in part on the circular economy.

The Families Group supports the recommendations as a whole, but wishes to highlight two of them.

Placing scientific research at the heart of the governance of the future treaty, through an IPCC on chemicals, is an essential point, particularly in view of the health challenges. The example of bisphenol A is particularly illustrative. Research conducted in France led to a ban on this substance in 2015, particularly in baby bottles. We still have a lot to learn about plastics as endocrine disruptors.

The second recommendation of interest to families as consumers, Recommendation 8, states that prohibition measures must also include accompanying measures to ultimately avoid the development of parallel markets that are detrimental to the most vulnerable people in particular.

One regret, however, is that while the opinion does provide for a greater role for civil society in the negotiations, the subject of the fight against plastic pollution deserves greater awareness and involvement from everyone, especially the younger generations, who are already suffering and will suffer even more in the future from the full impact of this

pollution. The ESEC's call for projects from schools and students has not been given sufficient attention to be fully effective.

The Families Group voted in favour of the opinion.

Student Organisations and Youth Movements

When it comes to plastic pollution, the first thought that crosses our minds is recycling. And yet: plastic cannot be recycled. Let's get out of this vision where we see something virtuous or circular. It eventually decycles, but some of it always ends up as a fine particle in our atmosphere. Microplastics contaminate the air, food and water necessary for the survival of all species.

With the sixth mass extinction well under way and our oceans containing between 75 and 199 million tonnes of plastic – the equivalent of between 250,000 and 663,000 A380 aircraft – and around 24 trillion fine particles floating on the surface, we need to act. This is all the more true as we know that the amount of plastic in the oceans is expected to triple by 2040.

The yellow waste bin will not be enough to cope with the madness of plastic production. We do not lack solutions. Now they must be implemented, because there is no question of acting with the same carelessness for our generation and future generations as was done before. All actors have a responsibility, and we would like to welcome this in this opinion: no one should escape their obligations,

throughout the life cycle of plastics. Businesses at all levels must take the lead and not wait for citizens to demand change. In this sense, we agree with Recommendation 2, supporting an international target to eliminate plastic pollution in all environments by 2040.

We have no choice but to stop this production and this culture of plastic, to rethink all our uses (Recommendation 5) and to recognise the plastic footprint in its entirety (Recommendation 3).

To achieve this, it is obviously necessary to support research and innovation (Recommendation 5), while at the same time setting up awareness-raising and education campaigns for society as a whole (Recommendation 17).

This opinion is a first step. A useful and necessary step because of our representation of civil society, consumers and businesses. We have high expectations of this international treaty, which will be proof either of our action or of our inconsideration towards future generations, and we expect our opinion to be taken into account in the positioning of France and the European Union during the negotiations.

Overseas

There are inventions which, at the time, were considered to be technical advances, but it was far from imagined that they presaged an environmental disaster. This is the case, for example, with plastics, which have become an indispensable part of our developing societies. Their properties and usefulness have changed our

lifestyles considerably over the past 120 years, which explains the exceptional level of world production, i.e. more than 350 million tonnes per year. Yet our excessive consumption comes at a cost for the environment. How could it be otherwise when every day 15 tonnes of plastic waste are dumped into the oceans?

Because of their geographical location and the richness of our biodiversity, the issue of plastic pollution is particularly acute in the overseas territories. Surrounded or bordered by oceans with a rich maritime and aquatic heritage including lagoons, coral reefs and mangroves teeming with endemic species, this pollution represents an additional concern for our territories.

As the Group points out, this situation is all the more alarming as the overseas territories are already confronted with the effects of climate change and the various pollutions linked to human activities. Also, through ocean currents, plastic accumulates in coastal areas, but also in ocean eddies, which exposes them to more pollution.

In addition, scientists have observed a clear increase in the ingestion of plastics by birds, cetaceans and turtles, which is clearly correlated with the increase in the number of plastic macroparticles in marine waters. The disappearance of these species is an irreparable loss that cannot be compensated for, even by the most ambitious policies or initiatives.

Referring to the Senate's report on waste management in the overseas territories, it is also feared that this situation will worsen. Indeed, they highlighted 'major gaps and delays' in waste treatment. Thus, the overseas territories are out of step:

- The average landfill rate for waste is 67% compared with 15% in France;
- The waste recovery rate is low;

→ Energy recovery is almost nil.

Although New Caledonia, because of its competences, has adopted a local law banning the marketing of various plastic products, many efforts and awareness-raising measures remain to be taken in the other territories.

The overseas territories are on the front line of plastic pollution. Therefore, their voice must not be lost in international treaty negotiations. As a result, it is imperative that the outermost regions be given a special place in the Stakeholder Forums.

The Overseas Group voted in favour of the opinion.

Health & Citizenship

What material is more representative of our time and its excesses than plastic?

The findings are alarming: plastic pollution is devastating the environment, overwhelming oceans and ecosystems, and compromising the health of us all.

It is spreading in ever greater proportions, across all continents and even to the most remote corners of the globe.

It is therefore the question of the habitability of our planet, but also of our relationship with living beings that we are debating today.

The ESEC is proposing an ambitious target, enshrined in a binding international treaty: to eliminate plastic pollution in all environments by 2040.

In order to respond, we need to mobilise the entire international community.

First of all, by developing research, in order to increase our knowledge and to develop alternatives, particularly where plastics are difficult to substitute, such as in the medical sector. This is the meaning of Recommendation 14, which the Health and Citizenship Group supports.

Secondly, by paying particular attention to the health issue represented by plastics, and in particular microplastics and nanoplastics, which can have devastating consequences on immunity, breathing and fertility.

We would also like to highlight Recommendation 9 concerning the establishment of a scientific

database on the most toxic additives for health and the environment.

Finally, by proposing a new approach, involving civil society and placing the protection of the most vulnerable at the heart of renewed diplomatic action.

This is the meaning of the third area of this opinion, which our group fully supports.

Faced with this health and environmental threat, it is up to us to put forward a vision that proposes nothing less than a paradigm shift: this is the meaning of this opinion, which our group voted for.

UNSA

The planet is faced with a material that pollutes throughout its life cycle, which means that we need to find a global solution and impose the necessary changes in the production and use of plastics, within a time frame that is compatible with the objectives of combating plastic pollution and the damage it causes, some of which is already irreversible.

The UNSA shares the urgency of a global commitment to the threat to develop a treaty that remains the only hope for global solutions.

However, we cannot effectively combat plastic pollution without a massive reduction in plastic consumption. This represents a significant societal change, but it is shown here that the cost of this transformation of plastics consumption patterns in terms of growth will be inversely proportional to the level of development of the different countries on the planet. To this end, the treaty must propose

a new form of governance to stimulate cooperation at a global level, establish transparency instruments, share the diagnosis taking into account the differentiation of impacts in the different regions of the world and put in place binding rules.

These binding rules must be respected in order to overcome the risk of the slowness and inertia with which states engage in any normative process.

It is also necessary to determine the macroeconomic looping effects linked to the transformations of the life cycle of plastics that affect the gains and losses of employment and their effects on the composition of the workforce, in a context where all the changes in employment are already affecting the distribution of remuneration by reinforcing polarisation. It is necessary to take these developments into account in order to propose measures for the transformation and adaptation of companies and the support of employees.

Finally, we agree with the terms of the opinion's conclusion; it remains to move on to implementation in the face of urgency.

The UNSA voted in favour of the opinion.

Vote

Vote on the whole opinion
The ESEC has adopted the opinion.

Number of voters: 112
For: 112
Against: 0
Abstentions: 0

Voted in favour

GROUP	COMPOSITION
Acting differently for social and environmental innovation	Ms Djouadi, Mr El Jarroudi, Mr Hammouche, Mr Levy-Waitz, Ms Roux de Bezieux, Ms Tutenuit.
Agriculture	Mr Amécourt (d'), Mr Biès-Péré, Mr Durand, Mr Férey, Mr Gangneron, Ms Lion, Ms Pisani, Ms Sellier.
Social and ecological alternatives	Ms Gondard-Lalanne, Ms Groison, Mr Le Queau.
Crafts and Liberal Professions	Mr Anract, Mr Chassang, Ms Vial.
Associations	Ms Belhaddad, Mr Boivin, Ms Doresse Dewas, Ms Martel, Mr Miribel, Ms Monnier, Ms Sivignon, Mr Thomasset, Ms Houry.
CFDT	Mr Aonzo, Ms Blancard, Mr Cadart, Ms Caillet, Ms Duboc, Ms Gresset-Bourgeois, Mr Guihéneuf, Mr Lautridou, Mr Mariani, Ms Pajarès y Sanchez, Mr Ritzenthaler, Ms Thiery
CFE-CGC	Ms Biarnaix-Roche, Mr Souami.
CFTC	Ms Chatain, Mr Heitz.
CGT	Ms Chay, Ms Gallet, Mr Garcia, Mr Meyer, Mr Naton, Mr Rabhi, Ms Tatot.

CGT-FO	Mr Cambou, Ms Marot, Mr Quillet, Mr Sabot.
Cooperation	Mr Grison, Mr Landriot, Mr Mugnier.
Business	Mr Asselin, Mr Blachier, Ms Carlac'h, Mr Creyssel, Ms Dubrac, Mr Gardinal, Mr Goguet, Ms Guerniou, Mr Kling, Mr Moisselin, Ms Pauzat, Mr Ruchenstain, Ms Ruin, Ms Salvadoretti, Mr Vermot Desroches, Mr Vidor.
Environment and nature	Mr Beauvais, Mr Boucherand, Mr Chabason, Mr Gatet, Ms Journé, Mr Lesaffre, Ms Marsaud, Ms Martinie-Cousty, Mr Mayol, Ms Ostria, Ms Rattez, Mr Richard, Ms Van Den Broeck
Families	Ms Balducchi, Mr Desbrosses, Mr Erbs, Ms Gariel, Ms Kulak, Mr Marmier, Ms Picardat.
People not registered to vote	Mr Bazot, Ms Beaufls, Mr Breton, Mr Chir, Mr Joseph, Mr Noël, Mr Pouget.
Student Organisations and Youth Movements	Mr Eyriey, Ms Hamel, Mr Occansey.
Overseas	Ms Bouchaut-Choisy.
Health & Citizenship	Mr Da Costa, Ms Joseph, Mr Raymond.
UNSA	Ms Arav, Mr Darwane, Ms Vignau.

Appendices

1

Composition of the Committee on European and International Affairs at the time of the vote

Chair

Serge Cambou

Vice-Chairs

Catherine Pajares y Sanchez
Sabine Roux de Bézieux

Acting otherwise for social and environmental innovation

Sabine Roux de Bézieux

Agriculture

Catherine Lion
Sébastien Windsor

Social and ecological alternatives

Serge Le Quéau

Crafts and professions

Dominique Anract

Associations

Jean-Marc Boivin
Lionel Deniau
Benoît Miribel
Françoise Sivignon

CFDT

Jean-Yves Lautridou
Catherine Pajares y Sanchez

CFE-CGC

Fabrice Nicoud

CGT

Mohammed Oussedik

CGT-FO

Sébastien Busiris
Serge Cambou

Cooperation

Olivier Mugnier

Business

François Asselin
Jean-Lou Blachier
Anne-Marie Couderc
Didier Kling

Environment and nature

Lucien Chabason
Nathalie van den Broeck

Families

Marie-Claude Picardat

Student Organisations and Youth Movements

Kenza Occansey

Overseas

Eric Leung
Pierre Marie-Joseph

Health & Citizenship

Philippe Da Costa

UNSA

Saïd Darwane

2

List of people interviewed and met

For its information, the permanent committee heard the following persons:

Beatha Akimpaye

Director of the Environmental Compliance and Enforcement Division of the Rwanda Environmental Management Authority

David Azoulay

Managing Attorney and Director of the Environmental Health Program at the Center for International Environmental Law (CIEL)

Diane Beaumenay-Joannet

SurfRider Europe Aquatic Waste Advocacy Officer

Mohamed Behnassi

Senior environmental expert at the ESEC of the Kingdom of Morocco

Simon Bernard

Co-founder of Plastic Odyssey Expedition

Ruben Bibas

Economist at the OECD

Sandrine Blanchemanche

Director of the Healthy, Safe and Sustainable Food Unit of the National Association of Food Industries (ANIA)

Jocelyn Blériot

Executive Director, Institutions, Governments and Cities of the Ellen MacArthur Foundation

Peter Börkey

Circular Economy Manager at the OECD Environment Directorate

Garance Boullenger

Junior Project Manager of the Ellen MacArthur Foundation

Romain Chabrol

Biodiversity and Oceans Expert in the Climate and Nature Division of the French Development Agency (AFD)

Jean-Louis Chauzy

President of CESER Occitanie

Marc Chevallier

Chair of Committee 6: Mediterranean - Coastal - International Relations of CESER Occitanie

Vincent Coissard

Deputy Director of the Sub-Directorate for Waste and the Circular Economy of the Department of Environmental Health Risks, Waste and Diffuse Pollution of the General Directorate for Risk Prevention (DGPR) of the Ministry of Ecological Transition and Territorial Cohesion

Lucile Courtial

Executive Secretary of Beyond Plastic Med

Jean-Yves Daclin

Managing Director of Plastics Europe

Andrès Del Castillo

Senior lawyer at CIEL

Hervé Dubreuil

Deputy Head of the Urban Development, Housing and Planning Division of the French Development Agency (AFD)

Marc Fagot

Assistant to the Deputy Director in charge of International Action at the Directorate for European and International Affairs of the Ministry of Ecological Transition and Territorial Cohesion

François Galgani

Project Manager at the Pacific Oceanological Centre

Nathalie Gontard

Research Director at the National Research Institute for Agriculture, Food and the Environment (INRAE)

Jean-Baptiste Grassin

Entrepreneur and engineer

Emmanuel Guichard

Director-General of the Fédération des Entreprises de la Beauté (FEBEA)

Jean Hornain

Managing Director of Citéo

Aline Hubert

Organisation member of the Climate and Development Commission of Coordination Sud

Pascale Joannot

Member of the Council of the French Southern and Antarctic Lands (TAAF), Representative of Caledonia on the National Biodiversity Committee (CNB), Member of the Board of Directors of the Fondation de la Mer

Abderrahim Ksiri

Member of the ESEC of the Kingdom of Morocco

Emmanuel Ladent

Managing Director of Carbios

Anne Le Guennec

Managing Director of Veolia's Recycling & Waste Management France

Sylvie Lemmet

Ambassador for the Environment and Senior Advisor to the Court of Auditors

Hugo Lequertier

Responsible for negotiations at the Ministry of Europe and Foreign Affairs

Mathilde Lhote

Member organisation of the Climate and Development Commission of Coordination Sud

Sébastien Mabile

Lawyer and Doctor of Law

Marc Madec

Director of Sustainable Development, Polyvia

Étienne Mahler

Chair of the MS Group and representative of UCAPLAST (Employers' Union of the Rubber and Plastics Industry)

Franceline Marano

Emeritus Professor

Florian Marchadour

Member organisation of the Climate and Development Commission of Coordination Sud

Cécile Martin-Phipps

Director of the Institut de la Francophonie pour le développement durable (IFDD)

Alexandra Monteiro

Waste Officer of the Urban Development, Housing and Planning Division of the French Development Agency (AFD)

Valentin Palay

Member organisation of the Climate and Development Commission of Coordination Sud

Elarik Philouze

Member organisation of the Climate and Development Commission of Coordination Sud

Cyrille Poirier-Coutansais

Director of Research at the Centre d'études stratégiques de la Marine (CESM)

Nelly Pons

Essayist, author

Julien Riou

Head of the Mediterranean - Coastal - International Relations - Commission of the CESER Occitanie

Hugo-Maria Schally

Adviser for international negotiations at the European Commission's Directorate-General for the Environment

Steven Stone

Deputy Director of the Economics Division of the United Nations Environment Programme (UNEP)

Jean-Marie Vianney Tuyisenge

Environmental Inspector at the Rwanda Environmental Management Authority

Patrick Umuhoza

Rwanda Environmental Management Authority

Nathalie Veyre

Member of CESER Occitanie

Thierry Withowicz

Vice-President of Veolia

During the visit to the Suez Recyclage et Valorisation waste sorting centre in Limeil-Brévannes, the rapporteurs and the members of the Standing Committee also met with:

Nicolas Champeaux

Site manager Limeil-Brévannes

Nicolas Edmé

Business Manager Mechanical Sorting Hauts-de-France / Ile-de-France / Normandie BL Infrastructures Recycling and Recovery France

The President, the rapporteur and the members of the permanent committee would like to thank all of these individuals for the depth of their interventions and their valuable contributions.

3

Resolution adopted by the United Nations Environment Assembly on 2 March 2022

UNITED
NATIONS

EP



United Nations Environment
Assembly of the United Nations
Environment Programme

UNEP/EA.5/Res.14

Distr.: General

7 March 2022

French

Original: English

United Nations Environment Assembly of the United Nations
Environment Programme Fifth session

Nairobi (hybrid), 22 and 23 February 2021 and 28 February–2 March 2022

Resolution adopted by the United Nations Environment Assembly on 2 March 2022

5/14. End plastic pollution: towards an international legally binding instrument

The United Nations Environment Assembly,

Noting with concern that the high and rapidly increasing levels of plastic pollution represent a serious environmental problem at a global scale, negatively impacting the environmental, social and economic dimensions of sustainable development,

Recognizing that plastic pollution includes microplastics,

Noting with concern the specific impact of plastic pollution on the marine environment,

Noting that plastic pollution, in marine and other environments, can be of a transboundary nature and needs to be tackled, together with its impacts, through a full-life-cycle approach, taking into account national circumstances and capabilities,

Reaffirming General Assembly resolution 70/1 of 25 September 2015, by which the General Assembly adopted the 2030 Agenda for Sustainable Development,

Reaffirming also the principles of the Rio Declaration on Environment and Development, adopted in Rio de Janeiro, Brazil, in 1992,

Stressing the urgent need to strengthen the science-policy interface at all levels, improve understanding of the global impact of plastic pollution on the environment, and promote effective and progressive action at the local, regional and global levels, recognizing the important role played by plastics in society,

Recalling United Nations Environment Assembly resolutions 1/6, 2/11, 3/7, 4/6, 4/7 and 4/9* and affirming the urgent need to strengthen global coordination, cooperation and governance to take immediate action towards the long-term elimination of plastic pollution in marine and other environments, and to avoid detriment from plastic pollution to ecosystems and the human activities dependent on them,

* On marine plastic debris and microplastics (1/6), marine plastic litter and microplastics (2/11, 4/6), marine litter and microplastics (3/7), environmentally sound management of waste (4/7) and addressing single-use plastic products pollution (4/9).

Recognising the wide range of approaches, sustainable alternatives and technologies available to address the full life cycle of plastics, further highlighting the need for enhanced international collaboration to facilitate access to technology, capacity-building, and scientific and technical cooperation, and stressing that there is no single approach,

Underlining the importance of promoting sustainable design of products and materials so that they can be reused, remanufactured or recycled and therefore retained in the economy for as long as possible, along with the resources they are made of, and of minimizing the generation of waste, which can significantly contribute to sustainable production and consumption of plastics,

Welcoming efforts made by Governments and international organizations, in particular through national, regional and international action plans, initiatives and instruments, including relevant multilateral agreements such as the initiatives of the Group of 7 and the Group of 20, including the action plans of 2015 and 2017 addressing marine litter; the Group of 20 Implementation Framework for Actions on Marine Litter; Osaka Blue Ocean Vision; the Ocean Plastics Charter; the Association of Southeast Asian Nations (ASEAN) Framework of Action on Marine Debris; the Bangkok Declaration on Combating Marine Debris in the ASEAN region; the Asia-Pacific Economic Cooperation Roadmap on Marine Debris; the 2021 Leaders' Declaration of the Alliance of Small Island States; the St. John's Declaration of the Caribbean Community; the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal; and the outcome of the 2021 Ministerial Conference on Marine Litter and Plastic Pollution, and recognizing the need for complementary actions and a coherent and coordinated long-term global vision,

Noting with appreciation the significant work of the Global Partnership on Marine Litter and action to tackle marine litter and plastic pollution supported and implemented by the United Nations Environment Programme, and taking into account the Chair's summary of the ad hoc open-ended expert group on marine litter and microplastics, which presented options for continued work for consideration by the United Nations Environment Assembly at its fifth session,

Reaffirming the importance of cooperation, coordination and complementarity among relevant regional and international conventions and instruments, with due respect for their respective mandates, to prevent plastic pollution and its related risks to human health and adverse effects on human well-being and the environment, including the International Convention for the Prevention of Pollution from Ships of 1973, as modified by the Protocol of 1978 relating thereto and as further amended by the Protocol of 1997; the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal; the Rotterdam Convention on the Prior Informed Consent Procedure for certain Hazardous Chemicals and Pesticides in International Trade; the Stockholm Convention on Persistent Organic Pollutants; the United Nations Convention on the Law of the Sea; the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter of 1972 and the Protocol thereto; the Strategic Approach to International Chemicals Management; the United Nations Framework Convention on Climate Change; the Convention on Biological Diversity; and other international organizations, regional instruments and programmes, and recognizing efforts led by non-governmental organizations and the private sector,

Recognizing that each country is best positioned to understand its own national circumstances, including its stakeholder activities, related to addressing plastic pollution, including in the marine environment,

Recognizing also the significant contribution made by workers in informal and cooperative settings to the collecting, sorting and recycling of plastics in many countries,

Underlining that further international action is needed by developing an international legally binding instrument on plastic pollution, including in the marine environment,

1. *Requests* the Executive Director to convene an intergovernmental negotiating committee, to begin its work during the second half of 2022, with the ambition of completing its work by the end of 2024;
2. *Acknowledges* that some legal obligations arising out of a new international legally binding instrument will require capacity-building and technical and financial assistance in order to be effectively implemented by developing countries and countries with economies in transition;
3. *Decides* that the intergovernmental negotiating committee is to develop an international legally binding instrument on plastic pollution, including in the marine environment, henceforth referred to as "the instrument", which could include both binding and voluntary approaches, based on a comprehensive approach that addresses the full life cycle of plastic, taking into account, among other things, the principles of the Rio Declaration on Environment and Development, as well as national circumstances and capabilities, and including provisions:
 - a) To specify the objectives of the instrument;
 - b) To promote sustainable production and consumption of plastics through, among other things, product design and environmentally sound waste management, including through resource efficiency and circular economy approaches;
 - c) To promote national and international cooperative measures to reduce plastic pollution in the marine environment, including existing plastic pollution;
 - d) To develop, implement and update national action plans reflecting country-driven approaches to contribute to the objectives of the instrument;
 - e) To promote national action plans to work towards the prevention, reduction and elimination of plastic pollution, and to support regional and international cooperation;
 - f) To specify national reporting, as appropriate;
 - g) To periodically assess the progress of implementation of the instrument;
 - h) To periodically assess the effectiveness of the instrument in achieving its objectives;
 - i) To provide scientific and socioeconomic assessments related to plastic pollution;
 - j) To increase knowledge through awareness-raising, education and the exchange of information;
 - k) To promote cooperation and coordination with relevant regional and international conventions, instruments and organizations, while recognizing their respective mandates, avoiding duplication and promoting complementarity of action;
 - l) To encourage action by all stakeholders, including the private sector, and to promote cooperation at the local, national, regional and global levels;
 - m) To initiate a multi-stakeholder action agenda;
 - n) To specify arrangements for capacity-building and technical assistance, technology transfer on mutually agreed terms, and financial assistance, recognizing that the effective implementation of some legal obligations under the instrument will depend on the availability of capacity-building and adequate financial and technical assistance;
 - o) To promote research into and development of sustainable, affordable, innovative and cost-efficient approaches;
 - p) To address compliance;
4. *Also decides* that the intergovernmental negotiating committee, in its deliberations on the instrument, is to consider the following:
 - a) Obligations, measures and voluntary approaches in supporting the achievement of the objectives of the instrument;

- b) The need for a financial mechanism to support the implementation of the instrument, including the option of a dedicated multilateral fund;
 - c) Flexibility that some provisions could allow countries discretion in the implementation of their commitments, taking into account their national circumstances;
 - d) The best available science, traditional knowledge, knowledge of indigenous peoples and local knowledge systems;
 - e) Lessons learned and best practices, including those from informal and cooperative settings;
 - f) The possibility of a mechanism to provide policy-relevant scientific and socioeconomic information and assessment related to plastic pollution;
 - g) Efficient organization and streamlined secretariat arrangements;
 - h) Any other aspects that the intergovernmental negotiating committee may consider relevant;
5. *Requests* the Executive Director of the United Nations Environment Programme to convene an ad hoc open-ended working group to hold one meeting during the first half of 2022 to prepare for the work of the intergovernmental negotiating committee and to discuss in particular the timetable and organization of the work of the committee, taking into account the provisions and elements identified in paragraphs 3 and 4 of the present resolution;
6. *Stresses* the need to ensure the widest and most effective participation possible in the work of the ad hoc open-ended working group and of the intergovernmental negotiating committee;
7. *Requests* the Executive Director, as a priority, to provide the necessary support to developing countries and countries with economies in transition to allow for their effective participation in the work of the ad hoc open-ended working group and of the intergovernmental negotiating committee;
8. *Also requests* the Executive Director to ensure the necessary support by the secretariat of the United Nations Environment Programme to the ad hoc open-ended working group and the intergovernmental negotiating committee;
9. *Decides* that participation in the ad hoc open-ended working group and the intergovernmental negotiating committee should be open to all States Members of the United Nations and members of United Nations specialized agencies, to regional economic integration organizations and to relevant stakeholders, consistent with applicable United Nations rules;
10. *Invites* Governments and other stakeholders in a position to do so to provide extrabudgetary resources to help support the implementation of the present resolution;
11. *Requests* the Executive Director to facilitate the participation of, and close cooperation and coordination with, relevant regional and international instruments and initiatives and all relevant stakeholders in the context of the mandate of the intergovernmental negotiating committee;
12. *Also requests* the Executive Director to convene a diplomatic conference of plenipotentiaries upon completion of negotiations by the intergovernmental negotiating committee, for the purpose of adopting the instrument and opening it for signature;
13. *Further requests* the Executive Director to report on progress on the work of the intergovernmental negotiating committee to the Environmental Assembly at its sixth session;
14. *Requests* the Executive Director to continue to support and advance the work of the Global Partnership on Marine Litter, while strengthening scientific, technical and technological knowledge with regard to plastic pollution, including in the marine environment, on methodologies for monitoring, and sharing available scientific and other relevant data and information;
15. *Calls upon* all Member States to continue and step up activities, and adopt voluntary measures, to combat plastic pollution, including measures related to sustainable consumption and production, which may include circular economy approaches, and to develop and implement national action plans, while fostering international action and initiatives under national regulatory frameworks, and, on a voluntary basis, to provide statistical information on the environmentally sound management of plastic waste, as appropriate, taking into account national circumstances;

16. *Requests* the Executive Director, subject to the availability of financial resources, to convene, in conjunction with the first session of the intergovernmental negotiating committee and building upon existing initiatives, where appropriate, a forum that is open to all stakeholders for the exchange of information and activities related to plastic pollution.

4

Treaty project written by the students of the Lycée Charles de Gaulle in Poissy as part of a call for projects

- Lycée Charles de Gaulle, 10 rue Gustave Eiffel, 78300 Poissy.
- Project carried out by three eco-delegates from the second and final years of general education: Jeanne Pezenec, Clément Léautey and Lisa Chauffour.
- Supervised by Ms Camille Caillié, history and geography teacher and eco-delegate coordinator.



Call for youth projects:

come up with your own international treaty to combat plastic pollution

The 175-state **United Nations Environment Assembly (UNEA)** passed a resolution on 2 March 2022 paving the way for the **negotiation of a global treaty to end plastic waste pollution**. It covers the **entire life cycle of plastics**, i.e. production, use and disposal.

An intergovernmental negotiating committee has been charged with developing a legally binding text by the end of 2024.

The Economic, Social and Environmental Council has taken up this issue and will deliver its opinion at the plenary session on 28 March 2023.

I/ Purpose of the call for projects

Secondary school students, organised by class or as eco-students of a school, will propose their own version of the future treaty, which may cover all or some of the aspects of the plastic life cycle detailed above.

II/ Conditions of participation

Registration for the competition is free. Participation in the call for projects requires acceptance of these rules in their entirety. Each participant accepts these rules by signing them.

The student representatives of a treaty project selected by the jury will be paid (transport and meals) when they come to the ESEC on 28 March 2023, on the basis of a maximum of four students per school.

The document must be submitted in PDF format and contain the following information:

- Name of the establishment,
- Level of the class(es) involved,
- Name and discipline of the teacher(s) supervising the young people's work,
- Number of students who participated in the work,
- This call for projects duly signed by the applicants, the teachers and, in the case of minors, by the parents or legal guardians of the applicants.

III/ Deadline for submission of projects

Treaty projects should be sent to the ESEC, EIA Committee, 9 place d'Éna, 75016 Paris, by **Friday 10 March 2023** at the latest, as evidenced by the postmark, or by email to catherine.jetrado@lecese.fr, the acknowledgement of receipt being taken as proof.

IV/ Selection procedure and results

Pre-selection criteria for treaty projects: The ESEC's five-member jury, which includes the two co-rapporteurs of the opinion, the President of the ESEC's European and International Affairs Committee and two other members of the Committee, will assess the relevance of the recommendations, the innovative or civic dimension of the dossier and the involvement of the students in its preparation.

The jury will also take into account how the recommendations are applicable not only in France but also internationally, in the countries most affected by plastic pollution. It will pay attention to the applicability of the recommended measures, and the time frame for their implementation.

V/ Designation of accountability to project promoters

Student representatives from a school whose project has been selected by the jury will be invited to visit the ESEC on Tuesday 28 March 2023.

In the morning, they will meet as councillors do in committee, to agree a treaty from their respective projects.

This 'youth treaty' will be presented by the young people at the plenary session in the afternoon.

It will be distributed as an appendix to the ESEC's opinion.

VI/ Intellectual property

This call for projects does not entail any transfer of intellectual property on the projects to the ESEC. Candidates remain the owners of their projects.

VII/ Image rights

Candidates may be filmed and/or photographed during the competition, including on 28 March 2023.

By accepting these rules, applicants agree to the use and dissemination of their image by the ESEC in the promotion of this call for projects. The production and distribution of films and/or photographs from the competition will not give rise to any remuneration for the participants.

VIII/ Personal data

Applicants are hereby informed that any personal data processed under this call for projects complies with the provisions of the General Data Protection Regulation (GDPR - Regulation EU 2016/679 of 27 April 2016) and Act No. 78-17 of 6 January 1978 as amended (known as the Data Protection Act). Under these texts, candidates have a right of access and follow-up to information concerning them, which they can exercise by contacting the ESEC's Secretary-General, by signed letter accompanied by a copy of a signed identity document.

Date and signatures of the participant, the teacher and, in the case of minors, the parent(s) or legal guardian, preceded by the words 'Read and approved':

Lu et approuvé 08/03/2023
Lu et approuvé 9/03/2023
Lu et approuvé
2

Date and signatures of the participant, the teacher and, in the case of minors, the parent(s) or legal guardian, preceded by the words 'Read and approved':
Lu et approuvé le 9 mars 2023
Lu et approuvé le 9 mars 2023
2

Date and signatures of the participant, the teacher and, in the case of minors, the parent(s) or legal guardian, preceded by the words 'Read and approved':
Vendredi 9 mars 2023, lu et approuvé
2

Date and signatures of the participant, the teacher and, in the case of minors, the parent(s) or legal guardian, preceded by the words 'Read and approved':
Lu et approuvé, le 09/03/23
Censeignant
2

The aim of the following treaty is to combat plastic pollution at various levels, and eventually to achieve strict limits on the design and use of the material, right through to its elimination. For the purposes of this treaty, the following definitions apply:

- a. 'Plastic pollution' means any presence of plastic waste in the environment, including in oceans, lakes, rivers and soils
- b. 'Signatory State' means any state that has ratified or acceded to this treaty

It is necessary for all Signatory States to get involved in the fight against plastic pollution in a spirit of solidarity. The more developed states must invest in proportion to their resources and responsibilities. The following articles apply to all signatory countries, which commit to raising joint funding from the international community to help less wealthy signatory countries combat plastic pollution.

Joint actions by the international community

The Member States of the international community are committed to collectively combating plastic pollution in maritime areas and to complying with the following articles:

1. On the oceans

Plastics and microplastics have devastating effects on marine ecosystems and threaten the biodiversity and health of the oceans. These plastic particles can be ingested by marine organisms, leading to health problems such as suffocation, intestinal obstruction and the accumulation of toxins in their tissues. These particles can also end up in our food chain. Not to mention that the oceans provide important resources for coastal populations, and increased plastic pollution can have negative economic and social consequences for these communities.

Article 1.1: The management of plastic waste on the high seas is the responsibility of all Signatory States. Everyone must commit to contributing to its treatment.

Article 1.2: The signatories of the International Treaty on the Protection of the High Seas have agreed to make a special commitment to the fight against plastic on the high seas, and in waters beyond the jurisdiction of any state.

Article 1.3: The United Nations Environment Programme is to create a new hub, focusing on the treatment of plastic waste in maritime areas.

Article 1.4: Collections of marine waste must be organised with the financial participation of the signatories to this treaty. These funds will be raised according to the gross national product of the signatory countries.

Article 1.5: The installation of filters such as MBR membrane bioreactors at river mouths, or other solutions to filter microplastics, is expected to develop over the next decade.

Article 1.6: Projects to create biodegradable fishing nets and equipment must be encouraged, with the aim of completely replacing fishing equipment using standard plastic by 2035, as current nets are among the main sources of waste at sea.

Article 1.7: Removing the plastics that form the Great Pacific Garbage Patch is a priority. The Signatory States are committed to developing and implementing solutions to clean up this vast area, such as the use of nets.

Article 1.8: The creation of an Ocean Pollution Research Foundation will be tasked with collecting donations internationally and thus financing the various projects that need to be set up.

2. On the coasts

The threat of plastic is also present on the coastline. The presence of plastic on beaches and in the water can harm the tourism and fishing industries as well as the marine ecosystem. Protecting coastlines from plastic can also help to protect public health and the environment.

Article 2.1: The signatory countries are committed to setting up surveillance programmes to monitor the impacts of plastic pollution on their territory and on the surrounding marine ecosystems. Universities could be involved in this process to link their curriculum and thus participate in these various monitoring projects.

Article 2.2: Recycling bins must be placed along beaches.

Article 2.3: It is forbidden to picnic on the most sensitive beaches whose ecosystem is threatened.

Article 2.4: The sale of takeaway food with plastic packaging is prohibited on all beaches.

Article 2.5: Waste collection slots must be set up once a week on all beaches.

Article 2.6: The preservation of coastlines must be ensured. To this end, community service should be imposed as a criminal sanction on anyone who threatens the coastline.

Articles concerning individual states

The fight against plastic pollution must also be carried on at national level. Plastic is a threat to the environment, human health and the economy. This is because it decomposes very slowly and can be harmful to fauna and flora. Chemicals used in the manufacture of plastics such as phthalates and bisphenols have been linked to health problems such as cancer and hormonal disorders. In addition, the production and management of plastic waste has significant economic and social costs, hence the need to combat its excessive use.

The Signatory States undertake to comply with the following measures at national level:

1. On waste treatment

Article 1.1: Each Signatory State undertakes to set up waste collection and recycling systems on its territory and to ensure that plastics that cannot be recycled are disposed of in the least polluting way possible.

Article 1.2: The use of plastic packaging is banned in all public catering areas by 2028.

Article 1.3: Forests and natural areas are strictly monitored and districts are committed to establishing clean-up units dedicated to their preservation.

Article 1.4: Districts must dedicate specific offices to the environmental management of the areas with which they are associated.

Article 1.5: By 2026, over 85% of recyclable waste in circulation must be recycled. This means better management of sorting at landfills and recycling plants and the creation of new jobs.

Article 1.6: The waste collection service needs to adapt and reduce its frequency to encourage and compel households to recycle more and throw away less.

Article 1.7: Everyone is committed to using more sustainable alternatives to plastic such as bulk, reusable boxes, water bottles or tote bags.

Article 1.8: Fines for those who pollute outdoor spaces are set to increase by 20% each year.

2. On education and raising awareness

Article 2.1: Consumers must be systematically and regularly informed about the impacts of plastic pollution and sustainable alternatives through official awareness-raising campaigns.

Article 2.2: These campaigns must also encourage sustainable alternatives such as Tupperware, water bottles, tote bags or bulk buying.

Article 2.3: Official campaigns to raise awareness of the dangers of plastic and the attitudes to adopt must be disseminated throughout the country and via the public media.

Article 2.4.1: Schools must organise awareness-raising sessions on plastic and its dangers at all school levels.

Article 2.4.2: Awareness-raising should also focus on the specific geographical features of the region, to familiarise students with their territory and the reasons for protecting it.

Article 2.5.1: Each school must elect student representatives ('eco-delegates') to engage in environmental protection.

Article 2.5.2: Each school in a town commits to electing 2 or 3 people from among its eco-delegates to participate in the town council, so that the town and these schools can work together on eco-responsible projects.

Article 2.6: Schools are encouraged to implement at least one major environmental initiative per year, initiated by students, which should focus on the fight against plastic pollution.

Article 2.7: States undertake to develop higher education courses focusing on reducing the use of plastics and eliminating current plastic pollution.

3. On shops, industries and businesses

Article 3.1: The use of certain types of single-use plastics, such as straws, cutlery, bottles and plates, is to be phased out, with a total ban in 2030.

Article 3.2: Shops have until 2025 to ban the use of plastic packaging in favour of biodegradable packaging and bulk packaging. *This article concerns both supermarkets and independent shops*

Article 3.3: The Signatory States also undertake to provide financial support to businesses that cannot afford to use biodegradable packaging alone in favour of plastic packaging.

Article 3.4: The signatory countries commit to establishing reporting systems for imports and exports of plastics to control and regulate the mass of plastics flowing across borders.

Article 3.5: The export and industrial packaging of goods must reduce the use of plastic and find alternatives before 2030.

Article 3.6: Every business must be absolutely transparent about its use of plastics. Financial aid may be available for those who express their motivation to switch to more environmentally-friendly materials.

Article 3.7: Each product that contains plastic must say so on the packaging, along with the type of plastic used.

Article 3.8: A plastic score based on officially approved characteristics can be applied to products intended for sale.

Article 3.9: Similarly, a 'plastic-free' label could be created to reward companies that commit to reducing their plastic consumption.

Article 3.10: A tax on plastics and an increase in their price should be introduced to encourage companies to use more sustainable alternatives and consumers to opt for greener alternatives.

Article 3.11: In contrast, environmentally-friendly products should be able to be promoted at the point of sale and benefit from tax or customs advantages.

Article 3.12: Start-ups and very small businesses are to be encouraged to move towards responsible methods and should be subsidised by the State to do so. Large companies must take responsibility for their own transition to less plastic.

Article 3.13: Advertising companies must adjust their rates according to the willingness of companies to reduce their plastic consumption.

4. On research and development

Article 4.1: Each Signatory State commits to invest in recycling and waste treatment technologies, as many plastics are currently not recyclable.

Article 4.2: They are also committed to investing in research into plastics and the issues surrounding them, such as their environmental impact, their impact on health, the materials that can replace them in the long term, and their processing methods.

Article 4.3: Research must also be carried out into new technologies for depolluting the oceans.

Articles concerning the responsibility of the Signatory States

The criminal liability mechanism proposed in this treaty is an important step in encouraging states to meet their commitments to combat plastic pollution. By allowing legitimate organisations and associations to bring complaints against states that do not respect their commitments, this mechanism aims to ensure that the fight against plastic pollution remains a global priority, while protecting the environment, public health and the economy.

Article 1: Any Signatory State that fails to meet its commitments to combat plastic pollution may be held criminally liable.

Article 2: Any legitimate organisation or association can bring a complaint against a Signatory State that does not respect its commitments to combat plastic pollution. The complaint must be brought before an international tribunal, which will examine the complaint and take appropriate action.

Article 3: Any Signatory State that is held criminally liable for non-compliance with its commitments to combat plastic pollution may be subject to sanctions, including fines, damages and remedial measures to reduce plastic pollution.

5

Table of acronyms

AFD	French Development Agency (Agence française de développement)
AGEC	Anti-waste for a circular economy
IAMF	International Seabed Authority
ANIA	National Association of Food Industries
UNEA	United Nations Environment Assembly
ODA	Official Development Assistance
BBNJ	<i>Biodiversity Beyond National Jurisdiction</i>
EIB	European Investment Bank
DAC	Development Assistance Committee
CBD	Convention on Biological Diversity
EC	European Commission
CEN	European Committee for Standardisation
ESEC	Economic, Social and Environmental Council
CESER	Regional Economic, Social and Environmental Council
CESM	Centre d'études stratégiques de la Marine
CFC	Chlorofluorocarbon
CFDT	Confédération française démocratique du travail
CFE-CGC	Confédération française de l'encadrement - Confédération générale des cadres
CGT	Confédération générale du travail
CIEL	<i>Center for International Environmental Law</i>
INC	International Negotiating Committee
CMA CGM	Compagnie maritime d'affrètement - Compagnie générale maritime
NBC	National Biodiversity Committee
NBC	National Biodiversity Committee
CNUCC	United Nations Framework Convention on Climate Change
COP	Conferences of the Parties
MSFD	Marine Strategy Framework Directive
DGPR	Directorate-General for Risk Prevention
EPU	Used fishing gear
Eq	Equivalent
FEBEA	Fédération des Entreprises de la Beauté
GEF	Global Environment Facility
MFMP	Multilateral Fund of the Montreal Protocol
FO	Force ouvrière
G20	Group of Twenty
GEF	<i>Global Environment Facility</i>
GHG	Greenhouse gases
GIEC	Intergovernmental Panel on Climate Change
HAC	High Ambition Coalition
HCFCs	Hydrochlorofluorocarbons
HDPE	High-Density Polyethylene
HS	<i>Harmonised System</i>
ICPC	International Group of Experts on Chemical Pollution
IFDD	Institut de la Francophonie pour le développement durable
IFI	International Financial Institutions

IFREMER	French Research Institute for Exploitation of the Sea
INC	<i>Intergovernmental Negotiating Committee</i>
INRAE	National Research Institute for Agriculture, Food and the Environment
IPBES	Intergovernmental Science and Policy Platform on Biodiversity and Ecosystem Services
ISO	International Organization for Standardization
LDPE	Low-Density Polyethylene
Mt	Millions of tonnes
MTE	Ministry of Ecological Transition
OECD	Organisation for Economic Co-operation and Development
SDG	Sustainable Development Goals
WTO	World Trade Organization
WCO	World Customs Organization
IMO	International Maritime Organization
WHO	World Health Organization
NGO	Non-governmental organisation
UN	United Nations
OPCEST	Parliamentary Office for the Evaluation of Scientific and Technological Options
OSPAR	Oslo-Paris
PE	Polyethylene
DC	Developing countries
PET	Polyethylene Terephthalate
GDP	Gross domestic product
UNEP	United Nations Environment Programme.
POP	Persistent organic pollutants
PP	Polypropylene
PRCD	Principle of common but differentiated responsibility
PS	Polystyrene
PVC	Polyvinyl chloride
R&D	Research and development
DRC	Democratic Republic of Congo
REACH	<i>Registration, Evaluation, Authorization and restriction of CHemicals</i>
EPR	Extended Producer Responsibility
GNI	Gross National Income
SAICM	Strategic Approach to International Chemicals Management
OCS	Organised civil society
TAAF	French Southern and Antarctic Lands
VAT	Value added tax
µm	Micrometre
UCAPLAST	Employers' association for the rubber and plastics industry
EU	European Union
UNEA	United Nations Environment Assembly
UNSA	Union nationale des syndicats autonomes (National Union of Autonomous Trade Unions)
UV	Ultraviolet
WWF	<i>World Wildlife Fund</i>

Latest publications by the Economic, Social and Environmental Council



Find all of the ESEC's work on the website

eese.fr

Find the ESEC on social networks



Printed by the Department of Legal and Administrative Information, 26, rue Desaix, Paris 15th, from documents provided by the Economic, Social and Environmental Council • No. 411230007-000423 - Legal registration: April 2023 • Photo credits: Dicom



lecese.fr

9, place d'Iéna
75 775 Paris Cedex 16
+33 (0)1 44 43 60 00



**PREMIÈRE
MINISTRE** Department of Legal and
Administrative Information

*Liberty
Equality
Fraternity*



Les éditions des
Journaux officiels

No. 41123-0007

ISSN 0767-4538 ISBN 978-2-11-167378-6



9 782111 673786