

# ICC Working Group on Plastic Pollution

## Terms of Reference

### I. Context

Global awareness has been growing in recent years on the global plastic **pollution crisis** that is severely threatening the health of our planet, as well as harming ecosystems and polluting waterways. The annual production of plastics globally has doubled since 2000, causing 353 million tonnes of plastic waste in 2019, from which only 9% was successfully recycled and 22% mismanaged, as stated in the recent [OECD Global Plastic Outlook](#) (February 2022). For this reason, millions of tons of **plastic leak** from the value chains of products into **nature** and the **oceans** every year, provoking **alarming consequences** on the **environment** and **wildlife**.

In this context, the **UN Environment Assembly** took an **historical decision** on plastic pollution at its resumed fifth meeting (UNEA 5.2) held in Nairobi, Kenya, in March 2022, where governments adopted a resolution entitled, “**End Plastic Pollution: Towards an internationally legally binding instrument**”, adopting a mandate for an International Negotiating Committee (INC) to develop an international legally binding instrument by 2024. The instrument, which is seen as a key multilateral environmental agreement, is expected to consider the **full lifecycle of plastics**, including production, product design, disposal, waste management, resource efficiency and circular economy approaches. It will also look at technical and capacity means of implementation, as well as adequate financial assistance. It is also expected to consider national action plans and to be based on strong scientific and socioeconomic information and assessment.

Broad **multistakeholder engagement** and **solid cooperation** at all levels will be critically required to develop such an instrument.

### II. UN current work on Plastic Pollution

Following the UNEA March historical decision, an **Ad hoc Open-ended Working Group** meeting convened in **Dakar**, Senegal, from **30 May to 1 June 2022** to establish a **foundation for the work** of the INC to develop an international legally binding instrument on plastic pollution. Open multistakeholder dialogues were also held on the margins of the meeting to engage stakeholders that will be impacted by the instrument.

The session focused specifically on **procedural matters**, with the objectives of agreeing on the rules of procedure governing the INC's work and decision-making, as well as setting the INC's meeting schedule. The draft report of the meeting is available at the following [link](#).

Parties were able to agree to forward a [draft timetable of meetings](#) to INC1, that includes five INC sessions to be held over the period until end 2024.

**INC1** is scheduled to take place in **Punta del Este, Uruguay from 28 November to 2 December 2022**, in a hybrid format, with a multi-stakeholder forum planned for 26 November, and the regional consultations and bureau meeting due to take place on 27 November. The UN Secretary General has appointed Ms Jyoti Mathur-Filipp, as Executive Secretary of the Secretariat to the INC.

### III. Relevance for global business

The legally binding instrument, which is expected to cover the full life cycle of plastics, will likely impact businesses in all sectors across supply/value chains, including producers/packaging, consumer goods, retailers, recycling and waste management.

ICC has welcomed the landmark decision taken by UNEA5.2 and has stressed its commitment to support efforts to secure an ambitious, workable and effective agreement by 2024. As the representative of global businesses across sectors within the value chain, comprising businesses of all sizes, including SMEs, ICC has the opportunity to leverage existing knowledge, expertise, leadership and innovation to contribute constructively to inform the process and decision-making. ICC can support efforts for the necessary shift in the design, use and reuse of plastics which should take into full account the interlinkages between climate, biodiversity and trade, in moving from a linear to a circular economy.

The **business community** has a **critical role** to play in providing the **expertise** and the **solutions** that will be needed to tackle the challenge of plastic pollution at the required scale and speed across its entire value chains. It is also imperative that the business community engages at the onset of the process to ensure that business perspectives are taken into account to frame the work ahead.

In this context, ICC developed [preliminary business recommendations](#) that were presented at the OEWG in Dakar, and will continue to engage in the process to ensure that the crucial role of the business community is fully heard and recognized.

### Alignment with ICC Global Objectives/Strategic Priorities

ICC, as the institutional representative of over 45 million companies in more than 170 countries, and as leading business voice in a number of international fora (UNGA, UNFCCC, CBD, WTO) and as an accredited IGO under the UN Environment Programme, is well-placed to inform the process, leverage existing expertise from across its network and build on valuable insights from ICC's engagement and partnership with other international organizations, such as the World Trade Organisation. ICC is uniquely positioned to reflect the views of the real economy, in order to help

frame and secure a workable and effective agreement, aligning with ICC's aims to make trade work for people and the planet.

#### IV. Objectives and implementation

Given the importance of this issue and the urgency of developing an internationally legally binding instrument to end plastics pollution, ICC has decided to establish a **Technical Working Group on Plastic Pollution** to coordinate ICC's engagement on this issue in the months and years ahead. The group will identify key areas where ICC could best add value to the process and facilitate relevant engagement and interactions in advance of and during the INC meetings.

The work of the ICC WG on Plastic Pollution will also explore potential synergies with a new ICC working group on Circular Economy, anchored under the ICC Global Trade and Investment Commission, as plastics pollution considerations are inextricably linked with circular economy and trade policies, which will be critical in supporting the transition from a linear to a circular and resource-efficient economy.

The key objectives that will guide the direction of the Working Group are:

- Raise business awareness through regular communication and information sharing regarding the evolution of the UN process in developing a legally binding instrument to end plastic pollution.
- Encourage and solicit broad representation of multiple sectors and geographical representation from ICC's network to ensure early business engagement in the process.
- Facilitate exchanges between the UNEP Secretariat with different sector representatives throughout the value chain, including SMEs, to provide a holistic view of opportunities, solutions as well as challenges.
- Develop global business positions and advocacy tools to contribute practical recommendations in the context of specific work streams identified in the UN process, as well as suggest frameworks for meaningful business engagement.
- Facilitate business participation and engagement in multistakeholder forums, including coordination and alignment with other industry groups.
- Engagement, interaction and dialogue with stakeholders, including governments, in advance of and during INC meetings
- Assess the impact and implications across sectors and supply chains, taking into consideration the interlinkages between climate, biodiversity, trade and circular economy policies and approaches.
- Explore potential synergies with the World Trade Organization's Trade and Environmental Sustainability Structured Discussions (WTO TESSD) as well as the new ICC Working Group on the Circular Economy

#### V. Member engagement and governance

The working group, which will fall under the auspices and direction of the Global Environment and Energy Commission will be constituted of sustainability and circular economy experts along the entire value chain of plastics. The working group will meet virtually on a regular basis to progress on the identified priorities.

Commission Vice-Chair, Tom Smith (Walmart), will Chair the Working Group and, together with the ICC Secretariat, will have responsibility for overseeing the group's work and delivery of high-quality substantive outputs.

Standard ICC governance procedures shall apply to the group's work.

#### **IV. Key dates and engagement opportunities**

- UN General Assembly 13-27 September/Climate Week 19-25 September, New York
  - Possibility to host ICC CEO Forum on 19 September
- COP27 6 – 18 November, Sharm el-Sheik, Egypt
- First INC Meeting & Multistakeholder Forum: 26 November – 2 December, Punta del Este
  - 26 November – Multistakeholder forum
  - 27 November – Regional consultations and Bureau meeting
  - 28 November – 2 December – INC meeting