

GLOBAL PLASTICS TREATY: WHAT THE ZERO DRAFT MEANS FOR ORGANISATIONS



GOVERNANCE & SUSTAINABILITY

Part of the Horizon Scanning series

Despite the threat to health and biodiversity that microplastics pose, no single existing international treaty covers their entire lifecycle from production through to waste management. Being trans-boundary products, this can limit efforts to mitigate their negative effects, and means corporates who make or use plastics can have a harder time navigating the regulatory and legislative landscape.

On 4 September 2023, the chair of the UN Intergovernmental Negotiating Committee on Plastic Pollution (“INC”) published a “Zero Draft” of a treaty intended to address global plastic pollution, which will support the INC’s next negotiating round at Nairobi in November 2023.

For an in-depth look at the architecture of a UN Global Plastics Treaty, see our technical briefing [here](#).

1. Industry support for action on plastics

The Zero Draft comes as an emerging coalition of plastic manufacturers and suppliers are advocating for common, mandatory, and specific global rules. They assert that consistent rules on reducing use, waste, and enabling a circular economy for plastic could cultivate a global level playing field. This in turn should reduce the higher transaction costs associated with fragmented measures.

Over 500 organisations - including companies representing 20% of global plastic packaging production - have committed to reduce plastic use by 20% between 2018 and 2025. Inevitably, mobilising the private sector is crucial to addressing the plastic problem, and the global plastics treaty could help national governments set coherent requirements which filter down to businesses.

For corporates, the impact of the treaty that is eventually adopted will be some way off. But those that produce or use plastics, plastics additives and deal in plastic waste products will want to be aware of the direction of travel: despite the enduring value of plastics more needs to be done to address their negative

impacts.

2. The existing plastic legislative landscape

One issue which the text should help to address is the patchwork of existing international legal instruments regulating trans-boundary plastic pollution. These include the Basel¹, Rotterdam² and Stockholm³ Conventions, as well as the UN Convention on the Law of the Sea amongst others - see our [longer briefing](#) on the architecture of a UN Global Plastics Treaty for full details.

3. What the Zero Draft says

The broad-ranging INC text calls on countries to take appropriate measures in line with their national circumstances, such as “market- and price-based mechanisms”, removing subsidies and fiscal incentives from primary plastic polymer production, and other regulatory interventions.

The draft also proposes provisions relating to problematic chemicals, polymers and plastics; extended

¹ *Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal*, opened for signature on 22 March 1989 (entered into force on 5 May 1992).

² *Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides*, opened for signature on 10 September 1998 (entered into force on 24 February 2004).

³ *Stockholm Convention on Persistent Organic Pollutants*, opened for signature on 22 May 2001 (entered into force on 17 May 2004).

producer responsibility⁴; just transition measures for affected populations; and transparency, tracking, monitoring and labelling, amongst others.

It remains to be seen how hard a line the final treaty text will take, with the Zero Draft recognising that flexibility could allow for more buy-in. The spectrum of approaches which could be adopted ranges from obligatory common reduction targets, to allowing each country to develop nationally determined targets (like the Paris Agreement), or leaving countries to individually regulate plastic polymers and report through national action plans.

Ultimately, the treaty's durability will depend on the INC's ability to balance several key factors: attracting widespread participation by major stakeholders, maximising environmental ambition, and ensuring a just transition toward a more circular economy.

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⁴ Extended product responsibility is commonly defined as: “an environmental protection to reach an environmental objective of a decreased total environmental impact of a product, by making the manufacturer of the product responsible for the entire life-cycle of the product and especially for the take-back, recycling and final disposal”. See Thomas Lindqvist and K Lidgren, *Towards an [EPR] - analysis of experiences and proposals* (Stockholm: Swedish Ministry of the Environment and Natural Resources, 1992).