



In 2022, the **IUCN World Commission on Environmental Law (WCEL)** created the Plastic Pollution Task Force to provide insights and support to the Treaty negotiation process. The following is one of a series of targeted legal briefs that are part of the present IUCN Submission for the second Intergovernmental Negotiating Committee to develop an international legally binding instrument on plastic pollution, including in the marine environment.

Contact:

Karine Siegart, IUCN Head of Delegation, IUCN Senior Policy Advisor, International Policy Centre, karine.siegart@iucn.org

Alexandra R. Harrington, Lancaster University Law School and Chair, IUCN WCEL Agreement on Plastic Pollution Task Force, a.harrington1@lancaster.ac.uk

[IUCN WCEL Briefings for Negotiators for INC-2](#)

These are updated briefings of the INC-1 submissions, please note, and are considered version 2.

- BRIEFING 6 of 6: Circular Economy and Plastic Life-Cycle Issues

**IUCN BRIEFING FOR NEGOTIATORS
Plastic Treaty INC-2 Session**

BRIEFING 6 of 6: Circular Economy and Plastic Life-Cycle Issues

Key messages:

The Plastic Pollution Treaty's scope, as articulated by United Nations Environment Assembly (UNEA)

identify how this can best be promoted through the new plastics agreement. These elements are often linked together, and the text of UNEA resolution 5/14 makes it clear that these are important considerations for the Plastic Pollution Treaty. In this context, it is necessary that the concept of a circular economy as well as sustainable production and consumption be defined.

How? There are several potential options through which the concept of the circular economy could be included within the Plastic Pollution Treaty. The first option would involve the explicit definition of a circular economy. There are several existing definitions, such as those used in the European Union and United States' legal and regulatory systems, and these could be used as starting points in the development of a definition that reflects the needs and capacities of State and private sector actors across the development spectrum. An element of an explicit definition could be the design of materials and products in such a way that their value is maintained as high as possible and for as long as possible, and that harmful environmental impacts be minimised throughout the whole life cycle. This would mean considering, among other things, the choice of feedstock (renewable or not), pollution from usage, the risks of leakage into the environment, and end-of-life options as part of the definition.

The second option would be an implicit definition of a circular economy in the Plastic Pollution Treaty. This option could allow for greater flexibility in the sense of allowing for the organic development of aspects of circularity in the plastic industry without the need for concerns over whether these activities would still be covered by the Treaty. In this option, the critical consideration would be identifying factors that inhibit greater circularity in the global plastics economy as well as ways in which international law and national action plans under the Plastic Pollution Treaty could act as drivers for change. Encouraging such questions may lead to materials substitution where a particular outcome cannot be guaranteed with a specific material, to making inherently linear products with a short lifespan from biodegradable plastics instead, to developing standards for sustainable polymers, and beyond. The Plastic Pollution Treaty using this option for the incorporation of circularity could foster smart design choices for a more circular economy by setting out commonly agreed design principles. These principles should build on the already well-known 12 principles for green and sustainable chemistry that encourage life cycle thinking and environmental trade-offs to be made at the early stages of chemical manufacturing.

environmental impacts lead to an increase in consumption. While it is important for the Plastic Pollution Treaty to act as a catalyst for greater recycling activities, including through national action plan requirements, it should also address the need for innovation in recycling technologies so as to prevent the use out-dated or inefficient methods that utilise significant energy resources and result in increased carbon emissions. The Plastic Pollution Treaty could address these issues through the inclusion of production and consumption criteria and targets, with the aim of fostering environmentally sound plastic recycling and entrenching the circular economy.

2. Plastics life-cycle focus

What? UNEP briefing note 11 in advance of INC-1 provides an outline of the phases of the plastics life-cycle, ranging from the upstream phase to the mid-stream phase and, ultimately, to the downstream phase. The information it contains is drawn from responses by nearly two

