

# BACK TO BASICS

## What happened to plastic packaging in the plastics treaty negotiations?

### BACKGROUND

- **Major pollution source.** According to the UN Environment Programme report [Drowning in Plastics](#), plastic packaging consumes roughly 44 per cent of total plastic produced, generating approximately 46 per cent of all plastic waste. Packaging is particularly problematic because it is often single-use – used for mere minutes before becoming plastic waste. Once waste, plastic packaging is landfilled (40 per cent), lost in the environment (32 per cent), incinerated (14 per cent), downcycled (eight per cent) and recycled (two per cent) – with the remainder (four per cent) lost during the recycling process. Overall, plastic packaging constitutes the majority of marine plastic pollution.
- **Cooperation.** While many countries have adopted national legislation to restrict or ban single-use and short-lived plastic items such as plastic packaging, most notably in [Rwanda](#) and the [European Union](#), the transboundary nature of the global economy compels global cooperation. This includes common rules and approaches to restrict problematic formats, harmonise design, scale alternatives and delivery systems such as reuse, enhance waste management, enable recycling and support developing countries.
- **Mandate.** [UNEA Resolution 5/14](#) calls on member states 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,” within which plastic packaging squarely fits

### EVENTUAL ERASURE

- **Early recognition.** The [Elements Paper \(Paris\)](#) identified multiple measures for addressing plastic packaging as part of the possible core obligations on fostering design for circularity and encouraging reduction, reuse and repair of plastic products and packaging. Guidance on packaging also featured among the potential annexes and was integrated in the proposed elements of the financial mechanism.
- **Comprehensive approach.** The [Zero Draft \(Nairobi\)](#) solidified approaches to addressing “short-lived and single-use plastic products” and proposed bans, phase-outs and trade restrictions subject to specific criteria in an annex. Similarly, packaging was addressed through the proposed product design text explicitly, requiring parties to comply with design and performance criteria which could, inter alia, increase safety, durability and reusability of packaging and minimise releases and emissions, including microplastics. [The Revised Draft Text \(Ottawa\)](#) continued to feature packaging prominently.
- **Sectoral approach.** At INC-3, [Norway proposed text](#) to support implementation through sectoral approaches, referred to as dedicated programmes of work, for key sectors, including packaging. The sectoral approach was broadly supported by member states and would empower the Conference of the Parties to implement and update sectoral work programmes, cooperate with intergovernmental organisations and engage relevant stakeholders in recognition that a comprehensive approach was required. By INC-5.2, in the [latest Chair’s Text \(Geneva\)](#), any reference to sectoral approaches was removed.
- **Reuse systems.** Member states have consistently advocated for embedding potential solutions into the treaty text to ensure that banning or restricting certain packaging does not lead to perverse consequences such as material substitution. Reusability has repeatedly been referenced in the context of product design, with early drafts of the treaty text going further in providing specific language on reduction and reuse targets and explicitly referencing reuse and refill systems as part of the necessary package of measures for displacing single-use plastics placed on the market.
- **Disappearance.** By INC-5.2, in the [latest Chair’s Text \(Geneva\)](#), all references to packaging were gone. Negotiators must infer its inclusion in Article 4 (plastic products), Article 5 (plastic product design) and Article 7 (waste management) – with uneven success. While the evolution of the treaty text may not directly exclude packaging

from its scope, critical conceptual elements such as reuse systems and other measures have disappeared, meaning in the best-case scenario negotiators are presented a fragmented and incomplete approach to reducing the largest source of plastic pollution.

## COURSE CORRECTION

- **Clarity.** As the major source of plastic pollution in all environments, negotiators should ensure that packaging features prominently – and explicitly – in the treaty text. If the conversations on scope during negotiations are any indication, the lack of specific reference could pose significant problems when attempting to address packaging in the future.
- **Textual approach.** The textual approach for packaging should enable a comprehensive strategy which draws on the broader landscape of measures within the treaty, aligning action towards specific outcomes on packaging: reduce its contribution to plastic pollution, facilitate resource efficiency and the circular economy and to promote environmentally sound waste management. It should not only explicitly identify packaging under Article 4 (plastic products), Article 5 (plastic product design) and Article 7 (waste management), but should also ensure the inclusion of other related components in the treaty text, including specific provisions on promoting reuse and deposit-refund systems, extended producer responsibility and chemicals, among others. In addition, the means of implementation is critical for many developing countries, in particular finance.
- **Specific article.** An alternative textual approach could set out the relevant provisions on packaging in a specific article, providing a consistent logic and comprehensive strategy, with references in and to other articles, as needed. For example, the [Minamata Convention](#) contains specific articles on mercury-added products (Article 4) and artisanal and small-scale gold mining (Article 7), with measures specific to those sources.