Workshop | Policies and standards for plastic reduction and management in East and West Africa

Day 1 - 30 September 2024

Opening remarks

- Rosa Mutero - ALN
- Anita Siro - UK-FCDO
- David Ongare - NEMA

About ECOS

ECOS, Environmental Coalition on Standards, is an international NGO with a **network of members and experts** advocating for environmentally friendly **technical standards, policies, and laws**. Headquartered in **Brussels**, along with our Africa office in **Nairobi**, we are active internationally.

ecos

www.ecostandard.org

The project

Plastics reduction and management - A deep dive on policies and standards, including on biodegradation and compostability (Kenya, Ghana and Nigeria)

Objectives

- To conduct an assessment and provide guidance on relevant policies and legislation that have been adopted to regulate biodegradable and compostable plastics.
- To conduct an assessment and provide guidance on relevant plastics standards within the scope (food packaging, agriculture and forestry use)
- To conduct a workshop for knowledge transfer and sharing expertise on using appropriate standards to operationalize policies and legislation

ecos

The project

This project has been made possible by financial support and collaboration through the Sustainable Manufacturing and Environmental Pollution (SMEP) programme, funded by UK Foreign, Commonwealth and Development Office (FCDO) and implemented in partnership with UN Trade & Development (UNCTAD). We are also grateful for additional support from our project partners International Organization for Standardization (ISO) and ALN.

The project team

Marxine Waite

Fanny Rateau

Samy Porteron

Project partners

Plastic alternatives and non-plastics substitutes in support of regional and global efforts to reduce plastic pollution

UNCTAD-ECOS-ISO Nairobi workshop
30.09.2024

Henrique Pacini

UNCTAD SMEP Programme lead

Trade, Environment, Climate Change and Sustainable Development Branch

UN trade & development

The distinction between plastic substitutes and plastic alternatives

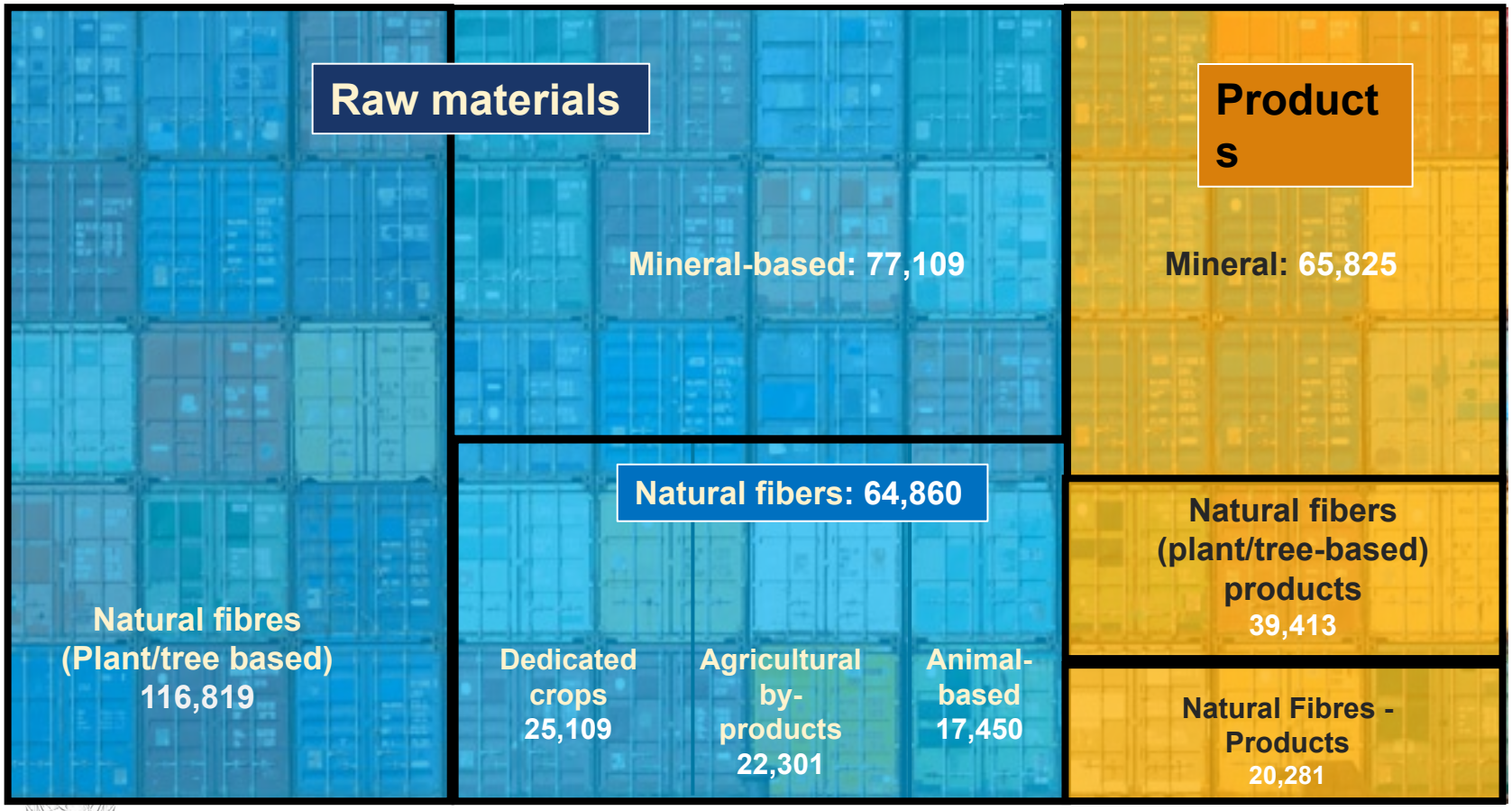
Plastics substitutes are natural materials that have similar properties to plastics, while plastic alternatives include bioplastics or biodegradable plastics.

Plastic substitutes	VS	Plastic alternatives
Mineral, plant, marine or animal	ORIGIN	Bioplastics or Biodegradable plastics
Recyclable, reusable, biodegradable, compostable, or erodable	PROPERTIES	Recyclable, biodegradable, or compostable (end of life)
Should have lower environmental impact along their life cycle	IMPACT	Should have lower GHG lifecycle emissions when compared to plastics
Should not be harzardous for human, animal or plant life	SAFETY	Should not be harzardous for human, animal or plant life
Non-plastics		**Better plastics** (in principle)

Source: UNCTAD Vivas Eugui & Pacini (2022). UNCTAD, based on presentation on plastic substitutes HS codes, Life-cycle analysis and tariffs considerations. WTO Dialogue on Plastics.

Trade value of plastics substitutes

Export in 2020 represented $388 billion, approximately 2/3 represents exports of raw materials ($258 billion)



UNITED NATIONS
UNCTAD

Example of plastic substitute

Notpla

Making packaging disappear

An all-natural packaging solution made from seaweed and plants that is naturally biodegradable and home-compostable, just like a piece of fruit.

One innovation is a takeaway food container coated with seaweed, a revolutionary move for the takeaway industry that has traditionally relied on plastic or chemicals to hold food.

Image source, NotPla: https://www.notpla.com/products/

Gaia Biomaterials

Biodegradable fishing nets

(alternative plastic)

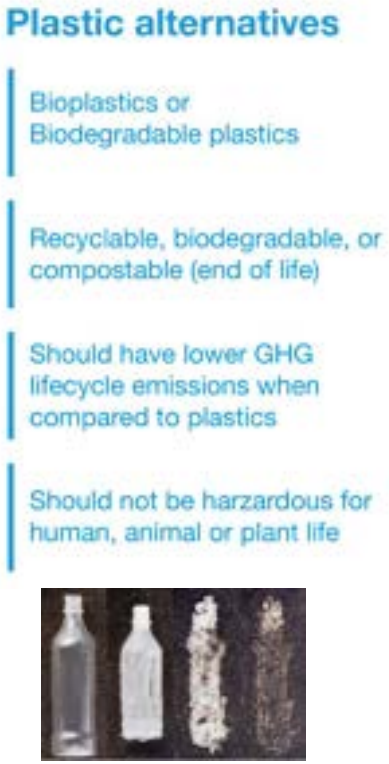
UNCTAD-SMEP project developing renewable-based, biodegradable and compostable fishing nets.

Based on PBAT, PLA and Calcium Carbonate. (Biodolomer®)

Images source: UNCTAD

Example of plastic alternative

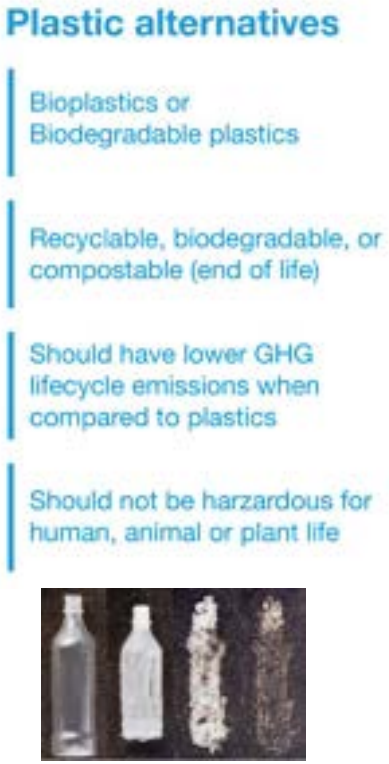
Plastic alternatives – though choices



Can include:

- Oxodegradables (conventional plastics with added-on metal oxides - accelerated degradation –results in microplastics)
  - Banned in some jurisdictions
- PLA (Produced by starch fermentation & polimerization)
  - Depends on waste segregation/facilities often unavailable / real state costs mobilization problem
- Home/Environment compostables (starch-based)
  - Limited uses (low heat / moisture resistance)
- Marine degradables, like PHA (Produced by microorganisms)
  - Expensive!

Plastic alternatives – though choices



Can include:

- Oxodegradables (conventional plastics with added-on metal oxides - accelerated degradation –results in microplastics)
  - Banned in some jurisdictions
- PLA (Produced by starch fermentation & polimerization)
  - Depends on waste segregation/facilities often unavailable / real state costs mobilization problem
- Home/Environment compostables (starch-based)
  - Limited uses (low heat / moisture resistance)
- Marine degradables, like PHA (Produced by microorganisms)
  - Expensive!

Regulating plastic alternatives is challenging


nema

NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY

PUBLIC NOTICE

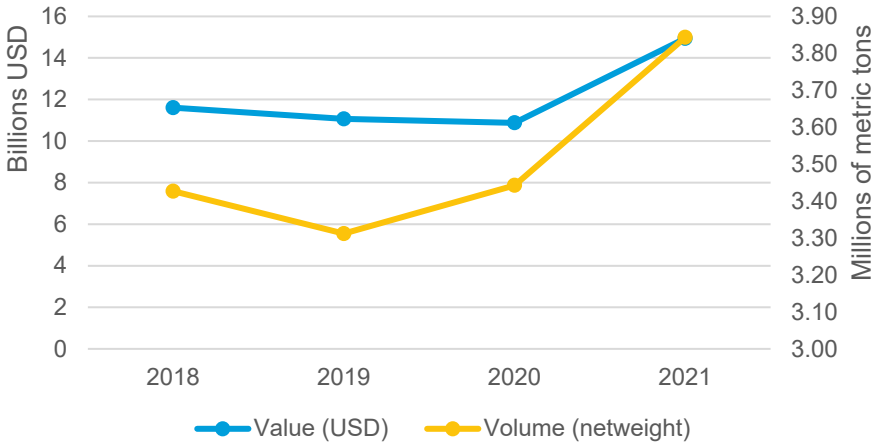
TRANSITION TO THE USE BIODEGRADABLE GARBAGE BAGS FOR ORGANIC WASTE COLLECTION

Region	Law	Requirement & Enforcement	Region	Law	Requirement & Enforcement
France	Energy Transition for Green Growth Act	Mandates compostable bags for fruits/vegetables; penalties for non-compliance.	**South Korea**	Waste Management Law	Bans plastic bags in retail; biodegradable alternatives encouraged; enforced by local governments.
Italy	Italian Ban on Plastic Bags	Biodegradable bags required for loose food packaging; fines for violations.	**Australia**	National Waste Policy Action Plan	Biodegradable packaging required in several states; phase-out of single-use plastics by 2025.
India	Plastic Waste Management Rules	Encourages biodegradable plastics for specific uses; national enforcement with penalties.	**Chile**	Chilean Plastics Law (2019)	Nationwide ban on plastic bags; promotes biodegradable alternatives; fines for businesses using non-compliant bags.
Taiwan	Plastic Bag Restriction (2018)	Bans single-use plastic bags; mandates biodegradable or reusable bags in retail.	**California (USA)**	California Plastic Bag Ban	Compostable or reusable bags required in grocery stores; penalties for non-compliance.
Rwanda	Plastic Bag Ban (2008)	Complete ban on plastic bags; supports biodegradable packaging; strict penalties.	**New York (USA)**	New York State Plastic Bag Ban (2020)	Bans single-use plastic bags; encourages biodegradable alternatives.
European Union	EU Directive on Single-Use Plastics	Bans single-use plastics; promotes biodegradable alternatives; member states enforce fines.	**Seattle (USA)**	City Mandate on Compostable Packaging	Requires compostable bags and packaging in food services; enforced through local regulation.

Trade in Plastics, alternatives, substitutes

Trade value of plastic alternatives, conventional plastics and material substitutes (2020)

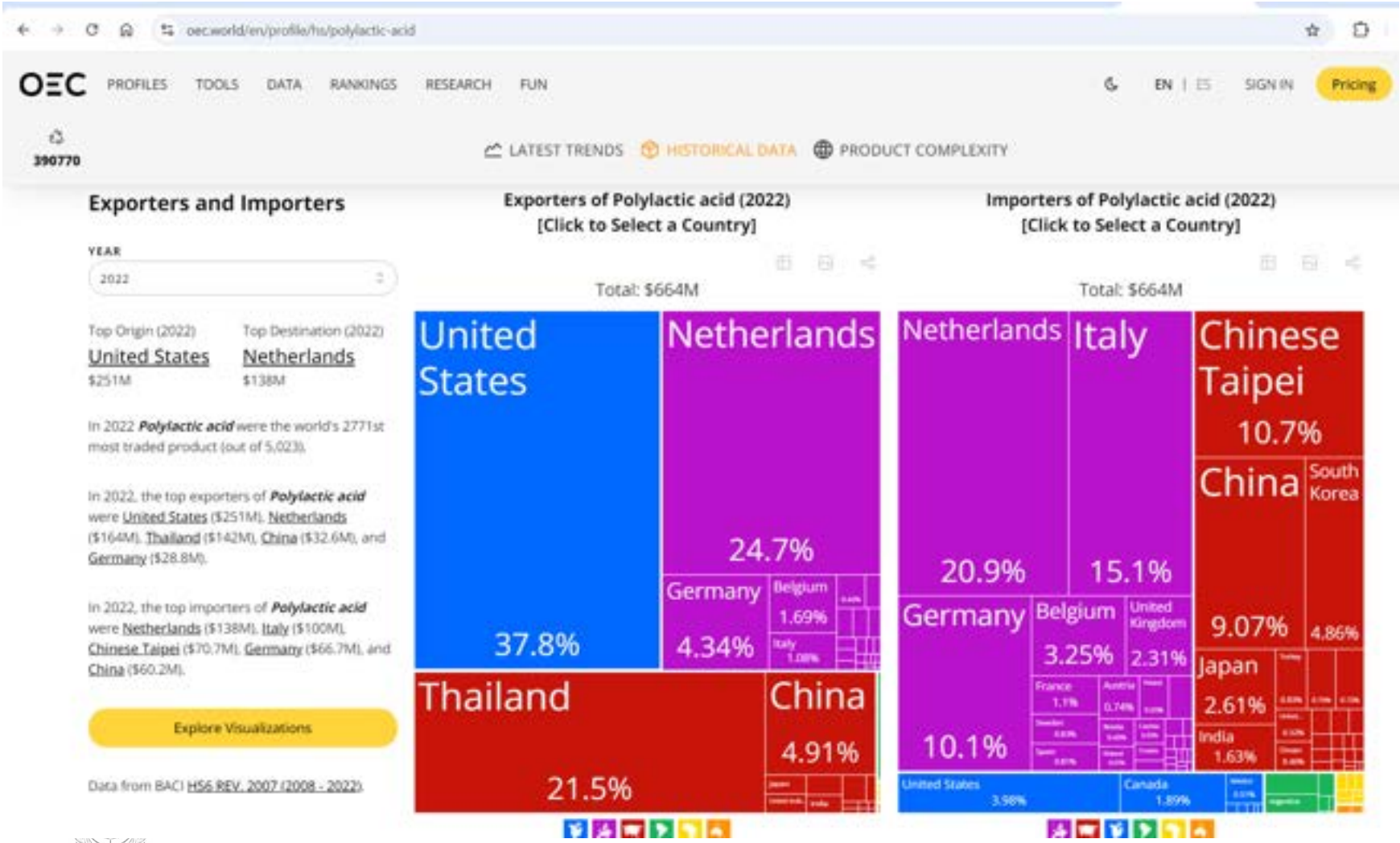
Global exports in **alternatives to plastics** (USD value and in metric tons) (2020-2021)



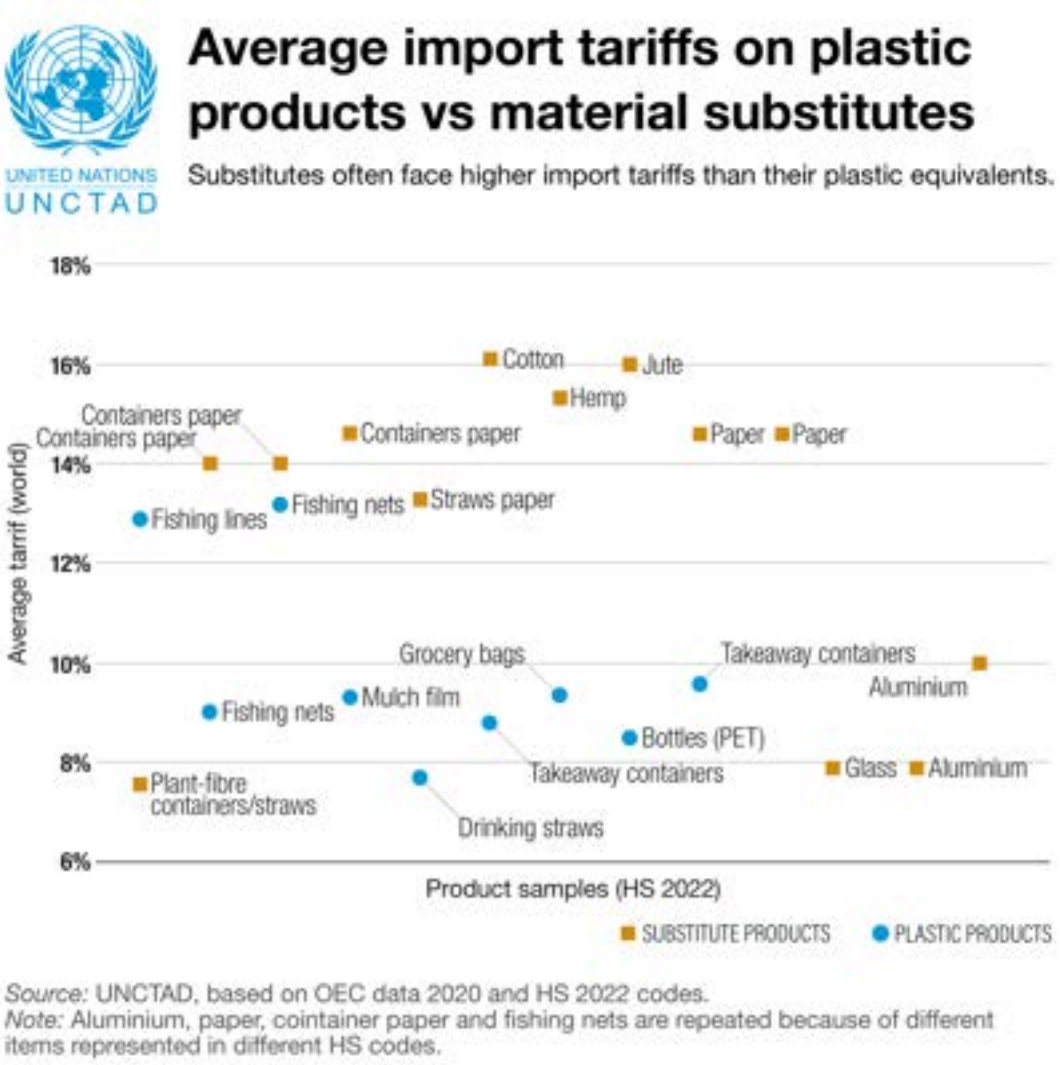
Source: UNCTAD Stats 2023

HS code	Code description
390799	Polyesters; n.e.c. in heading no. 3907, saturated, in primary forms
390770	Poly(lactic acid); in primary forms
391390	Polymers, natural and modified natural; in primary forms (excluding alginic acid, its salts and esters)
391310	Polymers, natural; alginic acid, its salts and esters, in primary forms

UNITED NATIONS
UNCTAD



UNITED NATIONS
UNCTAD



Source: UNCTAD, based on OEC data 2020 and HS 2022 codes.
Note: Aluminium, paper, cointainer paper and fishing nets are repeated because of different items represented in different HS codes.

Important to promote more policy coherence in tariff schedules vis-à-vis potential control measures and incentives

UNITED NATIONS
UNCTAD

Tariff comparison

Non-Plastic Substitutes

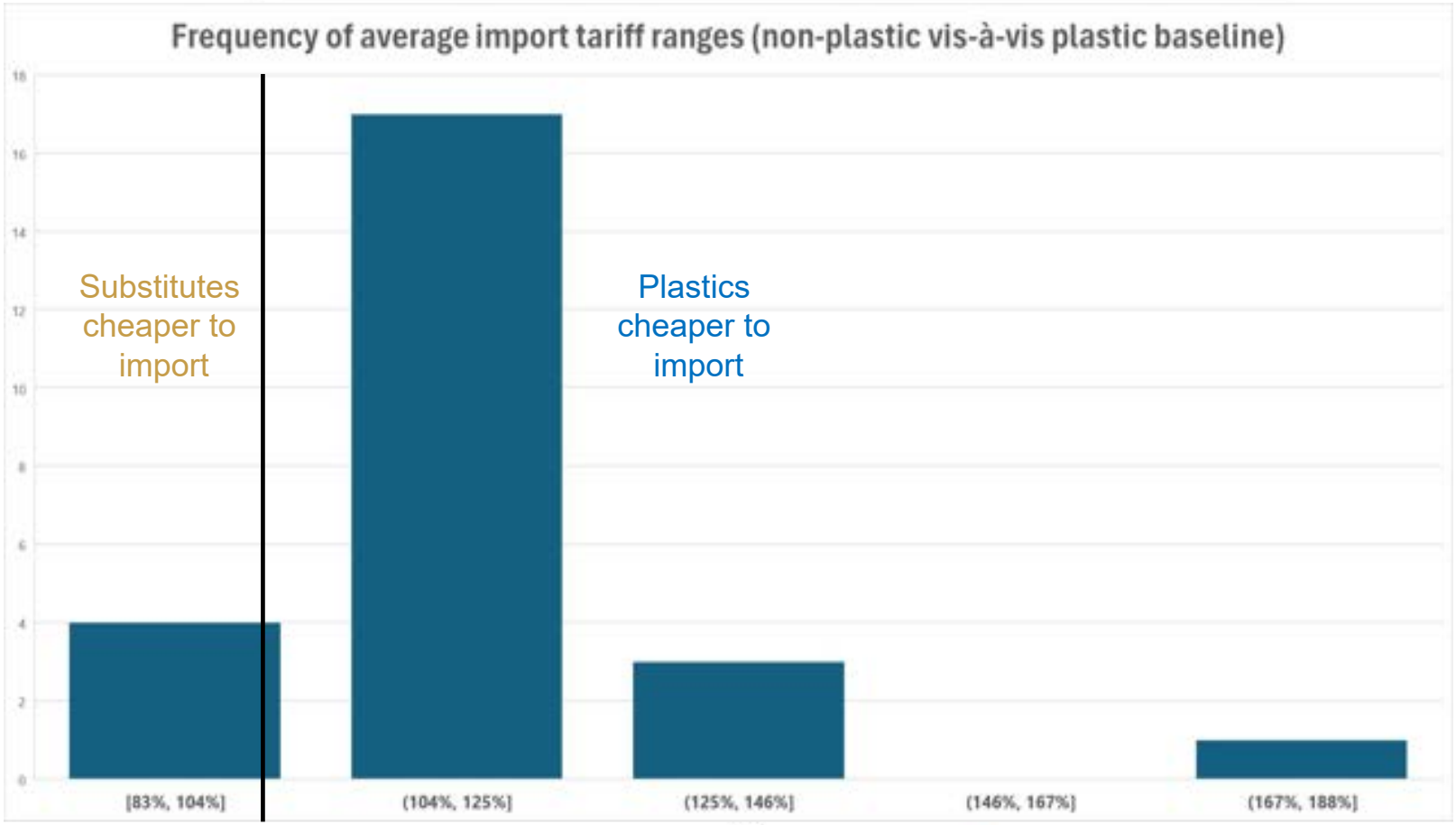
Aluminum Kitchenware
Bamboo
Cotton Bag
Glass Containers
Jute bag
Paper pulp cups/plates
Seaweed (non-edible)

Plastic Products

Plastic film / sheets
Polyethylene single-use bag
Polyethylene pipe/tube
Polypropylene (PP) single-use bag
Polypropylene (PP) single-use plate

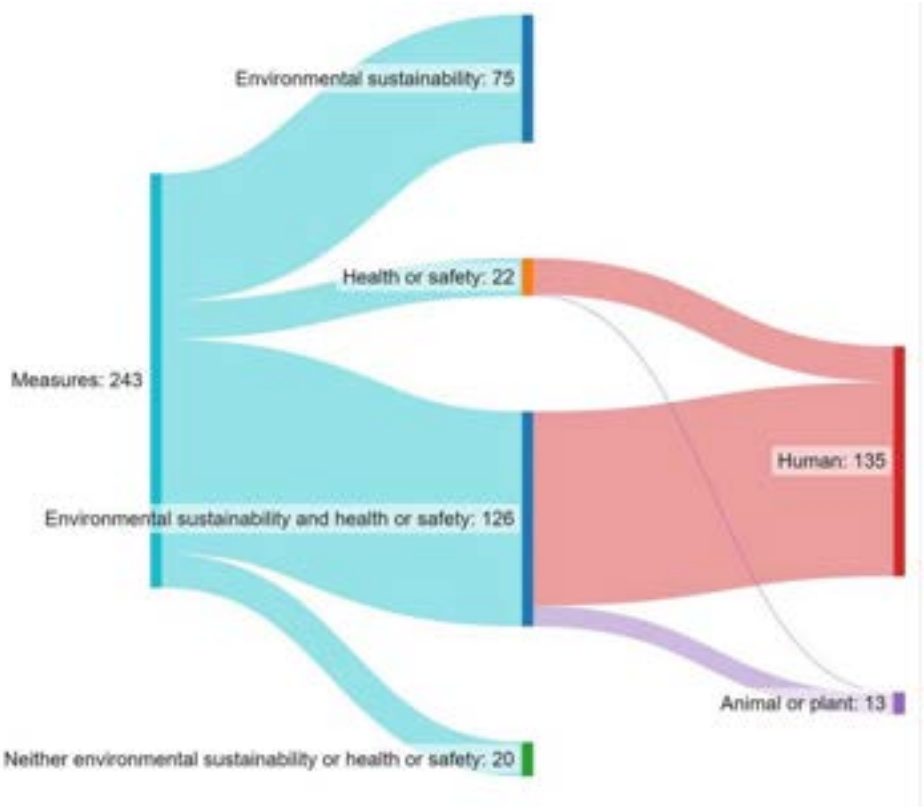
Biodegradables and compostables difficult to compare: Few HS codes (PLA)

Average Import tariffs per **world region** for selected **plastic products** vs **non-plastic** equivalents



Objectives of Trade-related policy measures on non-plastic substitutes

(notified to WTO 2009-2021)



Harmonized types of measures on non-plastic substitutes, by development status of notifying member (2009-21), total and percentages

Type of measures	Developed	Developing	LDCs	Total	Developed	Developing	LDCs	Total
Environmental requirements / command-and-control								
Technical regulation or specifications	32	78	30	140	43%	60%	77%	58%
Conformity assessment procedures		16	9	25	0%	12%	23%	10%
Import licences	7	11		18	9%	8%	0%	7%
Ban/Prohibition	5	8		13	7%	6%	0%	5%
Export licences	5	3		8	7%	2%	0%	3%
Risk assessment	1	2		3	1%	2%	0%	1%
Regulation affecting movement or transit	2	1		3	3%	1%	0%	1%
Other environmental requirements		1		1	0%	1%	0%	0%
Price and market based measures					**0%**	**0%**	**0%**	**0%**
Countervailing measure / investigation	5			5	7%	0%	0%	2%
Safeguard measure / investigation		3		3	0%	2%	0%	1%
Import quotas	1	1		2	1%	1%	0%	1%
Export quotas		1		1	0%	1%	0%	0%
Support measures					**0%**	**0%**	**0%**	**0%**
Tax concessions	7	3		10	9%	2%	0%	4%
Grants and direct payments	8	1		9	11%	1%	0%	4%
Non-monetary support		1		1	0%	1%	0%	0%
Loans and financing	1			1	1%	0%	0%	0%
Grand Total	**74**	**130**	**39**	**243**	**100%**	**100%**	**100%**	**100%**

Thank you
Merci
شكرًا لكم
Asante Sana

Henrique.Pacini@un.org

SMEP
Sustainable Manufacturing and Environmental Pollution Programme

UNITED NATIONS
UNCTAD

UNCTAD
Ocean Economy

Estimated life years gained per 1000 tonnes of plastic waste recycled/upcycled.

Country	Project	Final Product	Life gained per 1 thousand tonnes of waste plastic recycled	
			Total (days)	*Total (DALY)*
Ghana	Ghana Clean-up Project	Plastic board	1 year	1.076E+00
Kenya	Flipflopi Project	Plastic boat	24 years	2.45E+01
Nigeria	GIVO Project	Recycled plastic flakes	4 years	3.98E+00
Zimbabwe	Chinhonyi University Project	Plastic tiles replacing cement titles	50 days	1.36E-01
		Plastic tiles replacing clay titles	189 days	5.19E-01

Calculations do not account for biodegradables <-> health interactions

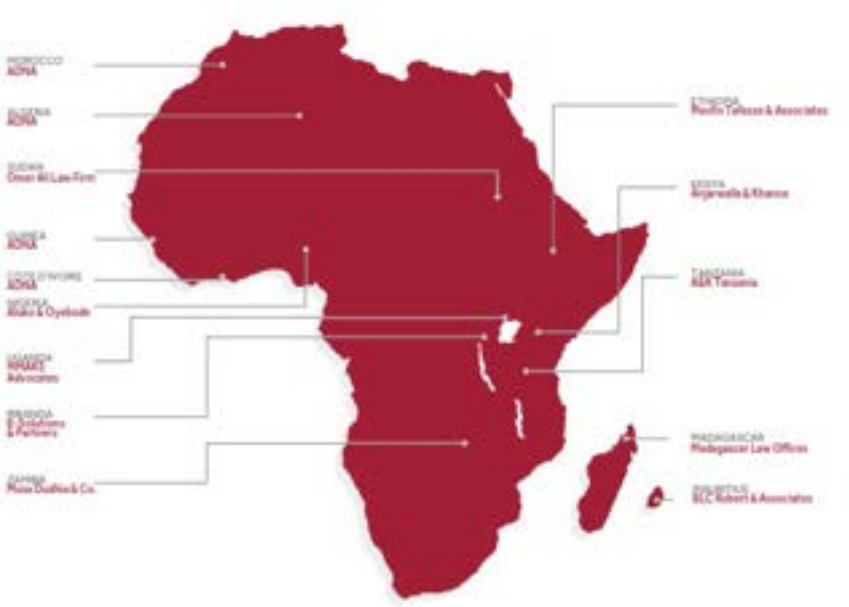
Source: SMEP(2024) & Journal of Cleaner Production (upcoming)

UN trade & development UNCTAD | 60 years

CHARTING EAST AFRICA'S PLASTIC LANDSCAPE: THE DRAFT EAST AFRICAN COMMUNITY (PROHIBITION OF MANUFACTURING, IMPORTATION, USE AND SALE OF SINGLE USE) PLASTICS BILL, 2023

Presentation by Faith Macharia-Okaalo
Partner, ALN Kenya

ALN AT A GLANCE



Leading African firm and the largest law firm outside of South Africa.

Founding member and driving force of ALN, the leading pan-African legal alliance in fourteen countries

Winner: Five-time winner of African Law Firm of the Year Award since launch of the awards in 2013

Top Ranked Firm in all relevant directories.

Chambers Global has consistently ranked the ALN alliance as Band 1 in the "Leading Regional Law Firm Networks – Africa-wide" category

Our Values: Integrity, Intellectual Rigor and Excellence.

ALN KENYA
Anjarwalla & Khanna

MEET THE TEAM

Rosa Nduati-Mutero
Co-Managing Partner, ALN Kenya

Faith Macharia-Okaalo
Partner, ALN Kenya

Carlotta Dal Lago
Head of Business Development & Marketing, ALN Kenya

Fenan Estifanos
Associate, ALN Kenya

Eden Gatuiku
Associate, ALN Kenya

Sharon Muoki
Associate, ALN Kenya

ALN KENYA
Anjarwalla & Khanna

Outline of Presentation

- Overview of the plastic landscape in East Africa
- Harmonized Legislation on Plastics as a Key Tool for Sustainable Solutions
- Legal Foundations of the EAC Single Use Plastics Bill,2023
- The East Africa Community Single Use Plastics Bill,2023
- Potential Risks: The Perils of Unverified Plastic Alternatives

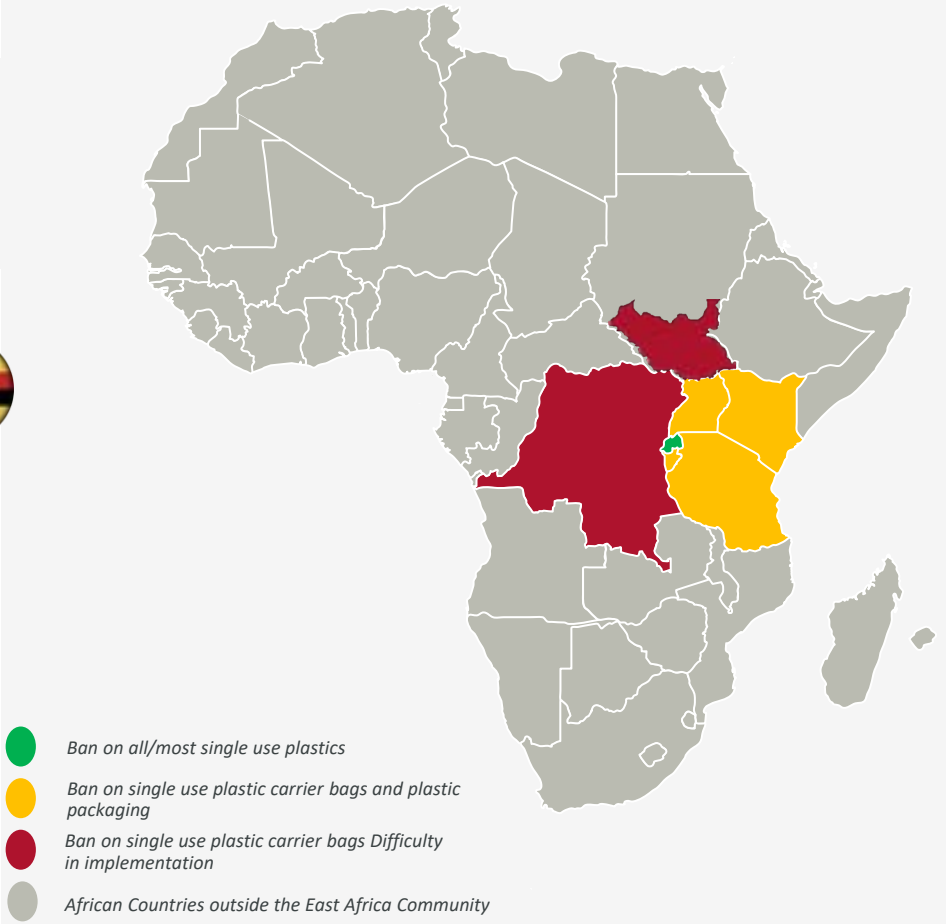
ALN KENYA
Anjarwalla & Khanna

CURRENT APPROACHES IN EAST AFRICA: PLASTIC BANS

- In 2008, the Rwanda instituted a law **prohibiting the manufacturing, importation, use and sale of polythene bags in Rwanda**.
- The scope of the ban was **extended** in 2019 to **prohibit the manufacturing, importation, use and sale of plastic carry bags and single-use plastic items.**

- The National Environment Act, 2019 bans the **importation, exportation, local manufacture, use or re-use** of certain categories of plastic carrier bags or plastic products **made of polymers of ethene (polyethene) and propylene (polypropylene).**
- The above excludes products that are **above 30 microns**.

- In 2019, Tanzania issued a ban on plastic bags except for certain packaging materials.
- The **resurgence of plastic carrier bags** has however meant that there is a need **to reevaluate the ban and the penalties.**



ALN KENYA
Anjarwalla & Khanna

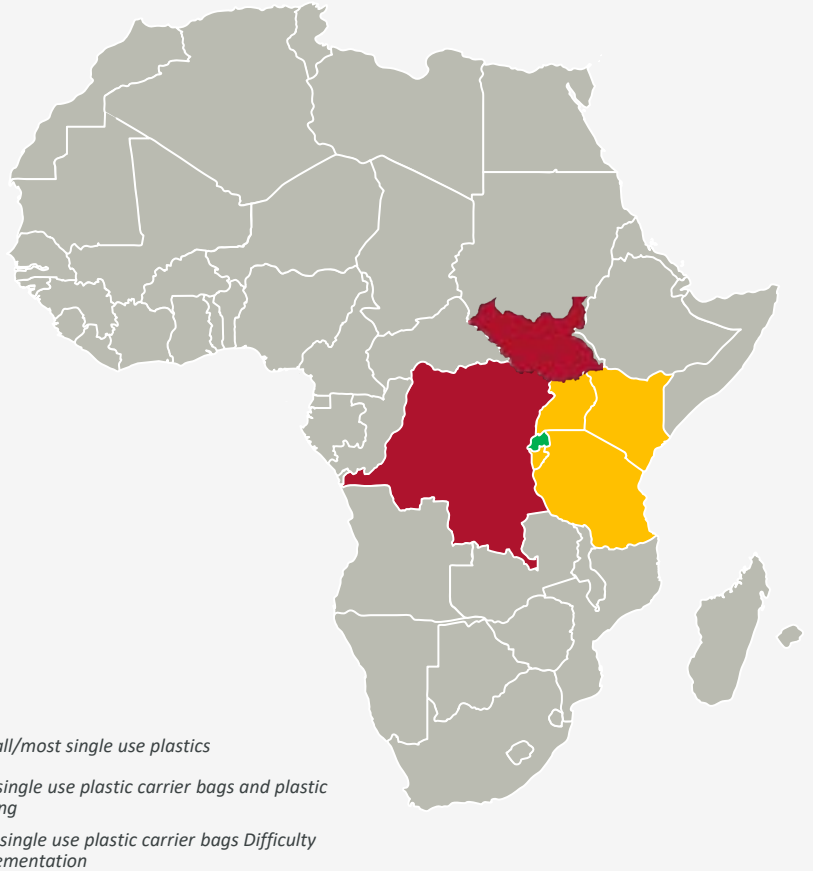
CURRENT APPROACHES IN EAST AFRICA: PLASTIC BANS

- Former President Pierre Nkurunziza, in 2018 signed a decree banning the **manufacturing, importation, storage, sale and use of all plastic bags and other plastic packages**.
- Enforcement of this ban was expected to begin in February 2020.

- In 2017, by Gazette Notice No. 2334 and 2356, Kenya **banned the use, manufacture and importation of plastic bags used for commercial and household packaging**.
- Kenya, in 2020, **has also banned single-use plastics from protected natural areas** (such as parks and forests).

- The Government of South Sudan banned the importation and use of plastic bags in the country in **2015**. The ban was implemented in **December of 2017**.
- Reports however indicate that there has been rampant pollution by plastic bags and other single-use plastics.

- A Decree in 2018 banned the **production, importation, marketing and use of plastic bags, films and other plastic packaging.**
- Reports however indicate that despite the existence of policy, there is little enforcement, as goods with plastic packaging are imported with little restriction.



ALN KENYA
Anjarwalla & Khanna

CURRENT APPROACHES IN EAST AFRICA:

COUNTRY	Activity Banned	Item Banned
Rwanda	manufacturing, importation, use and sale of polythene bags,	plastic carry bags single use plastic items
Uganda	importation, exportation, local manufacture, use or re-use	plastic carrier bags plastic products made of polymers of ethene (polyethene) and propylene (polypropylene).
Tanzania	General ban	plastic bags except for certain packaging materials.
Burundi	manufacturing, importation, storage, sale and use of	all plastic bags and other plastic packages
Kenya	use, manufacture and importation	plastic bags used for commercial and household packaging. all single-use plastics from protected natural areas (such as parks and forests
South Sudan	importation and use	plastic bags
D.R.C	production, importation, marketing and use	plastic bags, films and other plastic packaging.

ALN KENYA
Anjarwalla & Khanna

TAX INCENTIVES AND FINES WITHIN PARTNER STATES

COUNTRY	TAX INCENTIVES/BURDEN	FINES
Kenya	In the 2019/2020 budget Kenya provided an **exemption from the 16% VAT** for all services included in plastic recycling plants and costs of machinery and equipment to build plastic recycling plants. This exemption still exits to date. In the 2022/2023 budget there are no additional tax incentives provided.	Pursuant to Section 144 of the Environment Management and Coordination Act (**EMCA**), any person who manufactures, imports, sells, distributes or uses single use plastics that are banned contravenes the provision of the gazette notice Gazette Notice No. 2334 and 2356 shall be liable to: • a fine not less than **two (2) million Kenya Shilling and not more than four (4) million Kenya Shillings** (equivalent to approx. USD 13,197- 26,394) or • imprisonment of a term of not less than **one (1) year but not more than four (4) years**; or • to both the fine and imprisonment
Uganda	The Excise Duty (Amendment) Bill 2022 sought to impose a **40% or USHS. 4,000 excise duty on each kilogramme on sacks and bags of polymers and other plastics.** The Bill was rejected. As of now there are no tax burdens for importation, use of plastics or tax incentives for the use of alternatives to plastics.	The Finance (Permitted Plastic Bags and Other Plastics for Exceptional Use) Regulations, 2010 provides that the penalty for manufacturing, importing, selling, distributing or otherwise dealing in plastic bags and prohibited plastics will be liable for an offence that is penalized by: • A fine of **one hundred and twenty thousand Ugandan Shillings (equivalent to appx. USD 32)** and an **additional penalty of seventy thousand Ugandan Shillings (equivalent to appx. USD 18.60)** for each day or part of a day during which the offence has continued.

ALN KENYA
Anjarwalla & Khanna

TAX INCENTIVES AND FINES WITHIN PARTNER STATES

COUNTRY	TAX INCENTIVES/BURDEN	FINES
United Republic of Tanzania	**None**	The penalties prescribed for the importation, exportation, manufacture, sale, storage, supply and use of plastic carrier bags in mainland Tanzania range from: • A fine of not less than **TSH 30,000** (equivalent to appx. USD 12), **TSH 200,000** (equivalent to appx. USD 80), 20 Million (equivalent to appx. USD 7,959) to **TSH 1 Billion** (equivalent to appx. USD 397,931); or • imprisonment.
Rwanda	In the 2022/2023 financial budget, Rwanda unveiled **an increase in import duty from 25% to 35% on handbags that have outer surface of sheeting.**	• The administrative sanctions for manufacturing, importation, use and sale of Plastic /Carry Single-Use Plastic Items prescribed under the LAW N° 17/2019 OF 10/08/2019 are : • Manufacturing of plastic carry bags and single-use plastics- **FRW 10,000,000** (equivalent to appx. USD 8,158). • Importation of plastic carry bags and single-use plastics- **10 times the value of the imported items.** • Wholesale plastic carry bags and single-use plastics- **FRW 700,000** (equivalent to appx. USD 571). • Retailing of plastic carry bags and single-use plastics- **FRW 300,000** (equivalent to appx. USD 245). • Piling or disposing of plastic carry bag waste and other single-use plastics- **FRW 50,000** (equivalent to appx. USD 40).

ALN KENYA Anjarwalla & Khanna

Checklist of EAC Plastics Landscape

Country	Mode of Plastic regulation	Tax Incentives	Fines
Burundi	✓	✗	✗
Democratic Republic of Congo	✓	✗	✗
Kenya	✓	✓	✓
Rwanda	✓	✓	✓
South Sudan	✓	✗	✗
Tanzania	✓	✗	✓
Uganda	✓	✓	✓

ALN KENYA
Anjarwalla & Khanna

Harmonized Legislation on Plastics as a Key Tool for Sustainable Solutions

Diverse National Efforts	The laws/ bans enacted by different EAC states signify tailored approaches addressing unique environmental, economic, and social needs of EAC states
Plastic Pollution Transcends Borders	Regional environmental impact transcends national boundaries Need for a unified approach to tackle shared challenges
Learning from the success of the East Africa Customs Management Act,2004 (EACMA)	EACMA's harmonized customs framework provides consistency, predictability and facilitates collaboration all customs related matters in the EAC region
Benefits of harmonizing Plastic Legislation	Simplifies compliance for businesses operating across multiple countries Enables regional cooperation in waste management and recycling Strengthens East Africa's collective voice in global environmental policies

ALN KENYA
Anjarwalla & Khanna

THE DRAFT EAST AFRICAN COMMUNITY (PROHIBITION OF MANUFACTURING, IMPORTATION, USE AND SALE OF SINGLE USE) PLASTICS BILL, 2023

EAC Single-Use Plastics Bill: Premise Rooted in the EAC Treaty and the Global Plastics Treaty

The EAC Single-Use Plastics Bill actualizes the environmental commitments of the EAC Treaty and the Global Plastics Treaty by promoting joint environmental stewardship, legal harmonization, and sustainable development across Partner States.

THE EAC TREATY

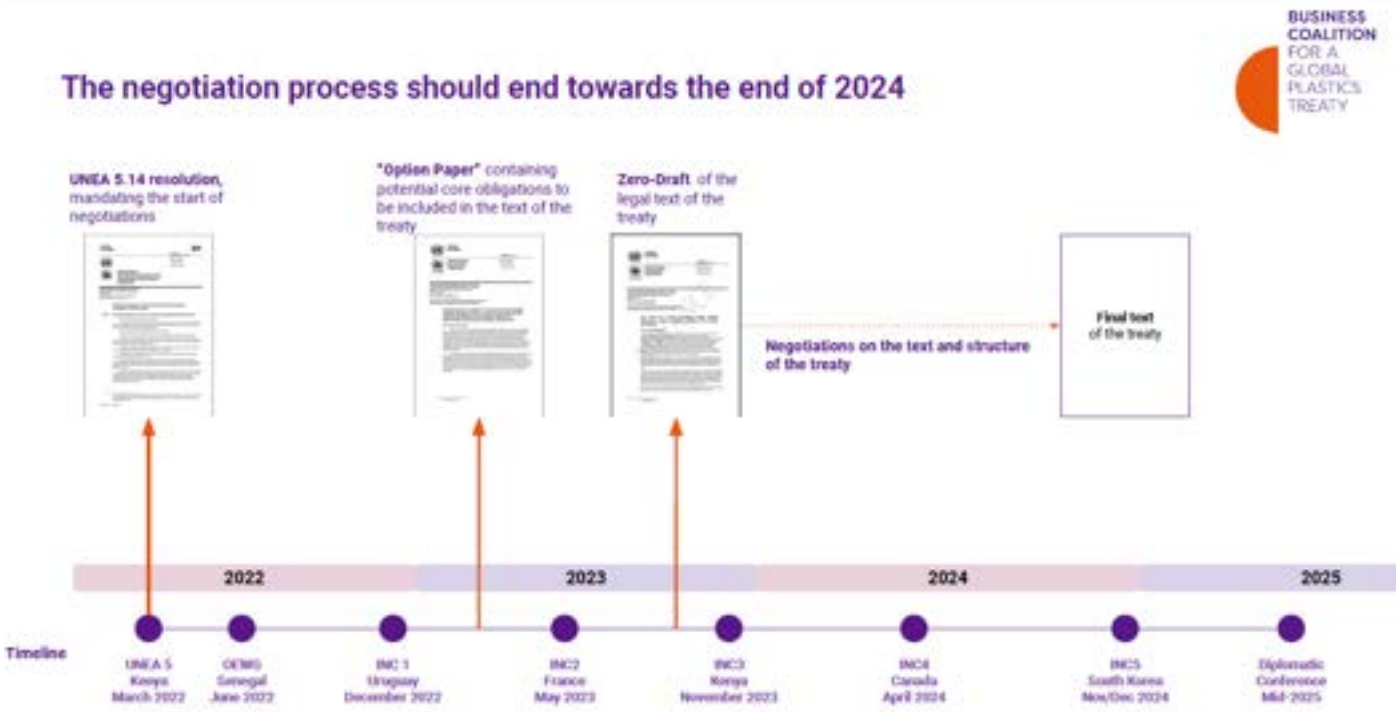
Article 112 : Partner States agree to create a unified policy to preserve ecosystems and prevent degradation. Collaboration in managing air, land, and water pollution caused by developmental activities.

Article 113 : Partner States commit to preventing illegal dumping of toxic and hazardous materials within the region and develop a consistent legal framework for managing the movement, use, and disposal of toxic substances.

ALN KENYA
Anjarwalla & Khanna

EAC Single-Use Plastics Bill: A Regional Step toward actualizing Global Plastic Treaty

GLOBAL PLASTICS TREATY TIMELINE



ALN KENYA
Anjarwalla & Khanna

GLOBAL PLASTICS TREATY

In March 2022, a momentous step was taken on the global stage as the UN Environment Assembly embraced a groundbreaking resolution aimed at crafting a comprehensive international treaty on plastics.

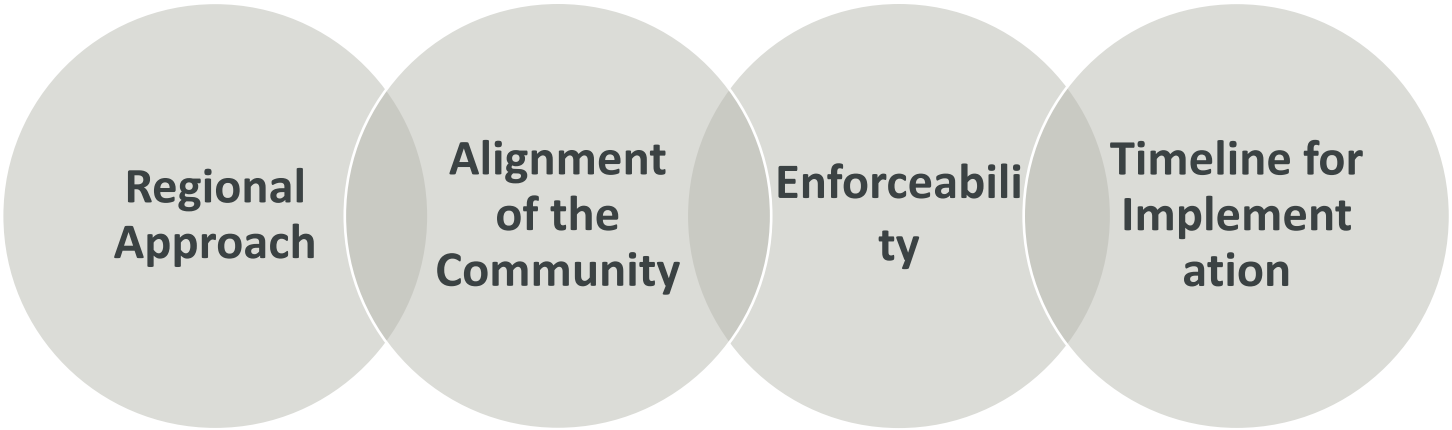
With approximately 11 million tonnes of plastic inundating the world's oceans annually, as reported by the UN Environment Programme, the urgency for concerted action has never been clearer.

This proposed treaty presents a rare, once-in-a-generation opportunity for UN member states to forge a legally binding policy framework.

Such a framework holds the promise of providing regulatory certainty, empowering entities throughout the plastics value chain to propel forward the transformative systemic changes essential to combat the crisis on a truly global scale.

ALN KENYA
Anjarwalla & Khanna

EAC Single-Use Plastics Bill: A Regional Step Toward Actualizing Global Plastic Treaty



- The Draft Zero of the Global Plastics Treaty provides (as an option) the application of necessary measures and reasonable approaches by Party States.
- The Draft SUP Bill provides for these measures and approaches.
- The Draft SUP Bill also provides means of ensuring economic development.

- The Draft Zero of the Global Plastics Treaty does not specify the collaborative approaches between the Party States.
- The Draft SUP Bill provides for the collaborative approaches such as transboundary enforcement to ensure that the EAC Community is aligned.

- The Draft SUP Bill provides a clear enforcement mechanism that is to be adopted by the Partner States.
- This is a feature that is not present in the Draft Zero of the Global Plastics Treaty which does not specify the penalties or enforcement mechanism to be applied.

- The Draft Zero of the Global Plastics Treaty is anticipated to be implemented in 2025 following the completion of the INC negotiations.
- We anticipate that the Draft SUP Bill will be implemented well before the Draft Zero of the Global Plastics Treaty.

SALIENT FEATURES OF THE DRAFT SINGLE-USE PLASTICS BILL

OVERVIEW OF THE EAC SINGLE-USE PLASTICS BILL

General Overview

- Salient Features of the Draft Single-Use Plastics Bill
- Part 1: Definitions and Interpretations
- Part 2: Regulation of Single-Use Plastics and Exemptions
- Part 3: Consumption Reduction
- Part 4: Awareness Raising Measures and Incentives
- Part 5: Sanctions and Enforcement
- Part 6: Miscellaneous

ALN KENYA
Anjarwalla & Khanna

PART 1: DEFINITIONS AND INTERPRETATION

KEY DEFINITIONS

"**problematic plastics**" means plastic packaging items, components, or materials where consumption could be avoided through elimination, reuse or replacement and items that, post consumption, commonly do not enter the recycling and/or composting systems, or where they do, are detrimental to the recycling or composting system due to their format, composition, or size;

'**single-use plastic product**' means a disposable plastic item that is made wholly or partly from plastic designed to be used once before it is discarded or recycled;

'**Council''** means the Council of Ministers of the East African Community established by Article 9 of the Treaty establishing the EAC

"**scientific purposes**" means diagnostic, educational or research purposes;

ALN KENYA Anjarwalla & Khanna

PART TWO: REGULATION OF SINGLE-USE PLASTICS AND EXEMPTIONS

- Prohibition of manufacture, import, sale or use of single-use plastics
- Exempted/ Permitted uses
- Waste Management Provisions
- Collection measures of single-use plastics
- Transitional provisions and disposal of existing stock

ALN KENYA
Anjarwalla & Khanna

SECTION 6: PROHIBITIONS OF CERTAIN SINGLE-USE PLASTICS

Section 6 mandates Partner States to prohibit:

- Production, manufacture, distribution, importation, sell, use, export, or sell any SUP product listed in the **First Schedule.**
- Piling and Disposal of SUPs in public places.
- Transboundary Movement of SUP products.
- Eliminate illegal trade in SUP products and the illegal trade in waste originating from these SUPs.

Rationale:

- Promote the adoption of more sustainable and eco-friendly alternatives in Partner States
- Encourage responsible waste disposal practices
- Effects of pollution do not recognize political boundaries
- Foster a shared responsibility in addressing a common environmental challenge

ALN KENYA
Anjarwalla & Khanna

FIRST SCHEDULE: PROHIBITED SINGLE-USE PLASTICS

- Polythene and plastic bags
- Cutlery (forks, knives, spoons, chopsticks);
- Plates and bowls;
- Plastic straws;
- Cups for beverages, including their covers and lids;
- Crisp packets, sweet and chocolate wrappers, bread bags and confectionary wrappers; and
- Sanitary items such as dental floss and plastic cotton bud sticks.

ALN KENYA
Anjarwalla & Khanna

SECOND SCHEDULE: EXEMPTED/PERMITTED USES

SECTION 6 RESTRICTIONS DO NOT APPLY TO

- Medical purposes
- Forensic purposes
- Scientific purposes (i.e., diagnostic, educational or research purposes)
- Industrial purposes
- Agriculture and forestry purposes
- Printing houses purposes
- Construction industry purposes.

ALN KENYA
Anjarwalla & Khanna

WASTE MANAGEMENT OF SINGLE USE PLASTICS

We note that the most Partner States have already established Waste Management Laws in place.

These laws refer to the mechanism for waste management generally and does not specifically address the issue of single use plastics.

The Draft SUP Bill addresses this issue through its waste management provisions which mandate Partner States to:

- **Manage SUP waste** in a safe and environmentally sound manner **throughout their life cycle**
- Take the necessary measures to **prevent dumping** in all types of water bodies
- Take additional measures to create incentives/measures to **promote waste management systems***
- **Report quarterly** on the steps and measures taken towards waste management

Rationale:

- Supplement the already existing waste management laws.
- Address the environmental and health challenges associated with SUP waste.
- Safeguard water bodies by reducing exposure to harmful SUPs.
- Through reporting, one can monitor progress and compliance with these measures.

ALN KENYA
Anjarwalla & Khanna

LABELLING PROVISIONS

These provisions mandate Partner States to ensure that SUPs bear a **clearly visible and legible marking on its packaging or on the product itself** containing information on:

- appropriate waste management options
- waste disposal means that are not appropriate for that product
- presence of plastics in the product
- resulting negative impact of inappropriate means of waste disposal on the environment.

ALN KENYA
Anjarwalla & Khanna

AUTHORIZATION FOR THE USE OF SINGLE USE PLASTICS

- Partner States are required to obtain written authorization from the relevant environmental authorities when they intend to engage in activities related to specific single-use plastic products listed in the First Schedule for purposes specified in the Second Schedule.
- The provision mandates that applicants provide certain information when applying for this authorization, including:
  - Reasons for the Application
  - Quantities and Estimated Period
  - Waste Management Plan

Do you believe these requirements strike the right balance between environmental protection and administrative burden, or is there room for improvement in the process?

TRANSITIONAL PROVISIONS:

- The Draft Bill recognizes the need to ensure a smooth and equitable transition for populations and businesses affected by the ban on SUPs and calls upon Partner States to:
  - Support impacted/ affected communities e.g. creating income opportunities, workforce training and social programs tailored to their needs and priorities.
  - Skill and Job development within the SUP value chain, including recycling and waste management capacity building
  - Incentivizing the manufacturing of affordable plastic alternatives
  - Promoting labour welfare practices for waste management workers and integrate workers in informal and cooperative settings into a safe plastics value chain.
  - Extended Producer Responsibility: Partner States are mandated to require a portion of fees collected through extended producer responsibility schemes and reinvest the fees collected to improve infrastructure and enhance the livelihoods and skills of waste sector workers.

In what ways can we cater to populations and business affected by the ban on SUPs?

ALN KENYA
Anjarwalla & Khanna

PART 3: CONSUMPTION REDUCTION OF SINGLE USE PLASTICS

Part 3 mandates Partner States to:

- Report annual production and import of single-use and problematic plastics.
- Report measures taken to reduce consumption of single use and problematic plastics, including national consumption reduction targets, reusable alternatives, and marketing restrictions.
- Submit this report to the East African Community Council of Ministers.

Rationale:

- One of the primary means to gauge the effectiveness of a legal provision is typically through the mandatory submission of reports that assess and document progress or the lack thereof.

Given your knowledge of the workings of the EAC, do you think this approach to measuring progress is best suited?

ALN KENYA
Anjarwalla & Khanna

PART 4: AWARENESS RAISING MEASURES AND INCENTIVES

Part 4:

Section 23 provides that Partner States must raise awareness on the effects of plastic pollution on the environment and the availability of alternatives to plastic.

Section 24 and 25 states that Partner States should provide regulatory and economic incentives to activities aimed at controlling pollution caused by single-use plastics.

Section 26 provides that each Partner State shall submit to the Council a detailed outline of the incentives it intends to put in place to promote eradication of single-use plastics.

Rationale:

- Raising awareness and adequate financing are crucial for the efficient management of single use plastics.

Given your knowledge of the workings of the EAC, do you think the East African Development Fund would be ideal here?

ALN KENYA
Anjarwalla & Khanna

PART 5: SANCTIONS AND ENFORCEMENT

- *Section 27 and 28* of the Draft SUP Bill provides for enforcement of the Draft Bill. The environmental authority of each Partner State is in charge of implementing this Bill. The environmental authorities are allowed to develop joint assistance for effective co-ordination.
- *Section 29 and 30* of the Draft SUP Bill allows for environmental authorities in each partner states to impose monetary penalties, stop occurrence of the offence and non issuance of compliance notice.

- General Penalties (i.e., the penalties for offences that have not been prescribed):

For Individuals:	For Entities
• an administrative fine of up to **USD 5,000**; • imprisonment up to **6 months**; or • a combination of both.	• fines of up to **5%** of their **preceding year's annual turnover**. • If a body corporate is involved in an offense, and it can be linked to the actions or negligence of its directors, managers, secretaries, or similar officers, they will be held accountable.

- Where it is established that the individual is a repeat offender, **the penalty against such a person shall be doubled.**

ALN KENYA
Anjarwalla & Khanna

PART 5: SANCTIONS AND ENFORCEMENT

- The penalties for manufacturing, selling, importing and using SUPs **(Section 6(1))** include:

For Individuals:	For Entities
• a maximum administrative fine of **USD 40,000**; • imprisonment up to **12 months**; or • a combination of both.	• fines of up to **10%** of their **preceding year's annual turnover**.

- The penalties for pilling or disposing of any SUP in a public place **(Section 6(2))** are:

For Individuals:	For Entities
• an administrative fine not exceeding **USD 20,000**; • imprisonment up to **12 months**; or • a combination of both.	• fines of up to **10%** of their **preceding year's annual turnover**. • the offending individual may be required to remove waste and repair damages caused.

ALN KENYA
Anjarwalla & Khanna

PART 5: SUMMARY COMPLIANCE NOTICE AND CERTIFICATE OF COMPLIANCE

1. The relevant environmental authority can issue a compliance notice to individuals or corporations who violate Section 6(1) or Section 6(2) of the Act. This notice prohibits specific activities until the necessary corrective actions are taken.
2. A compliance notice contains information about the reasons for its issuance, the required corrective actions, the right to appeal, and the consequences of non-compliance.
3. Individuals or corporations receiving a compliance notice can appeal the decision within the courts or tribunals of the relevant Partner States based on various grounds, such as errors in fact or law, unreasonableness, or other valid reasons.
4. After complying with a compliance notice, the environmental authority issues a completion certificate, rendering the notice ineffective. Individuals can request this certificate, and the authority must make a decision within 14 days.
5. Failure to comply with a compliance notice results in an offense with penalties, including fines, imprisonment, and fines based on a percentage of an entity's annual turnover. The Act takes precedence over other related laws, and the Council can create regulations to enforce its provisions.

ALN KENYA
Anjarwalla & Khanna

PART 5 DRAFT SUP BILL:

THE COMPLIANCE NOTICE
- Section 32 and Section 33

APPEAL AGAINST COMPLIANCE NOTICES
- Section 34 and Section 35

COMPLETION CERTIFICATE
- Section 36

APPEALS AGAINST DECISIONS NOT TO ISSUE A COMPLETION NOTICE
- Section 37

FAILURE TO COMPLY WITH A COMPLIANCE NOTICE
- Section 38

POWER OF SEIZURE
- Section 39

POWER OF ENTRY AND EXAMINATION
- Section 40

PART 6: MEASURES TO RAISE AWARENESS AND INCENTIVES

Section 42 Draft SUP Bill

The Act takes precedence over other laws in Partner States.

Section 43 Draft SUP Bill

The Council may make regulations generally giving effect to the provisions of the Act.

Rationale:

- We have proposed these provisions in order to ensure uniformity throughout the EAC Partner States.
- We anticipate that this uniformity will result in efficient management of single-use plastics and prevent transboundary spilling of the single-use plastics within the EAC.
- The regulations and subsidiary provisions will provide further clarity on the provisions of the Draft SUP Bill. One such provision is the provision on the financing of the initiatives.

Typically how effective is giving the Council the responsibility to make regulations?

ALN KENYA
Anjarwalla & Khanna

KEY CONSIDERATIONS AND QUESTIONS

How to establish a legal framework to control the manufacture, importation, use and sale of SUPs, that coordinates with existing regulations and agreements within the Partner States?

How to allocate technical and financial support to the framework?

How to establish monitoring and reporting structures that track progress and ensure compliance?

Does the EAC provide for financial and regulatory incentives?

ALN KENYA
Anjarwalla & Khanna

Next steps

ALN presented the bill to the EALA Committee on Agriculture, Tourism, and Natural Resources

The Committee considers the bill and referred it further to the EALA research department

The Committee table bill to the EAC Assembly

The Speaker of the Assembly passes the Bill to the Head of States for assent

If the bill is assented to by all the Head of States it passes as an Act

- If not, the Bill goes back to the Assembly

ALN KENYA
Anjarwalla & Khanna

Potential Risks: The Perils of Unverified Plastic Alternatives

"Studies have basically found out that the degradation of bioplastics in the guts of sea turtles is no different than plastic," she said.

Plant-based doesn't necessarily mean plant-friendly

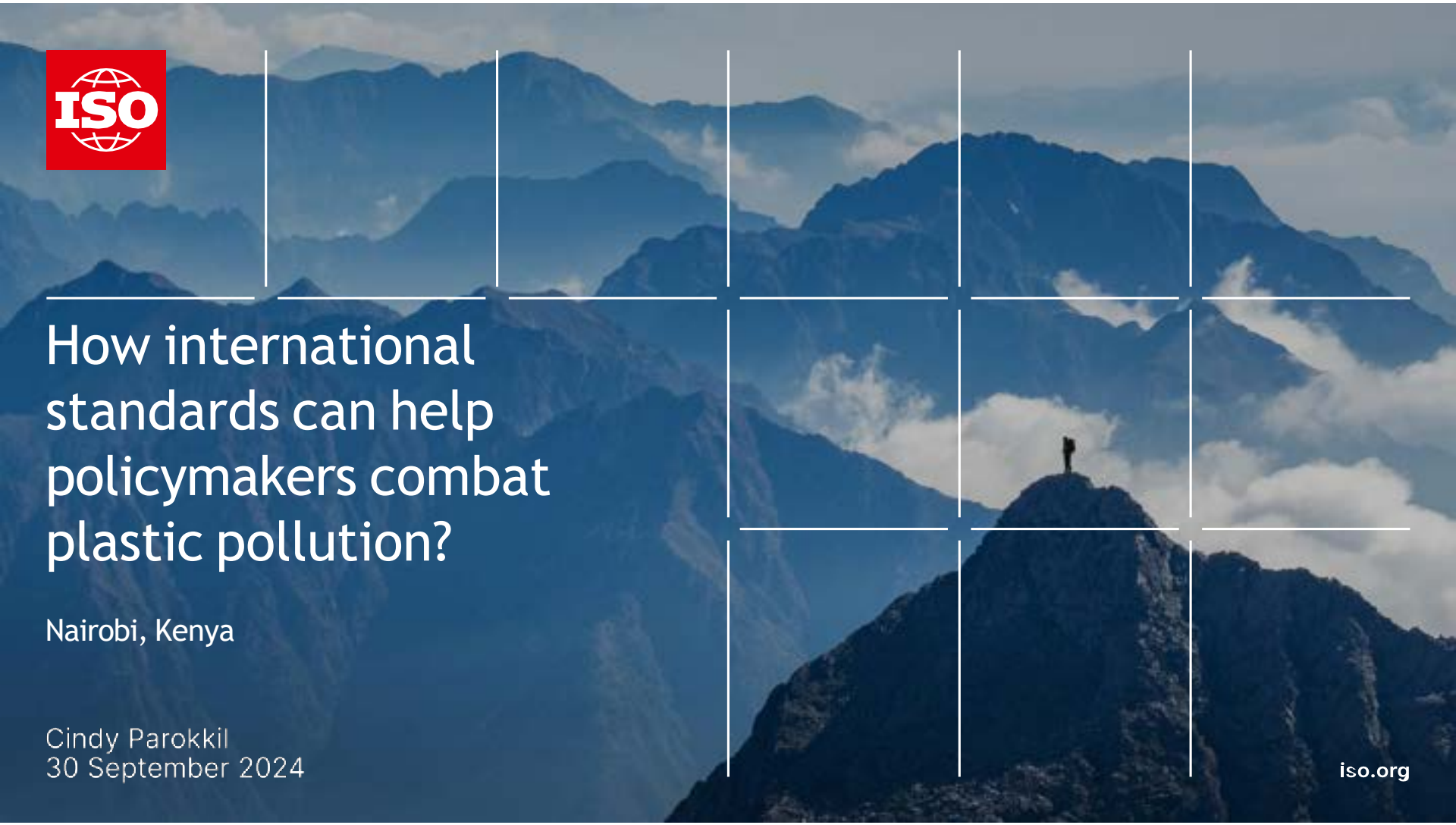
"People use a lot of bamboo items in the US, but bamboo doesn't grow in the US," she said. "It grows in China, and the carbon footprint is phenomenal."

ALN KENYA
Anjarwalla & Khanna

THANK YOU

Faith Macharia-Okaalo
Partner, ALN
E **faith.macharia@aln.africa**

ALN
KENYA
Anjarwalla & Khanna



How international standards can help policymakers combat plastic pollution?

Nairobi, Kenya

Cindy Parokkil
30 September 2024

Agenda

01 Introduction to ISO

02 The WTO TBT Agreement, International Standards and ISO

03 International Standards and Public Policy

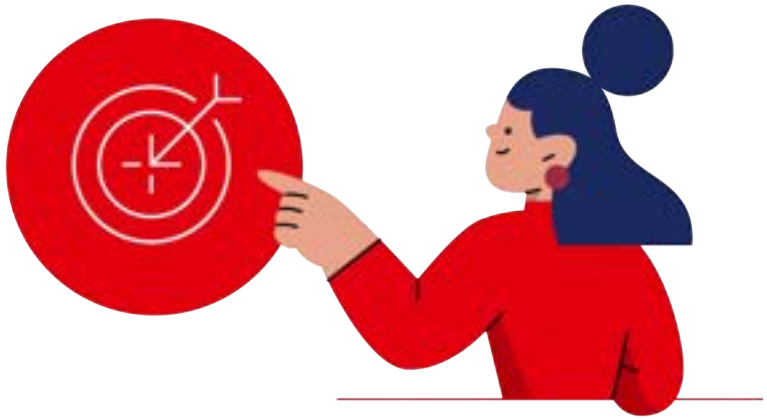
04 How international standards can help policymakers combat plastic pollution?

05 Key messages

Introduction to ISO

We are ISO, the International Organization for Standardization.

Making lives easier, safer and better



We are an ***independent***, non-governmental organization

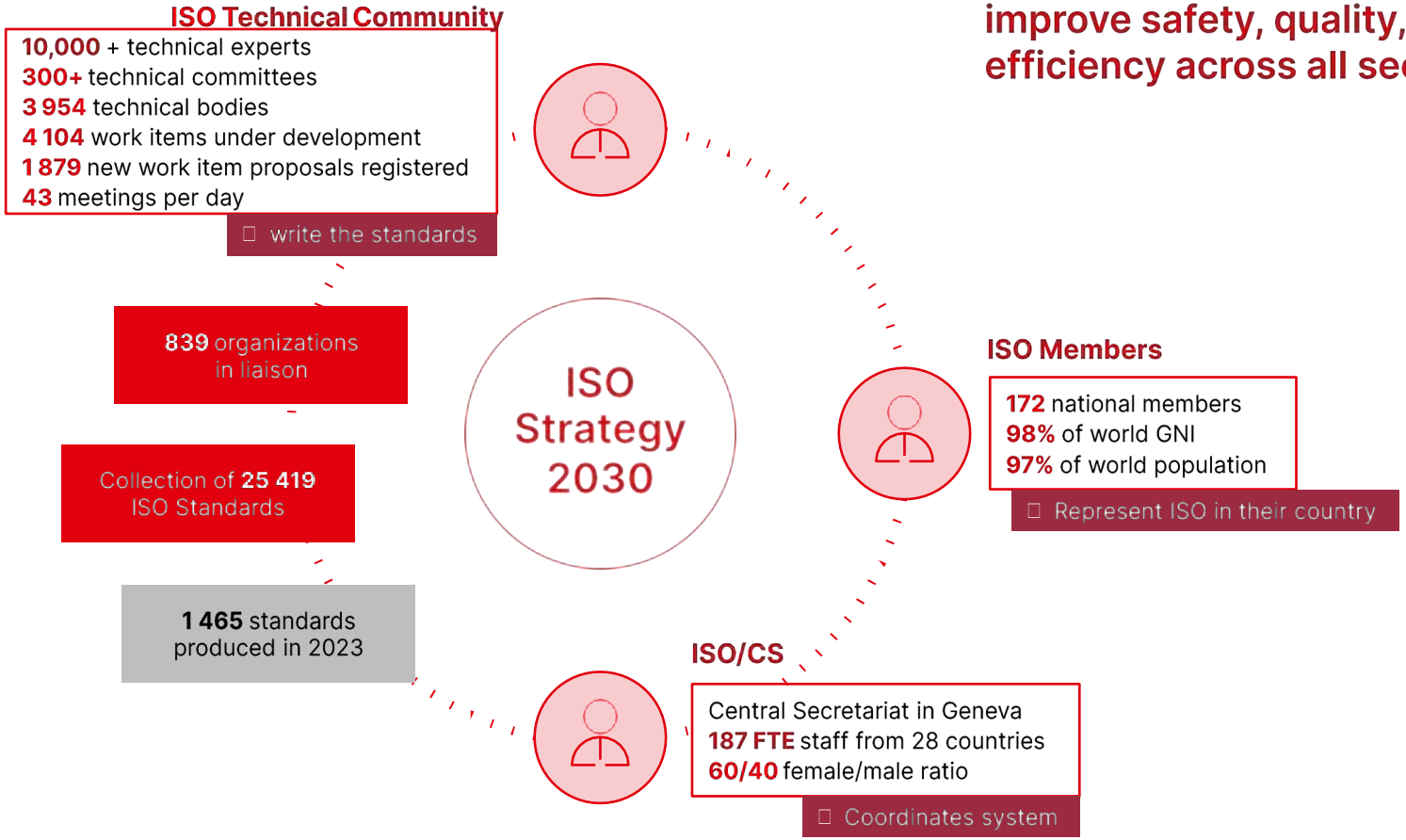
Our job is to make ***International Standards***

We are ***a global network of national standards bodies*** with one member per country

We are coordinated by a Central Secretariat in ***Geneva, Switzerland***

ISO system

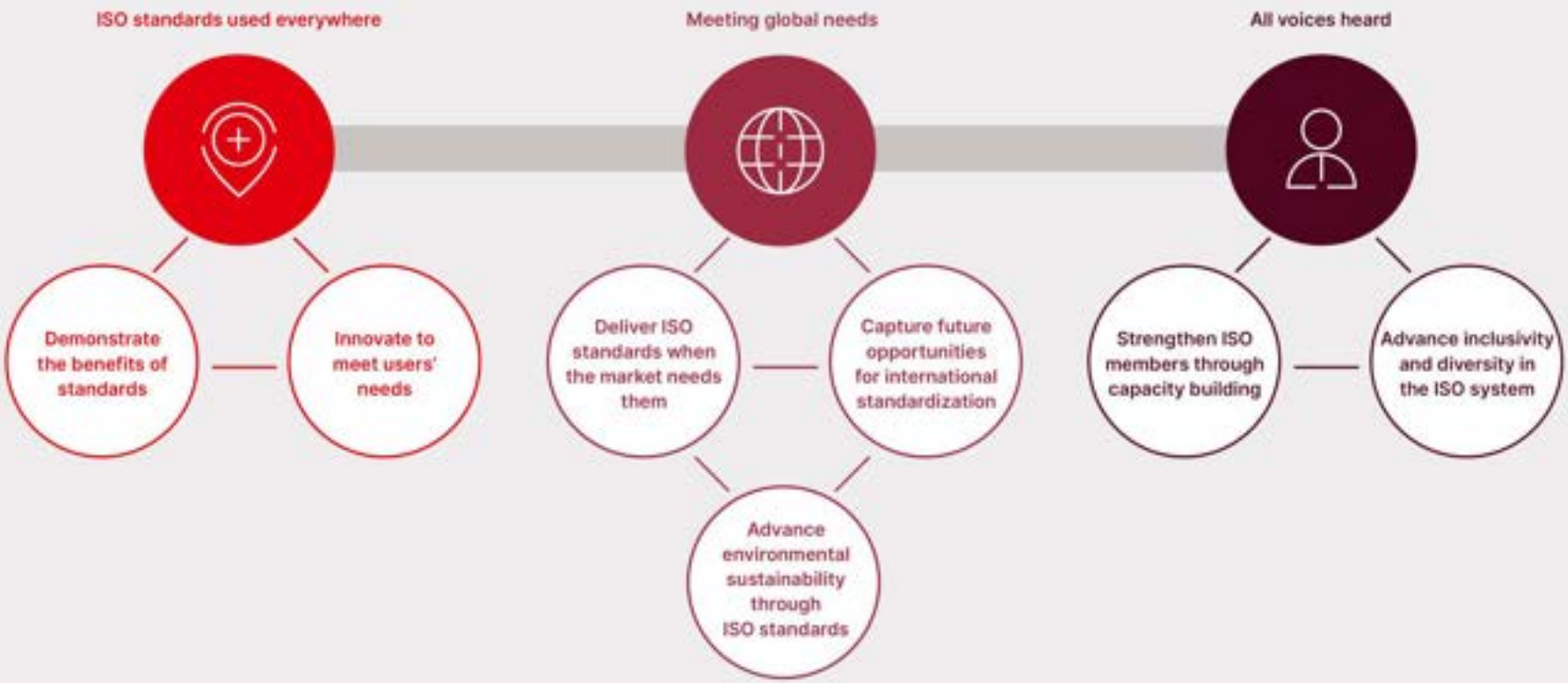
We develop and publish international standards to improve safety, quality, and efficiency across all sectors.



ISO strategy 2021 – 2030:

ISO's vision
Why we do
what we do

Making lives ***easier***, ***safer*** and ***better***.



How many ISO members are from a developing country?

a. 126

b. 133

c. 95

126 / 172 members are from Developing Countries

International trade is a key driver: 76% of DCs members = WTO TBT national enquiry points

Mostly government departments / public law organizations

Undertake standards development and conformity assessment activities

Kenya, Nigeria, Ghana

Country/Territory	Acronym	Membership	TC Participation	PDC Participation
Kenya	KEBS	Member body	274	3
Nigeria	SON	Member body	118	3
Ghana	GSA	Member body	65	3

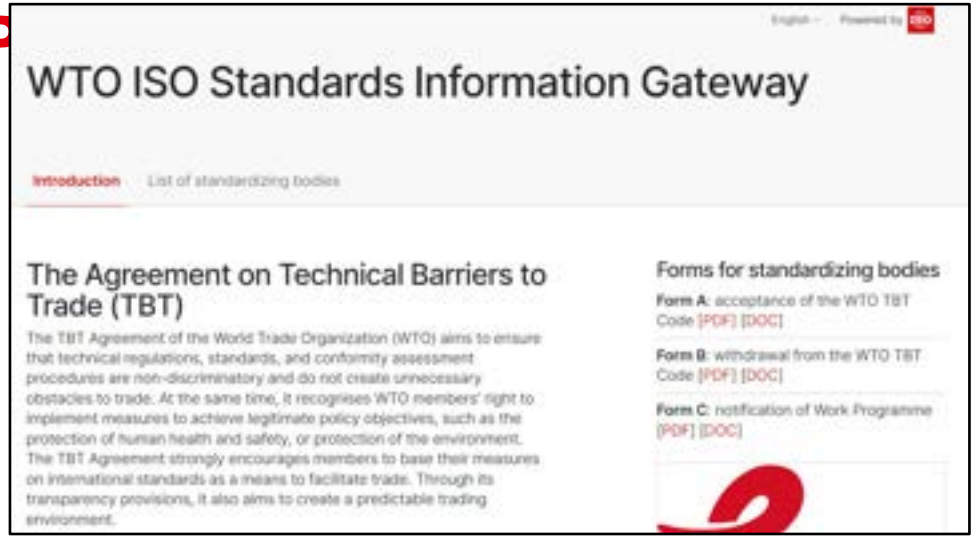
We have 3 three member categories:

- Full members: Influence
- Correspondent members: Observe
- Subscriber members: Up-to-date

For more info, see: ISO - Members

The WTO TBT Agreement, International Standards and ISO

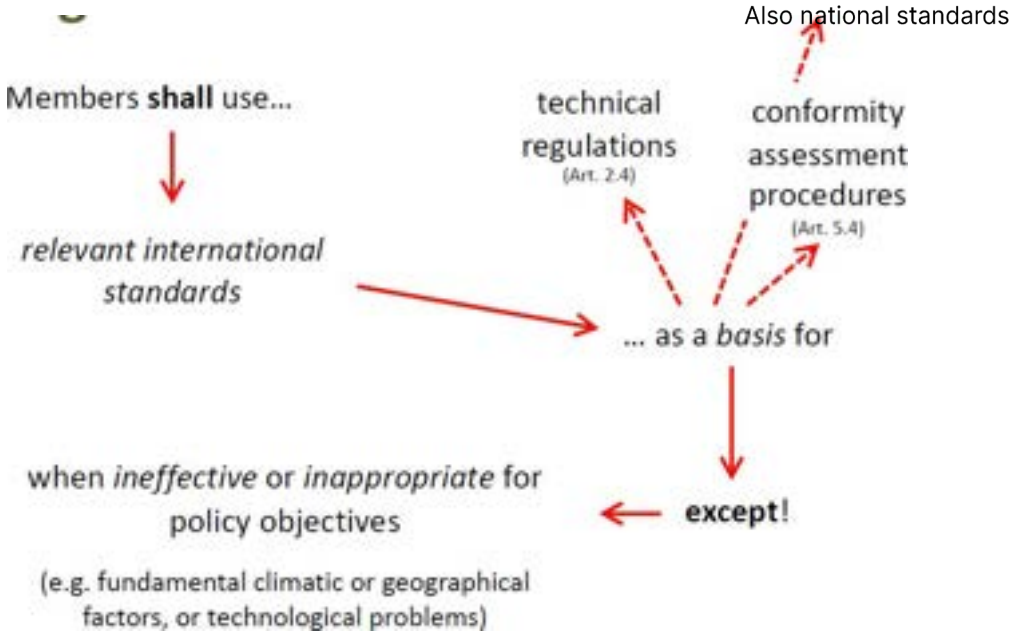
76% of ISO's **members from developing countries** are WTO TBT **National Enquiry P**



Every NSB needs to notify compliance with the requirements of the WTO TBT Code of Good Practice for the preparation, adoption and application of Standards and their Work Programme through the WTO-ISO standards information gateway

TBT Agreement:
using international standards

+ AfCFTA Annex 6



Presumption of not creating an unnecessary barrier to trade when requirements are in accordance with "relevant" international standards (Art. 2.5)

Source: WTO 2024

WTO TBT – Decision of the Committee on *Principles for the development of International Standards…with relation to Articles 2,3 and Annex 3 of the Agreement*

- Transparency
- Openness
- Impartiality and **consensus**
- Effectiveness and relevance
- Coherence
- Development dimension

+ Additional ISO emphasis on:

- Stakeholder engagement
- Due process
- National implementation / adoption of ISO standards

= ISO/IEC/ITU principles for the development of International Standards

How are international standards developed?

Proposed by

- ISO's members
- liaison organizations
- occasionally ISO governance.

Developed in a committee through CONSENSUS

Members:

- Represent ISO in their country
- Vote, participate in, propose and lead work
- Nominate experts

ISO:

- Provides the platform
- Coordinates process
- Capacity building

ISO applies the WTO TBT 6 principles

The strength of the International Standards System: members (NSBs)

Technical committees

International

Regional standardization organizations

National

National Mirror Committees

About ISO/TC 61 Plastics

About

Secretariat: SAC

Committee Manager: Mr Jiandong Wang

Chairperson (until end 2025): Mr H.A.A. Omloo

ISO Technical Programme Manager [TPM]: M Stéphane Sauvage
ISO Editorial Manager [EM]: Mrs Martha Casantosan

Creation date: 1947

746	93	35	37
Published ISO standards	ISO standards under development	Participating members	Observing members

Scope

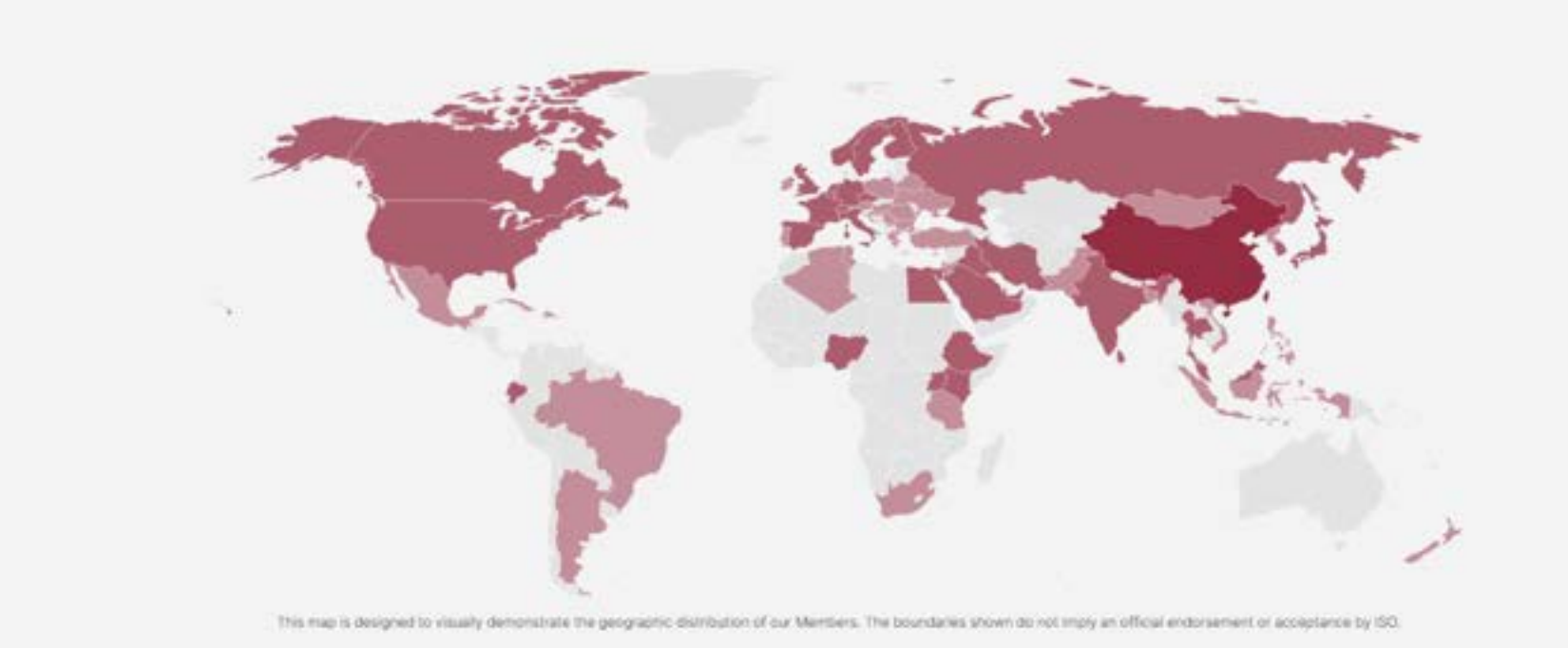
Standardization of nomenclature, methods of test, and specifications applicable to materials and products in the field of plastics including processing (of products) by assembly in particular, but not limited to, polymeric adhesives, sealing, joining, welding.

Excluded: rubber, lacquers.

Note 1: By agreement, standards in relation to thermoplastic elastomers are developed and maintained by ISO/TC 45 and by ISO/TC 61.

Note 2: Jointing technology (including equipment and training) between plastic pipes (including all types of reinforced plastics), and/or fittings, valves and auxiliary equipment, and the assessment of the properties of the resulting joints are developed and maintained by ISO/TC 138.

Participation



P members (35), O members (37)

Participation

Participating Members [35]

Country/Territory	Acronym
Belgium	NBN
Canada	SCC
China	SAC
Czech Republic	UNMZ
Ecuador	INEN
Egypt	EOS
Ethiopia	IES
Finland	SFS
France	AFNOR
Germany	DIN
India	BIS
Iran, Islamic Republic of	INSO
Iraq	COSQC
Israel	SII
Italy	UNI
Japan	JISC
Kenya	KEBS
Korea, Republic of	KATS
Luxembourg	ILNAS
Malaysia	DSM
Netherlands	NEN
Nigeria	SON
Norway	SN
Qatar	QS
Russian Federation	GOST R
Saudi Arabia	SASO
Spain	UNE
Sri Lanka	SLSI
Sweden	SIS
Switzerland	SNV
Thailand	TISI
Uganda	UNBS
United Arab Emirates	MoIAT-ESMA
United Kingdom	BSI
United States	ANSI

Observing Members [37]

Country/Territory	Acronym
Algeria	IANOR
Argentina	IRAM
Austria	ASI
Bangladesh	BSTI
Belarus	BELST
Brazil	ABNT
Bulgaria	BDS
Croatia	HZN
Cuba	NC
Cyprus	CYS
Dominican Republic	INDOCAL
Greece	NQIS ELOT
Hong Kong Special Administrative Region of China	ITCHKSAR
Hungary	MSZT
Indonesia	BSN
Ireland	NSAI
Jordan	JSMO
Korea, Democratic People's Republic of	CSK
Mauritius	MSB
Mexico	DGN
Mongolia	MASM
New Zealand	NZSO
Pakistan	PSQCA
Palestine, State of	PSI
Philippines	BPS
Poland	PKN
Portugal	IPQ
Romania	ASRO
Serbia	ISS
Singapore	SSC
South Africa	SABS
Tanzania, United Republic of	TBS
Trinidad and Tobago	TTBS
Tunisia	INNORPI
Türkiye	TSE
Ukraine	SE UkrNDNC
Viet Nam	STAMEQ

Liaison

Liaison Committee to ISO/TC 61(the committees below can access the documents of ISO/TC 61):

Reference	Title
IEC/SC 59D	Performance of household and similar electrical laundry appliances
IEC/TC 15	Solid electrical insulating materials
IEC/TC 89	Fire hazard testing
IEC/TC 101	Electrostatics
IEC/TC 111	Environmental standardization for electrical and electronic products and systems
ISO/TC 44	Welding and allied processes
ISO/TC 45	Rubber and rubber products
ISO/TC 138	Plastics pipes, fittings and valves for the transport of fluids
ISO/TC 138/SC 2	Plastics pipes and fittings for water supplies
ISO/TC 138/SC 4	Plastics pipes and fittings for the supply of gaseous fuels
ISO/TC 138/SC 5	General properties of pipes, fittings and valves of plastic materials and their accessories
ISO/TC 150	Implants for surgery
ISO/TC 173/SC 3	Aids for ostomy and incontinence
ISO/TC 180	Solar energy
ISO/TC 207	Environmental management
ISO/TC 213	Dimensional and geometrical product specifications and verification
ISO/TC 229	Nanotechnologies
ISO/TC 256	Pigments, dyestuffs and extenders
ISO/TC 261	Additive manufacturing
ISO/TC 269	Railway applications

Liaison Committee from ISO/TC 61 (ISO/TC 61 can access the documents of the committees below):

Reference	Title
IEC/TC 111	Environmental standardization for electrical and electronic products and systems
ISO/TC 22/SC 34	Propulsion, powertrain and powertrain fluids
ISO/TC 22/SC 35	Lighting and visibility
ISO/TC 35	Paints and varnishes
ISO/TC 35/SC 12	Preparation of steel substrates before application of paints and related products
ISO/TC 45	Rubber and rubber products
ISO/TC 136	Furniture
ISO/TC 138	Plastics pipes, fittings and valves for the transport of fluids
ISO/TC 138/SC 3	Plastics pipes and fittings for industrial applications
ISO/TC 150	Implants for surgery
ISO/TC 153	Valves
ISO/TC 173/SC 3	Aids for ostomy and incontinence
ISO/TC 180	Solar energy
ISO/TC 188	Small craft
ISO/TC 207	Environmental management
ISO/TC 207/SC 3	Environmental labelling
ISO/TC 229	Nanotechnologies

Organizations in liaison:

A: Environmental Coalition on Standards (ECOS), International Union of Pure and Applied Chemistry

B: EC(European Commission), UNESCAP, World Customs Organization, World Health Organization

Structure

Reference	Title	Type
ISO/TC 61/SC 1	Terminology	Subcommittee
ISO/TC 61/SC 2	Mechanical behavior	Subcommittee
ISO/TC 61/SC 4	Burning behaviour	Subcommittee
ISO/TC 61/SC 5	Physical-chemical properties	Subcommittee
ISO/TC 61/SC 6	Ageing, chemical and environmental resistance	Subcommittee
ISO/TC 61/SC 9	Thermoplastic materials	Subcommittee
ISO/TC 61/SC 10	Cellular plastics	Subcommittee
ISO/TC 61/SC 11	Products	Subcommittee
ISO/TC 61/SC 12	Thermosetting materials	Subcommittee
ISO/TC 61/SC 13	Composites and reinforcement fibres	Subcommittee
ISO/TC 61/SC 14	Environmental aspects	Subcommittee
ISO/TC 61/CAG	Chair Advisory Group	Working group
ISO/TC 61/WG 5	Electrical, Magnetic & Opto-electrical Properties of Plastics and Composites	Working group

Joint working groups under the responsibility of another committee

Reference	Title
ISO/TC 261/JWG 11	Joint ISO/TC 261 - ISO/TC 61/SC 9 WG: Additive manufacturing for plastics

Key Technical Committees to follow on plastics

- ISO/TC 61/SC 14, Plastics – Environmental aspects
- ISO/TC 122/SC 4, Packaging and the environment
- ISO/TC 207, Environmental management
- ISO/TC 323, Circular economy

How to participate in ISO's technical work?

- At the national level: It is possible to participate via **your NSB** and contribute your expertise
- At the international level:
  - If **you are already a liaison organization**, you can engage with the technical committees directly and help develop standards
  - If you would like to **become a liaison organization**, reach out to a Technical Programme Manager of the respective technical committee

International, Regional, Sub-regional and National standardization systems

EAC reported this year that 1133 out of 1823 harmonised standards are direct adoptions of ISO standards.

INTERNATIONAL

IEC

80 members (National Committees) and 80 affiliates globally

ISO

169 National Standards Body members globally – 45 are from Africa

ITU

ITU-T
Agency of the UN.
Members are national governments and industry

US SDOs, fora and consortia
IEEE, ASTM, AAMI, W3C etc

REGIONAL

ARSO has 42 national members

ISO and ARSO signed an MoU in July 2023: ARSO now has full access to all ISO Standards for purposes of harmonisation and endorsement.

SUB-REGIONAL

15 Member States

7 Member States

14 Member States

21 Member States

Recap: The value of International Standards

Source: BSI

- Consistent with WTO TBT Agreement
- **Voluntary**, market-led, needs-driven
- Developed by convening the ecosystem (diverse group of experts)
- Legitimacy through **consensus**, **governance** framework and public consultation
- Undergo systematic review to ensure their continuing **validity**
- Can be supported through conformity assessment and accreditation
- Enable **innovation** (flexible, fast-track standards development models deployed)
- Can facilitate trade, support **regulatory policy and** compliance with regulation.

Standards and Public Policy

Context 1/2

Policymakers are pivotal in driving forward the move to a sustainable world in a transparent and fair manner, within trusted market frameworks.

Policymakers and regulators **need to use all levers** available to them, including voluntary **standards, to achieve their policy objectives.**

Standards can be referenced in regulations, through numerous methods, and this is encouraged in line with GRP and the WTO TBT Agreement.

Regulation and legislation have three drawbacks that standards address:

1. The political timetable does not keep pace with technology change and so regulations can become dated
2. National regulations can create barriers to trade and market fragmentation
3. Regulations rarely explain the “how to”

Context 2/2

International Standards are agile tools that can help:

- Design forward-looking public policies
- Enable technical legitimacy and save resources
- Expect broad acceptance: International Standards emerging from ISO's consensus-based process carry inherent legitimacy and international buy-in.
- Incentivize/build trust in the transition to sustainable markets, investment and public procurement
- Distinguish products and can help companies demonstrate conformance/compliance to market requirements
- Facilitate trade
- Enable regulatory agility and international regulatory cooperation

An NSB is a valuable partner in policy development and implementation.

 Question: How do we maximize this relationship, increase the uptake of and participation in ISO standards to accelerate the transition to an inclusive, sustainable and digital world?

Programme of action: 2023 - 2025

1 — 2 — 3 — 4 — 6

The toolkit comprises of:
1) **technical guide** which set the overall framework and explains the nexus between standards, trade policy, and regulations;
2) **step-by-step guide** for NSBs to enhance collaboration with policymakers

Provides a deep-dive into the pivotal role of international NSBs in supporting public policy development and implementation

First thematic policy brief, offering guidance supported by real-life examples

Regional technical workshops and capacity building

Global communities of interest

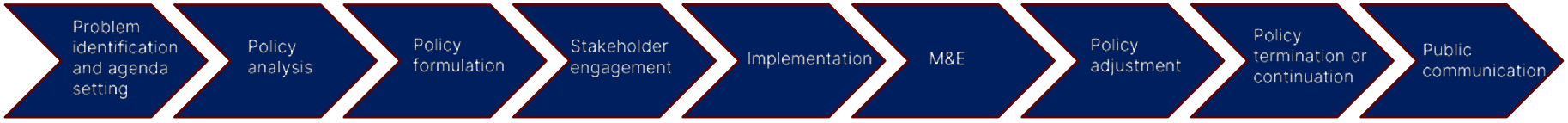
How can NSBs support policymakers in the development and implementation of public policy?

Preparing, adopting and applying public policies is the responsibility of policymakers and regulators.

NSBs can play a vital role **in supporting** the development and implementation of public policy by providing expertise, guidance and resources related to technical standards and best practices.

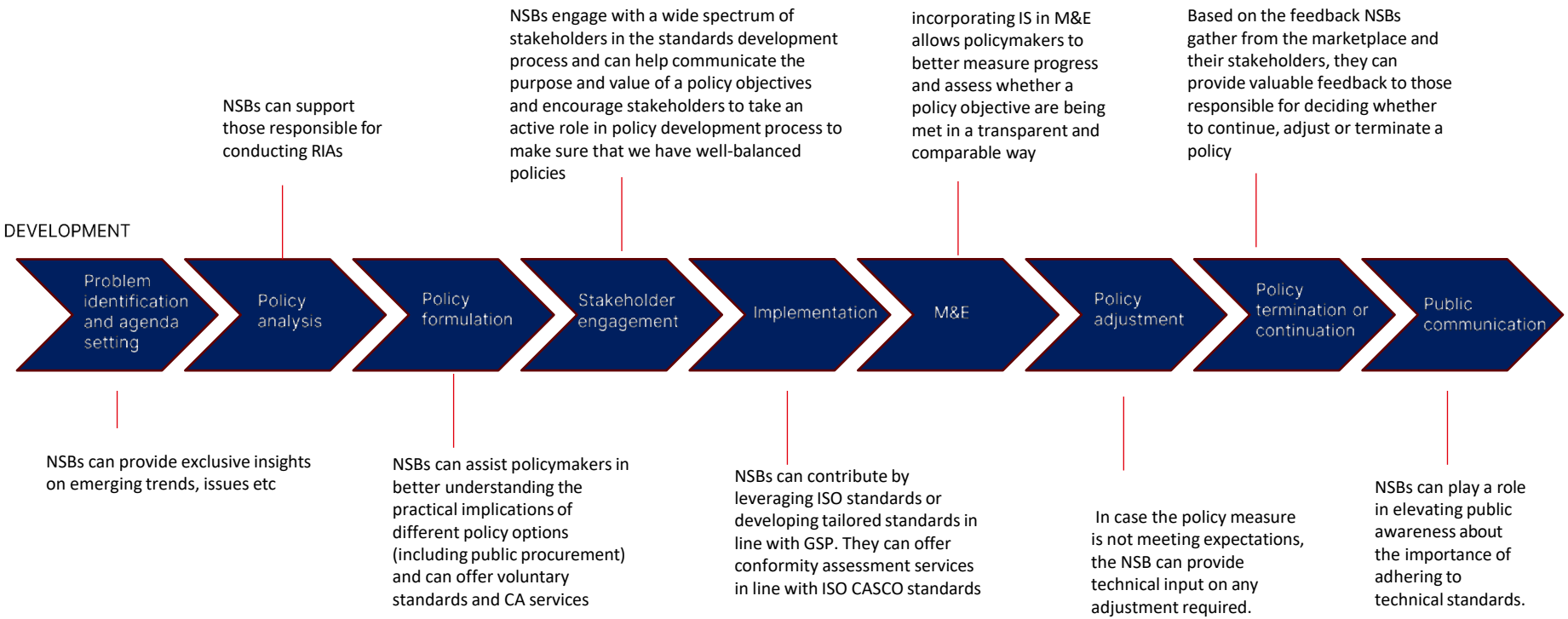
Their involvement throughout the policy life cycle can help ensure that policies are well-informed, effective and aligned with International Standards.

DEVELOPMENT

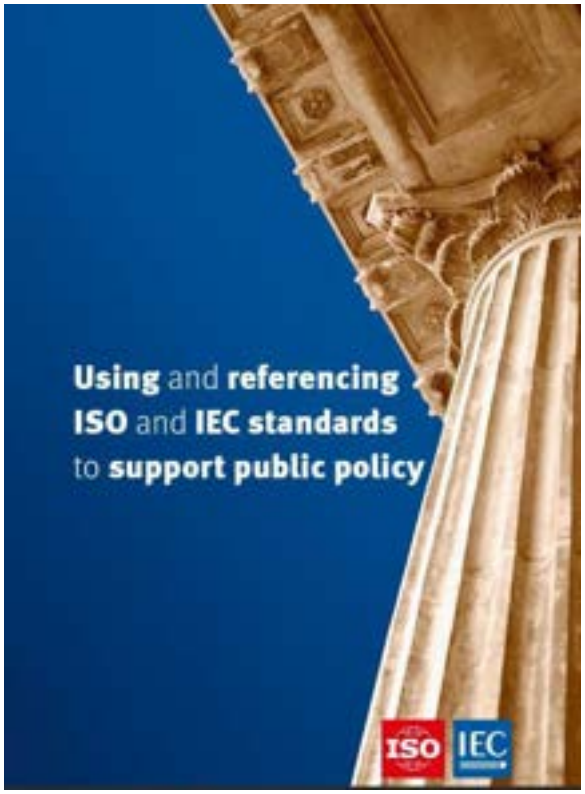


IMPLEMENTATION

How can NSBs support policymakers in the development and implementation of public policy?



Methods of referencing standards



Can be direct or indirect referencing to a standard as a whole or parts there of:

1) Direct references to specific standards in regulation

- Direct dated references, number and title of a standard is referenced and used with its date of publication. This means that only a particular edition of a standard is used
- Direct undated references, the regulation quotes only the number and title of a specific standard and not the date. The reference automatically corresponds to the latest edition of the standard and the regulations develops with the standard)

2) Indirect references to standards

- Indirect referencing involves recognizing and registering standards on an official information source external to the regulatory text. In this way, a list of standards deemed suitable by the regulator is compiled and published by an official process which the regulator controls.

How international standards can help policymakers combat plastic pollution?

Policy context

- On a global level, the most comprehensive process is the Intergovernmental Negotiating Committee (INC)
- The WTO has launched the global Dialogue on Plastics Pollution and Environmentally Sustainable Plastics Trade (DPP) to address the trade aspects of the plastics crisis
- Several international and regional instruments tackle aspects of the problem (e.g. pollution of the marine environment)
- A challenge is the implementation and alignment of international and regional obligations with national objectives, policy measures and capacities.

- “Together with strong policies, trade measures and ambitious international commitments, International Standards are instrumental in combatting plastic pollution and moving towards a safe, sustainable and circular economy”

How can the ISO system support combat plastic pollution?

- ISO standards provide solutions that have the buy-in of many stakeholder groups, which can help guarantee a **high level of acceptance** for the policy guidance or legislation
- ISO standards help lay a solid foundation for global action, ensuring greater **consistency and providing international benchmarks** to increase the impact of any global effort.
- ISO standards provide tools, guidance and methodologies for national and local authorities, businesses and other relevant organizations to **take action** against plastic pollution
- ISO members, **172 NSBs**, can play a vital role in **supporting public policy** by providing expertise, guidance and resources related to technical standards and international good practices.
- Regulators can **rely on ISO standards** for internationally harmonized solutions that are continually reviewed and improved to achieve their national and international plastic pollution objectives and commitments, **avoiding unnecessary technical barriers to trade**
- ISO is supported by the most extensive and independent Conformity Assessment ecosystem with several thousand trained companies and individuals active worldwide today, which is crucial to avoid greenwashing and ensure **accountability.**

Sustainable design

- **Establishing ecodesign framework**: ISO 14006, Environmental management systems – Guidelines for incorporating ecodesign
- **Designing reusable packaging**: ISO 18603:2013, Packaging and the environment – Reuse

Example

French National Pact on Plastic Packaging (2019) cites the definition of "reuse" and "reusable packaging" from ISO 18603:2013.

Transparency and ecolabeling

- **Verifying environmental claims, including symbols**: ISO 14021, Environmental labels and declarations – Self-declared environmental claims (Type II environmental labelling)
- **Harmonizing definitions and technical requirements for compostable products**: ISO 5412, Plastics – Industrial compostable plastic shopping bags; ISO 5424, Plastics – Industrial compostable plastic drinking straws

Example

Incorporation of Directive (EU) 2019/904 in Greece states that plastic products should be visibly marked (e.g. if they are recyclable) according to EN ISO 14021 or equivalent standard.

Waste management

- **Ensuring accurate product marking and expediting sorting of waste**: ISO 11469, Plastics – Generic identification and marking of plastics products; ISO/TR 18568, Packaging and the environment – Marking for material identification
- **Making the waste management infrastructure sustainable**: ISO 14001 and related standards

Example

In the approval of the national solid waste management strategy, Vietnamese policymakers refer to the ISO 14000 series of standards: "The Ministry of Industry and Trade shall support enterprises and owners of waste sources in implementing plans to prevent and reduce waste and apply cleaner production methods and environmental control system ISO 14000; and elaborate and implement a master plan to develop the environmental industry, including the waste recycling industry".

Conformity assessment

- **Ensuring accuracy of certification and testing**: CASCO Toolbox standards

Example

Annex III of EU directive 2020/2184 on water quality states that "Member States shall ensure that laboratories or parties contracted by laboratories apply quality management system practices in accordance with EN ISO/IEC 17025 or other equivalent standards accepted at international level."

Circular economy

- **ISO/TC 323 Circular economy** just published 4 International Standards on terminology and principles, measuring and assessing circularity, as well as on the transition of business models and value networks

Key messages

Key messages

Using globally recognized terms and definitions, as well as standardized and clear ecolabelling requirements, can help strengthen **consumer trust and prevent greenwashing.**

Standardized marking and labelling systems can also help enforce policies that target a specific chemical, polymer or type of product (e.g. non-biodegradable plastic bans) and streamline sorting and recycling.

Using International Standards to evaluate projects for the construction or renovation of recycling and recovery facilities can ensure that these are based on the latest technical expertise and help mitigate risks.

Conformity assessment procedures play a crucial role in verifying and testing whether a product adheres to national rules and regulations, forming an integral part of the national compliance mechanism. Certification to ISO standards is globally recognized, and is consistent and comparable worldwide.

Key messages:

- Consider using international standards as the basis for technical regulations and conformity assessment activities, as recommended by the WTO, AfCFTA Annex 6 and GRP to avoid unnecessary barriers to trade and enable regulatory cooperation.
- Increase your participation in the international standardization system through your National Standards Body's relevant TCs
- Systematically engage with your NSB and tap into their expertise throughout the process of policy development and implementation.

Thank you.

Making lives ***easier***, ***safer*** and ***better***.

Cindy Parokkil
parokkil@iso.org

Break | 11:00 – 11:30

ECOS presentations from the report

Common challenges of plastics reduction and management in three nations

- Problem definition & report scope

National policies, regulations and standards on plastics, including on biodegradation and compostability

- Policies and regulations in Kenya, Nigeria and Ghana
- Standards in Kenya, Nigeria, and Ghana

ecos

State of plastic pollution

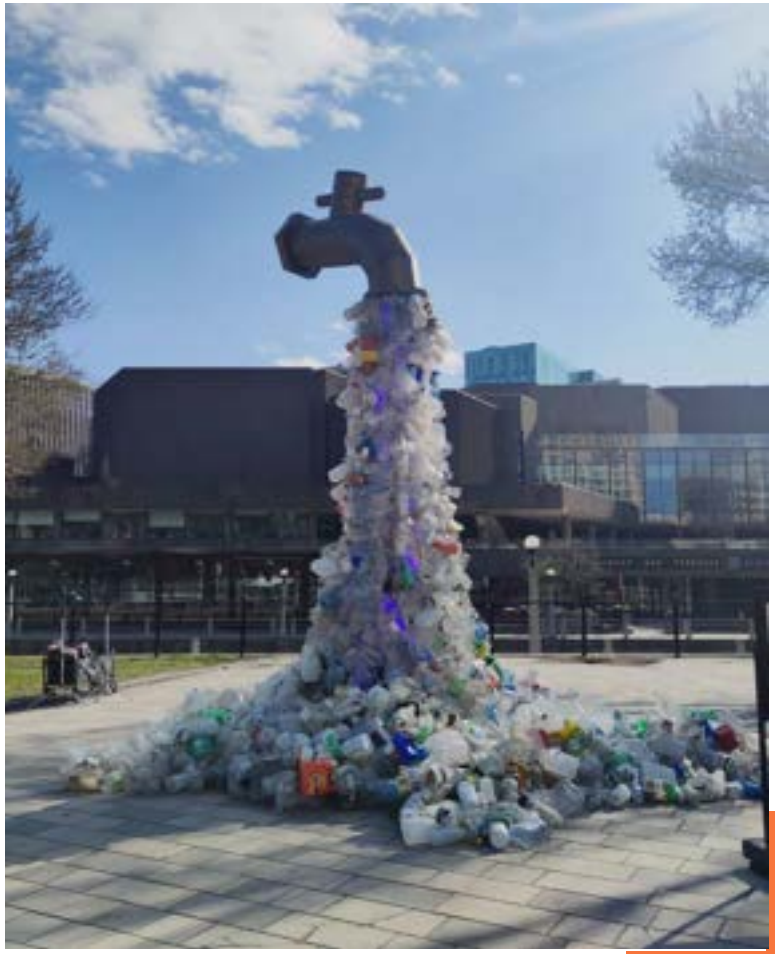
Plastics are ubiquitous across sectors.

460 million tonnes consumed globally *per year*, tripling by 2060.

⚽ = 70,000 football fields with 1m thick layer of plastic.

6.5 million tonnes of plastic waste *annually* in Kenya, Nigeria, and Ghana combined.

⚽ = 1,000 football fields covered with a 1m thick layer of plastic



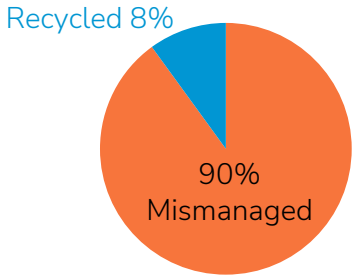
ecos

State of plastic pollution

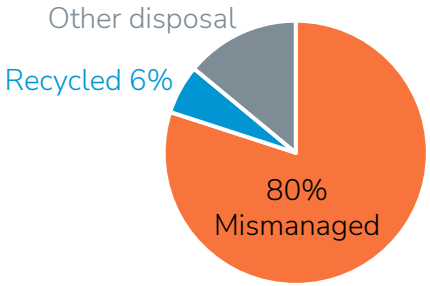
- Over 99% of all plastics produced globally are fossil-based and non-biodegradable.
- Only 9% are recycled.

ecos

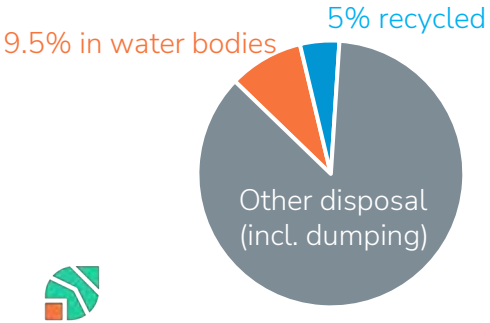
State of plastic pollution - East and West Africa



Kenya: 966,000 tonnes plastic waste annually.
90% is mismanaged.
8% is recycled.



Nigeria: 4.7 million tonnes plastic waste annually.
80% is mismanaged.
6% is recycled.



Ghana: 850,000 tonnes plastic waste annually.
9.5% goes into water bodies.
5% is recycled.

ecos

State of plastic pollution

- Plastic products contain toxic substances, even biodegradable and compostable plastics.
- Microplastics are everywhere on the planet and within our bodies.
- Health hazards for marine, soil and human life.
- Rising greenhouse gas emissions from plastic production.

ecos

Circularity hierarchy for materials

Source: ECOS.

Scope of the report

Plastic products in food, agriculture and forestry sectors.

Food packaging	Bottles, packets, pouches, containers
Agriculture	Mulch film, plant pots
Forestry sector	Seedling tubes
Plastic bags	Carrier bags, shopping bags, bin liners

ecos

Photo credits: Brian Yurasits; Devi Puspita Amartha Yahya; Cesar Badilla Miranda; Thomas Fields; Naja Bertolt Jensen.

Scope – Bio-based, biodegradable, compostable?

Bio-based	• Fully or partially made from **biological resources**, not fossil. • Not always compostable or biodegradable.
Biodegradable	• Designed to **biodegrade in a specific medium**, e.g. soil, compost. • Environmental conditions affect time needed for biodegradation. • Must leave no persistent, hazardous or toxic residue.
Compostable	• Designed to **biodegrade and disintegrate with bio-waste** in compost. • Difference between home or industrially compostable. • Must leave no visible, persistent, hazardous or toxic residue. • Does not biodegrade well in the open environment.
~~Oxo-degradable~~	• Plastic with additives to facilitate **disintegration**. • Creates persistent microplastics during disintegration.
~~Bioplastic~~	• Marketing term designating any of the above.

ecos

Biodegradation ≠ Disintegration ≠ Degradation
Disintegration: physical breakdown of a material into very small fragments (ISO 17088:2021)

Relevance of biodegradable and compostable plastics

Where can they add value?

Compostable: Support biowaste collection with compostable bin liners.

Biodegradable: Products used by definition within an open environment, e.g. certain farming and forestry products.

However:

- Mostly made from food crops (food security risks).
- Higher costs.
- Require adequate composting systems.
- Consumer education is key.

ecos

Relevance of biodegradable plastics?

Compostable and biodegradable plastics are not a silver bullet.

- Plastic composition must be free of hazardous chemicals.
- Must not replace possible reusable and recyclable solutions.
- Not a solution to mismanagement.

Non-plastic natural substitutes

- **Tree seedling potting bags** from fibre baskets and bamboo tubes
- **Food packaging** from plant leaves
- **Bags** made of cotton
- **Mulch** from coconut coir, hay, pineapple crowns, wood material…

Possible pros:

- Low cost
- Assured biodegradation
- Can be waste-based

Possible cons:

- Possible substances e.g. pesticides
- Not always adapted for all uses

ecos

Conclusion

- 1 meter of plastic waste over 1,000 football fields, each year.
- Reduce, reuse, recycle must prevail.
- Not a silver bullet: biodegradable plastics have niche potential and present risks.
- Some plastics can be replaced by natural substitutes.

How to ensure adequate use of plastic substitutes or alternatives?
How to correctly define biodegradable and compostable plastics?
How to test biodegradability of materials? Toxicity?
Policies, regulations, and standards.

ecos

Conclusion

- 1 meter of plastic waste over 1,000 football fields, each year.
- Reduce, reuse, recycle must prevail.
- Not a silver bullet: biodegradable plastics have niche potential and present risks.
- Some plastics can be replaced by natural substitutes.

How to ensure adequate use of plastic substitutes or alternatives?
How to correctly define biodegradable and compostable plastics?
How to test biodegradability of materials? Toxicity?
Policies, regulations, and standards.

ecos

National policies, regulations and standards on plastics, including on biodegradation and compostability

Summary of findings from the review of policies and regulations in Kenya, Nigeria and Ghana.



From analysis supported by our experts Alex Kubasu and Clem Ugorji.

ecos

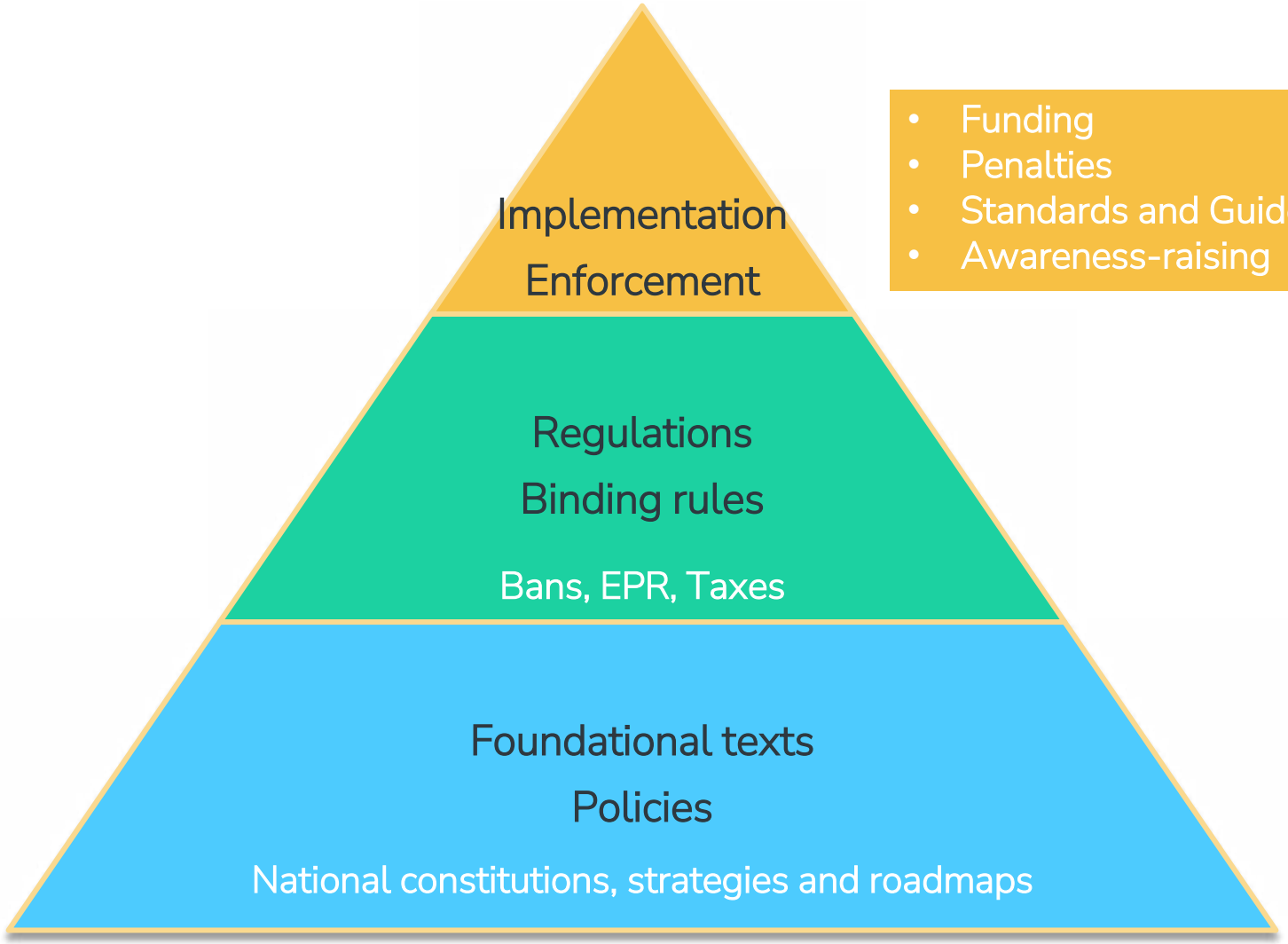
Goals for this session

To identify together policy/regulatory solutions to plastic pollution in East and West Africa.

- Share findings from our review of policies and regulations in Kenya, Nigeria and Ghana
- Hear from **your** expertise!

ecos

National policy and regulation



- Funding
- Penalties
- Standards and Guidelines
- Awareness-raising

Policy and regulatory tools already in place in Kenya, Ghana and Nigeria

Policy tools:

- Foundational principles
- Targets for plastic reduction and management

Regulatory tools:

- Public health, sanitation and waste management laws
- Bans on certain plastic products
- Requirements and standards for the use of alternatives
- Extended producer responsibility
- Taxation on plastic trade
- Standards and guidance

ecos

Policy and regulatory tools already in place in Kenya, Ghana and Nigeria

What challenges do you encounter within your respective countries in achieving policy goals?

ecos

Policy and regulatory challenges in Kenya, Nigeria and Ghana

Summary of our findings about key challenges:

- Coordinated action (local/national/regional)
- Rules enforcement
- Clarity and relevance of rules, feasibility of targets
- Stakeholder buy-in, education and empowerment
- Availability/commitment of resources (incl. waste management)
- Implementation guidance/standards

ecos

Summary of our recommendations

1. Adopt clear and ambitious targets to:

a) Reduce plastics production, trade and use.

b) Replace single-use plastics with reusable alternatives.

c) Substitute plastics with natural, biodegradable, and locally available materials like plant leaves, fibres, bamboo, etc.

d) Increase bio-waste collection for composting, using industrially compostable bags to aid separation.

Policy: Target-setting

Specific: What needs to change? How? Who?

Measurable: How will progress be measured? Against what baseline?

Achievable: Can the target be reasonably achieved?

Relevant: Does the target address the problem with adequate solutions?

Time-bound: By when should progress be achieved?

Success factors:

- Supportive regulation
- Resources and investments
- Stakeholder buy-in and participation

Key recommendations

2. Take measures to reduce plastics:

   a) Bans/phase-outs on unrecyclable, highly polluting plastics

   b) Financial measures (taxes, import duties) to curb trade

3. Develop EPR schemes: to hold producers accountable

4. Support reuse business models: tax breaks

5. Invest in research and innovation: identify and test effective and adapted solutions (e.g. alternatives, waste management models)

ecos

Regulations: Plastic bans and use of alternatives

Banning problematic plastics: single-use, unrecyclable, toxic.

Alternatives: (1) no product, (2) reuse, (3) material substitution

Success factors:

- S.M.A.R.T. criteria for related targets
- Alternative's cost, adequacy, feasibility…
- Avoiding regrettable substitutions
- Infrastructure availability
- Enforcement resources, proportionate penalties
- Awareness raising and education
- Guidance, standards

ecos

Regulations: Extended producer responsibility & taxation

EPR:

- Plastic manufacturers pay a fee for products placed on the market.
- Eco-modulated fees encourage circular product designs.

Taxation and duties:

- Paid during trade (e.g. product imports).
- Tax breaks for green businesses (e.g. reuse, natural materials).

Success factors:

- Enforcement

Key recommendations

6. Establish clear criteria and standards for the use of biodegradable and compostable plastics
    a) Restrict where they can/should be used, prioritizing reuse and natural substitutes.
    b) Ensure biodegradability/compostability within available infrastructure.
    c) Adopt clear definitions (see report's recommendation).
    d) Mandate the use of robust standards to certify non-toxicity, and full biodegradability/compostability.

ecos

Key recommendations

7. Upgrade waste management infrastructure.
8. **Control plastics in specific sectors:** agriculture, horticulture, food, forestry, construction, textiles…
9. Facilitate consumer education
10. Develop supportive green public procurement policies

Discussion

- To what extent is this relevant to your policy and regulatory context?
- What do you find works well or less well in your context? Why?

The specificities of standards

What is a **standard?**

- Agreed set of requirements, specifications or guidelines
- They apply to materials, products, processes & services
- They ensure these are fit for purpose

Safe

Sustainable

Interoperable

Comparable

ecos

What is a **standard?**

Standards versus regulation

Headline	Standards	Regulation
Technical specifications	State of the art	Defined by legislators or only essential requirements
Application	Voluntary	Mandatory
Responsible person	Interested stakeholders	Legislator
Development process	Openness & transparency	Depends on institution
Decision making	Consensus	Democratic
Revision	Every 5 years & easy	Foreseen in text or decided later, but more burdensome

ecos

How standards can bring environmental benefits in the fight against plastic pollution

National and regional standards

Kenya, KEBS

- Four KS standards for plastic-related products, e.g. bags and sacks
- One standard in progress on biodegradable polymer materials for plant seedling potting (DKS 3009:2024)
- Seven domesticated ISO standards (some old versions)

Nigeria, SON:

- 21 NIS standards for plastic-related products, mainly from virgin plastic materials, including one standard on recycled PET (rPET)

ecos

National and regional standards

Ghana, GSA

- Five GS standards for plastic-related products; two standards in progress on PET recycling

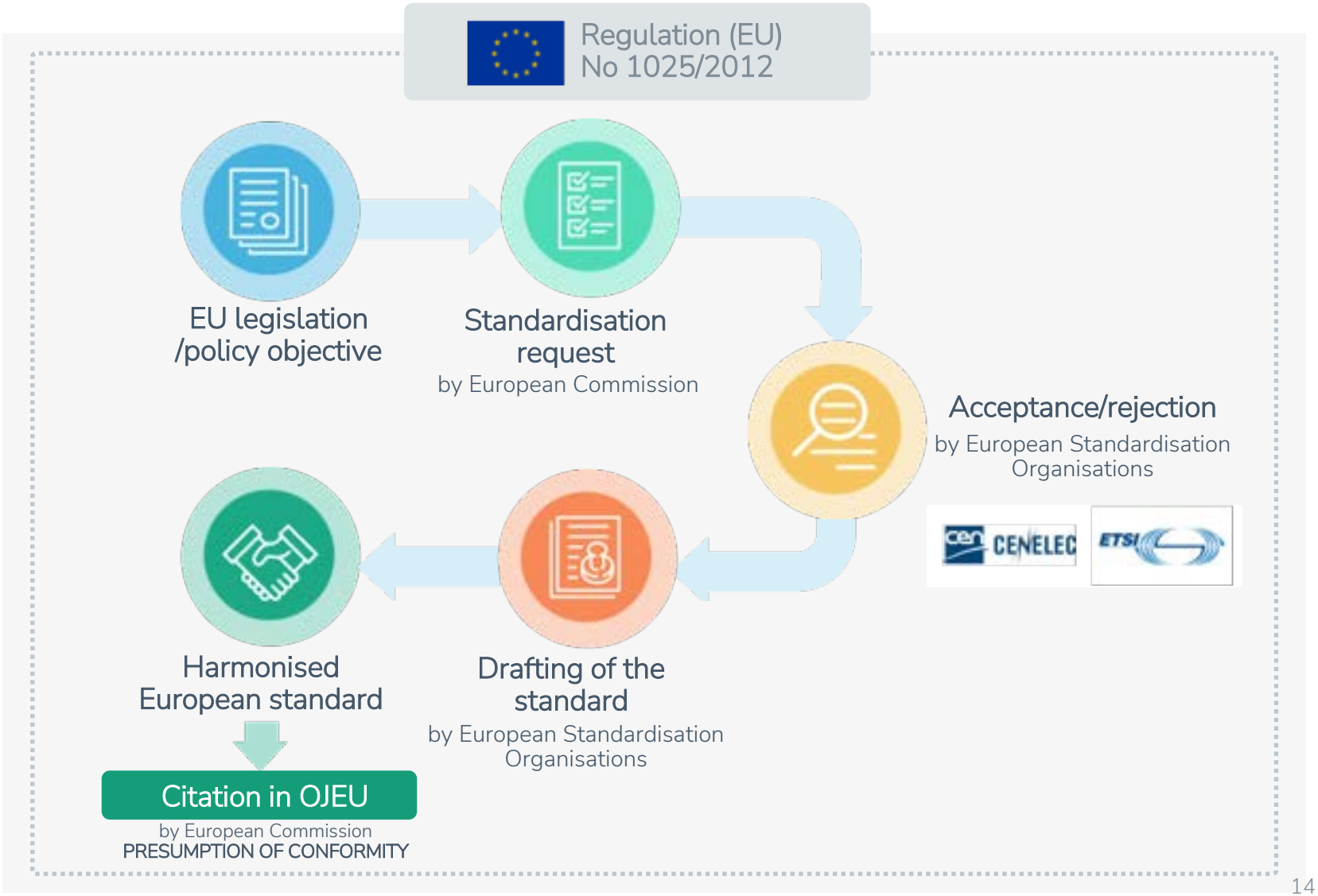
ECOWAS:

- Harmonising standards for food-contact rPET

ARSO

- A standard in progress for food contact rPET bottles

Interplay EU policy & standards



EU ‘Standardisation Requests’

- European Commission: prepares and drafts ‘standardisation requests’ (SR) mandating CEN to support and underpin the EU’s legislation and policies with the necessary standards
  → Consultation processes
- EU Member States and CEN: formally accept the SR = public-private collaboration between the Commission & CEN
  - Concrete standardisation deliverables → ‘harmonised standards’
  - Clear deadlines
- Example: EN 13432:2000 Packaging – industrial composting

ecos

Relevant standards on biodegradation and compostability

Considering this project scope, standard specifications on three different end-of-life options have been assessed:

- **Industrial compostability** – relevant for food packaging and bio-waste bin liners;
- **Home compostability** – relevant for food packaging;
- **Biodegradability in soil** – relevant for horticultural and forestry use.

Four complementary pillars of composting

Recommendations for standards on biodegradability & compostability

Industrial compostability	Home compostability	Biodegradability in soil
ISO 17088:2021	EN 17427:2022	ISO 23517:2021
Plastics – food packaging applications	Carrier bags – food packaging applications	Plastics – agriculture, horticulture (and forestry) applications

Biodegradation tested on the final product and organic constituents

Additional recommendations

- **Set clear and harmonised definitions:** essential in standards, related certification and labelling schemes (B2B & B2C)
- **Ensure well-managed infrastructures:** separate collection and treatment of bio-waste for industrial composting
- **Domesticate international standards for biodegradable and compostable plastics**: latest versions, ideally at a regional level
- **Target the applications:** available waste management infrastructures, essential uses, natural substitutes, their impacts
- **Empower conformity assessment:** verification of environmental and performance criteria

ecos

Discussion

- Which standards do you think are missing at your national / regional level?
- What do you find works well or less well in your context? Why?
- For which applications do you see a potential use of these standards?
- What standards would support your policy objectives?

Lunch break | 13:00 – 14:00

ecos

Samy + Marxine

Energiser

- Talk to your neighbour
- One key thing that you are still looking forward to in this workshop
- Negotiate, prioritise, and agree on one

ECOS presentations from the report

Regional policymaking: the East Africa Community

- Coordinating action: Policies from the EAC and recommendations for a robust EAC SUP Bill

The Global Plastics Treaty

- The UN Treaty including recommendations

East African Community Single-Use Plastic Bill

- Proposed 2023, awaiting approval from East African Legislative Assembly this year.
- Prohibition of manufacturing, import, use and sale of problematic single-use plastics.

An opportunity for coordinated action!

Photo credit: Paul Kagame.

ecos

East African Community Single-Use Plastic Bill

Definition of problematic plastics:

Plastic packaging items, components and materials where consumption could be avoided through elimination, reuse or replacement.

Items which do not commonly enter recycling and composting systems, or are detrimental to those systems.

ecos

East African Community Single-Use Plastic Bill

Plastic products within scope of the ban:

- Polythene and plastic bags
- Plastic cutlery (forks, knives, spoons, chopsticks)
- Plates and bowls
- Plastics straws
- Plastic beverage cups, including covers and lids
- Crisp packets, sweet and chocolate wrappers, bread bags and confectionary wrappers
- Sanitary items, such as dental floss and plastic cotton bud sticks

ecos

East African Community Single-Use Plastic Bill

Exempted plastics:

- Medical
- Forensic
- Scientific
- Industrial
- Agriculture and forestry
- Printing houses
- Construction industry

Our recommendations:

- Identify more specific exemptions
- Phase-out plastics also within these sectors
- Review exempted uses periodically

ecos

Recommendations for a robust EAC SUP Bill

1. Support the Bill at EALA, maintain high ambition!
2. Set clear path, penalties and enforcement.
3. Allocate resources for implementation, including alternative solutions, and waste infrastructure.
4. Ensure fair transition.
5. Integrate informal waste sector workers.
6. Require clear plastic labelling.
7. Raise awareness and support education.

ecos

Discussion

- What are your hopes for regional policy to support plastics reduction and management in your country?
- How would you like your country to contribute to good implementation?

ecos

01
Introduction

The timeline

The Intergovernmental Negotiating Committee (INC) began its work in 2022. The ambition is to have a treaty by the end of 2024.

Source: https://www.genevaenvironmentnetwork.org/resources/updates/towards-plastics-pollution-inc-4/

Status: All options are on the table

From suggestions
'parties are encouraged to adopt targets'

To weak obligations
'parties shall prevent emissions of plastic waste'

To concrete obligations
"Parties shall ban problematic and avoidable plastics"

Part I Introduction	Part II Technical Content	Part III Financing & Capacity Building	Part IV Reporting and Compliance	Part V Governance
• Preamble • Objective • Definitions • Principles • Scope	• Primary plastic polymers • Chemicals and polymers of concern • Product design • Non-plastic substitutes • EPR • Transparency	• Financing mechanism • Capacity building • Technology transfer	• National implementation plans • Compliance • Reporting • Awareness raising	• Governing body • Subsidiary bodies • Secretariat

ecos

The role of the African Group

Ghanaian Delegation on behalf of the African Group, INC4
Source: https://enb.iisd.org/plastic-pollution-marine-environment-negotiating-committee-inc4-23april24

02 Recommendations for INC-5

Source: https://www.linkedin.com/posts/isabellealmaldonado_inc4-ottawa-plasticstreaty-activity-7190996345749389313-SBrr/

Recommendations towards a robust International Global Plastics Treaty

ESSENTIAL MEASURES	PRIORITY ISSUES
1. Support global binding rules 4. Appropriate use of standards	2. Reduction in plastic production 3. Avoidance of regrettable substitutions 5. Ensure transparency

ecos

1. Support global binding rules

We need provisions with concrete obligations to:

1. Reduce overall production and demand for plastics
2. Eliminate toxic chemicals in all plastics
3. Avoid rebound effects and trade-offs
4. Institutionalise transparency in the sector
5. Ensure a just transition underpinned by the common but differentiated responsibility principle
6. Ensure appropriate use of voluntary standards

ecos

2. Reduction in plastic production

- Phase down plastic production, with emphasis on primary production.
- Eliminate products containing problematic, avoidable and unnecessary plastics, including microplastics, single-use and short-lived plastics.
- Prioritise and establish reuse systems.
- Ensure the systematic application of the waste hierarchy, circular economy principles, and life cycle assessment when designing, producing, using and disposing plastic products.
- Implement extended producer responsibility schemes.
- Improve high quality recycling.
- Rules for environmental claims of plastic products.

ecos

3. Avoidance of regrettable substitutions

- Prevent the substitution of single-use plastics with non-essential single-use alternative plastics or non-plastic substitutes.
- Ensure the application of the waste hierarchy, circular economy principles, and comparative life cycle assessments when considering alternative plastics or non-plastic substitutes.
- Set rules around environmental claims on alternative plastics, e.g. biobased or biodegradable and non-plastic substitutes, e.g. carbon neutral.
- Set rules and standards ensuring compostable or biodegradable plastics for the relevant essential uses.

ecos

4. Appropriate use of standards

Establish an oversight mechanism under the Global Plastics Treaty responsible for:

- Setting the required technical measures to meet treaty provisions
- Ensuring standards are developed inclusively
- Building standardisation capacity among stakeholders
- Ensuring accessibility to standards
- Championing timely development and use of standards
- Communicating progress transparently

ecos

5. Ensure transparency

- Set mandatory standardised reporting requirements for chemicals, plastic materials, and plastic products throughout their lifecycle.
- Establish mandatory globally harmonised transparency, traceability and labelling systems for the chemical composition of plastic materials and products.
- Establish a global database for management of transparency and traceability for chemical composition data of plastic materials and products.
- Establish a multistakeholder science-policy subsidiary body to ensure a two-way science and policy interaction in policy- and decision-making.
- Create an accountability mechanism to track and enforce compliance with the Global Plastics Treaty provisions.

ecos

Discussion

- What are your hopes for global policy to support plastics reduction and management?
- How would you like your country/region to contribute?

Breakout session | Envisioning plastic management in Africa in 2035

- Goal: Prepare a vision of plastic management
- Outcome: Draft statements and targets, e.g. *By 2035, plastic pollution is eradicated following the implementation of reduction and management policies.*
- Setting: Groups of ~6 people.
- Choose one rapporteur.
- Time: 25 minutes

ecos

Breakout session | Envisioning plastic management in Africa in 2035

- What does life look like in 2035?
- Who are the key stakeholders, and how do they contribute?
- What were the key success factors?

Break | 15:15 – 15:35

Breakout session | Envisioning plastic management in Africa in 2035

- Goal: Prepare a vision of plastic management
- Outcome: Draft statements and targets, e.g. *By 2035, plastic pollution is eradicated following the implementation of reduction and management policies.*
- Setting: Groups of 4-6 people.
- Time: 25 minutes

ecos

Thank you

+32 2 899 7680
info@ecostandard.org
www.ecostandard.org

@ECOS_Standard
ECOS-NGO

Brussels (HQ)
c/o WeWork
Rue du Commerce 31
1000 Brussels, Belgium

Nairobi (Africa Office)
Nairobi Garage Karen
Watermark Business Park
P.O. BOX 283-00502
Nairobi, Kenya

ECOS is co-funded by the European Commission & EFTA