

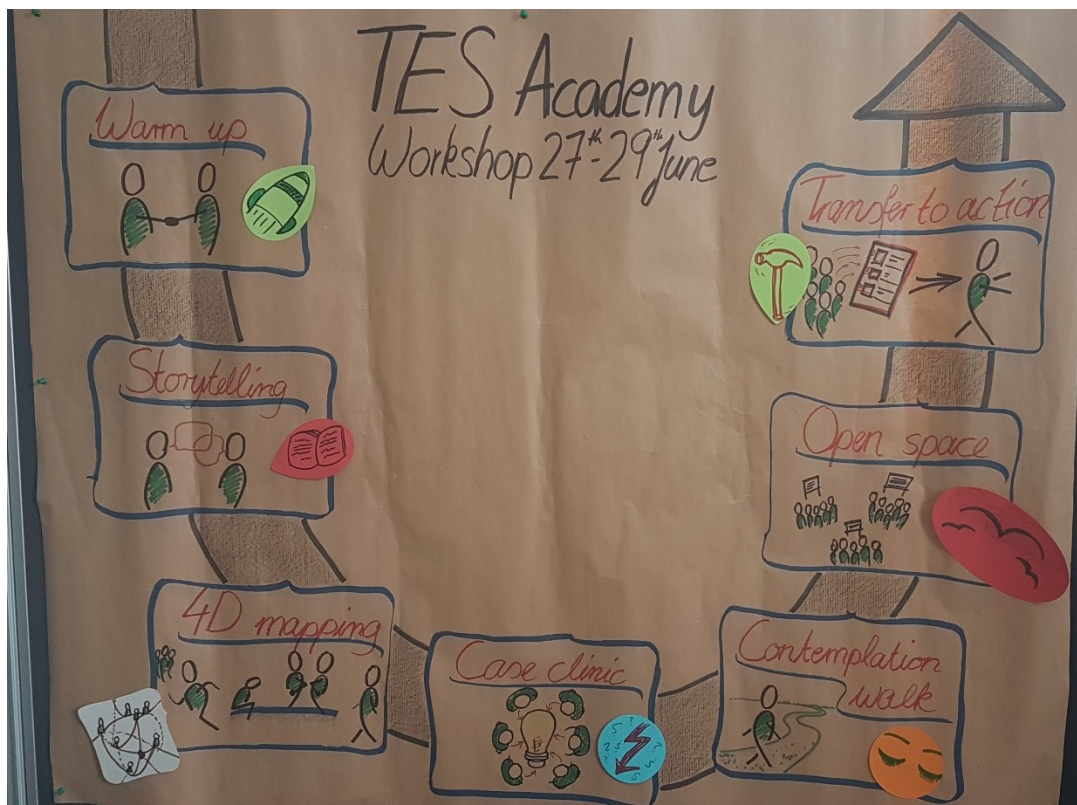
3. August 2023

Event Review and Next Steps

Promoting Extended Producer Responsibility (EPR) in international law for a sustainability transformation towards a circular economy

TES Academy transformation process, June 2023 to March 2024

First workshop 27th – 29th June 2023 (3 days), Dessau-Roßlau, Germany



Background¹

Production and consumption of material goods are causing severe environmental damage. After reaching end-of-life, these products turn into waste. If not treated properly, they might leak pollutants into the environment - with the loss of precious materials. Also, waste crosses – legally or illegally, intentionally or unintentionally (e.g. in the oceans) – national borders and causes global environmental problems. Since pollution, together with climate change and biodiversity loss, constitutes one of the triple planetary crises, there is an urgent need to find applicable solutions to the waste problem and to develop sustainable waste management systems both at a national and international level.

Extended Producer Responsibility (EPR) has been increasingly discussed as a concept to solve the current waste problems for specific products. As originally introduced by Swedish scientist Thomas Lindhqvist, it describes “an environmental protection strategy to reach an environmental objective of a decreased total environmental impact of a product, by making the manufacturer of the product responsible for the entire life-cycle of the product and especially for the take-back, recycling, and final disposal”². Proponents of EPR argue that by assigning the organizational responsibility for waste management to a producer, EPR could reduce the financial burden of municipalities and support the internalization of commonly externalized costs associated with waste. As such, EPR might also constitute a transformative framework for a shared responsibility for waste handling between producers and consumers, as the latter might contribute to a sustainable waste management through increased purchasing costs. More generally, EPR is thought to set incentives for developing a more sustainable product design that matches the idea of a circular economy.

While EPR is gaining global popularity, it is not implemented in all countries or across all countries yet. Several reasons hinder a broader implementation of the strategy. In general, setting up EPR schemes requires political, legal, financial, and organizational efforts and poses challenges to the socio-economic system. From a business perspective, for example, EPR might shrink profit margins for companies and increase administrative processes. At the same time, increased product costs could also pose a potential threat to current material living standards. In addition, while establishing a new value chain among collectors, sorters, and recyclers aims at establishing a more sustainable economy, it can also threaten the informal sector. These are only three prominent examples of potential challenges associated with the implementation of EPR at a national and an international level.

In sum, we consider EPR if implemented at a global level, as a powerful strategy to support a transformative change toward a circular economy that contributes to several Sustainable Development Goals (SDGs).

To advance its national and international implementation, however, it is necessary to sharpen the overall understanding of EPR and develop applicable solutions to the challenges related to EPR, with a focus on its transformative potential. For this purpose, it is also important to understand the economic and social contexts related to specific products (e.g., plastics, batteries, electronic devices) into account in which EPR is implemented.

Within this context, the TES Academy at the German Environment Agency (UBA), together with UBA EPR experts initiated a process of exchange and mutual learning on EPR in the international context. 25 experts from administrations, academia, NGOs, international organisations and

¹ copied from concept note to first workshop

² Lindhqvist, T. (1992). "Towards an [EPR]- analysis of experiences and proposals". Lund University, Sweden.

companies join the first workshop in this process. Participants joined from a number of European countries, Africa and North America. The process is intended to continue for about 10 months with two more in-person workshops and a set of joint activities in between (see next steps below). The process will be open for additional actors to join.

Goals³

Overall, the TES transformation collaboration process aims at:

- ▶ further exploring and developing the potential role of EPR in the global context of transformation towards a circular economy, discussing the following guiding questions:
 - What is an understanding of EPR that is accepted across national and sectoral borders?
 - Which role can EPR play in establishing a circular economy?
 - Which social and economic dimensions and possible leverage points need to be considered to ensure a transformative role of EPR approaches?
 - What could this role look like in ten years from now?
- ▶ Specifying EPR's potential as a strategy to inform international law, such as the ongoing negotiations for the UNEA convention on plastic pollution or resolutions related to other products
- ▶ Identifying further opportunities to advance EPR as a strategy to promote a sustainability transformation

³ copied from concept note to first workshop

The approach of the first workshop

As TES Academy, we are convinced that the multiple crises humanity is facing require a fundamental transformation of human relationship patterns with the more-than-human world. We think that this transformation cannot merely be considered as intellectual enterprises but may involve or even require a transformation of human modes of thinking and relating, behavioral patterns, and underlying mindsets. Furthermore, we consider transdisciplinary perspectives and collaboration key to developing solutions to the pressing sustainability-related challenges of our time, including developing an integrative vision of a resilient and sustainable future.

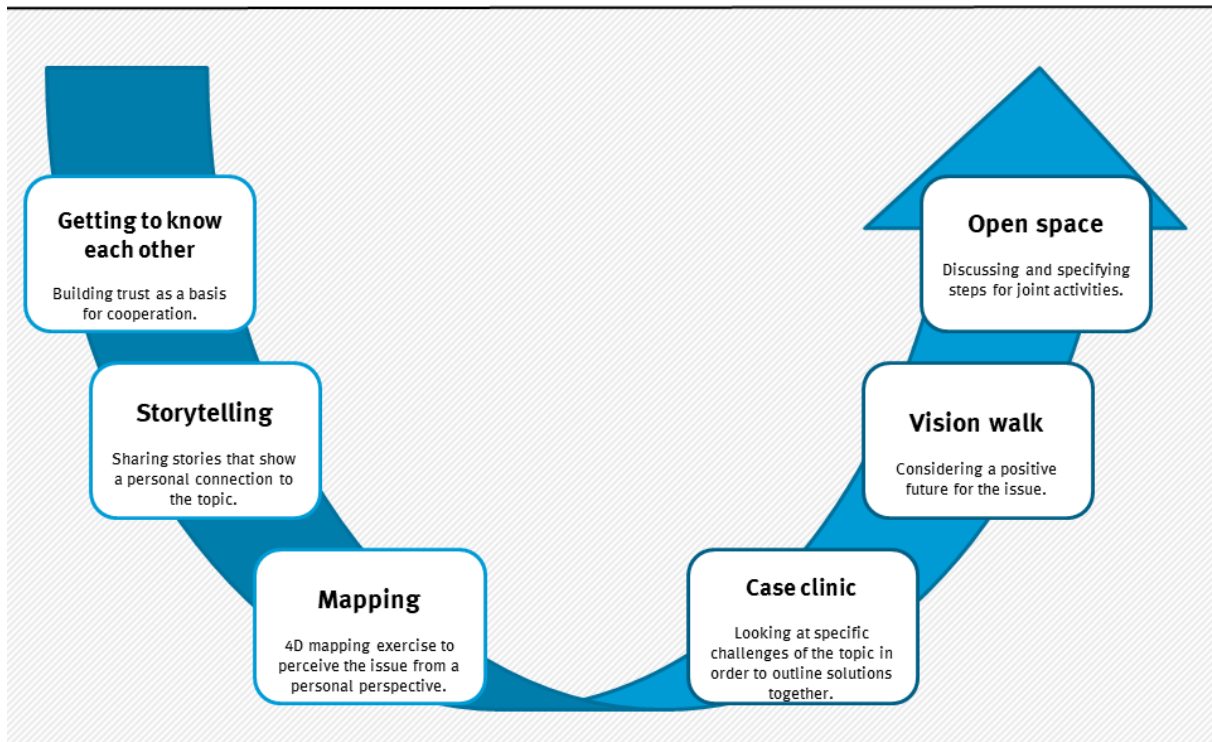
Therefore, with the first workshop it was our aim to create **a space that allowed for mutual learning, relating, and collaborating**. We wanted to invite participants to meet and connect at eye level, dive into new perspectives on EPR and its underlying problem of waste across the globe, and let novel, integrative approaches emerge that can ideally inform future specific projects and actions. Therefore, the schedule of our event was not fully determined and did not foresee the delivery of specific contents prepared in advance. Instead, we held that bringing together people with rich and diverse expertise constituted a unique opportunity to develop something genuinely new that cannot fully be planned beforehand, but leads to ideas to be further developed jointly in the next steps of the process.

Against this background, the invitations to the first workshop focused on international experts from different professional contexts to work on “EPR and its potential for transformation”. This composition, although not covering all potential stakeholder groups yet, has allowed us to approach the topic from a rich variety of viewpoints and think about EPR in a way that goes well beyond disciplinary boundaries and a too narrow focus on the technicalities of the implementation of EPR schemes.

The design of the event was inspired by principles of Theory U⁴: Instead of directly entering into a problem-solving mindset, we wanted to understand the threats associated with the increasing waste problem not only intellectually but experience them emotionally and with all our senses. For this purpose, we dedicated the opening hour of the event to getting to know each other, before spending another hour sharing personal stories illustrating the participants’ personal relations with the topic of waste. The first day was rounded with a **4D mapping** of the overall situation of waste management globally. In 4D mapping, several participants represent roles of the system of waste management (e.g., consumer/citizen, producers, the product/waste itself, the prevalent economic system...) and try to relate themselves to the other roles present. While this activity was at first glance unusual for a rather technical topic of EPR and waste management, it was successful in emotionally relating the participants to the workshop topic and preparing the affective ground for the remainder of the event.

⁴ Scharmer, O. (2018). *The essentials of Theory U: Core principles and applications*. Oakland: Berrett-Koehler Publishers.

First Workshop on the basis of Theory U



Source: German Environment Agency

The second day began with a **case clinic**. The case clinic has its origin in the framework of Theory U. It allowed participants to look at specific challenges related to the broader topic of waste management and EPR schemes and develop new perspective on these challenges. We looked at a variety of cases, ranging from the idea of a global extended producer responsibility scheme, the problem of finding information related to EPR in different countries, case studies of EPR schemes from Denmark and Kenya, and the challenge of waste pickers on accessing and advancing EPR value chains.

The case clinic was followed by a one-hour **vision walk**, during which participants were invited to think about and/or discuss in pairs a vision of EPR with regard to the waste problem.

An **open space**, finally, gave the participants the opportunity to work on self-determined topics in self-organized groups. Three groups focused in parallel on the three main questions of the workshop – what a shared vision of EPR could look like (based on existing framings), how transformative EPR can actually be and what its limitations and drawbacks are. A fourth group used the open space to discuss different aspects of the ongoing negotiations for a UN plastics Convention and which approaches, like a global fund, could be used to make use of in EPR approach in this context.

On day three, the working groups shared and discussed the results of the open space, and what further activities could follow up these initial discussions. The group then jointly set up a plan for further collaboration in the coming months (see below).

Outcomes and process reflection

Following the first workshop's guiding questions whether there is a common vision on EPR and the concept's transformative aspects with the potential drawbacks, the open space working groups entered in the discussion on a broad and general level, based on individual expertise and practical experiences. At this starting point, the working groups came, in preparation for the next steps, to similar results, as they showed that the value of EPR is highly context dependent. Here we present just a number of aspects that were considered and need to be discussed in more detail in the next steps:

EPR can be seen as a paradigm shift to earlier approaches in waste management. By defining certain producer's responsibilities in the end-of-life-phase, such as financial and/or organisational matters, EPR can help to protect the environment and human health by underlining the polluter pays principle. In this sense, the general understanding of EPR can be based on existing, but rather generic definitions as, for example, developed by the OECD.

By looking at the existing EPR schemes, it became clear that (national) implementations are mostly addressing the downstream phase for single product groups so that the overall transformative potential seems to be limited. The transformative potential could therefore rather be invoked by a stronger focus on a full-life-cycle-approach in the terms of a circular economy. Thus, the discussion on a common vision should, among other complementary policy measures, e.g. consider to include incentives for design improvements. The alternative is to accept that EPR is only a part of a more holistic solution and thus not transformative in itself.

A larger transformative potential was seen in the fields, where no EPR schemes are established so far and where EPR could directly address the shortcomings of (non)existing sound waste management systems. At this point it was stressed, that the lack of (common) knowledge on EPR might lead to misunderstandings which might hinder a proper establishment of new EPR systems. In these terms, a common understanding, clear rules and a strong governance containing a valuable legal framework, including transparency, might help to evoke the transformative potential.

The open space working group on the international dimension of EPR went further and discussed the outlines of a global EPR-Scheme. As a basis for discussion, the group used a proposal made by Ghana within the ongoing negotiations on the UN plastics treaty. It was discussed in how far a global fund, financed by the virgin plastic producers, could contribute to the idea of a global EPR. As the group saw a high transformative potential, the technical and legal difficulties came aware, so that the group decided to continue the discussion after the meeting.

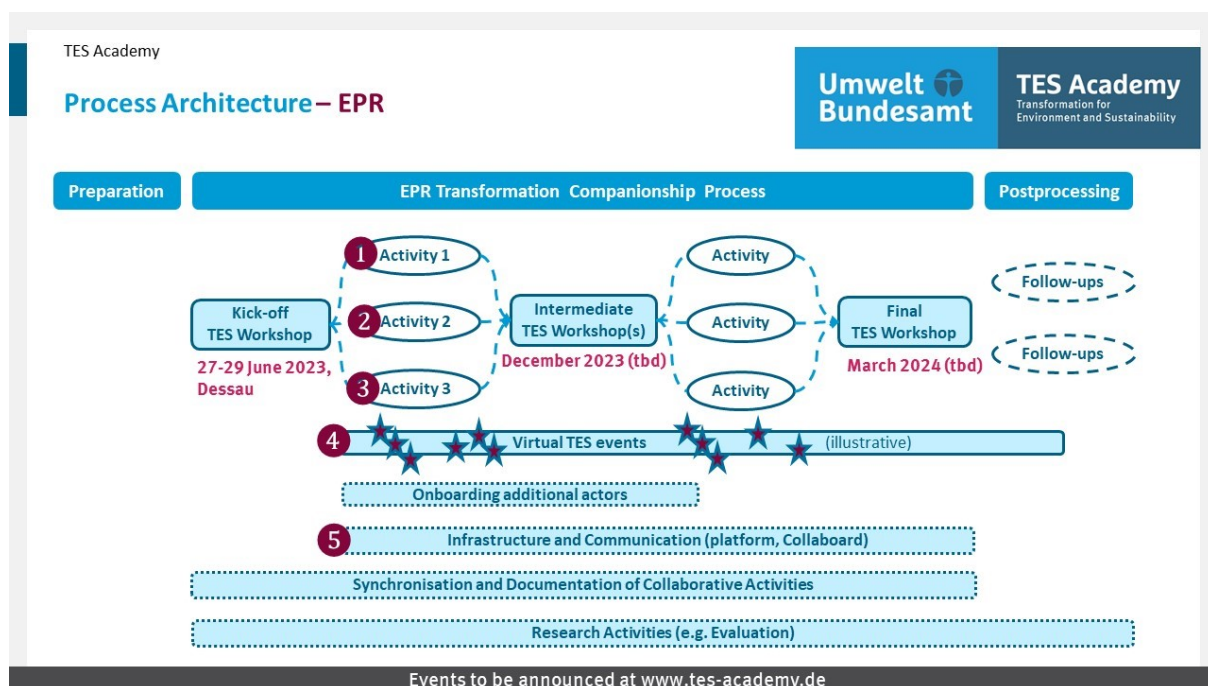
Concerning the downsides, the group became, among others, aware that EPR might threaten the informal sector. It became clear that a mutual understanding of interests is needed to reflect potential conflicts in social and environmental goals and that (new) EPR schemes are obliged to find solutions for all affected actors.

At the end of the meeting, the group reflected on the meeting's approach. Although some participants said that the time was too short for in-depth discussions, most participants acknowledged and appreciated the open and inclusive character of the workshop and the possibility for exchange, trust building as well as reflection of personal views on the topic and the role EPR might (or might not) play in the development towards a sustainable circular economy. Further stakeholders should be invited into the follow-up process. The trust based, general-level-discussions were considered as a good starting point for further activities.

Next steps

From September 2023 onwards, the TES Academy process will continue with several activities coming from the group discussions. We expect this process to last for about nine to ten months, so that by the end of this process, there are some established pathways for further transformative collaboration on EPR.

With **overarching activities we aim to create a mutual learning and collaboration process.** While the first workshop was intended to articulate the challenge, to open perspectives on transformation (on all levels) and how EPR might play a role in this, we can now continue with the in-depth work. We will also offer some further activities to continue this reflection remotely via virtual events, also to onboard additional actors. This might include deepening perspectives on transformation and exchanging on case studies as well as pooling resources. More details to follow.



We will also start planning a **second in-person workshop** (tentative date: 12-14th of December, 2023) with the aim to share and synthesize the first results of the joint activities in the whole network and to strengthen personal and institutional potentials in order to advance transformation. After a next phase of remote collaboration, a later **final in-person workshop** will allow us to appreciate the achieved results and the collaboration (planned for March 2024).

Joint thematic activities

On the last day, we had identified three main activities the participants like to continue working on. For these, we will invite to separate virtual meetings early September (60-90 min) to discuss next steps. The topics are:

1 “Opinion Paper” on EPR and its transformative potential - towards a common vision on EPR? (based on the results of the three open space groups that worked on this); virtual kick-off meeting for the group expected for early October 2023

2 EPR and international law in the context of the UN Plastics convention (including the idea of a global fund and social dimensions, based on the open space group working on this topic); virtual kick-off meeting for the group expected for early October 2023

3 Scoping potential exchange activities on the revision of the EU WEEE directive; virtual kick-off meeting for the group expected for early October 2023

Collaboration support for the joint thematic activities

4 Further virtual events (“virtual TES”) will be offered for exchange and information. Most of them will be open to the public. The events will take up some of the information gaps outlined in the workshop by presentations and discussions, e.g. the presentation of case studies from a practical perspective and some deep dives into specific aspects from a scientific perspective.

5 As infrastructure for exchange, a network exchange platform for sharing documents and other material is provided and already open to the participants. We have already uploaded those resources we mentioned during the meeting and some pictures from the workshop. Additionally, we created a **virtual whiteboard** (Collaboard) to visualize the further process and the working groups we discussed at the end of the workshop. We will provide some of the resources from the workshop there and inform you about news during the process.

The progress of the process will depend on the activity and intensity of collaboration of participants. The process will be open to take additional actors on board.

Also, the TES Academy will accompany the process by research and evaluation activities on the process to improve it and its future processes of transformation companionship.

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(duration 2022 to 2024).
