Sustainability, ESG, and Regulatory Compliance:
The Impact of Environmental Laws on FMCG Operations

www.strenandblan.com
contact@strenandblan.com
@strenandblan

+234 (0)702 558 0053
3 Theophilus Orji Street, Off Fola Osibo Road, Lekki Phase 1, Lagos, Nigeria

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Introduction

The Fast-Moving Consumer Goods (FMCG) sector increasingly faces pressure over its environmental impact, with packaging alone responsible for about 40% of global plastic waste. Regulators have set the tone, and businesses must respond decisively by integrating environmental, social and governance (ESG) principles or risk corporate survival. Nonetheless, sustainable practices create opportunities like access to the market, ESG-linked financing such as green bonds, and brand differentiation.

Understandably, implementing full ESG principles in FMCG supply chains presents unique challenges. The sector's focus on cost efficiency and rapid delivery often conflicts with sustainability initiatives that may require additional investment or longer implementation timelines. The global reach of the FMCG supply chains also brings diverse regulatory requirements and stakeholder expectations across different markets and economies.[1] In addition, the high-volume, fast-turnover nature of FMCG products amplifies the environmental footprint of operations, making sustainability improvements both urgent and complex.

However, recent commendable practices such as ESG reporting and third-party certifications, embedded ESG principles in corporate principles and contracts, and legal automation, are strategies used by FMCG companies to achieve resilience, competitiveness, and growth in a more regulated global marketplace.

The Regulatory Framework

FMCG operations are regulated locally and augmented by regional protocols and international commitments, each emphasising the need for a corporate behaviour that is geared towards transparency, traceability, and accountability. Essentially, ESG principles are the measurable index used to evaluate a company's environmental, social, and governance performance. [2] They serve as benchmarks for both compliance and investor assessment. [3] An example is the Paris Agreement under the United Nations Framework Convention on Climate Change (UNFCCC), adopted in 2015 at COP21 in Paris, which commits Industries to employ a set of science-based targets to reduce global gas (GHG) emissions. [4]

Also, the UN Global Compact is a voluntary United Nations initiative that encourages businesses to adopt principles on human rights, labour, environment, and anti-corruption while advancing the Sustainable Development Goals (SDGs). In the FMCG sector, this involves ethical sourcing, reducing environmental impact in production and distribution, and promoting fair labour practices. [5] It is complemented by the Global Reporting Initiative (GRI) which provides a structured framework for sustainability reporting, helping FMCG companies disclose information on emissions, water usage, waste, and social impact. [6] Similarly, the Sustainability Accounting Standards Board (SASB) establishes industry-specific standards focusing on material ESG issues, such as product safety, packaging sustainability, and supply chain risks.

These frameworks collectively drive transparency, accountability, and sustainable growth within FMCG operations. [7]

In Nigeria, the Nigerian Code of Corporate Governance 2018 mandates disclosures on board independence, risk oversight, and ethical practices. It sets out fundamental principles that establish the benchmarks for board effectiveness and governance integrity. Likewise, the Extended Producer Responsibility (EPR) principle requires that FMCG companies fund and participate in Producer Responsibility Organisations (PROs) like the Food and Beverage Recycling Alliance (FBRA), to ensure their packaging is responsibly collected and recycled. [8]

The Compliance Risks and the Governance Perspective

From the policy and governance perspective, the ban on single-use plastics and nylons in Lagos and Abia under the Environmental Protection Laws, alongside similar regulations globally in countries such as Kenya and Rwanda, has made companies transition to sustainable packaging and reusable alternatives. [9] Nestlé Nigeria and Coca-Cola took the lead by introducing paper-based multipack solutions for beverages and cereals to replace shrink-wrap plastics, [10] while Unilever has rolled out paper-based sachets in response to plastic restrictions in India and Southeast Asia. [11] These policies and frameworks illuminate an important point for a rethink: ESG compliance is no longer aspirational; it is compulsory for survival. This, of course, requires implementing sustainable packaging solutions, ensuring the ethical and efficient disposal of industrial waste, and fully complying with disclosure obligations.

ESG as a Business Driver and Strategic Opportunities for FMCG Companies

When FMCG companies go beyond basic legal obligations and adopt best-practice compliance strategies, they unlock market access, investor confidence, and operational advantages. For instance, the EU's forthcoming Carbon Border Adjustment Mechanism will impose tariffs on high-carbon imports, giving FMCG exporters with low-carbon supply chains a distinct cost advantage. [12] The opportunities are as follows:

I. Cost Savings and Operational Efficiency

While ESG initiatives often require upfront investment, they frequently lead to substantial long-term savings and improved operational efficiency. For instance, many FMCG companies in Nigeria are adopting solar power solutions as sustainable, alternative energy sources.

Mondelez International secured easier entry into EU markets by aligning its cocoa sourcing with international sustainability certifications such as Rainforest Alliance and Fairtrade standards. [13] Meanwhile, Unilever has reported that by adopting 'eco-efficiency' in its operations, it has avoided costs of €733 million through energy savings, €112 million in water efficiency and €223 million through waste management in its factories since 2008.[14]

II. Access to ESG-Linked Financing

Financial institutions, including banks, private equity firms, and development finance organisations, are increasingly linking financing terms to a company's ESG performance. For example, sustainability-linked loans can adjust interest rates based on the borrower's achievement of ESG targets. Unilever secured a €1 billion sustainability-linked loan, with pricing directly tied to its ESG performance metrics. [15] Institutions like Nigeria's Bank of Industry (BOI) and the African Development Bank (AfDB) offer concessional loans aimed at projects in renewable energy, waste management, and local sourcing. [16]

III. Market Access and Competitive Advantage

Partnerships with recycling startups have become another critical strategy for compliance and sustainability. Nestlé Nigeria's collaboration with Wecyclers, a Lagos-based social enterprise, has strengthened waste collection and recycling infrastructure. The program even empowered approximately 15,000 Wecyclers subscribers, unlocking income-generating prospects for low-income households, many of whom are women. [17]

These efforts, combined with the emphasis on transparent ESG reporting under the Nigerian Stock Exchange (NSE) Sustainable Disclosure Guidelines, have made sustainable packaging an efficient branding tool.

FMCG companies now prominently feature plastic reduction targets, recycling initiatives, and climate commitments in their annual sustainability reports to attract investors and build consumer trust.

Looking Forward: Leveraging Innovations

Significantly, effective ESG integration involves both negative and positive reporting. While negative reporting captures a company's weaknesses and challenges, positive reporting highlights its strengths. For FMCG industries to maintain credibility and effectiveness, they must follow established frameworks such as the Global Reporting Initiative (GRI) Guidelines, which help to ensure standardised and comparable ESG disclosures.[18] Even more, FMCG industries should strategically leverage both innovation and legal frameworks. This proactive approach complements traditional investment strategies and drives meaningful ESG improvements, which are highlighted as follows:

I. Embed ESG Principles in Corporate Policies and Contracts

Companies must establish comprehensive corporate policies that fully align with global ESG benchmarks, including the UN Global GRI, and the SASB standards. Beyond internal compliance, businesses and investors are enjoined to collaborate closely with legal practitioners and ESG experts to integrate binding ESG clauses into supplier agreements, ensuring accountability and sustainability obligations throughout the supply chain.

II. Integrate Governance Compliance via Legal Automation

Companies can deploy compliance management software to keep pace with evolving ESG regulations across jurisdictions, thereby reducing legal risks. Incorporating data privacy and protection measures within operations will further reinforce governance standards and build consumer trust. This is important because ESG governance is not just about environmental compliance; it also includes corporate accountability and robust consumer protection.

III. Leverage ESG Reporting and Third-Party Certifications

Adopting digital ESG reporting platforms aligned with recognised frameworks like GRI and Task Force on Climate-related Financial Disclosures (TCFD) will enhance transparency and accountability. Pursuing reputable third-party certifications will validate sustainability efforts and bolster brand credibility.

IV. Implement Technology-Driven Environment Solutions

FMCG companies should adopt smart supply chain technologies such as blockchain and internet of things (IoT) to enhance transparency and traceability of raw materials, ensuring sustainable sourcing and reducing environmental risks. Additionally, integrating energy management systems and AI-powered waste reduction tools will optimise resource use and minimise environmental impact.

V. Enhance Social Responsibility through Innovative Tools

FMCG companies have several other opportunities to align with the regulations while creating operational and commercial benefits. One growing trend is the replacement of plastic straws with paper alternatives, an initiative already adopted by global players such as PepsiCo and Coca-Cola to reduce single-use plastics. [19] Additionally, offering incentives such as discounts or loyalty points to consumers who return empty packaging has emerged as an effective strategy.

Conclusion

Many global markets and consumers now demand ESG compliance for imports. Needless to say, ESG compliance enhances a company's appeal to institutional investors, especially those prioritising sustainable investments.

Ultimately, FMCGs can champion transparency, data privacy, governance, and more when law firms reinforce these efforts through precise compliance, proactive risk management, and strategic foresight, ensuring resilience and competitiveness in a responsibility-driven marketplace.

Endnotes

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The Authors

Marvis Oduogu

Team Lead

MarvisOduogu @strenandblan.com

Chibudike Anene

Senior Associate

ChibudikeAnene @strenandblan.com

Ifechukwu Ewulum

Associate

IfechukwuEwulum @strenandblan.com

+234 (0)702 558 0053
3 Theophilus Orji Street, Off Fola Osibo Road,
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