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ENVIRONMENTAL LAW

# Analysis of the Revised Zero Draft of the Plastics Treaty

This analysis is meant to inform the reading of and discussion on the Revised Zero Draft during the fourth session of the Intergovernmental Negotiating Committee (INC-4). It takes the form of a commented version of the Revised Zero Draft text in order to facilitate understanding the implications and considerations of the different options while reading the document. This analysis focuses on specific areas of the Revised Zero Draft. It is not designed as a comprehensive outlook of the available Revised Zero Draft, nor does it imply that the provisions that are not commented on are either not important or should be retained as they are currently drafted.

The proliferation of options and granular details on how parties may implement future obligations within the zero draft text is concerning. It will be extremely important for members of the INC to move towards a common understanding of the nature of the obligations in the future plastics treaty at INC-4 to develop negotiable text as a step towards the finalization of the treaty text. While there are many areas where text can be streamlined and options can be deleted this document only aims at commenting options currently available.

## Overarching Items to Address

### Should/Shall

The difference between using should versus shall can make the provision legally binding or voluntary. “Shall” generally indicates that the provision creates a legal obligation, while “should” indicates a recommendation, or a voluntary action. It is therefore important to maintain the use of “shall” in obligations throughout the treaty. All substantive obligations should be legally binding. They should also be specific and measurable. The text of the instrument should further mandate that they be reported on. This will facilitate monitoring and evaluation of both compliance with the instrument and efficiency of the measures contained in the instrument.

### Parties / Each Party

The use of “Parties” versus “Each Party” changes the nature of the obligation as well.<sup>1</sup> “Each Party” denotes an individual obligation, where each Party to the treaty is required to take measures to fulfill that obligation. “Parties,” however, refers to a collective obligation. In some cases, one might be more fitting than the other, depending on if it is realistic to require that each Party take an action.

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1. Bodansky, D., “The Legal Character of the Paris Agreement,” *Review of European, Comparative, and International Environmental Law*, 25(2), 2016, pp. 145–146, accessible at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2735252](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2735252)

In addition to the two overarching points above, our analyses identified a number of key missing elements from the Revised Zero Draft that will be essential to include in the final text of the instrument to ensure both implementability and effectiveness of the instrument.

- Tasks for the governing body are largely missing. It is important to have a clear indication of what the role of the governing body will be, for example, what decisions it will need to adopt at its first and subsequent sessions, as well as clarify its precise role in the implementation of the instrument.
- Procedures for the amendment of the treaty and more specifically to amend and revise annexes are missing. This is key to ensure a successful “start and strengthen” approach. How easy or difficult the procedure for amending the annexes will determine the capacity of the treaty to be flexible (e.g., to incorporate new scientific knowledge to add specific chemicals or plastics for example). It is common practice in Multilateral Environmental Agreements (MEAs) to have simpler procedures to amend the annexes than those to amend the core text of the treaty.



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**Intergovernmental negotiating committee to develop  
an international legally binding instrument on plastic  
pollution, including in the marine environment**

**Fourth session**

Ottawa, 23-30 April 2024

Item 4 of the provisional agenda

**Preparation of an international legally binding instrument on plastic pollution, including in the marine  
environment**

**Revised draft text of the international legally binding  
instrument on plastic pollution, including in the marine  
environment<sup>1</sup>**

**Note by the secretariat**

1. At its third session (INC-3), the intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment established three contact groups (contact groups 1, 2 and 3) to consider, respectively, the zero-draft text<sup>2</sup> and inputs from members (contact groups 1 and 2) and elements addressed in the synthesis report<sup>3</sup> and inputs from members (contact group 3).
2. The committee requested the secretariat to compile, into a single revised draft text, the merged texts put forward during the session by contact groups 1 and 2 and the outcome document of contact group 3, following the outline of the zero-draft text. The secretariat was also requested to make the revised draft text from third session of the committee available on the website of the intergovernmental negotiating committee in English by 31 December 2023. The committee also agreed that the revised draft text from the third session of the committee will be the starting point and basis for textual negotiations at its fourth

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<sup>1</sup> This document is available as an unedited English Advance version. It will be re-issued as an official document in the six UN official languages at least six weeks before the fourth session of the committee.

<sup>2</sup> See UNEP/PP/INC.3/4, Zero draft text of the international legally binding instrument on plastic pollution, including in the marine environment, available at [ZERODRAFT.pdf \(unep.org\)](#).

<sup>3</sup> See UNEP/PP/INC.3/INF/1, Synthesis report on the submissions received on elements not discussed at the second session, such as principles and scope of the instrument, available at [SynthesisPaper.pdf \(unep.org\)](#).

session, without prejudice to the right of any member to propose additions, deletions or modifications in the course of negotiations at its fourth session.<sup>4</sup>

3. When compiling the revised draft text from the third session, the secretariat was requested to standardize the formatting of the document, and to correct any clear typographical errors in the document, without making any substantive changes to its contents.
4. The revised draft text contained in this document was prepared by the secretariat pursuant to this mandate. As requested, the revised text is structured following the outline of the zero-draft document.<sup>5</sup> Only minimal presentational adjustments have been made to the text, with a view to standardizing the format of the document for consistency of presentation and ease of reading, without modifying the substance of the texts as presented in the respective outcome documents of the contact groups. Limited additions have been made to reflect inputs that had been omitted from the relevant outcome document. These are marked accordingly. The options are not presented in any order of priority.
5. For the purposes of standardizing the format of the document, the following conventions have been applied:
  - i. The terms *instrument\** and *governing body\** are used throughout the text to refer to the legally binding instrument and its future governing body, without prejudice to their final designation by the committee, except in Part V.1, where specific text is proposed in respect of the future governing body;
  - ii. Where relevant, the full names of items identified through acronyms, and of existing Conventions or Agreements referred to, have been inserted;
  - iii. Different options reflecting possible ways to address issues raised by members are identified, where appropriate, using headers (e.g., “**Option 1**”, “**Option 2**”); this includes, as relevant, an express indication of options for “no text” to be included;
  - iv. Where relevant, alternative options for specific draft text are identified as “**OPx Alt**”, where the number immediately following “OP” reflects the paragraph number (e.g., an option introduced by “**OP1**” is an option for the first paragraph of the relevant provision); where several alternatives have been proposed, additional alternatives are indicated as “**OPx Alt2**”; “**OPx Alt3**”, etc);
  - v. Where relevant, proposed additional text is identified as “**OPx bis**”, **OPx ter**”, etc, where the number immediately following “OP” reflects the number of the paragraph after which the proposed text would be added (e.g., an option introduced by “**OP1 bis**” is an option for text additional to the first paragraph of the relevant provision, proposed to be placed immediately after it);
  - vi. Square brackets have been maintained as contained in the respective outcome documents of each contact group, corrected only for manifest errors (e.g., opening or closing brackets not matched by a corresponding closing or opening bracket), with the understanding that the entirety of the draft text contained in the document is without prejudice to the right of any member to propose additions, deletions or modifications in the course of negotiations at the committee’s fourth session.
6. The outcome document of contact group 2 contained comments by the co-facilitators. The content of these comments is reproduced in footnotes, adjusted as relevant to reflect the format standardization across the document.
7. The outcome document of contact group 3 contained “context” information in boxes. The content of these boxes is reflected in footnotes, adjusted as relevant to reflect the format standardization across the document. Where no specific text options are presented, an explanatory context box has been maintained.

<sup>4</sup> See UNEP/PP/INC.3/5, Report of the intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment, on the work of its third session (to be issued).

<sup>5</sup> UNEP/PP/INC.3/4.

8. This document also includes draft annexes relating to some of the options identified in Part II of the revised draft text. Annexes other than proposed Annex [X] were not discussed at the third session and are reproduced as contained in the zero-draft text (UNEP/PP/INC.3/4.), for ease of reference. These annexes are included without prejudice to any decision that the committee may take with respect to their inclusion in the future instrument.
9. This document has not been formally edited.

## Annex

### Revised draft text of the international legally binding instrument on plastic pollution, including in the marine environment

#### Table of contents

<b>Overarching Items to Address</b>	<b>1</b>
1. <i>Preamble</i> .....	8
2. <i>Objective</i> .....	10
3. <i>Definitions</i> .....	10
4. <i>Principles</i> .....	11
5. <i>Scope</i> .....	12
<b>Part II</b>	<b>16</b>
1. <i>Primary plastic polymers</i> .....	16
2. <i>Chemicals and polymers of concern</i> .....	19
3. <i>Problematic and avoidable plastic products, including short-lived and single-use plastic products and intentionally added microplastics</i> .....	22
a. <i>Problematic [plastic products]** and avoidable plastic products [and groups of such products]**, including short-lived and single-use plastic products</i> .....	22
b. <i>[Products containing] Intentionally added microplastics</i> .....	24
3bis. <i>Micro- and nanoplastics</i> .....	25
4. <i>Exemptions available to a Party upon request</i> .....	25
4bis. <i>Dedicated programmes of work</i> .....	26
5. <i>Product design, composition and performance</i> .....	26
a. <i>[Product [design and] performance]</i> .....	26
b. <i>[[Reduce,]** [reuse], [recycling,] refill and repair of plastics and][Circularity approaches for] plastic products</i> .....	29
c. <i>Use of recycled plastic contents</i> .....	30
d. <i>Alternative plastics and plastic products</i> .....	31
6. <i>Non-plastic substitutes</i> .....	32
7. <i>Extended producer responsibility</i> .....	34
8. <i>Emissions and releases of plastic throughout its life cycle</i> .....	35
9. <i>Waste management</i> .....	39
a. <i>[[Plastic] Waste management]</i> .....	39

b.	<i>[Fishing gear]</i> .....	41
10.	<i>Trade [in listed chemicals[, polymers] and products, and in plastic waste][related measures]</i> 43	
a.	<i>Trade in listed chemicals, polymers and products</i> .....	43
b.	<i>Transboundary movement of [non-hazardous] plastic waste</i> .....	44
11.	<i>Existing plastic pollution, including in the marine environment</i> .....	46
12.	<i>Just transition</i> .....	47
13.	<i>Transparency, tracking, monitoring and labelling</i> .....	49
13 bis.	<i>Overarching provision related to Part II</i> .....	50
<b>Part III</b>		<b>51</b>
1.	<i>Financing [mechanism [and resources]]</i> .....	51
2.	<i>Capacity-building, technical assistance and technology transfer</i> .....	56
<b>Part IV</b>		<b>59</b>
1.	<i>National [Action][Implementation]Plans</i> .....	59
2.	<i>Implementation and compliance</i> .....	61
3.	<i>Reporting on progress [of implementation]</i> .....	63
4.	<i>Periodic assessment and monitoring of the progress of implementation of the instrument* [and effectiveness evaluation]</i> .....	65
a.	<i>[Assessment and monitoring</i> .....	65
b.]	<i>Effectiveness [Effectiveness evaluation][Progress assessment]</i> .....	66
[b][c.]	<i>Review of [hazardous] chemicals [and polymers] of concern, microplastics and problematic and avoidable products[, and non-plastic substitutes]</i> .....	67
5.	<i>International cooperation</i> .....	67
6.	<i>Information exchange</i> .....	69
7.	<i>Awareness-raising, education and research [and development]</i> .....	70
8.	<i>[Partner and] Stakeholder engagement</i> .....	72
8bis.	<i>Health aspects</i> .....	72
<b>Part V</b>		<b>73</b>
1.	<i>Governing body</i> .....	73
2.	<i>Subsidiary bodies</i> .....	74
3.	<i>Secretariat</i> .....	75
<b>Part VI</b>		<b>75</b>
<b>Possible annexes to the instrument</b>		<b>75</b>
Annex A	<i>Primary plastic polymers, and chemicals and polymers of concern</i> .....	75
Annex B	<i>Problematic and avoidable plastic products, including short-lived and single-use plastic products and intentionally added microplastics</i> .....	76
Annex C	<i>Product design, composition and performance</i> .....	76
Annex D	<i>Modalities for the establishment and operation of EPR systems based on common principles</i> .....	77

<i>Annex E Emissions and releases of plastic through its life cycle.....</i>	<i>77</i>
<i>Annex F Waste management.....</i>	<i>77</i>
<i>Annex G Format for national plans .....</i>	<i>78</i>
<i>Annex [X] - Effective measures at each stage of plastic lifecycle .....</i>	<i>78</i>

## Part I

### 1. Preamble<sup>6</sup>

[The Parties to this *instrument*\*,

*Noting with concern* that the high and rapidly increasing levels of plastic pollution represent a serious environmental problem at a global scale, negatively impacting the environmental, social and economic dimensions of sustainable development,

*Recognizing* that plastic pollution includes *microplastics*,

*Noting with concern* the specific impact of plastic pollution on the marine environment,

*Noting* that plastic pollution, in marine and other environments, can be of a transboundary nature and needs to be tackled, together with its impacts, through a full-life-cycle approach, taking into account national circumstances and capabilities,

*Recognizing* the special circumstances of Small Island Developing States,

*Reaffirming* General Assembly resolution 70/1 of 25 September 2015, by which the General Assembly adopted the 2030 Agenda for Sustainable Development,

*Reaffirming* also the principles of the Rio Declaration on Environment and Development, adopted in Rio de Janeiro, Brazil, in 1992,

*Recalling* General Assembly resolution 76/300 of 28 July 2022 which recognized the right to a clean, healthy and sustainable environment as a human right,

*Recalling* the United Nations Declaration on the Rights of Indigenous Peoples,

*Recalling* the Addis Ababa Action Agenda of the Third International Conference on Financing for development,

*Stressing* the urgent need to strengthen the science-policy interface at all levels, improve understanding of the global impact of plastic pollution on the environment, and promote effective and progressive action at the local, regional and global levels, recognizing the important role played by plastics in society,

*Recalling* United Nations Environment Assembly resolutions 1/6, 2/11, 3/7, 4/6, 4/7 and 4/91 and affirming the urgent need to strengthen global coordination, cooperation and governance to take immediate action towards the long-term elimination of plastic pollution in marine and other environments, and to avoid detriment from plastic pollution to ecosystems and the human activities dependent on them,

*Recognizing* the wide range of approaches, sustainable alternatives and technologies available to address the full life cycle of plastics, further highlighting the need for enhanced international collaboration to facilitate access to technology, capacity-building, and scientific and technical cooperation, and stressing that there is no single approach,

*Underlining* the importance of promoting sustainable design of products and materials so that they can be reused, remanufactured or recycled and therefore retained in the economy for as long as possible, along with the resources they are made of, and of minimizing the generation of waste, which can significantly contribute to sustainable production and consumption of plastics,

**CIEL 1: MISSING:** The preamble is missing specific mentions of frontline communities and human rights, as well as embedding the health dimension.

The preamble also lacks a clear recognition that current levels of plastic production and consumption are unsustainable, and are the core source of increasing plastic pollution.

**CIEL 2:** The preamble of a Treaty should replace the verb "noting with concern" with "recognizing."

**CIEL 3:** Add "and nanoplastics" after microplastics.

**CIEL 4:** Growing scientific evidence supports replacing the verb "noting with concern" with "recognizing."

<sup>6</sup> The elements described in this provision are a non-exhaustive compilation of elements from the synthesis report and submissions and statements by members of the committee and are subject to further negotiation. The text is based on the preambular text of UNEA resolution 5/14. It is proposed as a starting point with a view to its further development taking into account the inputs from Members during INC-3. See the compilation of written submissions by members during the third session of the intergovernmental negotiating committee, available at <https://www.unep.org/inc-plastic-pollution/session-3/documents/in-session#ContactGroups>. See also contact group 3 outcome document, p. 1.



*Welcoming* efforts made by Governments and international organizations, in particular through national, regional and international action plans, initiatives and instruments, including relevant multilateral agreements, and recognizing the need for complementary actions and a coherent and coordinated long-term global vision,

*Reaffirming* the importance of cooperation, coordination and complementarity among relevant regional and international conventions and instruments, with due respect for their respective mandates, to prevent plastic pollution and its related risks to human health and adverse effects on human well-being and the environment, including the International Convention for the Prevention of Pollution from Ships of 1973, as modified by the Protocol of 1978 relating thereto and as further amended by the Protocol of 1997; the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal; the Rotterdam Convention on the Prior Informed Consent Procedure for certain Hazardous Chemicals and Pesticides in International Trade; the Stockholm Convention on Persistent Organic Pollutants; the United Nations Convention on the Law of the Sea; the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter of 1972 and the Protocol thereto; the Strategic Approach to International Chemicals Management; the United Nations Framework Convention on Climate Change; the Convention on Biological Diversity; and other international organizations, regional instruments and programmes, and recognizing efforts led by non-governmental organizations and the private sector,

*Recognizing* that each country is best positioned to understand its own national circumstances, including its stakeholder activities, related to addressing plastic pollution, including in the marine environment,

*Recognizing* the importance of best available science, traditional knowledge, knowledge of Indigenous Peoples and local knowledge systems,

*Taking into account* the imperatives of a just transition of the workforce,

*Recognizing* also the significant contribution made by waste-pickers and other workers in informal and cooperative settings to the collecting, sorting and recycling of plastics in many countries,

*Considering* the need to mobilize new and additional means of implementation, in particular for developing countries, to combat plastic pollution,

*Recalling* United Nations Environment Assembly resolution 5/14 of 2 March 2022 which requested the Executive Director of the United Nations Environment Programme to convene an intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment, based on a comprehensive approach that addresses the full life cycle of plastic,

Have agreed as follows:]

## 2. Objective

### Option 1

1. The objective of this *instrument*\* is to end plastic pollution, including in the marine environment [and other aquatic as well as terrestrial ecosystems], [based on a comprehensive approach that addresses the full life cycle of plastic] [through the prevention, progressive reduction and elimination of [additional]\*\* plastic pollution] [by 2040] [and enhanced efforts thereafter], [in order] to protect human health and the environment [from its adverse effects] [and to achieve sustainable development].

### Option 2

2. The objective of this *instrument*\* is to protect human health and the environment from [the adverse effects of] plastic pollution, including in the marine environment [and other aquatic as well as terrestrial ecosystems], [by ending plastic pollution based on a comprehensive approach that addresses the full life cycle of plastic] [through the prevention, progressive reduction and remediation of [additional]\*\* plastic pollution] [management] [and utilization of plastic and plastic waste] [according to national priorities] [by 2040] [and enhanced efforts thereafter], [and to achieve sustainable development], [poverty eradication and just transition,] [considering the principle of common but differentiated responsibilities and respective capabilities] [as well as financial and technical support].

## 3. Definitions<sup>8</sup>

### Option 0

*No standalone provision.*

### Option 1

1. For the purposes of this instrument:
  - a. ["term"] means []
  - b. ["term"] means []
  - c. ["term"] means []

**CIEL 5:** Both options can be workable. The framing of Option 2 is preferable, as it prioritizes the protection of human health and the environment, which is the underlying rationale for negotiating and adopting this instrument.

**CIEL 6:** It is important to state that this will be based on a full life cycle approach, which is aligned with the UNEA 5/14 mandate to negotiate this instrument.

**CIEL 7:** The framing of additional plastic pollution is problematic. It assumes (wrongly) that existing level of pollution are acceptable and manageable. The inclusion of this term limits the scope of this instrument by excluding existing plastic pollution and does not respond to the urgency of the crisis or align with the ambition of SDG 14.

**CIEL 8:** While setting clear ambitious objectives for the treaty is valuable, putting a date in the objective of the treaty could be problematic as the treaty would need to be amended if the goals are not being met. We recommend only including dates in the annexes, which should be amended via a simpler procedure (see comment above).

**CIEL 9:** The impact of plastic pollution along its life cycle on the enjoyment of human rights has been thoroughly documented. The protection of human rights should also be included here.

**CIEL 10:** This language should be avoided because it wrongly indicates that plastic pollution may have positive effects.

**CIEL 11:** There is no international definition of sustainable development.

**CIEL 12:** See comment above on the same language.

**CIEL 13:** Both options containing this text in brackets are missing the atmosphere and cryosphere, so it is better to include "in all ecosystems" or delete the language in the brackets.

**CIEL 14:** Stating that the goal is to end plastic pollution is important, to make clear that it is not possible to protect human health and the environment without ending plastic pollution.

**CIEL 15:** See comment above on this language.

**CIEL 16:** Although some flexibility is necessary, it is inappropriate to condition the whole future treaty to national priorities.

<sup>7</sup> Note: The sign \*\* throughout this document indicates text or bracketing added to reflect member input that had been omitted from the final merger compilation issued on 19 November 2023 at the third session.

<sup>8</sup> The placement of definitions could be in a standalone article (option 1) or integrated into the substantive provisions of the instrument, or a combination of the two. See contact group 3 outcome document, p. 3. See also the compilation of written submissions by members during the third session of the intergovernmental negotiating committee (available at <https://www.unep.org/inc-plastic-pollution/session-3/documents/in-session#ContactGroups>).

#### 4. Principles<sup>9</sup>

##### Option 0

*No standalone provision.*

##### Option 1

1. In their actions to achieve the objective of the *instrument*\* and to implement its provisions, the Parties shall be guided, *inter alia*, by:

- a. [the principles set out in the **Rio Declaration** on Environment and Development (Rio Principles), as referred to in resolution UNEA 5/14, in general or with reference to specific principles]
- b. [common but differentiated responsibilities]
- c. [the polluter pays principle]
- d. [the precautionary approach]
- e. [the prevention principle]
- f. [respect for sovereignty over the use of natural resources]
- g. [just transition]
- h. [the protection of vulnerable communities]
- i. [shared responsibility]
- j. [intergenerational equity]
- k. [non-regression]
- l. [ecosystems approach]
- m. [Extended Producer Responsibility]
- n. [transparency]
- o. [inclusiveness]

<sup>9</sup> The options identified for the consideration of the committee are intended to reflect the three possible approaches identified on the basis of members' inputs which could be used, in isolation or in combination, to reflect principles relevant to the instrument, i.e., references to the relevant principles in preambular language, a dedicated provision identifying principles to guide the instrument, and/or incorporation of the relevant principles in relevant substantive provisions. The options are presented with a view to their further elaboration through draft text as appropriate. The elements described in this provision (option 1) are a non-exhaustive compilation of elements from the synthesis report and submissions and statements by members and are subject to further negotiation. Specific principles could be identified in subparagraphs. This could include, for example, one or more of the principles identified in part I, section 3(a) of the synthesis report, also taking into consideration the inputs of members made in the preparatory meeting and as identified in the compilation of written submissions by members at the third session of the committee (available at <https://www.unep.org/inc-plastic-pollution/session-3/documents/in-session#ContactGroups>). See contact group 3 outcome document, p. 4.

**CIEL 17:** Option 0 is the preferred option. We do not believe including a laundry list of international, environmental, human rights, and other principles in a singular article is the most effective way to operationalize these principles in the treaty implementation.

We therefore advise not to spend time negotiating an article (or preambular paragraph) dedicated to principles. The INC members should rather ensure that such principles and approaches, in particular human rights, are reflected and operationalized directly and throughout the text of the treaty.

**CIEL 18:** If countries decide to move forward with Option 1, many human rights principles and existing obligation are missing. This inclusion was expressly requested by many country delegations. Missing relevant rights and principles that should be operationalized in the treaty provisions include:

- Right to a healthy environment
- Right of access to information
- Right to effective participation
- Principles on the protection of workers from exposure to toxics
- Rights of future generations

**CIEL 19:** A generic reference to the Rio Declaration is better than highlighting specific principles. The declaration was negotiated and agreed upon as a whole and it is inappropriate to select only certain principles and approaches. Furthermore, each of the 27 principles includes specific and carefully negotiated text. Including shorthand versions of only some of these principles would amount to renegotiating existing agreed text.

**CIEL 20:** If listed, and different from the principles from the Rio Declaration, this should be clarified. As currently indicated, it is unclear whose responsibility (which subject of international law) and responsibility for what? The relationship with existing Rio principles (such as the Common but Differentiated Responsibilities should also be explored and clarified.

**CIEL 21:** It is important to include this reference as it is important to take into account the needs and rights of future generations. As stated in the Preamble of the Maastricht Principles on The Human Rights of Future Generations: "In recent decades, the need to recognize the intergenerational dimensions of present conduct have taken on increasing urgency." According to the Maastricht Principles: "Future Generations are those generations that do not yet exist but will exist and who will inherit the Earth. Future generations include persons, groups and Peoples."

**CIEL 22:** This is a mechanism rather than a recognized principle. It has never been defined under international law and should therefore not be listed in this article.

- p. [bottom-up approach]
- q. [a gender perspective]
- r. [general principles relating to marine pollution]
- s. [circular economy]
- t. [non-discrimination]
- u. [best available science]
- v. [local and Indigenous knowledge]
- w. [access to information and transparency]
- x. [equity]
- y. [sustainable development]
- z. [Measures taken to address plastic pollution should not constitute a mean of arbitrary or unjustifiable discrimination or a disguised restriction on international trade]
- aa. [promotion of cooperation at regional and international level]
- bb. [the three Rs of waste management]
- cc. [the principle of sovereignty of States]
- dd. [the right to choose policy mixes]
- ee. [avoidance of creating new development and environmental problems]

## 5. Scope<sup>10</sup>

### Option 0

*No standalone provision.*

### Option 1

The scope should clearly reflect (material and territorial) the provisions of resolution 5/14 of the United Nations Environment Assembly, to end plastic pollution across the full life cycle of all plastics and addresses its effects on human health and the environment, including the marine environment. To ensure the longevity of the instrument the timebound provision may not be included in the scope but could be incorporated in other provisions of the instrument where applicable.

### Option 2

This *instrument*\* addresses the full life cycle of plastics, based on comprehensive regulations and collaborative measures based on a hierarchy between avoidance, reduction, reuse, recycling, and elimination.

### Option 3

The *instrument*\* applies to plastic pollution, including in the marine environment, throughout the full life cycle from the design of plastic products to the environmentally sound management of plastic waste. The *instrument*\* does not apply to the following applications:

- a. Medical and health use;
- b. Emergency response to public health incidents and natural disasters, etc.;
- c. Scientific and experimental research.

### Option 4

Resolution 5/14 should be the basis of the scope of the instrument. We emphasize the focus on a comprehensive approach that addresses the full lifecycle of plastics.

**CIEL 23:** This is not a principle under international law and should not be listed as such.

**CIEL 24:** This is an undefined concept rather than a principle under international law and should not be listed as such.

**CIEL 25:** This is a very broad concept. The Rio Declaration is designed to articulate its various facets. Highlighting the Rio Declaration is sufficient and more appropriate to provide guidance to parties in implementing the instrument.

**CIEL 26:** This should be reframed as the waste hierarchy which articulates the need to prioritize, in this order: Prevention; Reuse; Recycling; Recovery; Disposal.

**CIEL 27:** This underpins all of the multilateral system and is therefore unnecessary to specifically identify here. It is also redundant with several principles of the Rio Declaration.

**CIEL 28:** It is better to use the wording of BBNJ: "The non-transfer, directly or indirectly, of damage or hazards from one area to another and the non-transformation of one type of pollution into another, in taking measures to prevent, reduce and control [plastic] pollution of the [marine (del)] environment."

**CIEL 29:** There is an urgent need to narrow the number of options, since there are options that correspond to opinions and not to legal text to be included in an instrument (Options 1, 4, 6, 8, 9, 11, 12, 14, 15).

Many options are similar/redundant and should include brackets instead of being stand alone provisions: for example Options 2, 4.

**CIEL 30:** Option 0 is the preferred option for scope. It is unnecessary to include a dedicated article on scope in the treaty. UNEA Resolution 5/14 already makes it very clear that the scope of the instrument should be "the full life cycle of plastic," and this should be reflected in both the article defining the objective of the instrument and the articles providing control measures. The addition of an article on scope is unnecessary, would potentially create difficulties or conflicts in interpreting the text, and would be a waste of precious negotiation time by the INC.

**CIEL 31:** There should not be any blanket exclusion, which could lead to the continued production and use of unsustainable and unsafe plastics in the sector and hamper better innovations. Any exclusion or exemption should be specific, justified, and temporary, so as not to pre-empt possible innovation in a specific sector.

<sup>10</sup> The options reproduce text from the compilation of written inputs received from members at the third session of the committee concerning the possible scope of the instrument ((available at <https://www.unep.org/inc-plastic-pollution/session-3/documents/in-session#ContactGroups>). See contact group 3 outcome document, p. 5.

#### **Option 5**

This legally binding *instrument*\* covers the whole life cycle of plastics, from extraction to production, design, use, consumption, disposal and remediation, and addresses all sources of plastic pollution. It covers plastic materials and products, as well as plastic related chemicals and microplastics. It recognizes the **risk** of plastic pollution to human health and the environment and the impact on climate change and biodiversity.

**CIEL 32:** It is important to include mention not just the risk of plastic pollution, but of the inherent hazards of plastics.

#### **Option 6**

The production, consumption, treatment and final disposal of plastics through the circular economy approach, prioritizing product design and environmentally sound waste management. It is proposed to create an instrument to promote and evaluate best practices in the management of the complete life cycle of different types of plastics, including measures to address their demand and production at the commercial level. It reinforces the importance of considering the establishment of deadlines in accordance with the national reality of the States Parties through their implementation plans that define the possible routes in accordance with the legal framework, circumstances (technical, economic, social, cultural and geographical) and other important aspects, in order to rationally reduce plastic pollution.

#### **Option 7**

The scope of the *instrument*\* is to end plastic pollution through a full life-cycle approach, taking into account national circumstances and capabilities through nationally determined action plans reflecting country-driven approaches, while ensuring sufficient flexibility to accommodate the different capacities and circumstances of developing countries especially least developed countries, while still being effective in addressing plastic pollution.

#### **Option 8**

UNEA resolution 5/14 should be basis of scope of the proposed instrument. Scope needs to be stated in an objective and clear manner in order to leave no room for interpretation, as it may impact the implementation of the instrument.

#### **Option 9**

The scope already decided in UNEA Resolutions 5/14 could be our guiding principle during the negotiation process. We should apply a circumspect approach to entering into a debate about the definition of "the full life cycle of plastics" at this time since the definition of the full life cycle of plastics could only be defined clearly after we agree upon the core obligations of this treaty. Additionally, the deliberation on the full life cycle of plastic would shape up more constructively if it is discussed under the core obligations by accommodating different viewpoints both from member states and observers, and also considering the scientific evidence available in a more comprehensive manner. We should prevent ourselves from jumping into an avoidable debate that could delay the substantive discussion of this instrument.

#### **Option 10**

The scope of the future instrument shall strictly be in line with the mandate as defined in article 3 of the UNEA Resolution No. 5/14 paragraphs 3(b) and 3 (c) indicating that the instrument shall include the following:

- To promote sustainable development production and consumption of plastics, with the use of the best available technologies, product design and environmentally sound waste management, including through resource efficiency and circular economy approaches;
- To promote national and international cooperative measures to reduce plastic pollution in the marine environment, including existing plastic pollution. Implementing efficient recycling systems and promoting economy, where plastic waste is reduced, reused and repurposed, can significantly decrease the environmental impact of plastics;
- The core of the plastic pollution crisis is "the resource-inefficient, linear, take-make-waste plastic economy," which should be replaced by a rational and environment friendly economy;
- Further, the scope of the future instrument should focus on development and promotion of sustainable alternatives to replace hazardous additives;
- The scope of the instrument should exclude the stages of extraction and processing of primary raw materials as well as the stages related to virgin polymer production, since no plastic pollution is

**CIEL 33:** This option lists OP.3 of UNEA 5/14. However in OP.4.h. the mandate provides an open mandate to INC: "Any other aspects that the intergovernmental negotiating committee may consider Relevant."

generated at these stages of production and raw materials can be used for production of other non-plastic products;

- Limitations should be put on unnecessary and problematic plastic applications, to make recycling techniques more efficient and environmentally sound, and biodegradable plastics to become a suitable alternative for single use applications of ordinary plastics.

#### **Option 11**

The Chair's submission is comprehensive enough and could be used to develop a shorter sharper scope. Some of the areas to be prioritized include:

- Clearly reflect the provisions of UNEA resolution 5/14;
- Emphasize a comprehensive approach that addresses the full life cycle of plastics;
- Address all sources of plastic pollution and leakage, including legacy plastic pollution;
- Prioritize sustainable production and consumption of plastics, including environmentally sound management, resource efficiency and circular economy;
- Address effects of plastic on human health and the environment;
- Elimination of problematic, harmful and high-risk plastic categories.

#### **Option 12**

UNEA resolution 5/14 has the elements for the scope, which is based on a comprehensive approach that addresses the full lifecycle of plastic, including legacy plastic, to protect the environment and human health.

#### **Option 13**

The future instrument shall apply to plastic pollution, including in the marine environment, throughout the full life cycle from the design of plastic products to the environmentally sound management of plastic waste. The future instrument shall not apply to the following substances:

- Raw materials, such as hydrocarbons and their derivatives;
- Intermediate products, such as virgin polymers, which have to be further processed for serving end uses, any dual-use items.

#### **Option 14**

There appears to be convergence on the notion that UNEA Resolution 5/14 should provide the basis for the scope. Importance of "long-term elimination of plastic pollution", to "avoid detriment from plastic pollution to ecosystems and the human activities dependent on them" through "a comprehensive approach that addresses the full life cycle of plastic". Thus, the scope should include recycling, which should be better elaborated on in the operational provisions discussed in contact group 1 by providing for guidelines and safeguards, which is a critical component of the full life cycle approach. The scope should also include the broader maritime sources of pollution to reflect the mandate under UNEA Resolution 5/14 of including plastic pollution in the marine environment. In the operational provisions, this should be reflected in having broader reference to maritime sources other than fishing gear. Taking the example of the Basel Convention, the scope can take the form, and thus overlap, with definitions.

#### **Option 15**

Regarding the scope of the instrument, we echo views from other member states that it should be in line with UNEA Resolution 5/14 and be focused on plastic pollution.

#### **Option 16**

1. The following shall be included as the plastic pollutions for the purposes of this *instrument*\*:
  - a. Any pollutions generated or arisen or released from all stages of entire life cycle of plastics as set out in annex [A, B and ...], except for any pollutions caused by secondary pollutants;
  - b. Any unintentional leakages that are not covered under paragraph (a) but are potentially released from anthropogenic activities, in particular, post consumption of plastics as set out in annex [...];

- c. Microplastics including nanoplastics intentionally added into any, inter alia, cosmetic products as set out in part I of Annex [...] and occurred from unintentional degradation of plastic wastes, plastic products, plastics as set out part II of annex [...];
- d. Any hazardous chemicals of concern, that are not covered under the existing multilateral environmental agreements, emitted or released from each stage of full[entire] plastic life cycle as set out in annex [...];

2. All stages of cradle to cradle of products that are made of[from] any plastics including plastic polymer shall be included as “the full [entire] life cycle of plastics” for the purposes of this *instrument*\*.

**Placement to be determined**

*[Placeholder to consider exemptions or exclusions for national security and certain public health issues.]*

## Part II

### 1. Primary plastic polymers

*Alt title: Plastic polymers*

#### Option 0

*No text.*

#### Option 1

1. Parties, [taking into consideration their respective capabilities and national circumstances]\*\* shall take the necessary measures to prevent and mitigate the potential for adverse impacts on human health [and][or] the environment from the production of primary plastic polymers [and secondary plastics], including their feedstocks and precursors [to manage production and consumption of plastics through product design and environmentally sound waste management, including through resource efficiency and circular economy approaches].

*OPI Alt. No text.*

#### Sub-option 0\*\*

*No text in sub-option.*

#### Sub-option 1

2. Each Party shall not allow its level of production and supply of primary plastic polymers to exceed the reduction target specified in part I of annex A.

*OP2 Alt 1.* Parties shall, to achieve the global target set out in part I of annex A, cooperate to manage and reduce, where feasible and appropriate, or optimize the global production and supply of primary plastic polymers.

**CIEL 34: MISSING:** A provision to stop the expansion of production capacity, by not issuing new permits or licenses for expanding or constructing new facilities. These facilities should be listed in Part 1 of Annex A and should include ethylene plants which are already experiencing a global overcapacity issue.

**CIEL 35:** This obligation is central to the success of the treaty. Policy experience of the past 20 years and all modeling attempts at future evolutions demonstrate that plastic pollution cannot be reduced, let alone eliminated, by demand side measures only, without controlling production.

**CIEL 36:** This paragraph articulates the general and overarching obligations. It should not be subject to national considerations, as those are accounted for in all subsequent provisions of the treaty articulating measures to be adopted.

**CIEL 37:** Human rights should be included here in addition to human health and the environment.

**CIEL 38:** Prefer "or" over "and." "And" suggests that the obligation applies only when both impacts on human health and the environment are present, while "or" implies that the obligation applies to prevent any impact, regardless of whether both are present simultaneously.

**CIEL 39:** It is advisable to address secondary plastic production under Parts II.5.c. and II.9.a.

**CIEL 40:** The overarching obligation should remain as general as possible. The sentence should end after the words "production and consumption of plastics." The rest of the sentence addresses possible measures (the "how") to implement the overarching obligation, which should be left to further provisions of the treaty, annexes, and/or future COP decisions.

**CIEL 41:** Removing obligations to control and reduce primary polymer production would make it impossible to achieve the UNEA 5/14 Resolution mandate to end plastic pollution. Additionally, it would undermine the effectiveness and increase the costs of any other measure within the treaty.

**CIEL 42:** This text is preferable as it aligns with the model of successful existing MEAs such as the Montreal Protocol (Articles 2A-2J) for controlling and reducing production at the national level. Member States are encouraged to support it and utilize it as a starting point.

**CIEL 43:** This term requires a definition. Following previous models (like the Montreal Protocol, Article 3), it would be advisable to define it as the sum of production and imports, minus exports.



### Sub-Option 2

2. Parties shall [based on scientific evidence] [manage and] [take measures to] reduce the [demand for] [global production and supply of] primary plastic polymers [of [concern] [risk] to human health and environment] [in an agreed sustainable level] to achieve the global target set out in part I of annex A [.4].

3. [Each Party][Parties] shall, in order to achieve the target referred to in paragraph 2, develop nationally determined targets [to reduce its level of production]\*\* and take the necessary measures to achieve them.

**OP3 bis.** Parties are encouraged to restrict applications of each plastic polymer type as recommended in annex [...] unless plastic wastes arisen from such applications are able to be managed in an environmentally sound manner within their current existence and capacity of waste management options or alternatives.

**OP3 ter.** Parties are also encouraged to take any necessary measures to increase the production, supply, utilization, and demand of secondary plastics [and circular polymers].

4. [Each Party][Parties] shall reflect the measures taken to implement this provision in their [respective]\*\* national plans communicated pursuant to [part IV.1 on national plans], including their intended level of domestic supply of primary plastic polymers [and secondary plastics] including, as relevant, domestic production, expressed in percentage terms in relation to the baseline set out in part I of annex A, for each reporting period specified in [part IV.3 on reporting on progress].

### Sub-Option 3

2. Parties shall [according to national circumstances and capacities and based on the principles of circular economy] [determine] [take] the necessary measures to manage [and reduce] [and optimize] [the global production and supply] [the use] of primary plastic polymers referred to in paragraph 1.

3. The measures taken to implement this provision shall be reflected in the national plans communicated pursuant to [part IV.1 on national plans] and shall include the [intended]\*\* [the policy][level] of domestic supply including, as relevant, domestic production, and the measures taken to manage and reduce it.

**CIEL 44:** It is advisable for Parties to establish a global target for production reduction, serving as a benchmark to measure progress of the entire treaty. This global target should be complemented by globally agreed national targets, as outlined in Sub-Option 1.

**CIEL 45:** This is not recommended. This language could divert attention from measures aimed at reducing production to other measures that have proven ineffective in ending plastic pollution (such as carbon capture and storage (CCS), mass balance measures, etc.).

**CIEL 46:** This is not recommended. This implies that Parties should meet the target solely through demand-side measures, such as banning specific products. Such measures have proven insufficient to end plastic pollution without accompanying supply side controls on polymer production.

**CIEL 47:** This is preferred language for a global target. However, using only "production" would be preferable for global measurement and monitoring purposes.

**CIEL 48:** This is not recommended. Polymers of concern will already be addressed under Obligation 2.

**CIEL 49:** What does sustainable mean? It is imperative to clearly define this concept, and take into account comprehensive criteria that convert multiple aspects of pollution when defining the target, including planetary boundaries (climate change, land system change, ocean acidification, novel entities, etc), toxicity and human health, biodiversity loss, human rights and environmental justice, among others.

**CIEL 50:** Nationally determined contributions have proven ineffective under the Paris Agreement.

**CIEL 51:** OP3 bis and 3 ter are also not recommended because they rely on secondary measures, such as increasing secondary resin production and promoting circularity, instead of addressing the primary source. These approaches have proven insufficient to reduce production.

**CIEL 52:** This is not recommended. This language is vague and doesn't set any legally binding obligation for Parties.

**CIEL 53:** In addition to reporting measures under national plans, a reporting requirement is necessary in Part IV.3 on polymer and monomer production and supply (production + imports - exports) at the national level with a defined periodicity (e.g., on an annual basis). This will allow monitoring progress on targets, as well as enabling the establishment of a transparency framework to monitor progress of other treaty provisions and facilitate further COP decisions.

**Provisions common for Sub-Options 0 to 3 above**

[1][3][5][4]. Each Party [should][shall][, based on scientific evidence]\*\* take [any] [appropriate][effective] measures to reduce the demand for and production of primary plastic polymers [while promoting an increase of the demand for and production of secondary plastics,][, including][that present a demonstrated risk of concern to human health or the environment] and to promote sustainable production and consumption of plastic throughout its lifecycle]\*\* [Such measures may include]:

- a. Market- and price-based measures;
- b. Removal of subsidies and other fiscal incentives to the production of primary plastic polymers; and [increasing of subsidies and any other incentives to the production of secondary plastics; and]
- c. The establishment, as applicable, of regulatory requirements for primary plastic polymer [and secondary] producers.

[which shall be reflected in the national plan communicated pursuant to *[Part IV.1 on national plans]*]\*\*.

[[4][6][5]. Parties shall conduct a technical assessment that incorporates the needs of each country, considering the availability of alternative materials in each country and their impact on economic, environmental, and social aspects. The measures shall not apply if it is scientifically proven that there are no viable substitutes that could endanger people's health].\*\*

[2]\*\* [5][7][6]. Each Party shall establish science- and risk-based public procurement policies or guidelines to reduce waste and adverse environmental impacts related to procured plastic products, including requirements related to the procurement of items produced with recovered materials.

**CIEL 54:** Shall is preferred as it sets a stronger, legally binding obligation.

**CIEL 55:** The term "measures" does not necessarily require qualifications. Should the term be qualified, "effective" is preferred.

**CIEL 56:** This language is not recommended. It limits the purpose and the scope of the measures listed above.

**CIEL 57:** This language is not recommended. All primary polymer production presents risks to the environment and to human health.

**CIEL 58:** The removal of subsidies should be a mandatory measure. It is essential for policymakers to holistically analyze — and work to remove — existing fiscal incentives and subsidies for the production of primary plastics.

There should be a single, comprehensive provision for the removal of subsidies. This would first entail not granting new subsidies for the production of primary plastic polymers, and second providing a roadmap to implement a phase out approach for existing subsidies.

Parties are further advised to use the definition of subsidies from the WTO Agreement. It is unanimously accepted by 164 WTO Members and integrated into their respective domestic frameworks. Furthermore, rather than the term "removal" Parties may consider employing "neither grant nor maintain" and/or "withdraw" subsidies for the production of primary plastic polymers to better align with existing agreed text.

## 2. Chemicals and polymers of concern

*Alt title: Hazardous chemicals of concern*

### Option 0

No text.

### Option 1

1. Each Party shall take the necessary measures [to prohibit or to regulate, as appropriate,] [to not allow and [progressively] to eliminate,] [at the latest by the dates provided in part II of annex A,] the use [or presence] of the chemicals, groups of chemicals and polymers listed in part II of annex A [in the production of plastic polymers, plastics and plastic products, except as provided in that annex.] [The measures taken to implement this provision shall be reflected in the national plan communicated pursuant to [Part IV.1 on national plans].
2. Each Party shall take the necessary measures to not allow and to [progressively] eliminate, at the latest by the dates provided in part II of annex A, the production, sale, distribution, import or export of plastic polymers, plastics and plastic products containing a chemical, group of chemicals, or polymer listed in part II of annex A, except as provided in that annex.

**CIEL 59:** Option 0 should not be considered. Hazardous polymers and chemicals are a major aggravating factor of plastic pollution. Without detoxifying the plastics life cycle, there is no path towards ending or even limiting plastic pollution.

**CIEL 60:** Option 1 is preferred as the starting point for this negotiation, as it sets clear legally binding obligations, covering both the use of chemicals in production of plastics, and the chemicals/polymers contained in the plastics themselves, as well as referring to an initial list of chemicals and polymers that would be subject to these measures. The use of "each Party" is also preferable to ensure that all Parties adopt appropriate and relevant measures. The use of "not allow" and "eliminate" is also stronger and more specific than the terms used in other options, while "regulate" is vague and is not recommended.

**CIEL 61:** "Regulate" is weak and very unspecific. A regulation could simply list chemicals that are allowed or already present on the market, or must be labelled. It is much weaker than specifying that such problematic chemicals should be banned/eliminated.

**CIEL 62:** Keeping both "use" and "presence" would be more encompassing and protective of human health, in line with the treaty objective.

**CIEL 63:** A grouping approach is essential to avoid "regrettable substitutions." The replacement of chemicals of concern with closely related substances which can be just as, or more harmful to human health and the environment. A grouping approach is identified as one of the key aspects of successfully managing chemicals of concern and recommended as one of the key measures by the BRS Global Governance of Plastics and Associated Chemicals report and UNEP's Chemicals in Plastics - A Technical Report.

**CIEL 64:** Referring to a list of chemicals and polymers subject to prohibition in the annex is a necessary starting point, and an approach that resembles those of other conventions, e.g., the Stockholm Convention on POPs included an initial list of (groups of) POPs.

## Option 2

1. Parties shall take the necessary measures, including those referred to in paragraph 2, to **minimize**, and as appropriate eliminate [at the latest by the dates provided in part II of annex A], [the use and presence in] [the production, sale, distribution, import and/or export of] [plastic polymers], plastics and plastic products of [hazardous] chemicals, groups of [hazardous] chemicals [and polymers] [plastic application] with the potential for adverse impacts on human health or the environment at any stage of the plastic life cycle, or with properties that may hinder their safe and environmentally sound management, including their reusability, repairability, recyclability and disposal.

2. [Each Party shall take the necessary measures to not allow, or to **regulate**, as appropriate, [at the latest by the dates provided in part II of annex A] the use and presence in plastic polymers, plastics and plastic [including plastic] products of [hazardous] chemicals, groups of [hazardous] chemicals [and polymers] identified in part II [and any persistent organic pollutants (POPs) listed] [of annex A][in Annex A, B and C of the Stockholm Convention on Persistent Organic Pollutants]. The measures taken to implement this provision shall be reflected in the national plan communicated pursuant to [Part IV.1 on national plans].]

## Provisions common for options 1 and 2 above

[[3][2] Where production or use of a regulated [hazardous] chemical, group of [hazardous] chemicals [or polymer] listed in part II of annex A is permitted, each Party[, taking into consideration its socioeconomic context and national circumstances,] with such production or use shall:]

- a. Take appropriate measures to ensure that any such [production] or use is carried out in a manner that **prevents** and minimizes human exposure or release into the environment [throughout the life cycle of the [concerned hazardous] chemical, [[plastic] polymer] or [plastics including plastic] product [concerned]] and fosters the safe and environmentally sound management, including the recyclability and disposal, of the polymers, plastics, and plastic products containing them;
- b. [Take appropriate measures to ensure that all such [hazardous] chemicals, groups of [hazardous] chemicals [[and] [as well as the plastic] polymers,] and [plastics including plastic] products containing them, are used in a manner consistent with part II of annex A and managed in a safe and environmentally sound manner throughout their life cycle, including for their [including for their reusability, repairability, recyclability and] final disposal;]
- c. Require producers and importers of such [hazardous] chemicals, groups of [hazardous] chemicals [[as well as plastic] polymers] and [plastics including plastic] products containing them to provide to government authorities, [in addition to the information required under] [Part II.14 on transparency, tracking, monitoring and labelling], **complete information** about the hazards to human health or the environment associated with the relevant chemical[, [plastic] polymer] or [plastic including plastic] product, and related implications for their safe use, recyclability and disposal[, based on the harmonized requirements contained in part II of annex A]; and
- d. Require producers and importers of the relevant chemicals[, [plastic] polymers] or [plastics including plastic] products to appropriately mark and label them [based on the harmonized requirements contained in part II of annex A], to allow their safe and environmentally sound use and handling [throughout their life cycle], including their [reusability, repairability, recyclability and] final disposal.

[4][3] Each Party is encouraged to include in its reporting pursuant to [Part IV.3 on reporting on progress] any measures it has taken to not allow, or to restrict, the use in [plastics][plastic polymers] and [plastics including ] plastic products of (hazardous) chemicals, groups of [hazardous] chemicals [and polymers] [not included in part II of annex A] that have the potential for adverse impacts on human health or the environment at any stage of the

**CIEL 65:** "Minimize" is weaker than "eliminate" and "not allow" present in Option 1. Merely minimizing can still leave open major loopholes and allow for serious health impacts and barriers to circularity measures.

**CIEL 66:** "Regulate" is weak and unspecific. See comment above in Option 1.

**CIEL 67:** Including groups of hazardous chemicals and polymers would be a start, but there could be polymers that are problematic and of concern beyond their hazardous properties (e.g., because of their higher leakage or releases) .

**CIEL 68:** Including POPs could be a minimum starting point as it covers only a small number of plastic chemicals. This reference could also be included in the annex instead of the main text.

**CIEL 69:** "Prevents" is in line with human rights law — States are required to take active measures to prevent the exposure of individuals and communities to toxic substances. "Minimizes" assumes that some level of exposure is ok. If retained, this word should be qualified with a clear indication that minimization should only be an option where elimination is impossible.

**CIEL 70:** It is essential to ensure that information relating to human health cannot be deemed "confidential." The instrument should follow existing precedents and use internationally agreed language such as Article 9.5 of the Stockholm Convention: "For the purposes of this Convention, information on health and safety of humans and the environment shall not be regarded as confidential."

product life cycle, or to hinder the [safe and] environmentally sound management, including recyclability and disposal, of the final product.

### Option 3

1. Each Party[, in accordance to its national circumstances and capabilities and subject to its national action plan,] shall take the necessary measures [to manage] [[to not allow, or] to regulate], the presence and use, in plastics and plastic products, [the risk] of chemicals[, groups of chemicals][ and polymers] with the potential for adverse impacts on human health or the environment [,based on agreed scientific criteria, following a transparent and inclusive process decided by the governing body\*] [in the production of plastic products] [[throughout][at any stage of the product]\*\* life cycle,] or with properties that may hinder their safe and environmentally sound management[, including their reusability, repairability, recyclability and disposal, based on the criteria contained in annex A][ provided alternatives or substitutes are available, accessible, affordable and environmental-friendly]. The measures taken to implement this provision shall be reflected in the national plan communicated pursuant to [Part IV.1 on national plans].

**OP1 Alt** Each Party shall, consistent with its regulatory frameworks and processes, and based on scientific evidence, take appropriate measures to identify and control chemicals, groups of chemicals and polymers that present a demonstrated risk of concern to human health or the environment at any stage of the product life cycle, including consideration of risks relevant to their environmentally sound management, reusability, and recyclability.

**OP1 bis Alt** Each Party shall take measures, consistent with its regulatory frameworks and processes and based on scientific evidence, to prioritize and evaluate, as appropriate, polymers and chemicals used in plastic production that may present a risk of concern to human health or the environment.

**OP1 ter Alt** Each Party shall take measures, consistent with its regulatory frameworks and processes, and based on scientific evidence, to test chemicals used or intended to be used in plastic production that may present a risk of concern to human health or the environment.

**OP1 bis** Any new chemicals of concern identified under paragraph 1 above shall be prohibited under the relevant chemical convention.

**OP1 ter** The cost of compliance of control measures shall be assessed for each country and funding shall be made available through the dedicated fund as per a procedure decided by the governing body\* to enable compliance of control measures.

### Option 4 – Replace Part II, sections 2 and 3 with the following text:

**Alt title: Control of Hazardous, Problematic and Avoidable Chemicals, Polymers, and Plastic Products, including single-use plastics and intentionally added microplastics**

1. Each Party shall eliminate or not allow the production, sale, use, distribution, import or export of chemicals or polymers used in plastic production or plastic products that are hazardous to human health or the environment at any stage of the plastic lifecycle, as defined and listed in [annex], not later than the respective dates in the annex.

2. Each Party shall take measures, as appropriate, to not allow, to phase down or to otherwise regulate the production, sale, use, distribution, import or export of chemicals or polymers used in plastic production or plastic products that are problematic because they disproportionately contribute to plastic pollution, especially in the marine environment, or they have properties that may hinder their safe and environmentally sound management, including their reusability, repairability, recyclability and disposal, as defined and listed in [annex], except where the Party has a registered exemption for the relevant product(s) under [annex].

3. Each Party shall take measures, as appropriate, to not allow, to phase down or to otherwise regulate the production, sale, use, distribution, import or export of chemicals or polymers used in plastic production or plastic

**CIEL 71:** See comments above on the differences between these verbs.

**CIEL 72:** Linking measures to the availability of alternatives is problematic in multiple ways: (1) Some plastic uses don't need replacements and can be abandoned (see section on problematic and unnecessary plastics); (2) It would hamper innovation, eliminating incentive to develop alternative where needed.

Furthermore, the wording of "environmental friendly" is vague and does not take into consideration toxicity and social impacts of the alternatives.

products that are avoidable because they can be easily substituted for more sustainable alternatives, as defined and listed in [annex], except where the Party has a registered exemption for the relevant product(s) under [annex].

4. Each Party shall eliminate or not allow the production, sale, use, distribution, import or export of plastics products containing intentionally added microplastics, as defined in [annex], except where an exception is specified in part IV of annex B.

5. The Science, Technology and Economics Panels (STEPs) shall recommend to the Conference of the Parties by its first meeting, a list of the characteristics of hazardous, problematic, and avoidable chemicals, polymers or plastic products referred to in paragraphs 1 to 4 above. In preparing these recommendations, the STEPs shall consider sound scientific, socioeconomic, and sociocultural assessments and the availability of safe, accessible, efficient, economically feasible, environmentally friendly and sustainable substitutes, including those based on the knowledge and practices of Indigenous Peoples and local communities.

6. The STEPs shall recommend to the *governing body*\* at each session, chemicals, polymers, or plastic products, their associated targets and timelines on the Annexes listed in paragraphs 1 to 4 above.

**Option 5 – Replace Part II, sections 2 and 3 with the following text:**

1. Parties shall decide at the *governing body*\* on chemicals of concern used in the plastics industry, based on criteria defined in annex A, that should be regulated by the Stockholm or Rotterdam Conventions, according to their objectives. This making-decision process can be repeated at any moment when it would be necessary and decided by the *governing body*\*.

2. Parties are encouraged to take measures to regulate polymers with potential adverse impacts on human health or the environment, based on criteria contained in annex A, which shall include the uses of the best scientific evidence.

3. Parties are encouraged to take measures to gradually reduce the use of problematic and avoidable plastic products, identified on the basis of relevant parameters, and based on the availability, accessibility and affordability of sustainable alternatives, in particular to developing countries, taking into account their national circumstances and capability.

4. Each Party shall take the necessary measures to regulate the use of plastic products containing intentionally added microplastics, except where an exception is specified in part IV of annex B.

**3. Problematic and avoidable plastic products, including short-lived and single-use plastic products and intentionally added microplastics**

*Alt title: Problematic plastic products and avoidable plastic products and groups of such products, [including short-lived and single-use plastic products] and [products containing] intentionally added microplastics*

a. Problematic [plastic products]\*\* and avoidable plastic products [and groups of such products]\*\*, including short-lived and single-use plastic products

**Option 0**

*No provision on this matter.*

**Option 1**

1. Each Party shall [not allow][reduce] the production, sale, distribution, import or export of [the] plastic products[, including short-lived and single-use plastic products,] listed in part II[I] of annex B [after the dates specified for those products, and] identified based on criteria [and within the timeframe set out in the same] [provided alternatives or substitutes are available, accessible, affordable, and environmental-friendly] [set out in part I of] annex [B], except where the Party has a registered exemption for the relevant product(s) under part II of

**CIEL 73:** Intentionally added microplastics are both a major source of plastic pollution and a low hanging fruit for elimination. Not including provisions on this issue defeats the purpose of a treaty to address plastic pollution.

**CIEL 74:** This option is preferred as a starting point for the negotiation. On the use of the verb "regulate" in this and later options, see comments under Obligation 2.

annex B pursuant to [Part II.4 on exemptions available to a Party upon request]. [This provision does not limit Parties' abilities to enact bans or adopt more ambitious criteria in addition to the criteria in part I of annex B.]

**OPI Alt 1.** No text.

**OPI Alt 2.** Each Party must take the necessary measures to regulate and reduce and not allow the production, sale, distribution, import or export of the plastic products, including short-lived and single-use plastic products, listed in part II of annex B after the dates specified for those products, and identified based on criteria set out in part I of annex B, except where the Party has a registered exemption for the relevant product(s) under part II of annex B pursuant to [part II.4 on exemptions available to a Party upon request].

2. Each Party shall [reduce] [restrict] the production, sale, distribution, import or export of [the]\*\* plastic products listed in part III of annex B identified based on the criteria and within the timeframe set out in the same annex.

### **Option 2**

1. Each Party [should] [shall] take [the necessary] measures [, consistent with national laws,] [to regulate] [and] [to] [reduce and] [, as appropriate,] [the use of problematic and avoidable plastic products, including short-lived and single-use plastic products in its territory.] [not allow the production, sale, distribution, [import or export] of problematic and avoidable plastic products, including [short-lived] and single-use plastic products [with high risk of environmental leakage], identified based on [[national criteria guided by] the criteria contained in part I of annex B] [by the governing body\* after enforcement of the instrument\*] [taking into consideration technical feasibility and accessibility of alternative plastics and plastic products, and socio-economic impacts]. The measures taken to implement this provision, including the appropriate nationally determined timeframes for reduction and [as appropriate] phase-out, shall be reflected in the national plan communicated pursuant to [Part IV.1 on national plans]. [This provision does not limit Parties' abilities to enact bans or adopt more ambitious criteria in addition to the criteria in part I of annex B.]]

**OPI bis.** Each Party should identify at the national level a list of problematic and avoidable plastic products.

**OPI Alt 1.** No text.

**OPI Alt 2.** Subject to its national action plan and based upon national circumstances and capabilities, each Party should take the measures to regulate the production, sale, distribution, of problematic and avoidable plastic products, including short-lived and single-used plastic products, identified based on the science-based criteria [with an application-based approach]. The measures taken to implement this provision shall be reflected in the national plan communicated pursuant to [Part IV.1 on national plans].

**OPI bis Alt 2.** The governing body\* shall develop guidance on the regulation of problematic and avoidable plastics based on scientific criteria and take into account the availability, accessibility and affordability of sustainable alternatives.

**OPI ter Alt 2.** For implementation the Parties must promote the development of safe and cost-effective alternatives and such knowledge and technologies must be shared freely among all the Parties.

**OPI quater Alt 2.** The cost of compliance of control measures shall be assessed for each country and funding shall be made available through the dedicated fund as per a procedure decided by the governing body\* to enable compliance of control measure.

### **Option 3**

1. Parties are encouraged to take measures to gradually reduce the use of problematic and avoidable plastic products, identified on the basis of relevant parameters, and based on the availability, accessibility and affordability of sustainable alternatives, in particular to developing countries, taking into account their national circumstances and capability.

**b. [Products containing] Intentionally added microplastics**

**Option 0**

*No provision on this matter.*

**Option 1**

1. Each Party shall [not allow the production, use in manufacturing, sale, distribution, import or export of plastics and] [take the necessary measures to regulate the use of plastic products] products containing intentionally added microplastics, except where an exception is specified in part IV of annex B. [Each Party shall be encouraged to take any necessary measures to prevent the leak of unintentionally released microplastics into the environment.]

*OPI Alt. No text.*

**Option 2**

1. Each Party shall identify [plastics and] products containing intentionally added microplastics in [accordance with the criteria] [based on the elements] contained in part V of annex B, and take the necessary measures to manage, [where applicable] restrict and, where appropriate, not allow, their production, use in manufacturing, sale, distribution, [import or export]. [, taking into consideration technical feasibility, availability and accessibility of alternative plastics and plastic products, and socio-economic impacts] [with an application-based approach.]

*OPI Alt.* Each Party shall take measures, as appropriate and consistent with its national laws, to control the use or manufacture of products containing intentionally added microplastics. Such measures could include a Party taking actions to address their production, use in manufacturing, sale, distribution, import or export.

*OPI bis.* The measures taken to implement this provision shall be reflected in the national plan communicated pursuant to [Part IV.1 on national plans].

2. Each Party [within its respective regulations] shall share information on the measures taken pursuant to paragraph 1 through the online registry established under [Part IV.6 on information exchange] with the aim of promoting transparency.

*OP2 Alt. No text.*

*OP2 Alt 2.* Subject to its national action plan, each Party shall identify plastics and products containing intentionally added microplastics in accordance with the scientifically developed criteria, and take the necessary measures to regulate their production, sale and use.

*OP2 bis Alt 2.* Each Party shall share information on the measures taken pursuant to paragraph [1] through the online registry established under [Part IV.6 on information exchange] with the aim of promoting transparency.

*OP2 ter Alt 2.* The cost of compliance of control measures shall be assessed for each country and funding shall be made available through the dedicated fund as per procedure decided by the *governing body*\* to enable compliance of control measures.

**Option 3**

1. Parties should take effective measures to identify goods and products that contain intentionally added microplastics, to establish the risks of their ingestion and their pollution of the environment and adverse effects on the human body, followed by a phased reduction in their use when the risks have not been eliminated and safer and more affordable alternatives are available, as well as to facilitate the transition to these alternatives and accessibility of these alternatives.

**Option 4**



1. Each Party shall take the necessary measures to regulate the use of plastic products containing intentionally added microplastics, except where an exception is specified in part IV of annex B.

#### **Option 5**

*Merge with II.8 on unintentional releases of microplastics.*

**3bis. Micro- and nanoplastics**

#### **Option 1**

*Placeholder pending further text.*

### **4. Exemptions available to a Party upon request**

#### **Option 0**

*No provision on this matter.*

#### **Option 1**

1. Any Party may register, in accordance with the provisions of [Part II.1, Part II.2] and [part II.3 *[on problematic and avoidable plastic products, including short-lived and single-use plastic products and intentionally added microplastics, Option 1]*] an exemption<sup>11</sup> from the phase-out dates listed in part II in annex B for specific products, hereafter referred to as an “exemption”, in accordance with the procedure [set out in ...].

**OP1 bis** The register of any exemptions and any extensions to an exemption shall include the name of the Party to which the exemption applies and the period of the exemption. The register shall be kept updated by [the *governing body*\*] and shall be publicly available.

2. [All exemptions referred to in paragraph 1 shall expire [5] years after the relevant phase-out dates listed in part II of annex [A and] B, unless a Party, when registering an exemption, indicated a shorter expiration period, in which case the expiration date indicated by the Party shall apply.]

3. [[With the proper justification and necessary action plan for exempted period from the Parties, the] [The] *governing body*\* may decide to extend an exemption for a period requested by the Party but not exceeding [X] years, in accordance with the procedure [set out in ...].<sup>12</sup> [The country that would apply for the exemption may need to submit its justification along with the action plan for that specific period.] An exemption may only be extended [2] times per entry per phase-out date.] [In the case of non-compliance by any Party after the [second] exemption, the concerned Party shall be subjected to an assessment in accordance with the procedure set out in [...]]. – *non-compliance mechanism to be further developed.*]

4. [No Party may have an exemption in effect at any time after [3] years after the phase-out date for a plastic product listed in part II of annex B.]

**OP4 bis 1.** Small island developing States, and other States that are dependent on imported polymers or plastic products, may register extensions to exemptions without approval of the *governing body*\*, until such a time as there are sufficient polymer and plastic product supplies available to the Party at costs equal to then current levels.

**CIEL 75:** Exemptions from phase-out dates should be limited to Part II.3 on products. Depending on timelines for product phase-out extensions in Annex B, the prerequisites for applying for an exemption may initially be similar to that required in the Minamata Convention, with Parties providing a statement outlining their need, with a time-bound essential use justification. As for products with later phase-out dates or extension requests, Parties should provide more detailed time-bound essential use justification explaining why an exemption from the phase-out date is needed and a plan to reach phase-out by a date not later than 3 years after the phase-out to the Conference of the Parties, such as the Montreal Protocol's Decision IV/25 requirements for the production and consumption of controlled substances for essential use or those being considered in the EU's Chemicals Strategy for Sustainability. No exemptions should be granted for products with readily available alternatives that can be easily substituted by the phase-out date.

<sup>11</sup> Note: This proposed text is based on the experience of other multilateral environmental agreements. Members may wish to consider other alternatives as deemed necessary. Adapted from the Minamata Convention, as a possible complement to the control measures on problematic and avoidable plastic products. The specific conditions, timeframes and other details required for the registration of exemptions would need to be elaborated on by members.

<sup>12</sup> Note: The committee may wish to define where and how such procedure would be set out.

**OP4 bis 2.** Clear procedures on granting of exemptions and the implications on non-compliance must be further discussed and clearly outlined under this provision. The exemption may be granted by the *governing body*\*. The procedures as well as decision made by the *governing body*\* through a verification and validation body (VVB) must be transparent, unbiased, and backed by scientific evidence, taking into account a country's unique circumstances.

#### **4bis. Dedicated programmes of work**

##### **Option 1**

1. Dedicated programmes of work are hereby established to support the implementation of the *instrument*\* for the following sectors and/or product groups:

- a. Packaging;
- b. Fisheries and aquaculture;
- c. Agriculture;
- d. Textiles.

2. The *governing body*\* shall, at its first session, adopt the arrangements and terms of reference for the operation of the dedicated programmes of work, and review them periodically thereafter. The dedicated programmes of work shall:

- a. Prepare recommendations to the *governing body*\* for its consideration, on *inter alia* targets, criteria, measures and guidelines, to support implementation and to further develop the relevant provisions in the *instrument*\*;
- b. Cooperate and coordinate with intergovernmental organizations and entities, as appropriate, and engage with relevant stakeholders through a multistakeholder action agenda;
- c. Report regularly to the *governing body*\* on all aspects of its work.

3. The *governing body*\* shall review on a regular basis the implementation and effectiveness of dedicated programmes of work and, based on such review, take relevant action.

4. The *governing body*\* shall initiate additional dedicated programmes of work, as appropriate, to support implementation of the *instrument*\*.

#### **5. Product design, composition and performance**

##### **a. [Product [design and] performance]**

##### **Option 0**

*No text.*

##### **Option 1**

1. [Subject to their national plan and based upon national circumstances and capabilities] [and available scientific results,] each Party [shall][is encouraged to] take measures [as appropriate, and in accordance to national priorities,][, including those referred to in paragraphs 2 and 3,] to [promote product performance to] enhance the [design] [circularity] of plastic products, including packaging, and improve the composition [of plastics and] plastic products, [according to national capacity of developing countries and available resources] with a view to:

- a. [Reducing demand for [and use] of primary plastic polymers, plastics and plastic products [and associated chemicals][ and should always be followed by the availability of alternative material for plastic and/or non-plastic substitutes that are affordable]] [Improving the circular economy of plastic products and minimizing releases of plastic waste, including microplastic];

[b. Increasing the [safety,] durability, reusability, refillability, repairability [in practice] and refurbishability of plastics and plastic products, as relevant[, and their capacity to be repurposed, recycled [at scale and in practice] and disposed of in a safe and environmentally sound manner upon becoming waste;]

[c. Minimizing releases and [emissions][leakages] from [and environmental and safety impacts from] plastics and plastic products, including [intentionally] microplastics [considering technical feasibility and accessibility of potential microplastic alternatives and socio-economic impacts;]]

[*OPI.c. alt.* Minimizing environmental and safety impacts of plastics and plastic products, including intentionally added microplastics.]

[*OPI.c. bis* Improving the capacity of plastics and plastic products to be repurposed, recycled and disposed of in an environmentally sound manner upon becoming waste;]

[*OPI.c. ter* Taking into account the relevant international standards and guidelines, including any relevant sector- or product-specific standards and guidelines, and assure compliance with sectoral requirements. The measures adopted pursuant to this provision may be reflected in the national plan communicated.]]

#### **Sub-Option 1**

2. Each Party shall require plastics and plastic products produced within its territory and those available on its market to comply with the minimum design and performance criteria [and other related elements contained in part I of annex C], including, where relevant, sector- or product-specific criteria and elements, within the timeframe defined in that annex. [The criteria should be harmonized distinguishing between design for reduction, reuse, recycling of plastic products and packaging.]

3. [Each Party][ The *governing body*\*] shall establish and maintain certification procedures and labelling requirements for plastics and plastic products [produced within its territory and those available on its market,] based on [recommendations from the STEPs, and] the design and performance criteria and other related elements contained in part I of annex C, including, where relevant, sector- or product-specific criteria and elements, and shall require plastics and plastic products to be appropriately labelled in accordance with these criteria and elements.

#### **Sub-Option 2**

2. Each Party [should][shall] adopt [sustainable product]\*\* design and performance criteria and [regulatory schemes][take [the][any]\*\* necessary measures] to:

- a. Reduce the use of plastics across the value chain, including in product packaging; and
- b. Increase the safety, durability, reusability,[recyclability], refillability, repairability and refurbishability of plastics and plastic products, as relevant, and their capacity to be [reused] repurposed, recycled and disposed of in a safe and environmentally sound manner upon becoming waste;

[in accordance with the elements contained in part I of annex C.] and taking into account relevant international standards and guidelines, including any relevant sector- or product-specific standards and guidelines. The measures adopted pursuant to this provision shall be reflected in the national plan communicated pursuant to [Part IV.1 on national plans][The criteria should be harmonized distinguishing between [sustainable products] design [and performance] for reduction, reuse, recycling of plastic products and packaging].

*OP2 Alt.* Each Party shall consider including the following actions as part of its measures laid out in paragraph 1:

- a. Adopting public procurement policies or guidelines for plastic products to enhance circularity of plastic products;
- b. Promoting the use of environmental performance standards for plastic products;
- c. Supporting efforts to establish or augment voluntary certification schemes for environmentally preferable products or packaging to encourage sustainable choices;

- d. Parties should take into account relevant international standards and guidelines, including any relevant sector- or product-specific standards and guidelines.
3. Each Party should establish, in accordance with the elements contained in part I of annex C, [to the extent possible], transparency, labelling and certification procedures and requirements for plastics and plastic products that conform to the design and performance criteria established pursuant to paragraph 1 [, taking into account Confidential Business Information (CBI)].

*OP3 Alt. No text.*

**Provision common for Sub-Options 1 and 2 above**

4. Parties [are encouraged to][shall] work with relevant [national, and] international organizations towards the development of standards and guidelines [at the multilateral level], including on a sectoral basis as relevant, to [reduce the use of plastics in products across the value chain, including in product packaging, and][optimize and] improve the design of plastic products to increase their [safety,] durability, reusability, [refillability,][and] repairability [recyclability in practice]\*\* [and refurbishability,] [and] their capacity to be [reused], repurposed, recycled and disposed of in [a safe and] environmentally sound manner upon becoming waste; and minimize the environmental and safety impacts of plastics and plastic products][, and assure compliance with sectoral requirements].

**Sub-Option 3**

2. Each Party is encouraged to take measures as appropriate, and in accordance with national priorities, to enhance the design of plastic products, including packaging, and improve the composition of plastic products, with a view to:
  - a. Increasing the safety, repurposability, durability, reusability, and repairability of plastic products, as relevant, and their capacity to be repurposed, recycled and disposed of in a safe and environmentally sound manner upon becoming waste; and
  - b. Minimizing releases and leakage from plastic products, including microplastics;

taking into account the relevant international standards and guidelines, including any relevant sector- or product-specific standards and guidelines, and assure compliance with sectoral requirements. The measures adopted pursuant to this provision may be reflected in the national plan communicated.

**Option 2**

1. Subject to its national plan and based upon national circumstances and capabilities, each Party shall take measures, including those referred to in paragraphs 2 and 3, to enhance the design of plastic products, including packaging, and improve the composition of plastics and plastic products.
2. Subject to its national plan and based upon national circumstances and capabilities, each Party should take measures to: increase the safety, durability, reusability, refillability, repairability and refurbishability and recyclability of plastics and plastic products, as relevant, taking into account relevant international standards, including any relevant sector- or product-specific standards and guidelines. The measures adopted pursuant to this provision shall be reflected in the national action plan communicated pursuant to [part IV.1 on national plans].
3. Subject to its national plan and based upon national circumstances and capabilities, each Party should take measures for plastics and plastic products that conform to paragraph 1.
4. There shall be an assessment of the need as well as mobilization of financial resources and technology transfer for each country in order to nationally driven commitments under this provision.

**b. [[Reduce,]\*\* [reuse], [recycling,] refill and repair of plastics and][Circularity approaches for] plastic products**

**Option 1**

1. Each Party shall, based on guidance to be adopted by the *governing body*\* at its first session, take effective measures to promote [the reduction,] reuse, [recycling,] refill, repair, repurposing and refurbishment, as relevant, of plastics and plastic products produced within its territory and those available on its market, in particular through the implementation of reuse, [recycling,] refill and repair systems. [The *governing body*\* shall issue harmonized standards for product reuse, recycling, repair and refurbishment.]

2. Each Party shall take the necessary measures[, covering the distribution, sales, and consumption stages,] to achieve the minimum [recycling targets, and, as appropriate,] [reduction,] reuse, refill and repair targets contained in part II of annex C within the timeframe identified in that annex, for plastics and plastic products produced within its territory and those available on its market.

**Option 2**

1. Each Party shall[, based on guidance to be provided by the *governing body*\* at the latest by its [second][first] session,] take [effective] measures[, covering the distribution, sales, and consumption stages] to [promote][enable] the [reduction,] reuse, [recycling,] refill, repair, repurposing and refurbishment, as relevant, of [plastics and] plastic products [produced within its territory and those available on its market, in particular through the implementation of reuse, [recycling,] refill and repair systems][, according to national circumstances and capacities; as well as access to technologies and availability of financial resources from developing countries].

2. Each Party [should][shall][, as appropriate,] adopt [nationally determined] [timebound] targets in [the implementation] [support] of this [objective][article][, reflecting national circumstances and capabilities.]

**Option 3**

1. Each Party shall, based on guidance to be provided by the *governing body*\* at the latest by its third session, take effective measures to promote circularity approaches as relevant and taking into account national circumstances and capabilities, plastic products produced within its territory and those introduced to its market, in particular through the implementation of circularity approaches.

2. Parties are encouraged to adopt timebound targets in support of this objective.

**Provision common for Options 1 to 3 above**

[3. The measures taken to implement the provisions of this article [may include the use of regulatory and economic instruments, public procurement, or incentivizing changes in the supply chain by investing in reuse, recycling, refill and repair system and infrastructure, and in consumer behaviour through raising consumer awareness on sustainable consumption] [shall][may] be reflected in the national plan communicated [pursuant to [Part IV.1 on national [action] plan[s]]].

**Option 4**

1. Subject to its national plan and based upon national circumstances and capabilities, each Party shall take effective measures to promote the reuse, refill, repair, repurposing and refurbishment, as relevant, of plastics and plastic products produced within its territory and those available on its market, in particular through the implementation of reuse, refill and repair systems.

2. Subject to its national plan and based upon national circumstances and capabilities, each Party should take measures as deemed appropriate to support this objective.

**CIEL 76:** Options 1 and 2 are an adequate basis for further negotiations. Options 3 and 4 are quite similar, except for how much the focus will be on a bottom-up approach. It is important to maintain an obligation to set targets.

**CIEL 77:** Reuse systems must be open to other materials. This must also be linked with articles on substitutes and alternatives, and include mechanisms to control the presence of chemicals of concern.

**CIEL 78:** All provisions in this sections need to be articulated in conjunction with the Part II.5.a on product design and performance.

**CIEL 79:** It will be important for the governing body to develop efficient technical regulations, guidelines, and criteria.

**CIEL 80:** Promote is vague. The obligation should be strengthened and "promote" should be replaced with "ensure."

**CIEL 81:** The order of this list does not adequately reflect the waste hierarchy (refill, repair, repurposing and refurbishment should all be placed before recycling). This order should be upheld and the waste hierarchy should be mentioned. Furthermore, it is key to include provisions to ensure that recycling processes do not further circulate toxic/hazardous chemicals or produce additional toxic and/or micro plastic pollution.

**CIEL 82:** Repair, repurposing, and refurbishment should be addressed in a separate and stand alone paragraph that includes minimum requirements.

**CIEL 83:** Commonly agreed reduction and reuse binding targets are important to guarantee the effectiveness of the treaty provisions.

**CIEL 84:** In order to meet those targets, clear measurement and methodology should be developed by the COP (under the obligation in Para 1).

**CIEL 85:** There is no clarity about what "circularity approaches" means.

**CIEL 86:** The term "sustainable consumption" is relatively vague and undefined. One of several questions about this term relates to whether this refers to the final user, the industrial user, or the country.

3. There shall be an assessment of the need as well as mobilization of financial resources and technology transfer for each country in order to nationally driven commitments under this provision.

#### **Option 5**

1. Each Party shall take effective and environmentally beneficial measures to ensure the reduction in the use of plastics and plastic products through, as relevant, reuse, refill, repair, repurposing and refurbishment of those products produced or used within its territory and those available on its market, in particular through the implementation of reuse, refill and repair systems.

2. Each Party shall by taking the necessary measures including those referred to in paragraph 1, to achieve the minimum reduction, reuse, refill and repair targets contained in part II of annex C within the timeframe identified in that annex, for plastics and plastic products produced or used within its territory and those available on its market. This should be based, where relevant, on a sectoral approach.

3. Parties are encouraged to work with relevant international organizations at the multilateral level towards the development of standards and guidelines for reuse and refill systems.

4. The measures taken to implement this provision may include the use of regulatory and economic instruments, public procurements, the establishment of extended producer responsibility schemes, as set out in part VII or incentivizing changes in the supply chain and in consumer behaviour and shall be reflected in the national plan communicated pursuant to [Part IV.1 on national plans].

#### **c. Use of recycled plastic contents**

#### **Option 1**

1. Each Party shall require plastics and plastic products produced within its territory and those available on its market to contain minimum percentages of safe and environmentally sound post-consumer recycled plastic, as set out in [part III of annex C], within the timeframe specified in that annex.

#### **Option 2**

1. [Subject to its national plan and based upon national circumstances and capabilities,][E][e]ach Party [as per its national action plan][should][shall] [take [nationally determined]][the necessary] measures [for [appropriate] plastics and][promote that] plastic products produced within its territory and those available on its market][to increase the share of secondary plastic that is used in plastic products][[to] achieve minimum percentages][and to adopt time-bound targets][[to promote recycling\*\* and to adopt time-bound targets on the use] of safe and [environmentally sound] post-consumer recycled plastic contents, [when it is technologically feasible and] based on the elements contained in [part III of annex C]. [The measures taken to implement this provision shall be reflected in the national plan communicated pursuant to [Part IV.1 on national plans]][consistent with national laws on post-consumer recycled plastic contents].

*[Note: The targets for minimum recycled plastic content in specific applications and product categories, to create the right enabling conditions for the sectors to meet this target, especially for food-related applications. Bearing in mind that all elements contained in part III of annex C] should assist each Party to be able to setup its own requirements or targets of recyclable plastic contents in its certain prioritized products.]*

[OP1 bis. There shall be an assessment of the need as well as mobilization of financial resources and technology transfer for each country in order to nationally driven commitments under this provision.]

#### **Option 3**

1. The governing body\* shall provide a timeframe in the annex towards transitioning all plastics in the market to be recyclable and this may entail gradual, incremental minimum percentage of safe and environmentally sound post-consumer recycled. [Standards for recycled plastics should be harmonized globally.]

**CIEL 87:** Option 5 provides another interesting approach in that it highlights is based on the waste hierarchy. This approach could possibly be combined with elements of Option 1.

#### Option 4

1. Each Party should take the necessary measures for plastic products produced within its territory and those introduced to its market to achieve minimum percentages of safe and environmentally sound post-consumer recycled plastic contents, as appropriate taking into account national circumstances and capabilities. The measures taken to implement this provision may be reflected in the national plan communicated pursuant to [Part IV.1 on national plans].

#### Provision common for Options 1 to 4 above

2. Each Party [shall][should][based on national circumstances is encouraged to] take measures [to ensure that, where [needed][possible], [primary plastic][plastics used] in products is [replaced][complemented] by safe and environmentally sound recycled plastic content[, as applicable][, depending on the availability of technological solutions and means of implementation for developing countries][, as appropriate to promote design, composition and performance of products that enable maximum recycled plastic content in the broadest number of applications possible in order to replace primary plastic in products, while addressing any safety concerns related to the recycled plastic content]. The measures taken to implement [this][the] provision[s of this article] may include the use of [regulatory [and economic] instruments][, public procurement, [the establishment of extended producer responsibility schemes, as set out in part VII] or incentivizing changes in the supply chain [by investing in recycling system and infrastructure,]] and in consumer behaviour[, among other measures,][through raising consumer awareness on sustainable consumption. The measures taken to implement this provision][and] shall[may] be reflected in the national plan communicated ][pursuant to [Part IV.1 on national plans]][, according to national circumstances].]

#### d. Alternative plastics and plastic products

##### Option 0

No text.

##### Option 1

1. [Parties shall ensure that [']alternative plastics and plastic products['] are safe[r], environmentally sound and sustainable, [, in accordance with standards to be decided by the governing body\*, based on recommendations from the STEPs] [compared to the plastic product] taking into account their [negative] potential for [waste reduction and reuse, as well as any] environmental, [climate,] economic, social[,cultural] and human health impacts[, including food [and water]\*\* security][ in accordance with criteria set out in part IV of Annex C] [as well as the national circumstances and capacities].

**OPI bis.** Parties, in implementing the above provision, shall ensure that alternative plastics and plastic products are safe, environmentally sound and sustainable, taking into account their potential for environmental, economic, social and human health impacts, including food security.

##### Option 2

1. [Subject to their national plan and based upon national circumstances and capabilities,] Parties should encourage the development and use of safe[, environmentally sound] and sustainable alternative plastics and plastic products [, including through][. The measures taken to implement this provision may include the use of] regulatory [measures] and economic instrument[s)][, as per national regulation].]

**OPI bis.** We propose an additional provision, calling for the governing body\* to adopt a comprehensive set of criteria that encompasses safety, environmental soundness, and sustainability for these alternative plastics and plastic products.

2. Parties, in implementing the above provision, [shall][should endeavour to] ensure that alternative plastics and plastic products are safe[, environmentally sound] and sustainable, [based on life cycle assessments], [taking

CIEL 88: MISSING: Provisions to ensure the protection of Indigenous Peoples' rights (e.g., land rights) and systems of knowledge.

MISSING: Language on non-hazardous alternatives is needed here.

into account)[including] their potential for environmental, economic, social and human health impacts[, including food security].]

**OP2 bis.** There shall be an assessment of the need as well as mobilization of financial resources and technology transfer for each country in order to nationally driven commitments under this provision.

**OP2 ter.** Refer to capacity building and technology transfer, for innovation and alternative products.

[3. The measures taken to implement this provision shall be reflected in the national plan communicated pursuant to [Part IV.1 on national plans].

### **Option 3**

1. This *instrument*\* shall apply to alternative plastics and plastic products which include bio-based, biodegradable and compostable plastics.

2. Parties shall be guided by the waste hierarchy and ensure that reduction in the use of all plastics and prevention of plastic waste, including from non-fossil feedstocks, will prevail when considering the development and use of alternative plastics and plastic products.

3. Each Party shall ensure that alternative plastics and plastic products are safe, environmentally sound and sustainable, based on the minimum design and performance criteria and other related elements contained in part I of Annex C, including distinct sustainability criteria for: (i) bio-based plastics, (ii) biodegradable plastics and (iii) compostable plastics. The criteria shall build on a full life cycle analysis and take into account their potential for environmental, economic, social and human health impacts, including food security.

**OP3 bis.** The criteria that will be established should also take into consideration avoidance of undesirable substitution and problem-shifting.

4. Parties may consider economic instruments to incentivize alternative plastics and plastic products.

5. Each Party shall take the necessary measures to ensure that environmental claims on (i) bio-based, (ii) biodegradable and (iii) compostable plastics are substantiated. Those measures may include labelling requirements, as set out in [Part II.13], to comply with.

6. Parties are encouraged to work with relevant international organizations towards the development of standards and guidelines at the multilateral level to ensure that (i) bio-based, (ii) biodegradable and (iii) compostable plastics are safe, environmentally sound and sustainable.

### **Option 4**

Merge with II.6 ("Non-plastic substitutes").

### **6. Non-plastic substitutes**

#### **Option 0**

No provision on this matter.

#### **Option 1**

1. [Subject to its national plan and based upon national circumstances and capabilities, each][Each] Party shall take measures to foster innovation[, including through the cooperation mechanism referred to in [Part III. ...]] and incentivize and promote [the research,] the development and use at scale of safe, environmentally sound, and sustainable non-plastic substitutes, including products, technologies and services, taking into account their potential for [waste reduction and reuse, as well as] environmental, economic, social[, cultural] and human health impacts[, based on life cycle assessments] [as well as the developing countries' access to the transfer of necessary technologies and financial resources].

**CIEL 89:** This is important to include. Article 195 of UNCLOS could be used as a model to craft more specific language: "Duty not to transfer damage or hazards or transform one type of pollution into another: In taking measures to prevent, reduce and control pollution of the marine environment, States shall act so as not to transfer, directly or indirectly, damage or hazards from one area to another or transform one type of pollution into another."



2. Parties [are encouraged][shall ensure] to use regulatory and economic instruments, public procurement and incentives<sup>13</sup> to promote the development and use of safe, environmentally sound and sustainable non-plastic substitutes[, taking into account national circumstances and capacities].

**OP2 bis 1.** The financial mechanism established by the *governing body*\* shall ensure technology transfer to developing country Parties, in order to facilitate adoption and use of at scale safe, environmentally sound, and sustainable non plastic polymers.

**OP2 bis 2.** This provision would entail the adoption of a holistic set of criteria encompassing safety, environmental viability, and sustainability for non-plastic substitutes. Such criteria would incorporate a comprehensive life cycle assessment, ensuring a thorough evaluation of the environmental impact across the entire product life cycle.

**OP2 bis 3.** The measures taken to implement this provision shall be reflected in the national plan communicated pursuant to [Part IV.1 on national plans].

**OP2 bis 4.** Parties are encouraged to use the best available science, traditional knowledge, knowledge of Indigenous peoples and local knowledge systems [in the development of safe, environmentally sound, and sustainable non-plastic substitutes].

**OP2 ter.** Parties are encouraged to establish a process for the assessment of the safety and sustainability of potential substitutes to plastics and their suitability as substitutes, considering their potential impacts on human health and the environment, the waste hierarchy, and “reduce, reuse and recycle” approaches.

#### **Option 2**

1. Parties shall seek to ensure that non-plastic substitutes, products, technologies and services are safe, environmentally sound and sustainable, taking into account their potential for environmental, economic, social and human health impacts, including food security, across their lifecycle.

2. Each Party shall take measures to foster innovation and incentivize and promote the development and use at scale of safe, environmentally sound, and sustainable non-plastic substitutes, including products, technologies and services, taking into account their potential for environmental, economic, social and human health impacts, across their lifecycle.

3. Parties are encouraged to use regulatory and economic instruments, public procurement and incentives to promote the development and use of safe, environmentally sound and sustainable non-plastic substitutes, products, technologies and services.

#### **Option 3**

1. Each Party shall take measures to foster innovation and research, and incentivize and promote the development and use at scale of safe and sustainable non-plastic substitutes, taking into account their potential impact on environmental, economic, and social systems and human health, and considering possible unintended consequences and trade-offs.

2. Each Party shall take measures to assess the development and use of safe and sustainable non-plastic substitutes, taking into account the considerations described in paragraph 1.

3. Each Party shall promote efforts to establish or augment voluntary certification schemes for sustainable products or packaging to encourage sustainable substitutes, with better overall impacts in areas listed in paragraph 1.

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<sup>13</sup> Such instruments could include, for example, fees, reduced tariffs, taxes or subsidies, including repurposed subsidies, as appropriate.

4. Parties are encouraged to use regulatory and economic instruments, public procurement and incentives to promote the development and use of safe, environmentally sound and sustainable non-plastic substitutes, taking into account the considerations described in paragraph 1 above.

**Option 4**

1. Parties should foster research and innovation on safe, environmentally sound, and sustainable non-plastic substitutes and shall ensure that the application of the waste hierarchy and comparative life cycle analysis prevail over the use and promotion of non-plastics substitutes.

**Option 5**

1. Parties shall ensure that non-plastic substitutes are safe, environmentally sound and sustainable, taking into account their potential for environmental, economic, social and human health impacts, including food and water security, and land loss. Based on full life cycle analysis.

**Option 6**

*Merge into Part II.5: Product design, composition, and performance.*

**7. Extended producer responsibility**

**Option 0**

*No provision on this matter.*

**Option 1**

1. [Each Party shall establish] [and regulate] [and operate] [mandatory] [national] Extended Producer Responsibility (EPR) [system] [scheme], [including based on the modalities [covering the products] contained in annex D], [with flexibility in the scope of the application of the [national] EPR [system] [scheme],] [and taking into account national circumstances and capabilities ] [[including, where relevant,] on a sectoral [or product] basis,] to incentivize [plastic reduction, reuse,] increased recyclability, promote [high quality recycling and]\*\* higher recycling rates, and enhance the accountability of producers and importers for safe and environmentally sound management, of plastics [and for littering,] and plastic products throughout their life cycle [and across international supply chains].

2. [Parties shall, in implementing this provision, take into account how the measures taken would contribute to a just transition.] [The governing body\* shall, at its first session, adopt modalities to inform the establishment of national EPR [systems] [schemes] and define their essential features, and to support their harmonization, taking into account how the measures taken would contribute to a just transition.] These measures shall be reflected in the national plan communicated pursuant to [Part IV.1 on national plans].

**Option 2**

1. [Parties who do not yet have their] [Each Party [according to its specific conditions] is encouraged to establish and [operate] [implement]] [national] Extended Producer Responsibility [(EPR) [systems] [schemes], [or any systems or mechanisms that serve the same purpose of EPR [systems][schemes],] [that are the most appropriate to a specific region or country, taking into consideration market condition, national capabilities and circumstances,] [are encouraged to consider establishing and operating fiscal and/or non-fiscal [national] EPR [systems] [schemes] as appropriate and based on their national circumstances and capability,] [as per their national plans and based upon national circumstances and capabilities, ] [within its jurisdiction] including [, where relevant, on a sectoral basis,] [systems, in accordance with national legislation and taking into account, as appropriate, the modalities contained in annex D,] to incentivize [just transition with special consideration of waste pickers] increased [reuse,] recyclability, promote higher recycling rates, and enhance the accountability of producers [and importers] for [safe and] environmentally sound management, of plastics and plastic products throughout their life cycle and across international supply chains] [and increase public awareness.].

2. The *governing body*\* shall [, at its first session,] [adopt] [develop] [[implementable] modalities] [guidance] [guidelines] [as outlined in Annex D] [to inform the establishment] [for design and implementation] [of [national] EPR [systems] [schemes] [or any systems or mechanisms that serve the same purpose as EPR systems,] and [identify] [define] their essential features, and to [encourage] [support] their [alignment] [harmonization],] taking into account [the objective of] [how EPR systems can support] [ensuring] a just transition.

**OP2 bis.** [Parties shall, in implementing this provision, take into account how the measures taken would contribute to a just transition.] The measures adopted pursuant to this provision shall be reflected in the national plan communicated pursuant to [Part IV.1 on national plans].

### Option 3

1. Parties shall ensure that all plastic producers operating in their jurisdiction are part of mandatory Extended Producer Responsibility (EPR) schemes and multinational corporations who introduce plastic products especially in developing countries through franchise, subsidiaries, agents or any other arrangements, shall minimize their plastic pollution footprint through EPR schemes.

2. Parties shall ensure that EPR schemes have efficient and effective traceability and accountability mechanisms.

3. Parties may consider cooperating at regional and global level, in the implementation of EPR schemes.

### Option 4

1. Parties are encouraged to consider establishing and operate fiscal and/or non-fiscal Extended Producer Responsibility (EPR) systems as appropriate and based on national circumstances and capability, including, where relevant, to incentivize increased recyclability, support higher recycling rates, and enhance the accountability of producers and importers for safe and environmentally sound management of plastic products and increase public awareness.

### 8. Emissions and releases of plastic throughout its life cycle

**Alt title:** [Emissions and] [Leakage and] releases of plastic [products and products waste] [waste and microplastics] [throughout [the entire] [its] life cycle [of plastics]]

### Option 1

1. Each Party[, based on studies of initial studies, vulnerability studies and assessment of levels of contamination of ecosystems,] shall [take measures to] [prevent and [where feasible] eliminate the emissions and] [to protect human health and the environment] [take measures to control] releases of [plastic polymers,] [chemical pollutants] plastics, including microplastics, and plastic products [across their life cycle], [including from extraction and production,] to the environment from [the] [from various] sources [that should be nationally determined] [identified in annex E][, with assessment of trends of the emissions and releases, taking into consideration technical feasibility and accessibility of alternative plastics and plastic products, and socio-economic impacts] [according to the national circumstances and capacities of developing countries] [by the dates identified therein]. The emissions and releases covered under this provision should include:

a. [Emissions] [Releases] [of any plastic pollution] [of hazardous substances], including microplastics, to air [and in workplaces throughout the value chain of plastics];

[b. Releases to soil and water from the production, transportation and use of chemicals [and polymers] of concern, plastics and plastic products [listed in part II of Annex A]; and]

**OP1b. bis.** Spills of chemicals and other toxic exposures during extraction and production of plastics, as well as during production of chemicals used in plastics;

**CIEL 90:** MISSING: A paragraph mandating Parties to ensure full transparency of emissions and releases throughout the lifecycle (including chemicals, not just plastics). Voluntary examples already exist that States can build upon (e.g., Pollutants Release and Transfer Registers - PRTRs).

**MISSING:** A paragraph aimed at preventing emissions and releases beyond the national territory. UNCLOS Article 194 provides language that could offer guidance.

**CIEL 91:** This is critically important. Fenceline communities and workers are being heavily impacted not just by the emissions of plastics per se, but by other toxics pollutants emitted during the production or disposal of plastics. These must be addressed by the treaty.

**CIEL 92:** See comment above.

**OP1b. ter.** Minimization of microplastics generation and the generation of hazardous chemicals during the use and waste phases.

**OP1b. Alt. merge b and c.**

[b][c]. Releases of [chemicals and [monomers and] polymers of concern.] [of any plastic pollution] [plastics and plastic products] [listed in part II of Annex A], including microplastics, to air, soil, and water, [including the marine environment] and ecosystems.]

**OP1 Alt 1.** Each Party shall take measures to prevent or reduce, with a view toward elimination, the release of plastic polymers, plastics and plastic products across their life cycle, to the environment.

**OP1 bis.** Parties are encouraged to organize appropriate systems of environmental regulation and to establish systems of control over permissible environmental impact where they do not exist.

**OP1 ter.** Each Party should endeavor to adopt, as appropriate, and maintain national laws, regulations, or policies to address, within its national jurisdiction, adverse impacts on the environment or potential risks to human health linked to or caused by plastic pollution, taking into consideration any disproportionate impacts on persons in vulnerable situations. Each Party should endeavor to implement and enforce the national laws, regulations, or policies it adopts or maintains in accordance with this provision.

2. Each Party [shall [take [effective] [any necessary] measures to]] [is encouraged to] prevent [or reduce, with a view toward elimination] [and where [possible] [feasible],] [and eliminate] [emissions and] releases of [plastic pellets, flakes and powder] [plastic pollution] from production, storage, handling and transport, taking into account, as appropriate, [the] relevant [provisions and guidance agreed in] [efforts undertaken within] the framework of international organizations such as the International Maritime Organization.

**OP2 Alt 1.** No text.

**OP 2 Alt 2.** Move text to annex B.

**OP2 bis.** In relation to the provision in Part II.8.2 and the reference to the International Maritime Organisation and hence reference to the MARPOL Convention, due consideration should be given to provisions as set out within other agreements such as the Cartagena, London, and OSPAR Conventions.

**OP2 ter.** Each Party shall take actions to prevent fishing gear composed of plastic from becoming abandoned, lost, or otherwise discarded in the marine environment, taking into account, as appropriate, internationally agreed rules, standards and recommended practices and procedures.

3. The measures taken to implement the provisions of this article [are encouraged to][shall] be reflected in the national plan [communicated pursuant to [Part IV.1 on national plans][, with necessary means of implementation taking into account the special circumstances of small island developing States]].

**OP3 Alt.** No text.

4. The governing body\*[, at its first session, shall][may] adopt [guidelines] [guidance], including where relevant, sectoral guidelines, to facilitate implementation of [the obligations set out in paragraph 1 [and 2]][this article], including [emission and effluent standards,][on] sector-specific best available techniques and best environmental practices on preventing emissions and releases [of plastic into the environment][, and best available techniques and best environmental practices to capture and remove plastic pollution, including microplastics from freshwater bodies, the marine environment and [any other] ecosystems]. [The guidelines shall be coordinated with other relevant bodies.]

5. Parties are encouraged to promote scientific and technical innovation[, including through the cooperation mechanism\* referred to in [Part III, article number yet to be defined], ] to prevent and capture [the] [any] releases of [plastics [and][,] plastic products [and their alternatives]] [plastic pollution], including microplastics, into the

**CIEL 93:** While not perfect (see comments below on the specific language) Parties are encouraged to utilize this option along with its corresponding paragraphs OP 1 bis and OP1 ter as a foundation and enhance it with stronger language from Option 1, paragraph 1.

**CIEL 94:** "And" would be preferred, as Parties should both prevent and reduce.

**CIEL 95:** The current list is not comprehensive, as it does not include emissions of chemicals, which are crucial. It is suggested to maintain broader and inclusive language such as "Emissions and releases, including of chemicals, throughout the entire lifecycle of plastics."

**CIEL 96:** Streamline with Paragraph 1 under Part II.1. Include a reference to this overarching obligation here.

**CIEL 97:** Replace the current language with "shall" to convey a stronger obligation.

**CIEL 98:** This is weak language and should be replaced with "shall."

**CIEL 99:** Member States are strongly encouraged to support this language.

**CIEL 100:** This is weak language and should be replaced with "shall."

[marine][and other] environment [including in the marine]]], particularly through strengthening cooperation among members, a commitment of sharing knowledge and transfer of technology, based on good faith and common understanding, from developed to developing countries.

**OPS Alt.** Each Party shall promote scientific and technical innovation to prevent the release of plastic into waterways and the marine environment. to developing countries.].

## Option 2

1. Each Party shall prevent and eliminate the emissions and releases of plastic polymers, plastics, including microplastics, and plastic products across their life cycle, to the environment from the sources identified in annex E by the dates identified therein. The emissions and releases covered under this provision should include:

- a. Emissions of hazardous substances, including microplastics, to air;
- b. Releases to soil and water from the production, transportation and use of chemicals and polymers of concern, plastics and plastic products; and
- c. Releases of chemicals and polymers of concern, plastics and plastic products, including microplastics, to air, soil, and water,[including the marine environment] and ecosystems.

2. Each Party shall prevent and eliminate emissions and releases of plastic pellets, flakes and powder from the full supply chain, including production, storage, handling and transport, taking into account, as appropriate, the relevant provisions and guidance agreed in the framework of international organizations such as the International Maritime Organization.

3. Each Party shall cooperate and take effective measures across the whole lifecycle of fishing and aquaculture gear to prevent, reduce and eliminate, abandoned, lost or otherwise discarded fishing and aquaculture gear and promote circularity, taking into account internationally agreed rules, standards and recommended practices and procedures. In particular, Parties shall take measures to:

- a. Enhance the design of fishing and aquaculture gear, with a view to increasing durability, reusability, repairability and refurbishability and their capacity to be repurposed, recycled, and disposed of in a safe and environmentally sound manner at end-of-life, and minimising releases and emissions of or from fishing and aquaculture gears, including microplastics, to the environment;
- b. Implement effective marking of gears and require reporting of lost gears, taking into account other relevant regional and international regulations, including MARPOL Annex V;
- c. Facilitate the collection and environmentally sound waste management of gear, including the reuse, repair and recycling of gear; and
- d. Promote and facilitate training, education and awareness-raising.

4. The measures taken to implement the provisions of this article shall be reflected in the national plan communicated pursuant to [Part IV.1 on national plans] [with necessary means of implementation taking into account the special circumstances of small island developing States].

5. The governing body\*, at its first session, shall adopt guidelines, including where relevant, sectoral guidelines, to facilitate implementation of the obligations set out in paragraphs 1, 2 and 3 including emission and effluent standards, sector-specific best available techniques and best environmental practices on preventing emissions and releases [and best available techniques and best environmental practices to capture and remove plastic pollution, including microplastics from freshwater, the marine environment and ecosystems].

6. Parties are encouraged to promote scientific and technical innovation to prevent and capture the releases of plastics and plastic products, including microplastics, into the [marine] environment.

**CIEL 101:** This list is missing the emission of toxic substances that are not qualified as plastics per se (such as monomers, processing aids, agents, additives etc..) but which are integral to the pollution of plastics across its life cycle.

**CIEL 102:** Member States are encouraged to support this language, which accurately showcases that spills happen throughout the lifecycle. However, waste management and recycling operations are missing from the list and should be included.

### Option 3

1. Each Party, subject to its national plan and based upon national circumstances and capabilities and relevant national environmental regulations, should take necessary measures to regulate the emissions and releases of plastics, including microplastics, across their life cycle, to the environment.
2. Each Party, subject to its national plan and in accordance with its national circumstances and capabilities and relevant national environmental regulations, should take necessary measures to regulate and reduce emissions and releases of plastic pellets, flakes and powder from production, storage, handling and transport, taking into account, as appropriate, the relevant provisions and guidance agreed in the framework of relevant international organizations.
3. The measures taken to implement the provisions of this article shall be reflected in the national plan communicated pursuant to [Part IV.1 on national plans].
4. The governing body\*, at its first session, shall adopt guidelines, to facilitate implementation of the obligations set out in paragraph 1 based on best available techniques and best environmental practices to capture and remove plastic pollution, including microplastics from freshwater bodies, the marine environment and ecosystems.
5. Parties are encouraged to promote scientific and technical innovation to prevent and capture the releases of plastics and plastic products, including microplastics, into the marine environment.
6. There shall be an assessment of the need as well as mobilization of financial resources and technology transfer for each country in order to nationally driven commitments under this provision.

**CIEL 103:** See comment above on the need to also control the emissions of plastics-related toxics, not just plastics.

### Option 4

1. Each Party shall prevent and control the emissions and releases of plastic waste, and microplastics to the environment from the sources identified in annex E. The emissions and releases covered under this provision should include:
  - a. Emissions and releases of microplastics during production of plastics and recycling of plastic waste to air and water;
  - b. Leakages of waste plastic products to land and waterbody; and
  - c. Releases of microplastics during use of products containing intentionally added microplastics to water.
2. Each Party shall prevent and control the emissions and releases of plastic pellets, flakes and powder from production, storage, handling and transport.
3. The measures taken to implement the provisions of this article shall be reflected in the national plan communicated pursuant to [Part IV.1 on national plans].
4. The governing body\*, at its first session, shall adopt guidelines, including where relevant, sectoral guidelines, to facilitate implementation of the obligations set out in paragraph 1, including emission and effluent standards, sector-specific best available techniques and best environmental practices on preventing and controlling emissions and releases, and best available techniques and best environmental practices to capture and remove plastic waste, including microplastics from freshwater bodies, the marine environment and ecosystems.
5. Parties are encouraged to promote scientific and technical innovation to prevent the releases of plastics waste and microplastics, into environment including marine environment.

**CIEL 104:** Terrestrial environments should be included in this list.

### Option 5\*\*

1. Each Party should manage and eliminate the leakages and releases of plastic products and product waste, including microplastics waste, to the environment.

2. The leakage and releases covered under this provision should include:
  - a. Leakage/ Releases of hazardous substances, including microplastics waste to all environments;
  - b. Releases to all environments from the production, transportation and use of plastic products, and chemicals of concern as per the agreed list for chemicals and polymers of concern from other multilateral environmental agreements.

## 9. Waste management

### a. [[Plastic] Waste management]

#### Option 1

1. Each Party shall take effective measures to ensure that [producers manage] plastic waste [is managed] in a [safe and] environmentally sound manner [throughout its [different stages][life-cycle], [including] handling, [collection,] [sorting,] transportation, storage, recycling[treatment], other recovery including energy recovery] and final disposal[.][taking into account [recognizing that] the waste hierarchy][establishes that greater environmental and social benefit occurs when actions at the top of the hierarchy are prioritized.][[.], and the special circumstances of small island developing States.][Each Party shall take effective measures on safe and environmentally sound waste management at its different stages, including handling, collection, transportation, storage, recycling and final disposal of plastic waste. The measures taken to implement this provision shall be reflected in the national plan communicated pursuant to [Part IV.1 on national plans], with an aim of achieving nationally determined targets and [minimum requirements developed based on the harmonized indicators set out in [part II of annex F]]].

2. Each Party shall meet the requirements, [including]\*\* where relevant through a sectoral approach, for [minimum] [safe and] environmentally sound [management of plastic waste, including through] [collection,] recycling and disposal rates[, set out in part I of annex F,] [taking into account][respecting][the waste hierarchy and other] relevant provisions[,][and taking into account] guidance and guidelines in [accordance with relevant arrangements under] other international agreements, [including those developed under][inter alia] the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal[, as appropriate], the London Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter and its Protocol on the International Convention for the Prevention of Pollution from Ships][the International Convention for the Prevention of Pollution from Ships (MARPOL) Annex V of the International Maritime Organization and the Bamako Convention on Hazardous Wastes].

3. The *governing body*\* [shall][may][, where necessary,] adopt requirements, [best practice] guidance and guidelines for the implementation of the provisions in paragraph 2, additional or complementary to the relevant guidance and guidelines developed under other international agreements mentioned above.

#### Option 2

1. Each Party shall take [effective] measures [on safe and][to ensure] environmentally sound [waste] management [of plastic waste.] [[at] [its different stages,] including handling, [sorting], collection, transportation, storage, recycling, [recovery], and final disposal of plastic waste. The measures taken to implement this provision [shall][are encouraged to] be reflected in the national plan communicated pursuant to [Part IV.1 on national plans], [with an aim to achieving][to achieve] nationally determined targets [and minimum requirements developed][.] [based on the harmonized [indicators] [elements] set out in part II of annex F.]

**OPI bis.** To implement the obligation pursuant to paragraph 1, each Party shall give priority/due consideration to establishing a basic effective social system at local level for handing, sorting, collection, transportation, storage, recycling and treatment of plastic wastes, which is indispensable to a safe and environmentally sound waste management and just transition.

2. The *governing body*\* [shall][may][, where necessary] adopt [at its first session,] [requirements, best practice guidance and guidelines] [and subsequently update as needed,] guidelines on [safe and] environmentally sound management of plastic waste, taking into account the waste hierarchy and other relevant international guidelines and guidance[.][, developed under the Basel Convention on the Control of Transboundary Movements

of Hazardous Wastes and their Disposal and other international agreements.][,as appropriate, as well as the need for a just transition, including for waste pickers.]

### **Option 3**

1. Each Party should take effective measures to meet best available practices, for minimum safe and environmentally sound collection, recycling and disposal taking into account relevant guidelines, available waste management infrastructure, and national priorities.

2. The *governing body*\* shall, where necessary, utilize the technical guidelines on the environmentally sound management of plastic wastes recently updated and adopted by parties at COP16 of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, avoiding duplication of work and efforts.

### **Provisions common for Options above**

[[4][3] Each Party shall [not allow waste management practices [listed in part III of annex F] that may lead to the emissions and releases of hazardous substances, [based on strong scientific evidence,] and shall regulate the other allowed waste management practices that may lead to the emissions and releases of the hazardous substances [listed in part IV of annex F.][take measures to prevent open dumping and open burning of plastic waste.]

[5][4] Each Party shall take [the necessary] measures to prevent [open dumping, ocean dumping,] littering [and open burning][of plastic waste].

[6][5] [It is recommended to] [Each][Parties][Party] [shall][are][is] encouraged] [to] [take additional measures[, according to their national capacities,] [to][ related to waste management, with developing country parties being supported by international cooperation and, in particular, the cooperation mechanism referred to in [Part III, article number yet to be defined], which could include, inter alia:][ to adopt comprehensive economic-driven approaches such as establishing and operating Extended Producer Responsibility (EPR) scheme, including, where relevant, on as sectoral basis, to incentivize increased recyclability, promote higher recycling rates, and enhance the accountability of producers and importers for environmentally sound management, of plastics and plastic products throughout their life cycle.]]

[a. [Invest in][ Promote investment and mobilization of resources from all sources for] waste management systems and infrastructure, including through financial and technical support to subnational governments, that enable[s] environmentally sound management of plastic waste[and enhances waste management capacity];]

[b. Promote investment and mobilize resources from all sources to cover financing gaps for waste management systems and infrastructure that enable environmentally sound management of plastic waste and enhance waste management capacity, in light of current and expected waste generation levels; and]

[c. Incentivize behavioural changes throughout the value chain[:] and [raise [consumer][public] awareness [on sustainable consumption][ about plastic waste prevention and minimization][ and production, as well as the critical roles of all stakeholders in reducing plastic litter[waste] and supporting recycling][, taking into account the waste hierarchy].]

***OP [6][5] c bis.*** Develop, identify, and/or strengthen markets for secondary plastics.

[7][6] The measures taken to implement the provisions of this article shall be reflected in the national plan [communicated pursuant to [Part IV.1 on national plans]]. [Where appropriate, Parties are encouraged to cooperate internationally or regionally to implement the provisions of this article.]

### **Provisions common for Options above Alt**

3. Each Party is encouraged to adopt environmentally sound waste management practices.



4. Each Party shall take the necessary measures to prevent open dumping, ocean dumping, littering and open burning.
5. Parties are encouraged to take additional measures to:
  - a. Promote investment in waste management systems and infrastructure that enable environmentally sound management of plastic waste;
  - b. Encourage behavioural changes and raise consumer awareness.
6. The measures taken to implement the provisions of this article may be reflected in the national plan communicated.

#### **Option 4**

1. Each Party, as per its national plans and based upon national circumstances and capabilities and relevant national regulations, shall take measures on safe and environmentally sound waste management. The measures taken to implement this provision shall be reflected in the national plan communicated pursuant to *[Part IV.1 on national plans]*.
2. The *governing body*\* shall adopt at its first session, and subsequently update as needed, guidelines on safe and environmentally sound management of plastic waste, taking into account the other relevant international guidelines and guidance. A mechanism needs to be established to assess the infrastructural requirements and financial resources required for safe and environmentally sound management of plastic waste.
3. Parties may, as per their national plan and based upon national circumstances and capabilities, take additional measures to:
  - a. invest in waste management systems and infrastructure that enable environmentally sound management of plastic waste;
  - b. promote investment and mobilize resources from all sources to cover financing gaps for waste management systems and infrastructure that enable environmentally sound management of plastic waste and enhance waste management capacity, in light of current and expected waste generation levels; and
  - c. incentivize behavioural changes throughout the value chain and raise consumer awareness on sustainable consumption.
4. The measures taken to implement the provisions of this article shall be reflected in the national plan communicated pursuant to *[Part IV.1 on national plans]*.

#### **b. [Fishing gear]**

#### **Option 0**

*No provision on this matter.*

#### **Option 1**

1. Each Party [, subject to its national plan and based upon national circumstances and capabilities,][shall [cooperate]][is encouraged to] [, including through the cooperation mechanism referred to in *[Part III, article number yet to be defined]*,] [and] take [any][effective] [measures][actions][, including [appropriate][ on design,] marking, [tracing][tracking] [, retrieval] [and][,] reporting [and recovery] requirements,] to [prevent, reduce and eliminate, abandoned, lost or otherwise discarded fishing gear [containing plastic], taking into account internationally agreed rules, standards and recommended practices and procedures.][ promote the collection and environmentally sound disposal or recycling of end-of-life fishing gear, including any recovered gear.] [The measures taken to implement this provision shall be reflected in the national plan [communicated pursuant to *[Part IV.1 on national plans]*].]

**OP1 bis1.** Each Party shall take effective measures towards collection and environmentally sound waste management of fishing gear.

**OP1 bis2.** Parties should take actions to promote investment, mobilize resources and facilitate knowledge exchange to enhance the recyclability and recycling rates of end-of-life and recovered fishing gear.

**OP1 ter.** Each Party should take actions to:

- a. promote education and raise awareness with fishing industries and practitioners on best practices and methods to reduce the risk of losing fishing gear and other plastics during fishing operations, and for the environmentally sound disposal of end-of-life gear; and
- b. promote collaboration between Parties and relevant industry sectors and stakeholders, including fisheries, port reception facilities, waste management, and recycling.

2. Parties [shall][are encouraged to] promote [synergy and complementarity with relevant initiatives and organizations in their respective actions towards [safe disposal of][ the prevention of plastic pollution from] fishing gear][ cooperation, coordination, and exchange of information, including the sharing of best practices, as appropriate, on enhancing the environmentally sound collection, disposal, and recycling of fishing gear, including with relevant initiatives and organizations].

**OP2 bis1.** The measures taken to implement the provisions of this article shall be reflected in the national plan communicated pursuant to [Part IV.1 on national plans].

**OP2 bis2.** There shall be an assessment of the need as well as mobilization of financial resources and technology transfer for each country in order to meet the commitments under this provision.

**Option 2. Alternative placement suggested as Section 8bis instead of 9b**

1. This obligation should have sub-paragraphs/provisions that require parties to take measures to:

- a. Enhance the design of fishing and aquaculture gears, with a view to increasing durability, reusability, repairability and refurbishability and their capacity to be repurposed, recycled and disposed of in a safe and environmentally sound manner at end-of-life, and minimizing releases and emissions of or from fishing and aquaculture gears, including microplastics, to the environment;
- b. Implement effective marking of gears and require reporting of lost gears, in accordance with other relevant regional and international regulations, including MARPOL Annex V;
- c. Improve the management of gear at the end of its usable life, including the reuse, repair and recycling of gear; and
- d. Promote and facilitate training, education and awareness raising.

2. The measures taken to implement this provision shall be reflected in the national plan communicated pursuant to [Part IV.1 on national plans].

Inclusion of an obligation for parties to promote synergy and complementarity with relevant initiatives, organizations, and regional and international authorities in their respective actions towards the prevention of plastic pollution from fisheries safe disposal of fishing and aquaculture gear.

Furthermore remediation of abandoned, lost and discarded fishing gear is important to protect the marine environment, the provision [in Part II.11] on existing plastic pollution, including in the marine environment, should provide the obligation on parties to take measures to remediate Abandoned, Lost and Discarded Fishing Gear, in an environmentally sound manner and in accordance with scientific and evidence-based social, economic and environmental impact assessments, using the best available techniques and environmental practices to avoid exacerbating environmental harm.

### Option 3

*Alternative placement suggested: as a new element 4bis instead of 9b.*

### Option 4

*Alternative placement suggested: under element 11 instead of 9b.*

### Option 5

1. Each Party on the basis of its national circumstances and capabilities should cooperate in taking effective measures, as appropriate, to tackle fishing gear.
2. Parties shall promote synergy and complementarity with relevant initiatives and organizations in their respective actions towards safe disposal of fishing gear.

### 10. Trade [in listed chemicals[, polymers] and products, and in plastic waste][related measures]

### Option 0

*No provision on this matter.*

### Option 1

#### a. Trade in listed chemicals, polymers and products

#### Sub-Option 0

*No text.*

#### Sub-Option 1

1. Each Party shall not export:
  - a. [a chemical, group of chemicals or polymer referred to in [Part II.2 on chemicals and polymers of concern], for use in plastic production or incorporation into a plastic product;
  - b. a plastic product containing any such chemical or polymer [as outlined in a) above]; or]
  - c. a microplastic [or][.] product [addressed in [Part II.3 on problematic][or problematic] and avoidable plastic products, including short-lived and single-use product, and intentionally added microplastics];

except where the [production and] use of such chemical, [polymer] or product is permitted under this *instrument*\* and with the prior informed consent of the importing State.

2. [Each Party exporting a chemical, polymer or product referred to in paragraph 1 pursuant to this provision shall establish an export permit requirement for such exports[and track the types, volumes and destinations of all its exports], and obtain the prior informed consent of the importing State in writing, together with its assurances that the chemical, polymer, microplastic or product, once imported, will be used in a manner consistent with the conditions contained in part II of annex A or in Annex B, as relevant, and managed in a safe and environmentally sound manner throughout its life cycle, including for final disposal.]
3. Each Party exporting pursuant to this provision a chemical or [polymer listed in part II of annex A,] a product containing any of these, or a microplastic [or product listed in annex B,] shall require the exporter to:
  - a. provide to the importing State and the importer complete harmonized information about the composition of the exported [polymer,] chemical or product and the associated hazards to human health or the environment, based on the harmonized disclosure requirements [contained in annex A], including safety data sheets, as relevant;

**CIEL 105:** Trade mechanisms should be an essential component of the future plastics treaty. Plastic feedstocks, polymers, additives, pellets, products, and waste are largely traded internationally and the liberalization of trade in plastics and their feedstocks supports the rise in production and consumption, accelerating the plastic crisis. A comprehensive trade system and permitting mechanism is vital in practice to ensure the efficacy of the treaty provisions. A comprehensive permitting system also acts as a safeguard by providing a verifiable trail of compliance, allowing importing parties to confidently verify that the traded materials and products meet the established criteria in an harmonized manner. Arguments used to justify the absence of trade measures, including the impossibility to do so because of existing WTO and other trade rules are legally and factually incorrect.

**CIEL 106:** This option is the most comprehensive and is a good starting point. Though provisions on chemicals, polymers, products, microplastics, etc are still being developed and the text is not yet stabilized, Parties should still be able to incorporate certain general elements into treaty text, such as:

- (1) A comprehensive trade regulation system should be established to facilitate full, fair, and effective implementation of the treaty.
- (2) Every shipment of covered materials and products should be accompanied by an export permit.
- (3) Each party shall ensure no illegal trade or trade in violation of this instrument.
- (4) Each party shall identify or establish a responsible national authority for regulating imports and exports of covered materials and products.

**CIEL 107:** This export restriction should be aligned with (and cross referencing) the text in Part II.2 Option 1 para 2.

- b. mark and label the exported chemical, [polymer or] product in accordance with relevant harmonized labelling requirements [contained in annex A], as relevant; and
- c. comply with the relevant generally accepted and recognized international rules, standards and practices for packaging, labelling and transport.

4 Where a customs code under the Harmonized Commodity Description and Coding System is available for a chemical, [polymer,] microplastic or product [listed in annex A or B,] each Party shall require its shipping document to bear that code when exported.

5. Each Party shall not import:

- a. a chemical, group of chemicals [or polymer referred to in *[Part II.2 on chemicals and polymers]* of concern];
- b. a plastic product containing any such chemical [or polymer]; or
- c. a microplastic or [product addressed in *[Part II.3 on] problematic and avoidable plastic products, including short-lived and single-use product, and intentionally added microplastics*];

**OP5.c. bis.** products not meeting standards established in article [5] [*on product design*];

except for the purposes of use permitted under this *instrument\**, or for the purpose of their safe and environmentally sound disposal [in accordance with the requirements of *[Part II.9 on waste management]*].

**OP5 bis.** In case of export to, or import from, a non-Party to this instrument, each Party shall apply the provisions of this article, on a non-discriminatory basis.

#### Sub-Option 2

1. Each Party should cooperate to promote a supportive and open international economic system that would lead to sustainable economic growth and development in all Parties, particularly developing country Parties, thus enabling them better to address the problems of plastic pollution. [Measures taken to deal with plastic under this *instrument\**, including unilateral ones, should not constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade specially developing countries' exports].

#### Sub-Option 3

1. Each Party shall regulate trade in listed chemicals, polymers and products as per relevant national regulations and in accordance with the principles of the internationally binding multilateral trading system enshrined in WTO law.

#### **b. Transboundary movement of [non-hazardous] plastic waste**

##### Sub-Option 0

*No text.*

##### Sub-Option 1

1. Each Party shall not allow transboundary movement of plastic waste, except for the purpose of its safe and environmentally sound management, with the prior informed consent of the importing State, and in a manner consistent with obligations under this *instrument\**[, and relevant arrangements under other multilateral environmental agreements, inter alia, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, as appropriate] .

**CIEL 108:** Trade measures protect the economies and industries of countries participating in the treaty from unfair competition originating from non-Party States. Provisions pertaining to non-Party States are indispensable for: (a) safeguarding the environmental progress attained by treaty parties against potential undermining by non-Party States; and (b) fostering equitable conditions for all nations, thereby eliminating a significant economic incentive for plastic-producing countries to not join the agreement, thereby bolstering overall State participation.

This sub-option represents a streamlined version of non-Party provisions, but comprehensive non-Party provisions are imperative. This provision must: (1) Recall that any export, re-export, or import obligations shall also apply between Parties and non-Parties on a non-discriminatory basis. (2) Require that in the case of export or import from a non-Party to a Party, the non-Party must provide comparable documentation that substantially conforms with the treaty requirements. (3) Provide that the non-Party State has adopted measures to phase out such materials and substances in conformity with the treaty.

**CIEL 109:** This sub-option fails to encompass the transboundary movement of plastics and appears more suitable for inclusion within a cooperation provision rather than in the current context. Additionally, it lacks substantive content pertaining to trade matters.

**CIEL 110:** See comment below on mentioning WTO.

2. [Where transboundary movement of plastic waste is permitted pursuant to paragraph 1,] Each Party exporting plastic waste [pursuant to this provision] shall establish and implement an export permit requirement for such exports and track the types, volumes and destination of all its exports of plastic waste.

3. Where transboundary movement of plastic waste is permitted pursuant to paragraph 1, each exporting Party shall:

- a. not allow the transboundary movement to commence until it has received the written consent of the importing State, which shall include that State's assurances that the exported plastic waste will be managed in an environmentally sound manner;
- b. require the exporter to:
  - i. Provide to the importing State and the importer complete information about the composition of the exported waste, including its contents in polymers, chemicals and plastics, and any associated hazards to human health or the environment, based on the relevant harmonized disclosure requirements contained in annex A, including safety data sheets, as relevant;
  - ii. Mark and label the exported waste in accordance with the relevant harmonized labelling requirements contained in annex A, as relevant; and
  - iii. Comply with generally accepted and recognized international rules, standards and practices for packaging, labelling and transport.

4. The *governing body*\* shall, at its first session, adopt guidance for the [implementation of the][purpose of this] provision [set out in paragraph 3], taking into account as appropriate relevant arrangements under other multilateral environmental agreements [*inter alia*, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal].

5. Each Party shall [take effective measures to] prevent and eliminate illegal trade [and dumping of] [in] plastic waste.

6. Parties shall promote synergy and complementarity with relevant organizations and intergovernmental bodies and cooperate towards the adoption and implementation of effective measures to prevent and eliminate illegal [exports][trade] and dumping of plastic waste [pursuant to paragraph 5].

#### **Sub-Option 2**

1. Each Party shall take appropriate measures to ensure that transboundary movements of plastic waste, as defined by the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, is only allowed for the purpose of environmentally sound disposal. Parties to the Basel Convention shall take appropriate measures to ensure that transboundary movement of plastic waste is done in accordance with the obligations of that Convention. In circumstances where the Basel Convention does not apply, a Party shall ensure that transboundary movement of plastic waste is allowed only after taking into account relevant domestic and international rules, standards, and guidelines.

#### **Sub-Option 3**

1. Each Party shall prevent and eliminate illegal trade, traffic and dumping of plastic waste as set in the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, recognizing its respective mandates, avoiding duplication of efforts and works and promoting cooperation and coordination with relevant regional and international conventions.

#### **Sub-Option 4**

1. Parties shall cooperate towards the adoption and implementation of effective measures to prevent and eliminate illegal exports and dumping of plastic waste.

## Option 2

### Alt title: Trade-related measures

1. This *instrument*\* applies insofar as its provisions do not contradict the provisions of the Marrakesh Agreement Establishing the World Trade Organization, and its Annexes.
2. Any measures established by the Parties for the implementation of this *instrument*\* shall be in full conformity with the Marrakesh Agreement Establishing the World Trade Organization.

### 11. Existing plastic pollution, including in the marine environment

1. Parties [shall] [are encouraged] [will take actions and shall] [cooperate] [in accordance with the Common but Differentiated Responsibility to respective capabilities] [to] [mobilize resources from multi-stakeholders, including, intergovernmental organizations, non-governmental organizations, academic and scientific and research institutes, international financial institutions and multilateral development banks, non-profit organizations and other relevant organizations or associations] [, including through the *cooperation mechanism*\* referred to in Part III, article number yet to be defined]], to:

- a. [cooperate to] [assess] [evaluation, identification and prioritization of][, identify and prioritize] accumulation zones, [and] [hotspots] [critical points] [and sectors]:
  - i. most affected by existing plastic pollution, [including] in the [terrestrial, freshwater and the] marine environment [and areas beyond national jurisdiction]; and
  - ii. [where] [that evaluations identify accumulation areas with] quantities and types of [litter] [plastic pollution] [garbage that represent] [pose] a threat to [human health,] species or habitats [taking into account the [full][complete] life cycle of plastics].
- b. Take [adopt] [effective] mitigation and [remediation measures][removal actions], including clean-up activities [for the] [in identified] accumulation zones, [and] hotspots [and [critical] sectors] identified, [taking into account the provisions [in existing international agreements] [of international agreements in force,] including those [relevant][relating] to the conservation and sustainable use of [terrestrial, freshwater and] marine [environment and] biological diversity, [including in areas [beyond][located outside] national jurisdiction:]] [and manage and dispose of removed plastic pollution in an environmentally sound manner] [taking into account special circumstances of small island developing States,] [and the disproportionate impacts on small island developing States; and

**OP 1.b. bis.** collect data and information on existing plastic pollution to support monitoring in accordance with [Part IV.4 on Periodic assessment and monitoring of the progress of implementation of the instrument\* and effectiveness evaluation]

**CIEL 111:** Integrating mentions of WTO rules seems legally unproblematic, particularly considering that: i) WTO Rules do not prohibit governments from agreeing to and implementing trade-related measures in accordance with Multilateral Environmental Agreements (MEAs), and ii) the recently adopted WTO Ministerial Declaration on plastic pollution acknowledges the INC processes as the primary fora for negotiating and regulating plastic pollution. While some MEAs indirectly acknowledge the importance of consistency and coordination with international trade rules or other international treaties no MEA currently references WTO rules in its operative part. MEAs and the WTO function as distinct international regimes, each with its own set of principles and objectives. Conditioning the application of a particular treaty to the Marrakesh Agreement and its Annexes is unnecessary and could potentially lead to unwarranted debates or challenges.

If States intend to refer to WTO rules within the trade provision, it would be more appropriate to emphasize that each Party shall ensure compliance with the terms and requirements of existing international treaty regimes, including those applicable within the World Trade Organization. This approach acknowledges the broader context of trade regulations beyond just WTO rules, encompassing Free Trade Agreements and other MEAs with relevant trade provisions such as the Basel, Stockholm, or Rotterdam Conventions.

**CIEL 112:** Member States are advised to include language emphasizing the importance of ensuring that clean-up activities do not have the potential for negative impacts on the environment, human rights, or human health.

- c. [promote engagement of [all stakeholders, including,] [the] local [communities][population] [civil society,] and citizens][, non-governmental organization as well as the private sector,] in [safe and] environmentally sound [removal] \*\* [remediation] [ activities].

**OP 1.c. Alt.** Promote safe and environmentally sound remediation activities, including through engagement with local population, communities, and citizens.

**OP 1.c. bis.** Conducting investigations and distribution research on the current state of plastic pollution, including the marine environment, as well as developing technologies and establishing international standards for impact assessments, pollution removal and restoration.

2. [Each Party][Developing countries] [should][encourage] make publicly available information [collected] on common plastic pollution types and [trends, as well as on the] practices and behaviours that lead to plastic pollution [, to raise awareness and prevent further plastic pollution, including littering in [floodplains,] coastal and freshwater areas].

**OP2 bis.** Each Party exporting chemicals, polymers and products shall establish and implement an export permit requirement for such exports and track the types, volumes and destinations of all its exports.

3. The measures taken to implement the provisions of this article [Part II. 11] [shall][could] be reflected in the national plan communicated pursuant to [Part IV.1 on national plans].

**OP3 Alt 1.** No text.

4. The governing body\* shall, at its first session, adopt:

- a. Indicators to identify accumulation zones, hotspots and sectors; and
- b. Guidance on best available techniques and best environmental practices, developed on the basis of best available science, [[including the] traditional knowledge, knowledge of Indigenous Peoples [' accessed with their free, prior and informed consent,] and local knowledge systems,] to address existing plastic pollution, with a view to ensuring the [effective mitigation and remediation measures, including] clean-up activities do not have potential for [negative] impacts on the environment, biodiversity and human health.

**OP 4 Alt 1.** The governing body\* should adopt guidance, as appropriate, to facilitate implementation of this article.

**OP 4 Alt 2.** The governing body\* shall get an assessment of the existing plastic pollution in respect of each country from an appropriate subsidiary body, the financial resources required to mitigate and remediate the existing plastic pollution due to legacy plastic waste.

**OP 4 bis.** Developed country Parties as the largest historical beneficiaries of plastic goods shall take the lead in tackling legacy and existing plastic pollution in the marine environment including beyond national jurisdiction.

## 12. Just transition

### Option 1

1. [Leaving no one behind,] Each Party shall promote and facilitate [, as per national circumstances and capabilities and relevant national regulation,] a fair, equitable and inclusive transition for affected populations, with special consideration for [for [Indigenous Peoples] and [local communities],] [waste pickers [and other workers in [plastic] [waste] value chains]] women [and vulnerable groups, including][ impacted communities] children and youth, in the implementation of this instrument\* [in line with the International Labour Organization Just Transition guidelines] [according to national social policies and circumstances ] [, in the implementation of this instrument\*] [, provided that means of implementation are available for developing countries]. This may include[, according to national circumstances]:

**OP1 Alt.** In the implementation of this instrument\*, each Party shall promote an equitable and inclusive transition for affected populations, with particular consideration for workers and [persons] [people] in vulnerable situations, within [its national jurisdiction; This may include:]

**CIEL 113: MISSING:** This section should include elements referring to legacy pollution site remediation for impacted communities and consideration of historical and long-term health impacts.

**CIEL 114:** Option 1 is the strongest option.

**CIEL 115:** The term fair and just cannot be used interchangeably. This section should be consistent in the use of the term "just." They both are interrelated but do not mean one and the same.

**CIEL 116:** It is important to include workers from the entire plastics life cycle. A just transition is not only relevant at the waste stage but throughout the whole life cycle of plastic and in particular for workers and communities affected in the upstream stages of the plastics life cycle. Language specifically addressing a just transition for such workers and communities should be included in this section.

- a. Designating a national coordinating [body] [mechanism] for engagement [and collaboration] with relevant stakeholders, including public authorities, [trade unions,] [workers association] [waste pickers,] non-governmental organizations[, Indigenous Peoples] and [local communities][and affected populations] [according to national regulations] [with the aim of data collection, monitoring, evaluation and national reporting on progress of just transition];
  - b. Enabling policies [and conditions][that integrate][to ensure and] improve [as appropriate] income, opportunities and livelihoods for] [waste pickers and other workers in plastic value chains and] [impacted] [affected workers and] communities, including workforce training, [development and social programmes, enhancement of occupational health and safety measures] [according] [considering] to their needs and priorities;
  - c. Incentivizing the development of skills and job opportunities across the plastic value chain, including for the development of reuse, repair, waste collection and sorting;
  - d. Promoting a [clean, healthy and sustainable] [safe working] environment [and a strong social safety net] [for communities and workers] across [the value chain, including [workers] in the waste management sector] [the full lifecycle in respect of the promotion of fundamental human rights];
  - e. [Improving working conditions [[, occupational safety and health, and social protection] for [waste pickers and] workers] in the waste management sector [, including by providing legal recognition and protection to [waste pickers and other] [workers [and waste pickers]] in informal and cooperative settings and facilitating the formalization [of their associations or cooperatives [integrating them into local waste management systems]] [of their activities through appropriate socioeconomic integration measures]]];
  - f. [Integrating [waste pickers and other] workers in informal and cooperative settings into [a safe] plastics value chain, [including by requiring plastic product producers, recycling and waste management companies to integrate plastics collected and sorted by them into their operation schemes]]]; and
  - g. [[Requiring] [Encouraging] a portion of the fees collected through EPR schemes to be used to improve infrastructure [and improve the] [, livelihoods [, a strong social safety net,] and opportunities for, and develop the skills of, workers in the waste sector, including waste [pickers and other][workers] in informal and cooperative settings.]
2. [The measures taken to implement this provision shall be reflected in the national plan [communicated pursuant to [Part IV.1 on national plans]]].

**OP2 bis** Each Party should support policies to improve income, opportunities, and livelihoods for affected workers and communities in the transition to more circular economies for plastics, considering the needs and priorities of affected workers and communities.

**OP2 ter** Within its jurisdiction, each Party shall encourage the consideration of socio-economic factors in determining the location, design, and construction of solid waste management facilities that manage plastic waste, with an aim of avoiding disproportionate and adverse impacts on [persons] [people] in vulnerable situations.

**OP2 quater** Each Party shall, in accordance with its domestic procedures, provide opportunities for members of the public to provide input on government plastic waste management decisions or measures.

## Option 2

1. Each Party shall cooperate to promote and facilitate a fair, equitable and inclusive transition/pathways for affected Parties in the context of sustainable development, with special consideration to social and economic impacts for affected developing country Parties, in the implementation of this *instrument*\*. Developed country Parties shall provide sufficient finance, technology transfer and capacity building support to affected developing country Parties, with the view to promote and facilitate the just transition of developing country Parties.
2. Each Party shall promote and facilitate a fair, equitable and inclusive transitions/pathways for affected populations, with special consideration for women and vulnerable groups, including children and youth, in the

**CIEL 117:** The term "affected population" needs more clarity and definition of stakeholders it would cover - affected by what and at which part of the life cycle?

**CIEL 118:** The human right to "safe and healthy" working conditions is explicitly recognized in the International Covenant on Economic, Social and Cultural Rights (Article 7) as a fundamental aspect of the right to just and favorable conditions of work. ICESCR Article 12 addresses health, referring to the explicit right to health protection through "industrial hygiene" and protection against "occupational disease." The right to a clean, healthy and sustainable environment has been enshrined in UNGA Resolution 76/300 of 28/7/2022.



implementation of this *instrument*\*, including by, inter alia, enhancing institutional arrangements, enabling policies and conditions to improve the opportunities, capabilities and livelihoods of affected communities.

### Option 3

1. Each Party shall cooperate to promote and facilitate a fair, equitable and inclusive transition towards sustainable development for developing country Parties, in the implementation of this *instrument*\*. Developed country Parties shall provide sufficient finance, technology transfer and capacity building support with the view to promote and facilitate the just transition of developing country Parties.
2. Each Party could promote and facilitate a fair, equitable and inclusive transition with special consideration for women, children and youth in the implementation of this instrument. including by, inter alia, enhancing institutional arrangement, enabling policies and conditions to improve the opportunities, capabilities and livelihoods of affected communities.
3. The measures taken to implement this provision might be reflected in the national plan.

### 13. Transparency, tracking, monitoring and labelling

#### Option 0

No text on this matter.

#### Option 1

1. Each Party[, in order to end plastic pollution, [as per its national plan and based upon][according to its] national circumstances and capabilities [including relevant national policies and regulations]] and the means of implementation required in the case of developing countries]]shall[, according to their national circumstances and capacities and the means of implementation required in the case of developing countries]:
  - a. [require][engage][, where feasible,] [producers [of primary and secondary plastics] and importers [and exporters]][business throughout supply chains] to [disclose] [communicate] [provide][globally] harmonized information on the [[hazardous] chemical composition of [all] plastics and plastic [products] [producers] [,based on guidelines adopted by the governing body\* consistent with WTO regulations and avoiding duplication with other multilateral environmental agreements,] [throughout their [entire] life cycle]]][type and quantities of polymers produced, the type and quantities of chemicals used in production] and make such information available in a publicly accessible database];
  - b. take appropriate measures to [ensure][improve] the traceability of chemicals[, polymers] and the plastic contents of [feedstocks and] products [throughout the life cycle of plastics] and plastic products[, [including] based on [globally harmonized] guidelines to be adopted by the governing body\* [at its first session,] [[consistent with WTO regulations and avoiding duplication with other multilateral environmental agreements,] [in particular] for the purposes of their [safe and] environmentally sound use, recycling[, recovery] and disposal][, taking into account,][as appropriate, any guidance adopted by the governing body\*][ Confidential Business Information (CBI) and human health and environmental impacts][and in accordance with measures that may be specified in an annex to the instrument\*, for the purpose of protecting public health and the environment throughout the plastics life cycle;] [; and][ upon availability and accessibility of the required technologies for the developing countries; ]
  - c. establish [digital tracking, traceability,] marking and [eco-]labelling requirements [including] [, consistent with provisions of the World Trade Organization's Agreement on Technical Barriers to Trade,] based on guidance [to be adopted] by the governing body\* at its first session, [in particular][and in accordance with measures that may be specified in an annex to the instrument\*] for the purpose[s] of [the safe and environmentally sound use, recycling and disposal of plastics and plastic products][ protecting human health and the environment throughout the plastics life cycle].

CIEL 119: Option 3 is the least preferred option as the just transition for groups and communities affected by plastic pollution and the transition away from the plastics system is left to voluntary measures.

CIEL 120: Transparency is an enabler for all measures and provisions of the future treaty. As such, provisions to ensure transparency, tracking, monitoring, and labelling are the cornerstone of the future treaty. The lack of such provisions would negatively impact the implementation and enforcement of all other provisions (including on health impacts, design, waste management, just transition, and others) and jeopardize the possible success of the plastics treaty.

CIEL 121: The text should specify that this harmonized information should be made publicly available. This information is particularly relevant for regulating authorities, impacted frontline and fenceline communities, workers, scientists, and the general public.

CIEL 122: Guidelines for such marking and labelling requirements could be developed by the COP and updated regularly to reflect best available science.

**OPI.c. Alt 1.** Move to Part II, Section 5.

**OPI.c. Alt 2.** Encourage marking and labelling practices for plastic products to promote the circularity of plastics, enable informed decision-making, and facilitate reuse, repair, refurbishment and recycling of plastics.

2. Each Party [shall][is mandated to] [monitor] [and][establish a national monitoring system to] [,] [track] [and publish and update, in a transparent manner relevant and readily available information on][ , to the possible extent,] the types and [volumes][quantities] of its production, imports and exports of chemicals [and polymers] [used][employed] in the [production][manufacturing] of [plastic polymers,] [plastics][ and] plastic products], [and][including] regulated plastic [products][items] [[across][throughout] their life cycle][consistent with its national laws][, considering the implementation for those with limited capacity, such as small and medium enterprises][ as well as any subsidies and fiscal incentives related to [these activities][the production, imports and exports of primary plastic polymers]].

**OP2 bis.** Each Party shall take legal, administrative or policy measures to ensure mandatory disclosures from large and transnational businesses, including the financial sector on their activities, risks, opportunities, dependencies and impacts and financial flows from all sources related to plastic pollution, including along their supply, value chain and portfolios.

3. Each Party [shall][is encouraged to] report the information collected pursuant to paragraph 2[, together with information on the recycling facilities functioning within its territory,] in a standardized format [where possible] to the *governing body*\*.

**OP3 bis 1.** Parties will implement the above provisions in accordance with national circumstances and capabilities, and supported by international cooperation, including through the cooperation mechanism referred to in [Part III].

**OP3 bis 2.** Each Party shall develop and promote the databases needed to administer and implement the requirements of this article, and cooperate in the development and maintenance of any global database that may be established by the *governing body*\*.

**OP3 bis 3.** Developing country Parties shall be provided necessary technical and financial assistance based upon an assessment of the technical and financial resources required for complying with obligations given in paragraph 1 in respect of each country.

**OP3 ter.** The *governing body*\* shall conduct, commencing [X] years after entry into force and at least every [X] years thereafter, a review of the guidelines and any annexes developed under this article with a view to assessing the need for revised guidelines, or new or additional annex measures, to protect public health and the environment, or to otherwise improve the effectiveness of this *instrument*\*.

### **13 bis. Overarching provision related to Part II**

1. Parties shall establish an effective mechanism in society to promote plastic circularity and prevent the leakage of plastics into environment through a whole-of-society approach by adopting integrated and holistic national policies.

2. Parties shall take the necessary measures at all stages of plastic lifecycle, such as the production, distribution, sale, consumption, waste management and disposal, to promote plastic circularity and prevent the leakage of plastics into the environment and strengthen the measures over time towards achieving the objective of this instrument.

3. In relation to the previous paragraph, Parties shall take the effective measures at each stage of plastic lifecycle listed in Annex X.<sup>14</sup> The mandatory and voluntary measures listed in annex X shall be reflected accordingly in the national action plan. The *governing body*\* can review the annex as necessary.

<sup>14</sup> See the proposed text of annex X at p. 70.

## Part III

## 1. Financing [mechanism [and resources]]

*Alt Title: Financial resources [(and mechanism)]*

**OP0:**<sup>15</sup> The overall effectiveness of implementation of this *instrument*\* by developing country Parties will be related to the effectiveness of this article.

**OP0 Alt** No text.

1. [Parties][Each Party][shall][should][undertakes to] provide the necessary resources [within their capabilities] for national activities intended to implement this *instrument*\* [as appropriate.][[in accordance with its national policies, priorities, plans and programmes]. Such resources may include domestic [funding through relevant policies, development strategies and national budgets] and [bilateral and multilateral] [international] funding, as well as facilitation of private sector [investment and contributions][financing][, including voluntary contributions]].<sup>16</sup>

**OPI Alt.** Parties shall provide the necessary resources for national activities intended to implement this *instrument*\*. The mobilization of resources for tackling plastic pollution should include all sources, domestic and international, public and private, in line with the Addis Ababa Action Agenda (AAAA) and the Polluter Pays Principle (PPP). The parties shall make efforts to increase mobilization of the private funding including the alignment of public and private investment and finance with the objective and provisions of the instrument. International financial institutions and multilateral development banks, in particular the World Bank Group and the International Monetary Fund, are invited to consider supporting implementation of the instrument, including by partnering with the Global Environmental Facility.<sup>69</sup>

**OPI Alt 2** No text.

2. [Developed countries][Parties [in a position to do so]][should][shall], and [multilateral organizations, agencies and funds][ multilateral, regional and bilateral entities] [should] [are encouraged to], [provide within their capacities] [[provide] [adequate] [on a voluntary basis] [increase their support] [on grant or concessional terms], including through finance, capacity-building [, technical assistance] and technology transfer [on voluntary and mutually agreed terms] [by prioritizing the support to most effective and cost-efficient measures taken to prevent emissions and releases of plastics], for the implementation of this *instrument*\* by [[developing country Parties][most in need][, particularly small island developing States] and least developed countries][and countries with economies in transition][ Parties with limited domestic resources and significant capacity challenges].

**OP2 Alt.** The developed country Parties shall provide new and additional financial resources to enable developing country Parties and Parties with economies in transition to meet the agreed full incremental costs of implementing measures which fulfill their obligations under this instrument. Contributions from other sources, including multilateral organizations, agencies and funds are encouraged to, increase their support, including through finance, capacity-building and technology transfer, for the implementation of this *instrument*\* by developing country Parties. Other Parties may also on a voluntary basis and in accordance with their capabilities provide such financial resources. The implementation of these commitments shall take into account the need for adequacy, predictability, the timely flow of funds and the importance of burden sharing among the contributing Parties.

3. Parties shall, and other stakeholders are encouraged to, in implementing paragraph 2 [and 3] of this article, take into account of the specific needs and special circumstances of Parties that are [developing country Parties, particularly][downstream, underdeveloped countries,] small island developing States [or least developed countries][or environmentally or ecologically vulnerable developing countries][countries with special

<sup>15</sup> Note by the co-facilitators: The substance of this provision appears in paragraph OP3bis below. It could be moved there or considered incorporated here. As a result, it may be necessary to revisit the numbering of paragraphs, but no change is proposed at this time.

<sup>16</sup> Note: For a list of possible sources of financing beyond traditional sources, see paragraph 24(e) of document UNEP/PP/INC.2/4.

**CIEL 123:** While this is undoubtedly true, this is declaratory in nature and does not provide any obligation. As such it does not belong in the treaty. This should rather be operationalized in effective financing provisions.

**CIEL 124:** Highly recommend the removal of the World Bank, International Monetary Fund, and the Global Environmental Facility from this section and any other part of this treaty.

Leaving these or other institutions in the treaty by including them by name runs the risk of locking in said international finance institutions (IFI) as an integral part of the treaty, its operations, and implementation. No IFI should be named or given pre-approval as a legitimate instrument to automatically function as part of the treaty without due consideration, review and decision by the parties about how the IFI will adopt and comply with the rules of procedure and financial rules of the treaty, and show consistency with national laws.

geographical conditions or characteristics that are considered vulnerable to plastic pollution, including archipelagic states] [or countries with economies in transition] [and countries whose economies are highly dependent on income generated from the production, processing and export and /or consumption of fossil fuels and associated energy intensive products].

**OP3 Alt** No text.

**OP3 bis.**<sup>17</sup> The extent to which the developing country Parties will effectively implement their commitments under this *instrument*\* will depend on the effective implementation by developed country Parties of their commitments under this *instrument*\* relating to financial resources, technical assistance and technology transfer. The fact that sustainable economic and social development and eradication of poverty are the first and overriding priorities of the developing country Parties will be taken fully into account, giving due consideration to the need for the protection of human health and the environment.

4. A mechanism for the provision of [new and additional,] predictable, [sustainable,] adequate, [accessible] and timely financial resources is hereby established to [prioritize] support the implementation of this *instrument*\* [to most effective and cost-efficient measures taken to control leakage of plastics] by [countries with limited domestic resources and significant capacity challenges] [[developing country Parties][most in need][, particularly small island developing States and least developed countries][countries with economies in transition][particularly downstream underdeveloped countries][and environmentally or ecologically vulnerable developing countries]] [developing country Parties, particularly prioritizing Parties that have the largest capacity and governance gaps, especially small island developing States and least developed countries]. The Mechanism shall include financial resources from [all sources[, domestic and international, public, and private] [including the establishment of a global plastic pollution fee to be paid by international plastic polymer producers and to adopt the necessary legislative, regulatory and administrative measures for its collection][ with priority from the public, and private, with developed country parties taking in the lead in the mobilization of resources]] [developed countries and others in a position to do so].

**OP4 Alt.** To support the implementation of the obligations under this instrument by developing country Parties, particularly prioritizing parties that have the largest capacity and governance gaps, especially small island developing States and least developed countries, there shall be a mechanism for the provision of predictable, sustainable, adequate, accessible and timely financial resources. The mechanism shall include financial resources from all sources, domestic and international, public, and private.

**OP4 Alt2.** The Parties establish a mechanism for the purposes of providing financial and technical assistance, including technology transfer [and development and capacity-building and training,] in support of developing country Parties in the implementation of this *instrument*\*.

**OP4 Alt 3.** There shall be a mechanism for the provision of predictable, sustainable, adequate, and timely financial resources to support the implementation of this instrument by developing country parties, particularly prioritizing parties that have the largest capacity and governance gaps, especially small island developing States and least developed countries. The Mechanism shall include financial resources, from all sources, domestic and international, public, and private.

**OP4 bis.** All Parties are expected to contribute to the mechanism. The mechanism shall encourage the provision of resources from other sources, including the private sector, and shall seek to leverage such resources for the activities it supports.

**OP4 ter.** The support provided in paragraphs 2 and 4 shall be targeted to most effective and cost-efficient measures, which are well-planned in advance within local communities and coordinated with regional, subregional or national arrangement to maximize positive effects for preventing emissions and releases of plastics. A priority of the support shall be given to establish an effective social system at local level for handling, sorting, collection,

**CIEL 125:** The creation of a dedicated mechanism for the financing of treaty implementation is necessary and will be key to the success of the instrument. It will be equally important to ensure that this mechanism is adequately and sustainably funded from a diversity of sources.

**CIEL 126:** This formulation is inefficient. The actual creation of a mechanism (using language in original para 4 or OP4 Alt2) should be used instead.

**CIEL 127:** See comment about similar language in OP4 Alt.

<sup>17</sup> Note by the co-facilitators: It has been suggested that the intention of this provision is adequately captured by the text at OP0 above.

transportation, storage, recycling and treatment of plastic wastes, which is indispensable to safe and environmentally sound waste management.

5. [For the purposes of this *instrument*\*] The mechanism shall operate under the guidance of and be accountable to the *governing body*\* [. The *governing body*\* shall provide guidance on [overall] policies, program priorities, and eligibility criteria related to this *instrument*\*][which shall provide guidance on overall strategies, policies, programme priorities and eligibility for access to and utilization of financial resources. In addition, the *governing body*\* shall provide guidance on an indicative list of categories of activities that could receive support from the mechanism].<sup>18</sup>

**OP5 Alt.** For purposes of the Multilateral Fund, the *governing body*\* shall establish an Executive Committee, operating under the authority of the *governing body*\*, to develop and monitor the implementation of operational policies, guidelines and administrative arrangements, including the disbursement of resources. The Executive Committee shall discharge its tasks and responsibilities, specified in its terms of reference as agreed by the *governing body*\*. The members of the Executive Committee, which shall be selected on the basis of a balanced representation of the Parties, shall be endorsed by the *governing body*\*. Decisions under this paragraph shall be taken by consensus whenever possible. If reasonable efforts at consensus have been exhausted and no agreement reached, decisions shall be adopted by a two-thirds majority vote of the members of the Executive Committee present and voting.

**OP5 bis.** In recognition of the urgency to address plastic pollution, the *governing body*\* shall determine no later than at its [ ] meeting an initial resource mobilization goal for the financial mechanism.

**OP5 ter.** The *governing body*\* shall periodically report and make recommendations on the Identification and mobilization of funds under the mechanism. In addition to the considerations provided in this article, the *governing body*\* shall consider, inter alia:

- (a) The assessment of the needs of developing country Parties;
- (b) The availability and timely disbursement of funds;
- (c) The transparency of decision-making and management processes concerning fundraising and allocations.

**OP5 quater.** The *governing body*\* shall, in addition, undertake a periodic review of the financial mechanism to assess the adequacy, effectiveness and accessibility of financial resources, including for the delivery of capacity building, technical assistance and the transfer of technology for developing State Parties.

**OP5 quinquies.** The *governing body*\* shall agree upon arrangements to give effect to the above paragraphs at its first meeting.

#### **Option 1**

6. The mechanism shall consist of *newly established dedicated Fund(s)*\*.<sup>19</sup>

**OP6 Alt.** A dedicated Multilateral Fund is hereby established to provide financial resources to eligible developing countries [and countries with economies in transition] in need to meet their commitments under the instrument.<sup>20</sup>

**OP6 Alt2.** The mechanism shall include:

- a. [A newly established dedicated [and independent] [multilateral] fund [as the main vehicle] for providing support to developing country Parties][and countries with economies in transition] to [comply with any agreed control measures][implement the *instrument*\*];

<sup>18</sup> Note: The two options below paragraph 5 could be considered individually or together.

<sup>19</sup> Note: The fund(s) could be dedicated to specific purposes, such as addressing legacy plastic waste or innovation.

<sup>20</sup> Note by the co-facilitators: This text was initially submitted as an alternative to paragraph 9. It was highlighted during contact group 2 discussions that this could appear in paragraph 6.

- b. [A timebound international financing programme to support enabling activities, capacity-building and technical assistance, [to support developing country Parties, particularly small island developing States and least developed countries, [and countries with economies in transition] in their implementation of the substantive provisions of the instrument. Funding must be commensurate with the scope of these provisions];]
- c. [A Multilateral Fund, financed by contributions from non-developing country Parties on the basis of [a][ the United Nations] scale of assessment, to provide new, predictable, stable, adequate and timely financial resources on a grant basis in support of the implementation of this *instrument*\* for:
  - i. Enabling activities;
  - ii. Agreed incremental and other costs of compliance;
  - iii. Technical assistance and capacity-building and training;
  - iv. Technology transfer and development on mutually agreed terms;
  - v. Secretarial services of the Multilateral Fund and related support costs.]

[Part of the financial resources of the financial mechanism shall be utilized to mobilize financial flows from the private sector which shall be used to support projects and programmes in developing countries, including small island developing States and least developed countries [and countries with economies in transition].]

[The financial mechanism should seek to ensure that the duplication is avoided, and complementarity and coherence promoted, among utilization of the funds within the mechanism.]

**OP6 Alt footnote 71.** Elements to be funded should be decided by the *governing body*\* of the *instrument*\*.

**OP6 bis.** For support of early action and implementation, the mechanism shall also consist of dedicated Fund(s) within an existing financial arrangement to be accessed by developing country Parties, particularly small island developing States, least developed countries [and countries with economies in transition] and environmentally or ecologically vulnerable developing countries.

**OP6 ter.** The contributions from the dedicated fund to the developing country Parties [and countries with economies in transition] shall be additional and distinct from other financial transfers received by such Parties.

**OP6 quater.** The dedicated fund shall be periodically replenished, from various sources, including by Parties following the principle of Common but Differentiated Responsibility.

7. The *governing body*\* shall, at its first session, [agree upon][adopt] the arrangements for the operation of the newly established dedicated fund(s)[ with the necessary consideration to the paragraph 3 and 4][ including an indicative list of enabling activities and agreed incremental and other costs that could receive support].]

**OP7 Alt.** The *governing body*\* shall establish a permanent body to govern the financial mechanism. The permanent body shall undertake assessment on the technology and financial needs, including technology transfer, for each of the developing country Parties [and countries with economies in transition] to comply with each of the agreed control measures, as well as mobilization of financial resources for the same.

**OP7 Alt2.** The *governing body*\* of the *instrument*\* shall decide on activities to be funded in developing country Parties [and countries with economies in transition] through the dedicated fund and the modalities for providing such funds, on order to enable the developing country Parties [and countries with economies in transition] comply with agreed control measures.

**OP7 bis.** In providing resources for an activity, the mechanism should take into account the additionality and complementarity of support for that activity with respect to all financial flows in furtherance of the *instrument*'s\* objectives, including from domestic finance, bilateral, regional, and multilateral entities, and the private sector.

**OP7 ter.** A platform for the provision of transparent information on all financial flows in furtherance of the *instrument*'s\* objectives is hereby established. This platform shall provide information pursuant to paragraph 7bis.

**OP7 quater.** Parties, bilateral, regional and multilateral entities and the private sector are encouraged to take actions to make financial flows consistent with a pathway towards achieving the objective of the *instrument*\*.

**OP7 quinquies.** In providing resources for an activity, the mechanism should take into account the potential for the proposed activity to reduce releases of plastic to the environment, relative to its costs, and the need to prioritize limited financial assistance towards Parties with limited domestic resources and significant capacity challenges.

## **Option 2**

6. The mechanism shall consist of a *[dedicated Fund within] [an existing financial arrangement]* [the Global Environment Facility Trust Fund] [with a view to fostering synergies with other environmental issues]\*<sup>21</sup>

**OP6 Alt.** A dedicated Multilateral Fund is hereby established to provide financial resources to eligible developing countries [and countries with economies in transition] in need to meet their commitments under the *instrument\**.<sup>22</sup>

**OP6 Alt2.** The financial mechanism shall include:

- a. *[an existing fund e.g., the Global Environment Facility Trust Fund]*;
- b. A Plastics Implementation Fund to support the implementation of national action plans and other activities to be defined by the Parties (access to technology, royalties, capacity building etc.); and
- c. A Remediation Fund to support remediation of legacy plastics in the marine environment, including areas beyond national jurisdiction.

7. The *governing body\** shall, at the latest at its first session, conclude arrangements with the *governing body\** of the *[existing financial arrangement\*]* [Global Environment Facility] for the operation of the mechanism.

**OP7 bis.** In providing resources for an activity, the mechanism should take into account the additionality and complementarity of support for that activity with respect to all financial flows in furtherance of the *instrument\**'s objectives, including from domestic finance, bilateral, regional, and multilateral entities, and the private sector.

**OP7 ter.** A platform for the provision of transparent information on all financial flows in furtherance of the *instrument\**'s objectives is hereby established. This platform shall provide information pursuant to paragraph 7bis.

**OP7 quater.** Parties, bilateral, regional and multilateral entities and the private sector are encouraged to take actions to make financial flows consistent with a pathway towards achieving the objective of the *instrument\**.

**OP7 quinquies.** In providing resources for an activity, the mechanism should take into account the potential for the proposed activity to reduce releases of plastic to the environment, relative to its costs, and the need to prioritize limited financial assistance towards Parties with limited domestic resources and significant capacity challenges.

## **Provisions common for Options 1 and 2 above**

8. The *governing body\** shall review [no later than at its [third][fourth] meeting, and thereafter] on a regular basis the level of funding [from all sources], [the additionality and complementarity of funding with respect to all financial flows in furtherance of the *instrument\**'s objectives,] the guidance provided by the *governing body\** [to the entities entrusted] to operationalize the Mechanism established under this article and its effectiveness, as well as its ability to address the changing needs of [developing country Parties][most in need][and countries with economies in transition][Parties with limited domestic resources and significant capacity challenges]. It shall, based on such review, [take relevant action] [give recommendations to be agreed by all Parties, that aim] to improve the effectiveness of the mechanism.<sup>23</sup>

9. Each Party [shall][is encouraged to] establish [where appropriate] a plastic pollution fee, to be paid by plastic polymer producers within its jurisdiction, and adopt the necessary legislative, regulatory and administrative measures for its collection. [The *governing body\**, at its first session, shall adopt modalities and procedures for the

<sup>21</sup> **Note:** The fund could be established within an 'existing fund', such as the Global Environment Facility (GEF) (<https://www.thegef.org/who-we-are/organization>).

<sup>22</sup> **Note by the co-facilitators:** This text was originally submitted as an alternative to paragraph 9. It was highlighted during contact group 2 discussions that this could appear in paragraph 6.

<sup>23</sup> **Note:** Adapted from Minamata Convention, Article 13.11.

implementation of the global plastic pollution fee, including on the contribution of the fee to the financial mechanism established in paragraph 4.<sup>24]</sup>

**OP9 Alt.** No text.

**OP9 bis.** The global plastic pollution fee will provide ample funding to meet the unique costs of ending plastic pollution, including:

- a. The high capital costs of investing in infrastructure essential for managing plastic waste in a safe and environmentally sound manner;
- b. The remediation of legacy plastic pollution that bears heavily on the developing world;
- c. Other aspects of implementation of the future treaty including, technology transfer, capacity building research, innovation, education and development;
- d. Aiding the establishment, operationalization and scaling up of national EPR schemes, by making available consistent and predictable revenue flows to cover capital costs of establishing waste management systems (typically not covered by EPR schemes) and, if necessary, their operational costs;
- e. Ensuring sufficient funding for a just transition for vulnerable groups who could be disadvantaged by the future instrument including women, children, youth and waste pickers, among others.

**OP9 ter** Each Party shall compel extended producer responsibility schemes to provide technology for processing and recovery of plastic products.<sup>25</sup>

10 Each Party shall [aim to] take measures to [make finance flows consistent with [[the goals of this instrument\*] a pathway towards ending plastic pollution, and related risks to human health and the environment by]:

- a. [[decrease][phasing out] financial flows from all domestic and international, public, and private sources, towards [projects][activities] that result in emissions and releases to the environment from plastics and plastic products across the life cycle, including microplastics; and]
- b. [increase financial flows from all domestic and international, public, and private sources, towards [projects][activities] that prevent or reduce emissions and releases to the environment of plastics and plastic products across the life cycle, including microplastics, including for the development of [effective reuse and recycling system, and] adequate waste management infrastructure.]

**OP10 Alt.** Each Party is encouraged to increase financial flows from all domestic and international, public, and private sources, towards projects that prevent or reduce emissions and releases to the environment of plastics and plastic products across the life cycle, including microplastics, including for the development of adequate waste management infrastructure.

**OP10 Alt 2.** No text.

**OP10 bis.** The financial mechanism set out in this article is without prejudice to any future arrangements that may be developed with respect to other environmental issues.

## 2. Capacity-building, technical assistance and technology transfer

**Alt title:** Capacity-building, technical and scientific cooperation, technology transfer

**Alt title 2:** Capacity-building and technical assistance

1. [[All] Parties][Developed countries] shall [and stakeholders are encouraged to][provide] [cooperate to [enable], within their respective capabilities,] the provision of [new and additional] timely, [sustainable,]

<sup>24</sup> Note: Modalities for the global plastic pollution fee could be established by the governing body. This fee could hold polymer producers accountable for the pollution costs of all of their plastics, irrespective of the country in which the plastics end their useful life, and of whether the plastics are ultimately destined for recycling or disposal. It could generate revenue to finance environmentally sound waste management and clean-up initiatives.

<sup>25</sup> Note by the co-facilitators: This text was initially submitted in relation to Part III.2 (Capacity building, technical assistance [and technology transfer]), it is suggested that it may be relevant in this paragraph.



[comprehensive and] [enduring] [and adequate][and appropriate] capacity-building and [financial and] technical assistance [including on research and development]<sup>26,27</sup> to [all] developing countries [most in need], in particular, to least developed countries and small island developing States [and environmentally and ecologically vulnerable developing countries][countries with special geographical conditions or characteristics that are considered vulnerable to plastic pollution, including archipelagic states] [as well as countries with special geographical conditions or characteristics that are considered vulnerable to plastic pollution including archipelagic states], to assist them in implementing their obligations under this *instrument*\* [and to retain such capacity once built]. [Capacity building activities should place emphasis on supporting partners and stakeholders, in particular women, youth, workers of the informal (waste) sector, Indigenous Peoples and Local Communities (IPLC) and other vulnerable groups, both in the development and implementation of such measures.][Capacity-building should be country-driven, based on and responsive to national needs, and foster country ownership of Parties, in particular, for developing country Parties.]

**OP1 Alt** No text.

2. [The governing body\* shall] [taking into consideration the developing countries Parties' needs expressed through their national implementation reports][keep under] review [no later than at its third meeting, and thereafter on a regular basis the] capacity-building and technical assistance to support the implementation of this *instrument*\* [and promote cooperation and coordination [as appropriate] with other multilateral environmental agreements and other relevant initiatives to increase the effectiveness of capacity-building and technical assistance.]

**OP2 Alt** No text.

**OP2 bis** Technical assistance and capacity building pursuant to paragraph 1 and provisions on compliance may be delivered through regional, subregional and national arrangements, including existing regional and subregional centres, through other multilateral and bilateral means, and through partnerships, including those involving the private sector and/or other stakeholders. Cooperation and coordination with relevant other multilateral environmental agreements, as appropriate, should be sought to increase the effectiveness of technical assistance and its delivery.

3. [Developed country Parties and other] Parties [within their respective capabilities] shall promote and facilitate [supported by the private sector and other relevant partners and stakeholders][as appropriate] the development, transfer [on [fair and most favourable terms, including on concessional and preferential terms, as] mutually agreed [terms]], [and] [diffusion of and access to] up-to-date environmentally sound [and endogenous [economical and efficient]] technologies to address plastic pollution [to developing country Parties, in particular the least developed countries and small island developing States, and Parties with economies in transition, to strengthen their capacity to effectively implement this *Instrument*] [, including through [reduce, reuse, recycle, refill, repair, and non-plastic substitute] [safe and sustainable][environmentally sound and sustainable] alternatives and non-plastic substitutes [with due consideration to proprietary rights]]. [In implementing this provision, Parties shall promote and facilitate innovation and investment in pursuit of new technologies and innovative solutions[, and shall facilitate access to essential technologies, [including with respect to financial resources and proprietary rights.]]]

**OP3 Alt** No text.

**OP3 Alt 2**

**[3.] Technology [transfer]**

<sup>26</sup> **Note:** Members may wish to include a definition of "technology transfer on mutually agreed terms" either in the provision on 'definitions' or in the provision on 'technology transfer on mutually agreed terms'. The glossary of terms prepared for the committee's first session, UNEP/PP/INC.1/6, refers to the following definition: "Technology transfer means the transmission of know-how, equipment and products to governments, organizations or other stakeholders. It usually also implies adaptation for use in a specific cultural, social, economic and environmental context". (UNEP, Glossary of Terms for Negotiators of Multilateral Environmental Agreements (Nairobi, 2007), p. 91.)

<sup>27</sup> **Note:** Particular focus areas for capacity-building, technical assistance or technology transfer may need to be further defined and elaborated when there is a better understanding of the substantive obligations under this *instrument*\*.

1. [Developed country Parties should cooperate to facilitate and enhance technology transfer for developing country Parties to implement this *instrument*\*.]
2. [Parties shall promote and facilitate the development, transfer [on mutually agreed terms], diffusion of and access to up to date [environmentally sound] technologies addressing plastic pollution [in an environmentally sound manner, including those related to collecting, sorting, processing and recycling of plastic waste as well as those related to safe and sustainable alternatives and non-plastic substitutes]. In implementing this provision, Parties shall promote and facilitate innovation and [inclusive] investment in pursuit of new technologies and innovative solutions, and shall facilitate access to essential technologies, [including with respect to financial resources and] proprietary rights.]
3. [Each Party shall ensure freedom of trade and technology transfer in the areas related to the implementation of the *instrument*\*. In particular, no prohibition or restriction shall be instituted or maintained on trade in equipment and transfer of technologies related to combating plastic pollution, enhancing waste management and plastic waste recycling, as well as any other activities covered by the *instrument*\*.]
4. [Support, including financial support, shall be provided to developing country Parties for the implementation of this article, including for strengthening cooperative action on technology development and transfer at different stages of the technology cycle.]

**OP3 bis** Each Party shall compel extended producer responsibility schemes to provide technology for processing and recovery of plastic products.<sup>28</sup>

**OP3 ter** Developed country Parties should cooperate to enhance the capacity of developing country Parties to implement this instrument, and guarantee sustainability and capacities developed.

**OP3 quater**

4. A *cooperation mechanism*\* is hereby established. The *cooperation mechanism*\* shall provide for:
  - a. A clearing-house platform to enable Parties to access, provide and disseminate information with respect to activities taking place pursuant to the provisions of this *instrument*\*;
  - b. Assist Parties to identify their needs for cooperation in science, technology and innovation regarding the provisions of this *instrument*\*;
  - c. Facilitate the matching of capacity building needs with the support available and with providers for the transfer of technology, including governmental, non-governmental or private entities interested in participating as donors in the transfer of technology, and facilitate access to related know-how and expertise;
  - d. Facilitate scientific, technical and technological cooperation to meet these identified needs;
  - e. Promote training activities for the benefits of Parties that are developing countries;
  - f. Facilitate and monitor other multilateral, regional and bilateral cooperation available to Parties that are developing countries;
  - g. Perform such other functions as may be determined by the *governing body*\* or assigned to it under this *instrument*\*.
5. A *cooperation mechanism*\* committee is hereby established.
6. The committee shall coordinate the functioning and supervise the efficiency and effectiveness of the cooperation mechanism\*. it shall submit reports and recommendations that the *governing body*\* shall consider and take action on as appropriate.
7. The committee shall consist of members to serve objectively in the best interest of this *instrument*\*, nominated by Parties, taking into account gender balance and equitable geographical distribution. the terms of reference and modalities for the operation of the committee shall be decided by the *governing body*\* at its first meeting.

<sup>28</sup> Note by the co-facilitators: This provision is replicated in Part III.1 on Financing.

## Part IV

## 1. National [Action][Implementation]Plans

**OP0:**<sup>29</sup> For enabling collective assessment of progress of the measures under the instrument, common modalities and guidelines, in addition to the format, are needed.

**OP0 Alt No text.**

1. Each Party [shall][is encouraged to] develop and implement a national [action] plan<sup>30</sup> [through domestic consultations, with binding actions, including quantitative and measurable targets, where appropriate] to [pursue its nationally determined objective of ending plastic pollution][fulfil its obligations] under this *instrument*\* [and to achieve its objective(s)][in accordance with its capacities and as appropriate]. [Such plans should be prepared in light of different national circumstances and may follow a guidance to be adopted by the *governing body*\*.][The national [action] plans [shall][should][might] be based on the [modalities, guidelines and] format in annex G [which shall be flexible for adjustments to national realities and circumstances [the impacts of plastic pollution on socio-economic, human health and environment]] and [to the extent possible] [shall][should][could] include [but not be limited to][at least][relevant][elements [necessary measures] related to<sup>31</sup>], which are not exhaustive:]]

- a. [Primary plastic polymers;]
- b. [Chemicals [and polymers] of concern;]
- c. [Problematic and avoidable plastic products;]
- d. [Product design and performance;]
- e. [Reduce, reuse, refill and repair of plastics and plastic products;]
- f. [Use of recycled plastic contents;]
- g. [Extended Producer Responsibility;]
- h. [Emissions and releases of plastic through its life cycle;]
- i. [Waste management [including by the informal sector];]
- j. [Fishing gear;]
- k. [Existing plastic pollution, including in the marine environment;]
- l. [Just transition;]
- m. [Monitoring and reporting framework for the implementation of the National Plan;]
- n. [Educational and awareness raising programmes on plastic pollution, including those aimed at behavioural change and developing capacity;]
- o. [Assessment and monitoring;]
- p. [Promoting research, development and innovation;]
- q. [Commitments from developed countries in relation to financial support, capacity building and technology transfer for developing countries, especially small island developing States;]
- r. [Promoting, encouraging and incorporating action by all stakeholders to address plastic pollution, including the private sector, informal plastics waste sector, waste pickers, Indigenous Peoples and local communities;]
- s. [Legislative, policy and regulatory arrangements for compliance with obligations under this *instrument*\*;]
- t. [Actions to support compliance with reporting requirements under this *instrument*\*;]
- u. [Transparency monitoring and tracking and labelling;]
- v. [Trade in listed chemicals polymers and products in plastic waste;]
- w. [Domestic financing;]
- x. [Non-plastic substitutes;]
- y. [Capacity building and technology transfer;]

<sup>29</sup> Note: For ease of reference and to avoid disturbing the existing paragraph numbering, this option is identified as “OP0”, on the understanding that it may require a renumbering of subsequent paragraphs in this section.

<sup>30</sup> Note: The term ‘national plans’ is used without prejudging how members may ultimately choose to refer to the plans. Other options include ‘national action plans’ or ‘national implementation plans’.

<sup>31</sup> Note: This potential list of actions to be included in national plans reflects references to such plans in the options presented. It is presented for ease of reference and without prejudice to how members may choose to address this item in the *instrument*\*. The exact contents of any national plans will depend on the contents and structure of commitments and obligations under the *instrument*\*.

**CIEL 128:** National Plans provisions within Multilateral Environmental Agreements (MEAs) translate treaty obligations into actionable national strategies tailored to the circumstances of each country. National Plans require Parties to develop comprehensive strategies outlining how they will fulfill their commitments under the treaty. They formalize a country's approach to compliance, detailing the policies, legislation, regulations, and resources allocated to meet treaty objectives and identify existing gaps. They typically include assessments of non-compliance sources, methods for addressing gaps, monitoring mechanisms, and resource identification for plan execution.

Developed in consultation with relevant national stakeholders, including civil society organizations, as well as with regional, sub-regional, or local authorities, National Plans align with national priorities and perspectives. They are often mandatory requirements under MEAs, to be formulated within a specified timeframe to ensure coordinated efforts towards achieving treaty objectives.

**CIEL 129:** The establishment of and reporting on National Plans should be obligatory rather than voluntary, consistent with the prevailing practice in other MEAs. Such mandatory requirements are essential for ensuring the functionality and effectiveness of the treaty. This enhances accountability and facilitates effective monitoring of progress.

**CIEL 130:** This provision could entail each Party developing and implementing a national plan within two years of the treaty's entry into force. These plans should reflect different national circumstances and follow guidance adopted by the governing body. Elements of the plan may include i) evaluations of plastic production, ii) efficacy of related laws and policies, iii) strategies for meeting obligations, iv) promotion of education and training, v) periodic reviews, and vi) a schedule for implementation.

Given that other provisions within the treaty identify submission requirements for obligations targeted under National Plans, it may be unnecessary to include the following list of content in this provision. However, it should clarify the process for developing National Plans, modeled on Article 5 of the Stockholm Convention, outlining minimum requirements.

- z. [Public awareness;]
- aa. [Information exchange;]
- bb. [Quantification of emissions of greenhouse gases and method of measurement of emission and releases of plastic through its life cycle;]
- cc. [Means of implementation, including those provided to developing countries, in particular, the least developed countries, small island developing states, and environmentally and ecologically vulnerable developing countries.]

**[OP1 Chapeau bis.** The national plan should be [according to the national capacity and circumstances][inclusive and based on best available knowledge and data][developed in accordance with: (a) existing national laws and regulations and (b) domestic circumstances and capabilities].]

**[OP1 Chapeau ter.** Parties may add elements in their national plans, in accordance with national circumstances, capacities, and capabilities.]

**OP1 Alt.** Each Party shall develop and implement a nationally determined action plan that best fits its national circumstances to meet the objective of this *instrument*\* while recognizing developed countries take the lead in action and the need to support developing country Parties for the effective implementation of the objective of the *instrument*\*.

**OP1 Alt2.** Each Party shall develop a national action plan to describe the measures it intends to take to implement the obligations under this *instrument*\* in accordance with the format provided in annex G.

**OP1 Alt3.** Each party shall prepare national plans, based upon national circumstances and capabilities, in order to comply with obligations created under the *instrument*\*. The *governing body*\* shall provide guidance and format for preparation and submission of national plans. The national plans will be country driven and the Parties shall decide the activities to be undertaken in the national plans based upon national circumstances and capabilities.<sup>32</sup>

**OP1 Alt4.** No text.

2. Each [developed country] Party shall communicate its initial national [action] plan to the *governing body*\* within [X][2][5] year[s] of the date on which this *instrument*\* enters into force for it through the secretariat.

**OP2 Alt.** Each Party shall submit a national action plan to the secretariat no later than [X] years after entry into force of the *instrument*\* for that Party.

**OP2 bis.** Each developing country Party could voluntarily communicate its national plan to the *governing body*\* upon availability of and its accessibility to financial and technical support for this purpose.

3. Each Party [shall][should] be guided by the [format][modalities] referred to in paragraph 1 when preparing and submitting their national [action] plans [as appropriate]. [National action plans shall include targets and actions in the medium term as well as long term strategies towards achieving the objective and targets of the *instrument*\*.]

**OP3 Alt.** No text.

**OP3 bis.** The measures in the national plan will not be limited to obligations, but also cover ambitious “actions”, including development of mid and long-term strategy, towards the objective of the *instrument*\*.

**OP3 bis Alt.** Each Party shall update its national action plan every [X] [5] years or earlier if determined by the Party, with a view to showing progress in its implementation.

4. A Party may [incorporate] at any time [new measures into] [adjust] its national [action] plan [[with a view to][possible enhancement][enhancing][in order to enhance] its level of ambition][based upon national circumstances and capabilities], in accordance with guidance adopted by the *governing body*\*.

<sup>32</sup> Note by the co-facilitators: This proposal made under paragraph 3, has been moved to paragraph 1 as an alternative, as it relates to the preparation of national plans, in addition to their contents and format.

**OP4 Alt.** No text.

5. Parties [are encouraged to][may] coordinate on the [development][establishment] and implementation of [sub-regional and] regional plans to facilitate implementation of this *instrument\**, as appropriate.

**OP5 Alt.** No text.

6. [Developed country] Parties shall review, update and communicate to the *governing body\** their national [action] plans [while developed country parties shall report every [5] year[s], and developing country Parties shall report] every [X][4][5][10] year[s], and in a manner to be specified by a decision of the *governing body\**, [[with each update representing a progression][indicating any progress made and/or challenges faced] compared to the Party's previous national [action] plan] [considering different national circumstances].

**OP6 Alt.** Parties shall review, update national plans, based upon national circumstances and capabilities, and communicate to the *governing body\** every five years in a manner prescribed by *governing body\**.

**OP6 Alt2.** No text.

7. Each [developed country] Party shall include information on the implementation of its national [action] plan towards achieving the objective of this *instrument\** in its national reports pursuant to [part IV.3 on reporting on progress]. [In order to assess the progress made in the achievement of the objective, the Parties shall establish a baseline, i.e. a year of reference, to assess the starting situation with regards to plastic pollution.]

**OP7 Alt.** No text.

**OP7bis.** The secretariat shall establish and maintain a public registry to record national plans communicated by Parties, with a view to facilitating information exchange.

**OP7bis Alt.** The secretariat shall make national action plans submitted by the Parties under this article publicly available.

**OP7 ter.** Support shall be provided to developing country Parties for the implementation of this article, recognizing that enhanced support for developing country Parties will effectively facilitate their actions both in preparing national plans and implementing this *instrument\** at large.<sup>33</sup>

## 2. Implementation and compliance

### Option 1

1. A [review] mechanism [[including a Committee] as a subsidiary body of the *governing body\**] to [facilitate][promote] implementation of, and [promote][review] compliance with, [the][all] provisions of this *instrument\**, [including a committee], is hereby established[, to promote implementation of, and review compliance with, all provisions of this Convention].

**OP1 Alt** A review mechanism to facilitate and promote implementation of the future *instrument* by the Parties would be established. In carrying out its tasks, the committee shall strive to avoid duplication of efforts, shall neither function as an enforcement or dispute settlement mechanism, nor impose penalties or sanctions and shall respect national sovereignty. This committee shall protect the confidentiality of the information received in confidence.

2. [The mechanism referred to in paragraph 1 (shall consist of a committee that) shall be [facilitative][non-punitive] [non-adversarial][expert-based] in nature [and [shall] pay particular attention to the respective national capabilities and circumstances of Parties.<sup>34</sup>][function in a manner that is [transparent][non-intrusive], non-adversarial and non-punitive and shall pay particular attention to the respective national capacities and [capabilities][circumstances] of Parties [at all stages of the review process][in particular those that are developing

**CIEL 131:** Option 1 is the preferred starting point, with the noted exceptions in paragraphs below that should not be included.

**CIEL 132:** This alternative paragraph largely focuses on what the compliance mechanism should not do, rather than outline what it does. As a result, it is entirely without any compliance capabilities and will have limited, if any, effect on implementation and compliance.

**CIEL 133:** The phrase "shall pay particular attention to the respective national capabilities and circumstances of Parties" appears twice. It could either go in the middle or at the end, but not both.

<sup>33</sup> Note by the co-facilitators: This text is akin to statements included in relation to financing (see paragraph 3, OP3 bis and proposed new paragraph 0 bis) and may be able to be further streamlined.

<sup>34</sup> Note: Adapted from the Minamata Convention, Article 15.

countries]. The committee shall also consider and provide flexibilities for the developing country Parties [in particular of small island developing States] in the light of their capacities and capabilities.]<sup>35</sup>

**OP2 bis** In carrying out its works, the committee shall strive to avoid duplication of efforts, shall neither function as an enforcement or dispute settlement mechanism, nor impose nor advise to impose penalties or sanctions, and shall respect national sovereignty.

**OP2 ter** The committee shall consider and provide flexibility for the developing country Parties in the light of their capacities.

3. The mechanism shall operate under the modalities and procedures adopted by the *governing body*\* [which shall consider the needs of developing state Parties,] at its [first][second] session and shall report to the *governing body*\*.

**OP3 Alt** The supreme body of the future instrument also will consider the reports of this committee and advise if necessary its guidelines and/or recommendations in a manner that is facilitative, non-intrusive, non-adversarial and non-punitive and shall pay particular attention to the respective national sovereignty and capacities and capabilities of Parties.

**OP3 Alt 2** No text.

4. The committee referred to in paragraph 1 shall [promote implementation of, and review compliance with, all provisions of this *instrument*\*. It shall] examine [both individual and systemic] implementation [and compliance] issues [including challenged faced by developing state Parties regarding implementation] and make recommendations to the *governing body*\*, as appropriate [including for the provision of effective means of implementation from developed countries to address areas of non-compliance in small island developing States].<sup>36</sup>

**OP4 Alt** No text.

**OP4 bis**<sup>37</sup> The committee shall consist of [Parties, as per guidance adopted by the *governing body*\*][15][17][18] members [nominated by Parties and][with recognized competence in fields relevant to this *instrument*\* [including legal or technical expertise]] to be elected [at the first meeting of][by] the *governing body*\* [striving to reflect a balance of expertise [and on the basis of]][with due consideration to] equitable geographical representation [, with [three] members [each] from the five regional groups of the United Nations [and two members from the small island developing States [and one member representing ASEAN]]], taking into account the goal of gender balance]].[and thereafter in accordance with the rules of procedure approved by the *governing body*\* pursuant to paragraph 5. The members of the committee shall have competence in a field relevant to this *instrument*\* and reflect an appropriate balance of expertise.][The committee and its members shall be independent, transparent, and free from conflicts of interest.]

5. Members shall be elected to the committee to serve for a period of [X] years and for a maximum of two consecutive terms. The *governing body*\*, at its first session, shall elect [nine] members to the committee for an initial term of [X] years and [eight] [nine] members for a term of [half of X] years. Thereafter, the *governing body*\* shall elect at its relevant regular sessions nine members for a term of [X] years. The members and alternate members shall remain in office until their successors are elected.

**OP5 Alt** No text.

6. [The committee may consider issues on the basis of:]

- a. Written submissions from any Party with respect to its own compliance;
- b. [Written submission from any Party regarding another Party's compliance;]

<sup>35</sup> Note by the co-facilitators: this text, originally proposed as an addition to paragraph 1 above, is proposed to be inserted here given its alignment with the functions of alternatives under paragraph 2.

<sup>36</sup> Note: Adapted from the Minamata Convention, Article 15.

<sup>37</sup> Note by the co-facilitators: Although this text was initially proposed within paragraph 4, the co-facilitators have determined that selection and election of the committee is more appropriately considered in a separate paragraph.

**CIEL 134:** Similarly to Op1 Alt this paragraph focuses on what the compliance mechanism should not do, rather than outline what it does. As a result, it is entirely without any compliance capabilities and will have limited, if any, effect on implementation and compliance.

**CIEL 135:** OP2 ter rightly recognizes the challenges for developing country Parties to implement the treaty. Rather than providing "flexibility," which could be interpreted as not requiring developing countries to implement and comply with treaty provisions, the mechanism should ensure developing countries have access to adequate support (both financial and technical) to implement and comply with treaty provisions.

**CIEL 136:** This is entirely without any compliance capabilities and will have limited, if any, effect on implementation and compliance. The reference to the "supreme body" of the future instrument is also unclear.

**CIEL 137:** It is recommended that instead of being included in treaty text, the Committee's rules of procedure or a decision by the governing body establish the committee size, membership, geographic distribution, and length of members' terms to allow for changing circumstances without having to amend the treaty.

**CIEL 138:** See comment above.

**CIEL 139:** It is recommended that this paragraph be included, as these modalities for compliance are included in a number of other MEAs, such as the Minamata, Stockholm, and Basel Conventions, as well as CITES. Items d. and e. are similar, but e. is preferable as it is broader.

- c. Requests from the *governing body*\*;
- d. [Information provided by the secretariat with respect to the status of submission of information [under *part IV.3 on reporting on progress*];]
- e. [Requests from the secretariat, based on information available to it, *inter alia* from national reports;]
- f. [Information available to the committee, *inter alia* from national reports.]

**OP6 Alt** The committee may consider issues as per guidance adopted by the *governing body*\*.

**OP6 Alt2** No text.

7. [The committee referred to in this article shall elaborate its rules of procedure, which shall be subject to [approval][endorsement] by the *governing body*\* at its second session.<sup>38</sup> The *governing body*\* may adopt further terms of reference for the committee.

**OP7 bis** The committee shall make every effort to adopt its recommendations by consensus. If all efforts at consensus have been exhausted and no consensus is reached, such recommendations shall as a last resort be adopted by a [two thirds][three fourths] majority vote of the members present and voting, [rounded up,] based on a quorum of [half][two thirds] of the members.

#### Option 2

*Bracket entire provision.*

#### Option 3

1. A mechanism to facilitate implementation of, and promote compliance with, the provisions of this *instrument*\*, including a committee, is hereby established.
2. The mechanism referred to in paragraph 1 shall be facilitative in nature and shall pay particular attention to the respective national capabilities and circumstances of Parties.
3. The mechanism referred to in paragraph 1 shall consist of a committee that shall be expert-based and facilitative in nature and function in a manner that is transparent, non-adversarial and non-punitive. The committee shall pay particular attention to the respective national capabilities and circumstances of Parties.
4. The mechanism shall operate under the modalities and procedures adopted by the *governing body*\* at its first session and shall report to the *governing body*\*.
5. The committee may consider issues on the basis of written submissions from any Party with respect to its own compliance.

#### 3. Reporting on progress [of implementation]

#### Option 0

*No text.*

**CIEL 140:** To ensure transparency and accountability, the governing body should elaborate the rules of procedure, not the Committee itself.

**CIEL 141:** Option 2 with brackets around the entire provision and Option 3 with limited provisions should not be included as they are likely to result in weak and ineffective provisions for implementation and compliance in the treaty.

**CIEL 142:** See comment above.

<sup>38</sup> Note: The rules of procedure may include provisions for non-compliance.

### Option 1

1. Each [developed country] Party shall report to the *governing body*\* on the measures taken to implement the provisions of this *instrument*\* and on the effectiveness of such measures according to the timeline to be agreed by the *governing body*\* at its first session.

**OP1bis** Each developing country Party may voluntarily report to the *governing body*\* on the measures taken to implement the provisions of this *instrument*\* and on the effectiveness of such measures and the possible challenges upon availability of and its accessibility to financial and technical support for this purpose.

2. Each Party shall submit its report referred to in paragraph 1 of this article to the secretariat<sup>39</sup> on the measures it has taken to implement the provisions of this *instrument*\* [and] on the effectiveness of such measures [and] the possible challenges in meeting the objective of the *instrument*\*. [The secretariat shall make national reports submitted by the Parties under this article publicly available.]

3. Each Party shall include, in its reporting, information provided in accordance with [Part II.14 on transparency, tracking, monitoring and labelling, paragraphs 2 and 3][, including statistical data on types and volumes of its production, imports and exports of plastic polymers and products.]<sup>40</sup> [Ensuring transparent assessment of progress by Parties, visualization of implementations should be realized by using objective data and its evidence on measures in national action plan and reporting.] [Such data and its evidence include numerical information on production and consumption, leakage along the value chain, waste generation, collection of waste, recycling (quantity/rates), collection of discharged plastics into the marine and other environments, policy targets and goals reflecting the global goal, detailed roadmap towards the realization of the targets and goals, and their achievements.]

**OP3 Alt** No text.

4. The *governing body*\* shall, at its first session, adopt the [reporting intervals] modalities and format for [the reporting][national reporting] [referred to in paragraph 1 of this article, which shall take into consideration the full life cycle of plastics and plastic products.] [while ensuring complementarity with relevant international instruments and organizations, as appropriate.][ In this regard, consideration could be given to the submission of short/brief reports on key issues within a specified period and a more comprehensive report at a longer period.] [The *governing body*\* of the future instrument will develop a common framework for reporting, including ways and means to ensure that reporting is specific, measurable, achievable, relevant and timebound.]

**OP4bis** On an *ad hoc* basis, the *governing body*\* of the *instrument*\* should encourage reports on relevant subjects from chemicals-related conventions, conventions related to climate change, biodiversity, and the law of the sea as well as contributions from multilateral organizations, particularly the World Trade Organization (WTO), World Customs Organization (WCO), World Health Organization (WHO), and the International Labour Organization (ILO).

5. The *governing body*\* shall, at its first session, adopt the modalities and procedures for review of information communicated in accordance with this article. [A scientific body should be entrusted with the evaluation, harmonization and centralization of scientific and technical data reported by Parties in national reports.] The secretariat shall keep under review and regularly communicate to the *governing body*\* the status of submissions by Parties of information [in accordance with paragraphs 1, 2 and 3 of this article.]

6. [Each Party shall take measures to ensure mandatory][The *governing body*\* shall adopt the guidelines related to] disclosures from businesses[, including the financial sector] on their activities and financial flows from all sources related to plastic pollution and related sustainable finance practices [provided that there are safeguards to protect confidential information].

**CIEL 143:** Option 1 is the preferred starting point, with the noted exceptions in paragraphs below that should not be included.

**CIEL 144:** This reporting should take the form of two separate reports: (1) a more frequent report (every 1 or 2 years), which is reporting on the measures taken to implement the treaty, (2) a less frequent report (every 4 or 5 years), related to reporting on the effectiveness of the implementation, including its impacts and challenges.

**CIEL 145:** This option is not recommended. Reporting is not voluntary in MEAs, as it is a key component of determining if a country is effectively implementing and complying with the treaty, as well as assessing overall treaty effectiveness.

**CIEL 146:** See comment above – this reporting should follow the same frequency.

**CIEL 147:** Parties should be required to report on all substantive obligations from Part II. Anything binding, with a target, dates, etc should be included.

**CIEL 148:** This paragraph is unnecessary. Coordination with international organizations is outlined in Part IV.5 on International cooperation.

**CIEL 149:** This is key to ensure that all relevant actors (including from the private and public financial sectors) provide this data to countries to contribute to their national report, in order to get a full picture of the measures being taken.

<sup>39</sup> **Note:** The secretariat could be mandated to maintain a registry, i.e., a central data exchange where information reported by the Parties could be made available.

<sup>40</sup> **Note:** Adapted from the Minamata Convention, Article 21.2.



**OP6 Alt** No text.

**OP6 bis** Exchange of information on [Indigenous knowledge][traditional knowledge, knowledge of Indigenous Peoples, and local knowledge systems, subject to free, prior and informed consent], even if available, shall be subject to free, prior and informed consent.

## Option 2

1. Each Party shall report to the *governing body*\*, through the secretariat, [its national action plans] on the measures it has taken to implement the [provisions][obligations] of this *instrument*\* and on the effectiveness of such measures and the possible challenges in meeting the objective of the *instrument*\*. [Differentiated reporting timelines for developed and developing country Parties shall be established according to a decision made by the *governing body*\*.]

**OP1 Alt** No text.

2. Each Party shall include in its [reporting][report, to be made publicly available by the secretariat,] the information called for in articles [X, X]<sup>41</sup> of this *instrument*\*[ and should take into account information provided by relevant partners and stakeholders, in particular waste pickers].

**OP2 Alt** The *governing body*\* shall, at its first session, decide upon the timing and format of the reporting to be followed by the Parties, while providing flexibility to developing country Parties.

**OP2 Alt 2** No text.

3. The *governing body*\* shall, at its first session, decide upon the timing and format of the reporting to be followed by the Parties[, taking into account the desirability of coordinating reporting with relevant international instruments and organizations, as appropriate].

**OP3 Alt** The reporting framework shall provide flexibility in the implementation to developing country Parties in light of their capacities and must not create new burdens for developing country Parties.

**OP3 bis** The Secretariat shall make national reports submitted by the Parties under this article publicly available.

**OP3 ter** Support shall be provided to developing country Parties for the implementation of this article, recognizing that enhanced support for developing country Parties will effectively facilitate their efforts to prepare and update their national reports in accordance with this article.

## 4. Periodic assessment and monitoring of the progress of implementation of the *instrument*\* [and effectiveness evaluation]

### a. [Assessment and monitoring

[1. Parties shall, within their capabilities, individually and/or in collaboration with other Parties or competent organizations, establish programmes to assess and monitor emissions and releases of plastic into the environment, including in the marine environment. This should include:

- Establishment of baseline information on the types and volumes of existing plastic pollution in the environment;
- Periodically collect data and information on the types and levels of plastic pollution in the environment;
- Modelling to understand the movement of plastics in air, soil, water, and ecosystems;
- The effects of plastic pollution on the environment.

**CIEL 150:** This paragraph should be added to Option 1 above.

**CIEL 151:** This paragraph is unnecessarily vague and broad, and possibly duplicative of other obligations under the National Plans provisions. Depending on the final elements of the National Plans provisions, this article could be redundant and unnecessary. Sub paras c. and d. would also probably be better suited to be attributed to the ILBI Secretariat, as directed by the COP.

<sup>41</sup> **Note:** The list of relevant articles to be defined.

2. The measures taken to implement the provisions of this article shall be reflected in the national plan communicated pursuant to [Part IV.1 on national plans] and monitoring information should be reported to the governing body\*, pursuant to [Part IV.3 on reporting on progress].

3. The governing body\* at its first session, shall adopt guidelines to facilitate implementation of the obligations set out in paragraph 1, including best available practices and harmonized monitoring methodologies, including low technology options.]

**b.] Effectiveness [Effectiveness evaluation][Progress assessment]**

1. The governing body\* shall [entrust a subsidiary body to] periodically evaluate [in a comprehensive and facilitative manner,] the [implementation][progress][effectiveness] of [this][the] instrument\* [to assess collective progress in achieving the objective of the instrument][considering commitments and support provided in light of equity]\*[ and [based upon this evaluation] determine [if necessary] [any] measures required to advance in achieving the objective [including measures to support developing countries overcome challenges related to the implementation of the instrument]]. The [governing body\* shall [begin][undertake] its] first [evaluation][assessment] of [effectiveness][progress] of the instrument\* [shall be undertaken] no later than [X][4][5][6][8] years after the date of entry into force of the instrument\* and [periodically] thereafter at [intervals to be decided by the governing body\* but no later than at] least every [X][4][5] years.

2. The governing body\* shall, at its first session, [[initiate the establishment of] [arrangements for providing itself with relevant data and information on plastic pollution]][adopt][[the modalities] for the [evaluation][assessment] of [effectiveness][the implementation][progress] of the instrument\*] in accordance with the provisions of [Part IV.4a][this article].

**OP1 and OP2 Alt.** The governing body\* shall establish an Effectiveness Evaluation and Review Committee to evaluate the effectiveness of the instrument\* and make recommendations accordingly. The terms of reference for the Committee and the modalities for effectiveness evaluation will be determined by the governing body\* at its [ ] session.

3. The [evaluation][assessment] shall be conducted on the basis of [best] available scientific, environmental, technical, financial and economic information, including:

- a. [National reporting pursuant to [Part IV.3 on reporting on progress];]
- b. [National plans submitted by Parties pursuant to [Part IV.1 on national plans];]
- c. [[Scientific and s][S]ocioeconomic assessments [pursuant to [Part V.2 on subsidiary bodies]],<sup>42</sup>]
- d. [[Scientific assessments and the use of] Best available scientific and technical knowledge [, including scientific literature [the traditional knowledge of Indigenous Peoples obtained with their free, prior and informed consent,] and other relevant sources;]]
- e. [Results of assessment and monitoring conducted pursuant to [Part IV.4.a. on assessment and monitoring];]
- f. [[Relevant i][I]nformation and recommendations provided by the committee referred to in [Part IV.2 on implementation and compliance mechanism];]
- g. [Reports and other relevant information on the [alignment of financial flows [and alignment with the life cycle stages] from all sources with the instrument\*'s objective [and targets,]] operation of the financial [[resources and] [mechanism][assistance]], [technical assistance] technology transfer [on voluntary and mutually agreed terms] and capacity-building arrangements put in place under this instrument\*; and]
- h. [Relevant reports from the chemicals-related agreements, multilateral environmental agreements that deal with climate change, biodiversity, law of the sea as well as multilateral organizations, including the World Trade Organization, World Customs Organization, World Health Organization, and International Labour Organization;]

**CIEL 152:** The text on effectiveness evaluation should direct the COP to establish an Evaluation and Assessment Committee at its first meeting, along with its terms of reference and modalities, as in OP1 and OP2 Alt.

**CIEL 153:** OP1 and OP2 Alt is the preferred starting point.

<sup>42</sup> Note: This language assumes that a scientific and/or technical body or review mechanism would be mandated to carry out scientific and socioeconomic assessments.

- i. [Other information the *governing body*\* deems relevant.]

**OP3 Alt.** The evaluation shall be conducted as per guidance adopted by the *governing body*\*.

4. The *governing body*\* [shall][may] take into account the outcomes of the [evaluation][assessment] of [effectiveness][progress] of the *instrument*\* [when determining measures required to enhance the effectiveness of the *instrument*\*].

[b][c.] **Review of [hazardous] chemicals [and polymers] of concern, microplastics and problematic and avoidable products[, and non-plastic substitutes]**

#### Option 0

No text.

#### Option 1

1. The *governing body*\* shall conduct, [based on the request of the parties or relevant research associations,] commencing [X] years after entry into force and at least every [X] years thereafter, a review of chemicals [and polymers] of concern used in plastic production, intentionally added microplastics and avoidable plastic products<sup>43</sup>, [and non-plastic substitutes,] with a view to assessing the state of knowledge with respect to their identification, production and use by Parties, and their impact on human health and the environment.

2. The review referred to in paragraph 1 shall be based on a report by [the expert review body or panel].<sup>44</sup> This report may contain [optional advice][recommendations] to the *governing body*\*[, including with respect to possible amendments to annexes A and B].<sup>45</sup>

3. In the conduct of its work under this provision, the [the expert review body or panel]<sup>46</sup> may [prioritize substances][study], products or sectors with high volumes or the greatest likelihood of giving rise to plastic pollution.<sup>47</sup>

4. The *governing body*\* shall consider, in light of the report provided by [the expert review body or panel]<sup>48</sup> pursuant to paragraph 2, whether amendments to annexes A and B are warranted.

#### 5. International cooperation

1. Parties [are encouraged to] [shall] [cooperate][promote cooperation] with [each other [on a global basis and,] as appropriate[, on a regional basis][through North-South, South-South and triangular cooperation], and with] relevant intergovernmental organizations [and other entities], including relevant scientific organizations and

<sup>43</sup> Note: This proposed text assumes the adoption of annexes A and B as set out in some of the options under part II.2 (chemicals and polymers of concern) and part II.3 (avoidable plastic products, including short-lived and single-use products, and intentionally added microplastics).

<sup>44</sup> Note: This language assumes that a scientific and/or technical body or review mechanism would be mandated to carry out this function and any related functions.

<sup>45</sup> Co-facilitators' note: Members may wish to consider the addition of a provision on the process for amendment of these modalities.

<sup>46</sup> Note: This language assumes that a scientific and/or technical body or review mechanism would be mandated to carry out this function.

<sup>47</sup> Members may wish to consider developing a list of considerations in the conduct of the work by the subsidiary body, including, for example:

- The potential harm of the polymer, additive or product;
- The contribution of the polymer, additive or product;
- The necessity of the product;
- The availability of safe, sustainable, accessible and economically feasible alternatives and/or substitutes; and
- The degree of economic harm to developing countries, particularly SIDS.

<sup>48</sup> Note: This language assumes that a scientific and/or technical body or review mechanism would be mandated to carry out this function.

**CIEL 154:** The review of chemicals and polymers of concern, microplastics, and problematic and avoidable products is an essential part of ensuring that there is a scientific assessment of other chemicals, polymers, and products for potential addition to the respective annexes. Whether this is done by a standing subsidiary body on a regular periodic basis or panels that are established for certain (groups of) chemicals, polymers, and/or products on an expedited timeframe based on Party proposals, or both should be discussed at INC-4 in conjunction with Part.VI on Final Provisions on amendment of annexes. This should not include non-plastic substitutes.

bodies, to support the effective implementation of this *instrument*\* and the achievement of its objective, [while avoiding any duplication of efforts][including through strengthening and enhancing cooperation [with and among relevant legal instruments and frameworks, as well as global, regional, subregional and sectoral bodies]].

2. Parties [are encouraged to][shall] promote [as appropriate] the objective of this *instrument*\* when participating in decision-making [in accordance with unique national priorities][under other relevant legal instruments, frameworks or global, regional, subregional or sectoral bodies.<sup>49</sup>]

3. Parties [shall][are encouraged to] promote international cooperation in support of the objective of this *instrument*\* [as appropriate] through:

- a. [The development, transfer, diffusion of and access to technology [on mutually agreed terms] [and technical innovation [on mutually agreed terms]], consistent with [Part III.2 on capacity-building, technical assistance and technology transfer], focusing on North south and triangular cooperation;]
- b. The development of research and exchange of information to improve the understanding of plastic pollution and advance technological innovation, consistent with [Part IV.6 on information exchange and Part IV.7 on awareness-raising, education and research];
- c. The promotion of technical and scientific cooperation, including regional platforms or databases, technical-scientific cooperation projects, and networks of technical centres;
- d. [The implementation of the monitoring obligations [taking into account the needs and capacities of developing country parties [particularly of small island developing States]][ including the monitoring of plastics in the environment and the identification of sources of their leakage];]
- e. The use of existing information exchange mechanisms to promote knowledge, best environmental practices and alternative technologies that are environmentally, technically, socially and economically viable.
- f. [Any other kind of cooperation that may be relevant to the objective of the *instrument*\*.]

**OP3 Alt.** No text.

4. The *governing body*\* will invite, as appropriate, input from relevant scientific and technical bodies [, including the Science Policy Panel to be established in accordance with UNEA resolution 5/8, the Intergovernmental Panel on Climate Change or the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services [or the Intergovernmental Oceanographic Commission], and other relevant bodies] on matters relevant to the fulfilment of its mandate.<sup>50</sup> [The *governing body*\* may also consider relevant outcomes from the work of the above mentioned scientific and technical bodies.]

**OP4 Alt** No text.

5. [The secretariat of the *instrument*\* under the guidance of the *governing body*\*][The *governing body*\*] shall cooperate and collaborate with relevant international instruments and organizations, as appropriate, including with a view to ensuring the greatest level of consistency among relevant international instruments and organizations.<sup>51</sup>

<sup>49</sup> **Note:** Adapted from the Agreement under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, Article 8.

<sup>50</sup> **Note:** Pursuant to UNEA resolution 5/8, the Science Policy Panel (SPP) could support “relevant multilateral agreements, other international instruments and intergovernmental bodies, the private sector and other relevant stakeholders in their work”. The exact wording of the proposed language would need to be finalized considering the outcomes of the work of the OEWG established by resolution 5/8 towards the establishment of the future SPP.

<sup>51</sup> **Note:** Adapted from United Nations General Assembly resolution 73/333. The relevant international instruments and organizations would include, among others, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, the Stockholm Convention on Persistent Organic Pollutants, the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter London Convention and its 1996 Protocol, the International Convention for the Prevention of Pollution from Ships, the World Customs Organization, the Food and Agriculture Organization of the United Nations, and the International Labour Organization.

**OP5 Alt.** The secretariat shall facilitate cooperation in the exchange of information referred to in this article, as well as with relevant organizations, including the secretariats of relevant international instruments and other international initiatives, as appropriate, with a view to avoiding duplication among relevant international instruments and organizations.

**OP5 Alt2.** No text.

**OP5 bis.** Activities mentioned in the paragraphs above under international cooperation may be conducted, as appropriate, through the *cooperation mechanism*\* to be established under the *instrument*\*.

## 6. Information exchange

**Alt title:** **Transparency**

1. Each Party [shall][is encouraged to] facilitate [and undertake] exchange of information relevant to the implementation of the *instrument*\*[in a transparent manner][on best practices and research and technologies][, including on:

- a. Best practices and policies on sustainable consumption and production;
- b. Research and technologies [innovation, and green chemistry on voluntary and mutually agreed terms related to plastic];
- c. Knowledge, including [the traditional][Indigenous] knowledge [of Indigenous Peoples obtained with their free, prior and informed consent] [traditional knowledge, knowledge of Indigenous Peoples, and local knowledge systems, in line with free prior and informed consent] [and the knowledge of workers in the informal plastic sector [including waste-pickers]], *inter alia*, on environmentally sound waste management [of plastic waste], sources of plastic pollution, human and fauna and flora exposure to plastic pollution and the associated risk management and [pollution] reduction [policies, actions and other] options;
- d. Studies and experiences on circular economy and zero waste initiatives; and
- e. [Other innovative solutions.]]

**[OP1 bis.** Exchange of information on Indigenous knowledge [traditional knowledge, knowledge of Indigenous Peoples, and local knowledge systems, subject to free prior and informed consent], even if available, shall be subject to free, prior and informed consent.]

2. Parties may exchange the information [referred to in paragraph 1] [directly, through an online registry, [a clearinghouse] to be maintained by the secretariat or in cooperation with other relevant international instruments and organizations, as appropriate.][through the cooperation mechanism\* to be established under this *instrument*, particularly through its clearing-house platform.]

3. Each Party shall designate a national focal point for the exchange of information under this *instrument*\*, including with regard to the prior informed consent of importing States under [Part II.11 on trade in plastics and plastic products].

**OP3 Alt.** No text.

4. Parties are encouraged to learn from and build on existing ongoing processes, initiatives and networks to share knowledge, [and] highlight successes, [including examples of] [replicate][replicating] and [scale][scaling] sustainable solutions [in addressing plastic pollution].

5. Parties exchanging information pursuant to this *instrument*\* shall protect any confidential information as mutually agreed [and handle Indigenous Knowledge consistent with relevant international norms or standards].

**OP5 bis.** The Secretariat shall serve as a clearinghouse mechanism for information provided by Parties, intergovernmental organizations, partners and other stakeholders related to the implementation of the *instrument*\*.

**CIEL 155:** This is the preferred title for this section. As indicated in previous comments and numerous expert briefings prepared throughout the process leading to the adoption of the mandate and early negotiations, transparency is key to the success of the instrument and it should be reflected in the title.

**CIEL 156:** This article should be complimented with provisions mirroring Article 9.5 of Stockholm that states: "For the purposes of this Convention, information on health and safety of humans and the environment shall not be regarded as confidential."

## 7. Awareness-raising, education and research [and development]

### Option 1

1. Parties, individually, jointly or through relevant regional or international bodies or networks, [including through the cooperation mechanism\* to be established under the *instrument*\*] [shall][should] cooperate to promote awareness on plastic pollution and [contribute to the achievement of] the objective of this *instrument*\* and to [incentivize][encourage relevant] behavioural change, capacity-building and the sharing of information, including on Indigenous, traditional and local knowledge systems [of Indigenous Peoples obtained with their free, prior and informed consent] [as appropriate].

**OP1 Alt.** Parties shall cooperate in taking measures, as appropriate, to enhance education, training, public awareness, public participation and public access to information, recognizing the importance of these steps with respect to enhancing actions under this *instrument*.

2. Each Party [is encouraged to][shall][provide environmental, health and sustainability information, and] take [relevant] measures to raise awareness on [plastic pollution and] [contribute to the achievement of] the objective of this *instrument*\*. This may include measures such as:

- a. [Developing a communication and education strategy on the objective of the *instrument*\*, involving [all][relevant] [partners and] stakeholders [as appropriate], including educational and awareness-raising programmes and [citizen][public] campaigns [with a view to creating behavioural change];]
- b. Promoting public participation and public access to information;
- c. Providing training at the national, regional and international levels[, including exchange visits and specific dedicated training;]
- d. [Including [promoting the inclusion of] issues related to plastic pollution across curricula and practices in educational institutions [at all levels and in all forms of education]; and]
- e. [Developing [regularly-updated and standardized] communication materials [regarding the health risks][on the health impacts] of plastic pollution, [and the importance of behavioural change as well as] potential alternatives [and the importance of behavioural change [and on just transition].]]

**OP2 Alt.** Each Party is encouraged to take measures to raise awareness on the objective of this *instrument*\*. This may include measures such as:

- a. Promoting public participation and public access to information
- b. Providing training at the national, regional and international levels.

**OP2 bis.** Sharing of Indigenous Knowledge, even if available, shall be subject to free, prior and informed consent.

3. Parties shall, within their [respective circumstances][capabilities], at the national, regional and international levels, [including through the *cooperation mechanism*\* to be established under the *instrument*\*] [endeavour to] cooperate in promoting and/or undertake relevant research, development, exchange of information and cooperation [and sharing and disseminating information on plastic] to improve understanding of the impacts of plastic pollution and advance scientific knowledge and promote technological innovation to [prevent and] reduce plastic pollution, including in the marine environment.

### Option 2

**Alt title: [Scientific research, development and innovation]**

[1. Parties shall endeavor to advance scientific and technological research, development and innovation, including by:

- a. Developing and implementing sustainable and circular plastics approaches and systems-wide solutions;

**CIEL 157:** Text should be added to make it explicit that this applies to all aspects of the implementation of the treaty.

- b. Enhancing understanding of environmental and human health impacts of plastic pollution and alternative solutions across the full life cycle;
  - c. Promoting and improving methods for the monitoring and modelling plastic pollution including its distribution and abundance in the environment;
  - d. Promoting the collaborative development and use of standardized methods and approaches for environmental data collection and analyses, to improve reliability and comparability; and
  - e. Incorporating Indigenous knowledge and other cultural and socio-economic factors, as appropriate.
2. Such efforts should support and accelerate solutions across the plastics lifecycle and minimize unintended consequences.]

**Option 3 (proposed to replace Parts IV.6 and IV.7)**

***Alt title: Awareness-raising, education, and information exchange***

- [1. Parties shall promote and facilitate public awareness-raising, education, and information exchange related to plastic pollution and its effects relevant to the implementation of this *instrument*\* and shall promote, as appropriate, such efforts at the regional, national and international levels and cooperate, as appropriate, with relevant intergovernmental and non-governmental organizations.
2. Each Party shall promote and facilitate measures to raise awareness, improve understanding, and share information, such as:
- a. Developing a communication and education strategy on the objective of the *instrument*\*, involving [partners and] stakeholders, including educational and awareness-raising programmes and citizen campaigns.
  - b. Promoting public participation and public access to information;
  - c. Providing training at the national, regional and international levels, including exchange visits and specific dedicated training;
  - d. Promoting the inclusion of plastic pollution issues across curricula and practices in educational institutions;
3. Each party shall facilitate exchange of information relevant to the implementation of the *instrument*\*, such as:
- a. Best practices and policies on sustainable consumption and production;
  - b. Research, technologies, innovation, and green chemistry;
  - c. Knowledge, including Indigenous knowledge, inter alia, on environmentally sound waste management, sources of plastic pollution, human and fauna and flora exposure to plastic pollution, health and environmental impacts and the associated risk management and pollution reduction options.
4. Parties may exchange the information referred to in paragraph 3 directly, through to be maintained by the secretariat or in cooperation with other relevant international instruments and organizations, as appropriate.
5. Each Party shall designate a national focal point for the exchange of information under this *instrument*\*.
6. Parties are encouraged to learn from and build on existing ongoing processes, initiatives and networks to share knowledge, and highlight successes, including examples of replicating and scaling sustainable solutions.
7. Parties exchanging information pursuant to this *instrument*\* shall protect any confidential information as mutually agreed.]

## 8. [Partner and] Stakeholder engagement

1. A multi-stakeholder action agenda<sup>52</sup> that promotes inclusive, representative and transparent actions and leverages efforts through existing bodies, partnerships and other initiatives is hereby established. The *governing body*\*, at its first session, shall adopt the modalities for the action agenda.<sup>53</sup>

2. The purpose of the multi-stakeholder action agenda is to, among other things:

- a. Promote active and meaningful participation of [Indigenous Peoples and] [all] relevant [partners and] stakeholders [including academia, Indigenous People and local community (IPLC), local government, and the youth][in particular women, youth and Indigenous Peoples and local communities, the informal sector and other vulnerable groups] in the development and implementation of the *instrument*\* and to accelerate ambitious action;
- b. Provide a space for relevant [partners and] stakeholders [who wish to do so to report][to share information] on action taken in support of the achievement of the objective of this *instrument*\*;
- c. Promote ambitious action and cooperation at the local, national, regional and global levels;
- d. [In coordination with Parties in their implementation of the *instrument*\*, mobilize][Support the mobilization of] financial and technical resources from [private sector] stakeholders[, including public and private finance stakeholders][in support of the implementation of the *instrument*\*];
- e. Share knowledge and highlight successes to replicate and scale sustainable [solutions, including in high-impact sectors and key thematic areas.]

**OP2 Alt.** The purpose of the multi-stakeholder action agenda is to promote active and meaningful participation of all relevant [partners and] stakeholders in the development and implementation of the *instrument*\*, through share knowledge, opportunities and highlight successes to replicate and scale sustainable solutions.

3. Each Party shall [encourage relevant [partners and] stakeholders to participate in the multi-stakeholder action agenda][incentivize an all-of-society approach to report through the multi-stakeholder action agenda on measures taken] towards the objective and targets of the *instrument*\*.

**OP3 bis.** The multi-stakeholder action agenda shall include, *inter alia*, the informal recycling sector and waste pickers, local governments and all sectors of the plastic industry.

### 8bis. Health aspects

1. Parties are encouraged to:

- a. Promote the development and implementation of strategies and programmes to identify and protect populations at risk, particularly vulnerable populations, and which may include adopting science-based health guidelines relating to the exposure to plastic pollution, in particular microplastics and related issues, setting targets for their exposure reduction, where appropriate, and public education, with the participation of public health and other involved sectors;
- b. Promote the development and implementation of science-based educational and preventive programmes on occupational exposure to plastic pollution, in particular microplastics and related issues;
- c. Promote appropriate health-care services for prevention, treatment and care for populations affected by the exposure to plastic pollution, in particular microplastics and related issues; and

**CIEL 158:** An article on health aspects is a good starting point, but the protection of health should be operationalized throughout the treaty. Health is relevant in almost all obligations in Part II. In this section, it would be important to make sure there is alignment with those obligations.

**CIEL 159:** Exposure reduction is very good language – it is one of the strongest measures in the chemicals conventions.

**CIEL 160:** This should be about protecting health throughout the life cycle, including microplastics, nanoplastics, polymers, chemicals, and related issues. There is substantial evidence of the health impacts of plastic across its entire life cycle.

<sup>52</sup> **Note:** The multi-stakeholder agenda could alternatively be launched through a decision of the committee as early as the committee's third session outside of this *instrument*\*.

<sup>53</sup> **Note:** Modalities of the agenda could be established by the governing body at its first session or alternatively be included in an annex to this *instrument*\*.



- d. Establish and strengthen, as appropriate, the institutional and health professional capacities for the prevention, diagnosis, treatment and monitoring of health risks related to the exposure to plastic pollution, in particular microplastics and related issues.
2. The governing body\*, in considering health-related issues or activities, should:
  - a. Consult and collaborate with the World Health Organization, other relevant intergovernmental organizations, and other relevant [partners and] stakeholders as appropriate; and
  - b. Promote cooperation and exchange of information with the World Health Organization, and other relevant intergovernmental organizations, and other relevant [partners and] stakeholders as appropriate.

**CIEL 161:** This is a very important proposal. This is just now being broached in the climate and air pollution space. It will be very important to protect this.

**CIEL 162:** It is important to bring the WHO into the plastics treaty negotiations and implementation. This aligns with the WHO resolution World Health Assembly resolution WHA76.17 of 29 May 2023 on the impact of chemicals, waste and pollution on human health.

## Part V

### 1. Governing body<sup>54</sup>

1. A Conference of the Parties is hereby established.
2. The first meeting of the Conference of the Parties shall be convened by [placeholder] no later than one year after the date of entry into force of this instrument. Thereafter, ordinary meetings of the Conference of the Parties shall be held at regular intervals to be decided by the Conference.
3. Extraordinary meetings of the Conference of the Parties shall be held at such other times as may be deemed necessary by the Conference, or at the written request of any Party, provided that, within six months of the request being communicated to the Parties by the Secretariat, it is supported by at least one third of the Parties.
4. The Conference of the Parties shall by consensus agree upon and adopt at its first meeting rules of procedure and financial rules for itself and any of its subsidiary bodies, as well as financial provisions governing the functioning of the Secretariat.
5. The Conference of the Parties shall keep under continuous review and evaluation the implementation of this instrument. It shall perform the functions assigned to it by this instrument and, to that end, shall:
  - a. Establish such subsidiary bodies as it considers necessary for the implementation of the *instrument*\*;
  - b. Cooperate, where appropriate, with competent international organizations and intergovernmental and non-governmental bodies;
  - c. Take decisions on convening meetings;
  - d. Review, evaluate and adopt decisions related to the implementation of the *instrument*\*;
  - e. Consider and take any action necessary to achieve the objectives of the *instrument*\*;
  - f. Consider matters related to compliance;
  - g. Request and consider scientific and technical assessments or reviews from the subsidiary bodies to the instrument or any independent body linked to the *instrument*\*;
  - h. Oversee the work of subsidiary bodies;
  - i. Review information made available to it, including through national reporting and subsidiary bodies;
  - j. With the help of the subsidiary bodies, providing guidance on financial needs for the implementation of measures;
  - k. Consider amendments to the instrument proposed by the Parties.
6. The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any State not a Party to this *instrument*\*, may be represented at meetings of the Conference of the Parties as observers. Any body or agency, whether national or international, governmental or non-governmental, that is qualified in matters covered by this instrument and has informed the Secretariat of its wish to be represented at a meeting of the Conference of the Parties as an observer may be admitted unless at least one third of the Parties present object.

**CIEL 163:** The Conference of the Parties should be empowered to establish in-session and intersessional working groups, as needed.

The Conference of the Parties should make every effort to take decisions by consensus, but if agreement cannot be reached then matters of substance should be decided by a two-thirds majority and questions of procedure decided by a simple majority. New text should be included that is identical to that in BBNJ, Article 47, paragraph 5.

<sup>54</sup> The text in this section has been developed following the structure of Minamata Convention on Mercury and reflects elements identified in the synthesis report (UNEP/PP/INC.3/INF/1). It is proposed as a starting point with a view to its further development taking into account the inputs from members at the third session of the committee. See contact group 3 outcome document, p. 9. See also the compilation of written submissions by members during the third session of the committee available at <https://www.unep.org/inc-plastic-pollution/session-3/documents/in-session#ContactGroups>

The admission and participation of observers shall be subject to the rules of procedure adopted by the Conference of the Parties.

## 2. Subsidiary bodies

The following *potential subsidiary bodies* have been identified for further consideration:

- a scientific, technical, and socio-economic body, including for information-sharing, the identification of chemicals to be included in the instrument, assessments and recommendations;
- a compliance and implementation committee (see Part IV of the zero-draft);
- a clearing house mechanism for exchange of information;
- a financial mechanism, including to consider availability of resources, funding for developing countries and transfer of technology (see part V of the zero-draft). A committee would manage the financial mechanism, including by monitoring financial flows for developing countries;
- a committee on means of implementation;
- a committee to evaluate the effectiveness of the instrument.

The following approaches to the establishment of subsidiary bodies could be followed by the committee: subsidiary bodies could be established, and their functions defined, either, within the instrument; or by the Conference of the Parties, if needed; or a mixture of the two previous approaches.

*Specific language* will need to be elaborated following further discussion in the committee, including with respect to the composition and functions of the relevant bodies, also taking into account written submissions by members during the third session of the committee.<sup>55</sup>

**CIEL 164:** At the first meeting of the Conference of the Parties, the following subsidiary bodies should be established:  
(1) Scientific and Technical Body and, if that body is not tasked with evaluating new chemicals and polymers to add to the Annexes, a Review Committee should also be established  
(2) Implementation and Compliance Committee  
(3) Committee to oversee the Financial Mechanism and Means of Implementation  
(4) Evaluation and Assessment Committee

**CIEL 165:** The members of subsidiary bodies should be appointed by the Conference of the Parties on the basis of equitable geographical distribution.

The Conference of the Parties should decide on the rules of procedure, terms of reference, organization and operation of the Committee.

Treaty text needs to include the following: each subsidiary body shall make every effort to adopt its recommendations by consensus. If all efforts at consensus have been exhausted, and no consensus reached, such recommendation shall as a last resort be adopted by a two-thirds majority vote of the members present and voting.

<sup>55</sup> See contact group 3 outcome document, p. 10.

### 3. Secretariat<sup>56</sup>

1. A secretariat is hereby established.
2. The functions of the secretariat shall be:
  - a. Preparation and arrangements for meetings of the Conference of the Parties, subsidiary bodies and the multistakeholder action agenda, and to provide them with services as required;
  - b. To facilitate and coordinate the implementation of the instrument;
  - c. Assist Parties, as required, in the exchange of information related to the implementation of the instrument;
  - d. Compile and publish national report submitted by the Parties;
  - e. To prepare and make available to the Parties periodic reports based on national reporting and other sources of information, as appropriate;
  - f. To coordinate, as appropriate, with the Secretariats of other relevant international bodies and instruments;
  - g. To enter, under the overall guidance of the Conference of the Parties, into such administrative and contractual arrangements as may be required for the effective discharge of its functions; and
  - h. To perform the other secretariat functions specified in this instrument and such other functions as may be determined by the Conference of the Parties.
3. [The secretariat functions for this instrument shall be performed by the Executive Director of the United Nations Environment Programme until when the Conference of the Parties convenes and decides on the location of the Secretariat.]
4. The Conference of the Parties, in consultation with appropriate international bodies, may provide for enhanced cooperation and coordination between the Secretariat and the secretariats other relevant international bodies;
5. The Conference of the Parties, in consultation with appropriate international bodies, may provide further guidance on this matter.

### Part VI

*Final provisions are proposed to be developed by a legal drafting group to be established by the intergovernmental negotiating committee, taking into account inputs provided in the lead up to and at the third session of the committee.*<sup>57</sup>

### Possible annexes to the instrument<sup>58</sup>

#### Annex A Primary plastic polymers, and chemicals and polymers of concern

##### Part I Primary plastic polymers

##### Option 1, sub-option 1

Global baseline, timeframe(s) and reduction target

<sup>56</sup> The text in this section has been developed following the structure of Minamata Convention, article 24 and Rotterdam Convention, article 19. Paragraph 2 on the functions of the Secretariat is based on the elements reflected in the synthesis report (UNEP/PP/INC.3/INF/1, para. 85). This text is proposed as a starting point with a view to its further development taking into account the inputs from members at the third session of the committee. See contact group 3 outcome document, p. 11. See also the compilation of written submissions by members during the third session of the committee available at <https://www.unep.org/inc-plastic-pollution/session-3/documents/in-session#ContactGroups>.

<sup>57</sup> See contact group 3 outcome document, p. 12. See also the compilation of written submissions by members during the third session of the committee available on the session webpage, at <https://www.unep.org/inc-plastic-pollution/session-3/documents/in-session#ContactGroups>. See also document UNEP/PP/INC.1/8, *Description of standard articles on final provisions that are typically included in multilateral environmental agreements*.

<sup>58</sup> This indicative list of potential annexes is reproduced from the zero-draft text, except for Annex [X], which is reproduced from the outcome document of contact group 1 at INC-3.

**CIEL 166:** Amendments to the treaty should be taken by a COP decision by a majority of 2/3 of the Parties, with the requirement that 25 Parties to the instrument ratify the amendment before it enters into force. The amendment will only apply to each Party once it has been ratified.

Amendments to add substances (e.g., monomers, chemicals, polymers) and products to annexes, which are scientific or technical in nature, should require the approval of 2/3 of the Parties through a COP decision, and should not require ratification to take effect. Instead of entering into force only for those Parties who elect to opt-in, the amendments should enter into force 90 days after approval for all Parties unless a Party takes the affirmative action of opting-out.

Adjustments to scientific and technical annexes related to elements such as percentages, amounts, and timeframes to be more ambitious, as in the Montreal Protocol, should require the approval of 2/3 of the Parties through a COP decision, and should not require ratification to take effect. Such adjustments will enter into force 90 days after approval for all Parties.

**Option 1, sub-option 2**

Global baseline, timeframe(s) and global target

**Part II Chemicals and polymers of concern**

**Option 1**

Criteria for the determination of chemicals and polymers of concern<sup>59</sup>

List of chemicals and polymers subject to prohibition or restrictions and applicable control measures (including exclusions and phase-out dates as relevant)

Harmonized information disclosure, marking and labelling requirements

**Option 2**

List of chemicals and polymers to be prohibited or restricted

Harmonized information disclosure, marking and labelling requirements

**Option 3**

Criteria for the determination of chemicals and polymers with potential for adverse impacts on human health or the environment

**Annex B Problematic and avoidable plastic products, including short-lived and single-use plastic products and intentionally added microplastics**

**a. Problematic and avoidable plastic products, including short-lived and single-use plastic products**

**Option 1**

Part I Criteria for the determination of plastic products

Part II List of plastic products subject to phase-out measures (including a timeframe)<sup>60</sup>

Part III List of plastic products subject to reduction measures (including a timeframe)

**Option 2**

Part I Criteria for the determination of plastic products

**b. Intentionally added microplastics**

**Option 1**

Part IV List of allowed uses of microplastics

**Option 2**

Part V Global criteria for the national determination of the list of plastics and products containing intentionally added microplastics

**Annex C Product design, composition and performance**

**Part I Design and performance criteria**

**Option 1, sub-option 1**

Minimum design and performance criteria for plastics and plastic products

General design and performance criteria<sup>61</sup>

CIEL 167: Monomers should be included in Part II of Annex A, as they are the precursors of polymers, and they can also be of concern.

<sup>59</sup> See UNEP/PP/INC.2/INF/4, II.B for potential criteria to determine polymers and chemicals of concern identified in Member submissions to the committee's second session.

<sup>60</sup> See UNEP/PP/INC.2/INF/4 section II.A for potential criteria for the determination of problematic and avoidable plastic products identified in member submissions to the committee's second session.

<sup>61</sup> See UNEP/PP/INC.2/INF/4 section II.D for potential general criteria for design and production of plastic products and packaging across the life cycle identified in member submissions to the committee's second session.

Sectoral design and performance criteria<sup>62</sup>

Other related elements, including in relation to certification and labelling as relevant

**Option 1, sub-option 2**

General and/or sectoral elements relating to the establishment of design and performance criteria, including in relation to certification and labelling, as relevant

**Part II Targets for reduction, reuse, refill and repair**

**Option 1**

Minimum targets for reduction, reuse, refill and repair of plastics and plastic products

General targets

Sectoral targets

**Part III Use of safe post-consumer recycled plastics**

**Option 1**

Minimum percentages of safe and environmentally sound post-consumer recycled plastic

General targets, including timeframe for their achievement

Sectoral targets, including timeframe for their achievement

**Option 2**

General and/or sectoral elements relating to the establishment of minimum recycled content requirements and targets

**Annex D Modalities for the establishment and operation of EPR systems based on common principles**

For Option 1 only.<sup>63</sup>

**Annex E Emissions and releases of plastic through its life cycle**

**Option 1**

Sources of emissions and releases of plastic polymers, plastics, including microplastics, and plastic products, including a timeline<sup>64</sup>

**Annex F Waste management**

**Option 1**

Part I Minimum safe and environmentally sound collection, recycling and disposal rates for plastic waste

**Option 2**

Part II Harmonized indicators for development of nationally determined targets and minimum requirements

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<sup>62</sup> See UNEP/PP/INC.2/INF/4 section II.D for potential products or sectors in respect of which specific criteria could be developed identified in member submissions to the committee's second session.

<sup>63</sup> See UNEP/PP/INC.2/INF/4, section III.A, for potential elements relating to extended producer responsibility systems identified in member submissions to the committee's second session.

<sup>64</sup> See UNEP/PP/INC.2/INF/4, section II.F, for potential sources and general and sectoral measures to reduce and, where feasible, eliminate releases of plastics to water, soil and air identified in member submissions to the committee's second session.

## **Measures common to options 1 and 2**

Part III List of waste management practices that may lead to the emissions and releases of hazardous substances

Part IV List of hazardous emissions and releases to be regulated from plastic waste management

## **Annex G Format for national plans**

Content of the national plan, including suggested steps and suggested table of contents

## **Annex [X] - Effective measures at each stage of plastic lifecycle<sup>65</sup>**

### **1. Entire stage**

- a. Establish an effective mechanism in society to promote plastic circularity and prevent leakage of plastics to the environment, including marine environment through a whole-of -society approach by adopting integrated and holistic national policies (\*)

### **2. Production stage**

- a. Reduce plastic use out of the loop of plastic circularity, including but not limited to the following elements:
  - i. Promote plastic circularity through a whole-of-society approach (\*)
  - ii. Proper treatment of chemicals and polymers of concern, and problematic avoidable plastic products, including intentionally added microplastics (\*)
  - iii. Reduce single-use plastics (\*)
  - iv. Adopt and enhance sustainable product design and performance criteria, by production improvement such as volume reduction, simplification of packaging, ensure long life of plastics, reuse of parts, use of mono materials, making it easier to break apart, sort out, and transport for ease of recycling (\*)
  - v. Develop and encourage use of sustainable non-plastic substitutes (\*)
  - vi. Establish and operate extended producer responsibility systems
  - vii. Prevent the emissions and releases of plastics throughout its life cycle (\*)
- b. Collect and recycle used plastics by production sectors (promotion of reuse and recycling, improvement of reuse and recycling rate of plastics) (\*)
- c. Promote evaluation of plastic product footprints on the environment, sharing information on product materials, cooperation between stakeholders, and standardization of product design and development of relevant guidelines.

### **3. Distribution/sale/consumption stage**

- a. Reduce single-use plastics (\*)
- b. Collect and recycle used plastics by distribution/sale/consumption sectors (promotion of reuse and recycling, improvement of reuse and recycling rate of plastics) (\*)
- c. Introduction of product take-back and right-to-repair requirement
- d. Introduction of product and service delivery systems
- e. Introduction of deposit refund scheme
- f. Supporting the development of skills and infrastructure for reuse, recycling, repair, repurposing and refurbishment of plastic products
- g. Economic instruments such as fees, tax incentives, subsidies, and subsidy reform, as appropriate
- h. Leveraging public procurement
  - Raising-awareness of the problem of global plastic pollution and the importance of consumers' and vendors' behavioral changes in plastic use (\*)

### **4. Waste management and disposal stage**

<sup>65</sup> See proposed overarching provision at p. 43.

- a. Develop national sound waste management policies based on the appropriate priorities of waste management including waste prevention
- b. Ensure safe and environmentally sound waste management at its different stages, including handling, sorting, collection, transportation, storage, recycling, and final disposal of plastic waste (\*)
- c. Enhance recycling and treatment capacity in light of current consumption level and future projections to ensure environmentally sound waste management (\*)
- d. Prevent open dumping, ocean dumping, littering and open burning (\*)
- e. Invest in waste management systems and infrastructure (\*)
- f. Incentivize behavioural changes throughout the value chain and raise consumer awareness on sustainable consumption (\*)

#### 5. Cross-cutting elements

- a. Existing plastic pollution, including in the marine environment
  - i. cooperate to assess, identify and prioritize accumulation zones, hotspots and sectors (\*)
  - ii. take effective mitigation and remediation measures, including clean-up activities (\*)
  - iii. promote engagement for the local population and citizens in safe and environmentally sound remediation activities (\*)
- b. Just transition
- c. International and, as appropriate, regional cooperation (\*)
- d. Information exchange (\*)
- e. Awareness-raising, education and research (\*)
- f. Stakeholder engagement (\*)
- g. other effective measures that can be adopted by the Conference of Parties taking into account technological development, and scientific and socioeconomic assessments (\*)

(\*): mandatory measures

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