

# Streamlined Comparison of the Third Non-Paper and Compilation Draft Text of the Future Plastics Treaty

This synthesis of the Chair's third iteration of the Non-Paper of the Chair of the Committee ([non-paper](#)) and the Compilation of draft text of the international legally binding instrument on plastic pollution, including in the marine environment ('[compilation draft](#)') of the treaty text is to provide a streamlined comparison of the two documents.

During the fifth intergovernmental negotiating committee (INC-5), it is anticipated that the committee will refer to either of the documents. To help accelerate focused discussions to agree on a treaty text, this synthesis has identified and inserted the suggested text and the guidance of the Chair into the compilation draft.

Please note that some of the articles are not in numerical order due to the synthesis. For instance, ARTICLE 6 SUPPLY, generally akin to Part II, 1 of the compilation draft, appears before ARTICLE 3 PLASTIC PRODUCTS AND CHEMICALS OF CONCERN AS USED IN PLASTIC PRODUCTS, which is largely akin to Part II, 3. Also, in this synthesis, ARTICLE 14 NATIONAL PLANS appears before ARTICLE 13 IMPLEMENTATION AND COMPLIANCE due to their order in the compilation draft.

The texts of the compilation draft are in black and have not been altered. As noted in the compilation draft, **bold-faced texts** are those added during the fourth INC session. Suggested texts in the non-paper, offered by the Chair, are in blue and are mostly found in the compiled draft text. Of the blue texts, those that are underlined are texts added by the Chair and not found in the compiled draft, and *italicized* blue texts are guidance propounded by the Chair and were not offered as suggested text.

## Important Changes to the Non-Paper

While the Chair's non-paper is based on a full lifecycle approach and is conducive to commencing focused discussions, it is missing critical elements and obligations to meet the mandate of UNEA Resolution 5/14.

First, the following provisions that were stand-alone provisions in the compilation of draft text are not included in the third non-paper as articles. These are: scope; chemicals and polymers of concern; micro- and nanoplastics; dedicated programmes of work; non-plastic substitutes; extended producer responsibility; trade in listed chemicals, polymers and products, and in plastic waste; transparency, tracking, monitoring and labelling; technology transfer; international cooperation; partner and stakeholder engagement; subsidiary bodies.

Second, the Chair's suggested text for ARTICLE 14 NATIONAL PLANS is voluntary in nature except for the Secretariat's obligation to make national plans publicly available.

Third, the third non-paper includes a stand-alone article on plastic product design, but it omits a stand-alone provision on chemicals and polymers of concern (included in the compilation draft of text) or chemicals of concern as used in plastic products (included in both the first and second iterations of the non-paper).

Lastly, the possibility to consider annexes was largely reintroduced in the third non-paper and stand-alone articles that were not part of the second non-paper were also included in the third non-paper. These are health; settlement of disputes; amendments to the convention; adoption and amendment of annexes to the convention; right to vote; signature; ratification, acceptance, approval or accession; entry into force; reservations; withdrawal; depository, and authentic texts. For a more detailed tracking of the changes in the table of elements, please see CIEL's [Comparison Table of Elements of the Future Plastics Treaty](#) as well as CIEL's [Initial Reactions to Chair of the Intergovernmental Negotiating Committee's Third Non-Paper](#).

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<b>Intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment</b> <b>Fifth session</b> Busan, Republic of Korea, 25 November–1 December 2024 Item 4 of the provisional agenda <sup>1*</sup>		
<b>Preparation of an international legally binding instrument on plastic pollution, including in the marine environment</b>		

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

### Note by the secretariat

1. At its fourth session, the intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment, established two contact groups (contact groups 1 and 2) to consider, respectively, the elements addressed in parts I and II of the revised draft text,<sup>2</sup> including any relevant proposed annexes (contact group 1), and the elements addressed in parts III to VI of the revised draft text, including any relevant proposed annexes (contact group 2). The committee decided that the work of the contact groups would be further divided among subgroups (subgroups 1.1, 1.2 and 1.3 for contact group 1, and subgroups 2.1 and 2.2 for contact group 2).<sup>3</sup>

2. After the completion of the work of the contact groups and their respective subgroups at the committee's fourth session, the committee requested the secretariat to issue a compilation of the five outcome documents of the subgroups, maintaining placeholders for potential annexes as contained in document UNEP/PP/INC.4/3, as an official working document for its fifth session. The committee also requested the secretariat to standardize the formatting of the document and correct any clearly typographical errors in the document, without making any substantive changes to its contents, and decided that the compilation would be the starting point for continued negotiations at the fifth session, with a view to the committee's completing its work on the instrument by the end of that session.<sup>4</sup>

3. The compilation set out in the annex to the present note was prepared by the secretariat pursuant to the mandate outlined above. In accordance with this mandate, minimal adjustments have been made to the format of the texts for consistency of presentation and ease of reading, without modifying the substance of the texts as contained in the respective outcome documents of the subgroups.

<sup>1\*</sup> UNEP/PP/INC/4/1.

<sup>2</sup> UNEP/PP/INC.4/3.

<sup>3</sup> See the report of the fourth session (UNEP/PP/INC.4/5 – advance English version available at [https://wedocs.unep.org/bitstream/handle/20.500.11822/45872/INC4\\_Report.pdf](https://wedocs.unep.org/bitstream/handle/20.500.11822/45872/INC4_Report.pdf)), paras. 59 and 60.

<sup>4</sup> Ibid., para. 91.

4. The following presentation conventions, which were already used in the revised draft text that served as a starting point and basis for textual negotiations at the fourth session, are maintained in the current compilation:

(a) 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 the final designation of their nomenclature by the committee, except in part V.1, where specific text is proposed with regard to the future *governing body*.

(b) Where relevant, the full names of existing instruments and organizations have been inserted.

(c) Different options reflecting possible ways of addressing issues raised by members of the committee are identified, where appropriate, using headers (for example, “**Option 1**”, “**Option 2**”), including, where relevant, an indication of the option for “**no text**” to be included.

(d) Where relevant, alternative options for specific draft text are identified as “**OPx alt**”, where the number immediately following “**OP**” reflects the paragraph number. (For example, 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.)

(e) 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. (For example, an option introduced by “**OP1 bis**” is an option for text additional to the first paragraph of the relevant provision and proposed to be placed immediately after that first paragraph.)

5. In addition, the following conventions used for text-based negotiation during the fourth session<sup>5</sup> are used in the current compilation:

(a) Proposed text added during the fourth session is reproduced in bold type, without attribution.

(b) Proposed deletions supported by some but not all committee members are reflected through the use of square brackets.

(c) Text proposed to be inserted before a paragraph is identified as “**OPx supra**”, where the number immediately following “**OP**” reflects the number of the paragraph before which the proposed text would be added.

6. Square brackets contained in the respective outcome documents of each subgroup have been maintained, corrected only for obvious errors (for example, where an opening bracket does not have a corresponding closing bracket).

7. Footnotes that appeared in the previous version have been maintained where they are relevant. Instances in which footnotes or parts thereof have been omitted for clarity are identified in the relevant location.

8. Each proposal regarding the placement of text is either reflected as a distinct “**Option**” or introduced by the indication “proposed placement: ...”. The draft text on fishing gear has been inserted after part II.9 (a) without prejudice to its possible placement in the instrument, as is indicated in the explanatory box that precedes it. Footnotes 15 and 16 also contain indications regarding the possible placement of text in relation to part III.

9. In accordance with the mandate provided by the committee, placeholders for potential annexes have been inserted as contained in document UNEP/PP/INC.4/3. In addition, the texts of potential annexes contained in the outcome document of subgroup 1.2 as part of the text-based negotiation at the fourth session have been added.

<sup>5</sup> A first round of textual negotiation was completed for elements I.1, I.2, I.4, I.5, II.1, II.2, II.3, II.3 bis, II.4 bis, II.7, II.12, II.13 bis and IV.1. Text-based negotiation was initiated, but not completed, on elements II.5 (with several interventions by committee members remaining to be taken up when negotiations resume) and II.8. A first round of text-based negotiation was also conducted for the text on fishing gear (“XX – Fishing gear”); the round was not exhaustive for all paragraphs in the text and was without prejudice to the different views on its possible placement. A first round of line-by-line negotiation was started, but not completed, for part IV.2. See the outcome documents of the respective subgroups (available at <https://www.unep.org/inc-plastic-pollution/session-4/documents/in-session#ContactGroups>) and the report of the committee’s fourth session (UNEP/PP/INC.4/5).

Annex<sup>6\*</sup>

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

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<sup>6\*</sup> The annex has not been formally edited.

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**Part I****1. PREAMBLE<sup>7</sup>**

{The Parties to this *instrument*\* **Convention**,

*Noting with concern* that the high and rapidly increasing levels of plastic pollution represent a serious environmental problem **and human health** ~~{animal and plant health}~~ risks **problem** at a global scale, negatively impacting the environmental, social and economic dimensions of sustainable development,

*[Noting with concern the global challenge of accumulated legacy plastic waste in developing countries due to illegal transboundary movement]*

*[Recognizing that plastic pollution refers to the leakage and accumulation of plastic waste in the environment that has adverse effects on the environment and human health,]*

*Recognizing* that plastic pollution includes microplastics [pollution];

*Noting with concern* the specific impact of plastic pollution on the marine environment **and connected aquatic ecosystems** **and impacts on biodiversity**;

*[Recognizing the intersections between plastic pollution, circular economy solutions and innovations across the full lifecycle of plastics and impact on biodiversity,]*

*[Recognizing the effects on human health and the environment throughout the entire life cycle of plastics,]*

*[Recognizing also the important role played by plastic in human society,]*

*[Recognizing the important role of plastic as sustainable material resources that contribute to the welfare and human health,]*

*[Noting that plastics per se are not pollutants,]*

*[Also noting that plastics are fundamental materials that guarantee food, housing, transportation, medical care with wide application in industrial, engineering, construction, agriculture etc,]*

*Noting* that plastic pollution, in marine **and other aquatic environments** **and terrestrial** **and other environments** [ecosystem], can be of a transboundary nature and needs to be ~~[tackled]~~ **addressed**, together with its impacts, through a full life-cycle approach, ~~[taking into account]~~ **different** national circumstances and capabilities, **in light of the principle of common but differentiated responsibilities**

*[Recognizing the specific needs of developing countries,]*

*[Recognizing that plastic pollution is a global environmental problem and that its regulation will have socio-economic impacts,]*

*[Emphasizing the importance and necessity of international cooperation to strengthen global response to the threat of plastic pollution, considering disparate national conditions and development stages, especially the circumstances and capabilities of developing countries, with a view to contributing to sustainable development,]*

*[Recognizing the importance of the right to development in particular for developing countries and the critical role of efficient use of plastic products and plastic waste management in achieving sustainable development and having a clean and healthy world far from pollution for all,]*

*[Acknowledging the huge potential for enhancing plastic pollution reduction efforts through global focus on addressing existing and legacy plastics including in marine environment,]*

*[Recognizing the special circumstances and needs of small island developing States **countries, and the disproportionate impact of such plastic pollution on small island developing States, downstream developing countries** **and** **least developed countries** **and landlocked developing countries,**]*

*[Reaffirming the principle of national sovereignty in international cooperation to address plastic pollution,]*

Commented [A1]: pp.2 Non-paper

<sup>7</sup> Note by the secretariat: original footnote omitted. See subgroup 1.1 co-facilitators' non-paper on subgroup outcomes, 29 April 2024, footnote 2, available at <https://www.unep.org/inc-plastic-pollution/session-4/documents/in-session#ContactGroups>.

~~**{Reaffirming that States have in accordance with charter of the UN and the principles of international law the sovereignty right to explore their own resources pursuant to their own environmental and development policies,}**~~

*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 the determination of the peoples of the United Nations to establish conditions under which justice and respect for the obligations arising from treaties can be maintained,}**~~

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

~~**{Recalling General Assembly resolution 41/128 of 4th December 1986 which recognized the right to development as an inalienable human right,}**~~

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

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

~~**{Affirming that nothing in this instrument shall be construed as diminishing or extinguishing the existing rights of Indigenous Peoples, including as set out in the United Nations Declaration on the Rights of Indigenous Peoples, or of, as appropriate, local communities,}**~~

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

~~**{Recognizing the need for accessing the requirement of resources for providing technical and financial assistance including technology transfer required by developing countries for fulfilling obligations laid out under this instrument,}**~~

~~**{Recognizing the important role of plastic products in society, economy and international trade, including the importance in supporting public health, guaranteeing food safety and security as well as to achieving the sustainable development goals,}**~~

*Stressing* the urgent need to strengthen the science-policy interface at all levels, improve understanding of the global impact of plastic pollution ~~**{and measures to address them,}**~~ *[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,]*

~~**{Recognizing in the implementation of the commitment in this instrument the consideration of actions related to funding and transfer of technology to meet the specific needs and concerns of developing country Parties arising from the adverse effects of plastic pollution and/or the social and economic impacts of implementation measures,}**~~

*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 terrestrial}**~~ *[and other environments] [ecosystem], 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 ~~**{financial,}**~~ *[technology, capacity-building, and scientific and technical cooperation, and stressing that there is no single approach,*

~~**{Stressing that sustainable patterns of consumption and production, with developed country parties taking the lead, play an important role in addressing plastic pollution,}**~~

*Underlining* the importance of promoting ~~**{managing the production and consumption of plastics at sustainable levels, including by promoting resource-efficient sustainable design of products and [materials so that they can be repaired, reused, remanufactured or recycled and therefore retained in the economy for as long as possible, along with the resources they are made of] in the economy for as long as possible, thus [their value retention can be maximised], and [of minimizing] the generation of waste [can be minimised], which can significantly contribute to sustainable production and consumption of plastics[s] [products],}**~~

Commented [A2]: pp. 5 Non-paper

Commented [A3]: pp.6 Non-paper

Commented [A4]: pp. 4 on Non-paper

*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]; **[Global Framework on Chemicals]** the United Nations Framework Convention on Climate Change; the Convention on Biological Diversity; **[Kunming-Montreal Global Biodiversity Framework]** **[the World Health Organization Framework Convention on Tobacco Control]** 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, **[and capabilities]** including its stakeholder activities, related to addressing plastic pollution, including in the marine environment;

*Recognizing* the importance of **[the use of]** [best] available science, [including] [traditional knowledge, knowledge of] Indigenous [Peoples and local] knowledge[s] **[sciences and practices]** [systems];

*Taking into account* **[Stressing]** the imperatives of a just transition **[pathways]** **[to more circular economies for plastics, particularly for]** [of] the workforce, **[including workers in the informal sector, and the creation of decent work and quality jobs in accordance with nationally defined development priorities.]]**

*Taking into account* the imperatives of a fair transition of workers throughout the value chain of plastics, particularly waste pickers and the creation of decent work and quality jobs in accordance with nationally defined development priorities.;

**[Recalling the International Labour Organization's guidelines on a just transition.];**

**[Recognizing the importance of just and equitable transition pathways that includes energy, socio-economic, workforce and other and are based on nationally defined priorities.];**

*Recognizing* also the significant contribution made by waste pickers and other workers in informal and cooperative settings to the collection, sorting and recycling of plastics in many countries, Commented [A5]: pp.7 Non-paper

*Considering* the **[urgent]** [need to mobilize **[predictable]** new and additional] **[importance of]** means of implementation **[in manner than aligns with the level of ambition required to effectively combat plastic pollution based on the principle of common but differentiated responsibilities]** **[from developed countries]** **[from all sources]**, **[in particular for]** **[developing]** **[small island developing States and least developed]** [countries.]; **[in order to strengthen national capabilities]** 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.;

**[In pursuant of the objectives of this instrument, and being guided by the principle of equity and the principle of common but differentiated responsibilities.];**

**[Reaffirming the duty to preserve and protect the marine environment under the United Nations Convention on the Law of the Sea.];**

**[Recognizing the special requirements of environmentally vulnerable archipelagic States.];**

**[Reaffirming States commitment to respect protect and fulfil human rights in the context of efforts to address plastic pollution for the benefit of present and future generations.];**

~~{Acknowledging} [Noting with concern] that plastic pollution has its disproportionate impacts on peoples in vulnerable situations such as children, women, Indigenous Peoples, coastal communities, and workers at heightened risk of occupational exposure including waste pickers.}~~

~~{Acknowledging the impacts on human health and the environment from emissions and releases of hazardous pollutants during extraction.}~~

~~{Resolved to end plastic pollution by 2040.}~~

~~{Affirming the importance of education training public awareness public participation, public access to information and cooperation at all levels on the matter addressed in this instrument.}~~

~~{Recognizing that subsidies can play an environmentally harmful role throughout the lifecycle of plastics and in the plastic pollution crisis.}~~

~~Having in mind the principles of international law embodied in the Charter of the United Nations, such as the principles of the equal rights and self-determination of peoples, of the sovereign equality and independence of all States, of non-interference in the domestic affairs of States, and of universal respect for, and observance of, human rights and fundamental freedoms for all.~~

~~Recognizing that this Convention and other international agreements in the field of the environment and trade are mutually supportive.~~

~~Emphasizing that nothing in this Convention is intended to affect the rights and obligations of any Party deriving from any existing international agreement.~~

~~Understanding that the above recital is not intended to create a hierarchy between this Convention and other international instruments.~~

~~Noting that nothing in this Convention prevents a Party from taking additional domestic measures consistent with the provisions of this Convention in an effort to protect human health and the environment from plastic pollution in accordance with that Party's other obligations under applicable international law.~~

Have agreed as follows:”]

## **2. ARTICLE 1. OBJECTIVE**

*I note that two key approaches have been identified in proposals to date for further consideration by the INC, namely:*

- “The objective of this Convention is to protect human health and the environment from [the adverse effects of] plastic pollution”; and,
- “The objective of this Convention is to end plastic pollution”

*I suggest that the two are complementary, and can be linked, and suggest the following:*

[The objective of this *instrument*<sup>28</sup> Convention is to ~~end plastic pollution~~ ~~[including in the marine environment to] [in order to] [protect human health] [, animal health] [plant health] [biodiversity] [achieving healthy environment] [and the environment] [from] [the adverse effects impacts of] plastics, with the ambition of ending] [prevent] plastic pollution[-], including in the marine environment.] ~~[without prejudice and prejudice to the inexorable high end utility of products] [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 [products] [waste]] [through the prevention, progressive reduction and [elimination] [remediation] of [additional] plastic pollution] [and legacy plastic pollution] [management] [and utilization of [plastic and] plastic waste] [according to national priorities] [by 2040] [and enhanced efforts thereafter], [in order] [to protect human health] [, animal health] [and the environment] [from its adverse effects] [and] [while] [to achieve] [achieving] [sustainable development] [to promote circular economy] [, poverty eradication and just transition.] [considering] [in line with] the principle of common but differentiated responsibilities] [and respective capabilities] [taking into account national circumstances, capabilities and priorities] [as well as] [the matched] financial and technical support] [through the efficient transfer of technology, reliable and predictable], proportionate and concomitant financing and capacity building.] ~~[from developed nations to provide to developing nations].~~~~~~

**3. ARTICLE 2. DEFINITIONS<sup>8</sup>**

*This article would define terms in general use in the Convention as identified during INC-5, including terms not generally understood as well as cross-cutting terms used in more than one article, e.g. “plastic product”, “microplastics”. Specific terms relevant to a particular provision could be best placed in that provision.*

**Option 0**

*No standalone provision.*

**Option 1**

[For the purposes of this *instrument*<sup>\*</sup> Convention:

- a. (...) [“**term Party**”] means [a State or regional economic integration organization that has consented to be bound by this Convention and for which the Convention is in force;]
- b. (...) [“**term Regional economic integration organization**”] means [an organization constituted by sovereign States of a given region to which its member States have transferred competence in respect of matters governed by this Convention and which has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve or accede to this Convention;]
- e. (...) [“**term plastics**”] means [...]  
 (...) [“**plastic products**” means [...];]  
 (...) [“**plastic waste**” means [...];]  
 (...) [“**microplastics**” means [...];]

**4. Principles<sup>9</sup> [and approaches]****Option 0**

*No standalone provision.*

**Option 1**

1. — In their actions to achieve the objective of the *instrument*<sup>\*</sup> and to implement its provisions, the Parties [shall] [should, as appropriate,] be guided, *inter alia*, by [the following] [principles] [and approaches] [The implementation of this instrument shall be in line with the following principles;]:

- 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] [a bis — the promotion, respect and protection of human rights]
- b. — [common but differentiated responsibilities] [and] [respective capabilities] [Rio] [principle]
- c. — [the polluter pays principle]
- d. — [the precautionary approach] [es] [applied by States] [according to national capabilities]
- e. — [the prevention [approaches] [principle]]

<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>).

<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. Note by the secretariat: Original footnote partly omitted. See Subgroup 1.1 co-facilitators’ non-paper on subgroup outcomes, 29 April 2024, footnote 4, available at <https://www.unep.org/inc-plastic-pollution/session-4/documents/in-session#ContactGroups>.

- f. — [respect for sovereignty over the use of natural resources]
- g. — [just transition{s}] [including for waste pickers and other workers in the plastics value chain]**
- h. — [the protection of {vulnerable communities} {persons in vulnerable situations} ]
- i. — [shared responsibility] **[for the life cycle of the product]**
- j. — [intergenerational equity] **[and intragenerational equity]**
- k. — [non-regression]
- l. — [ecosystems approach]
- m. — [Extended Producer Responsibility] **[approach]**
- n. — [transparency]
- o. — [inclusiveness]
- p. — [bottom-up approach]
- q. — [a gender perspective]
- r. — [general principles relating to marine pollution]
- s. — [circular economy] **[circularity] [approaches]**
- t. — [non-discrimination]
- u. — **[{best} available science] [and scientific information] [approach]**
- v. — **[{Indigenous Knowledge} local and {Indigenous knowledge}{s, sciences and practices}]{the use of {best} available science [,] data [,] and information and traditional knowledge, knowledge of indigenous peoples and local knowledge systems in accordance with the rights [of the] holders of such knowledge including as reflected in the United Nations Declaration on the Rights of Indigenous Peoples and international human rights law}**
- w. — [access to information and {transparency} [justice]] **[approach]**
- x. — [equity]
- y. — [sustainable development] **[Rio principle]**
- z. — [Measures taken to address plastic pollution should not constitute a mean of {arbitrary or unjustifiable} discrimination [,] **technical barrier, or any other forms of** or a disguised restriction on international trade] **[Rio principle]**
- aa. — [promotion of cooperation at regional and international level]
- bb. — [the three Rs of waste management] **[approach]**
- cc. — [the principle of {sovereignty} **{sovereign equality}** of States]
- dd. — [the right to choose policy mixes]
- dd-bis [right to development]**
- ee. — [avoidance of creating new development and environmental problems]
- {ee-bis equal treatment of plastic products vis-à-vis products from other materials in terms of their impact on human health, environment and climate}**
- {ee-ter respecting the relevant new instruments and frameworks and relevant global regional sub regional and sectoral bodies.}**
- {ee-quater — the inalienable right to unrestricted economic and technological development of developing parties self same to highly advanced economies.}**
- {ee-quinquies — full consideration of specific needs, special circumstances and local capabilities of developing countries}**
- {ee-sexies — special circumstances of small island developing States}**
- {ee-septies — public participation in environmental decision making, including full and effective participation by indigenous peoples and local communities}**

~~{*ee-octies* — the right to the enjoyment of the highest standard of health}~~

~~{*ee-decies* — women are agents of change and are essential to addressing the issues of plastic pollution. The instrument shall advance in gender equality through women's full and equal participation and gender-responsive approaches in all aspects of its implementation including in decision-making and through the implementation of a gender action plan.}~~

~~{*ee-undecies* — waste hierarchy [principle] [measure]}~~

~~{*ee-duodecies* — support of climate action in targets}~~

~~{*ee-terdecies* — full consideration to States with geographical characteristics that are vulnerable to plastic pollution.}~~

~~{*ee-quaterdecies* — special circumstances for downstream developing countries}~~

~~{*ee-quindecies* — prior and timely notification and relevant information to and relevant consultation with potentially affected States}~~

~~{*ee-sexdecies* — the right of development is inherent to human right, all peoples have an equal right to matters relating to safe living means. Economic development is the prerequisite for adopting measures to address plastic pollution. Developing countries have a right to grow sustainable consumption to meet social and economic development needs.}~~

~~{*ee-septdecies* — all states have a duty to aim at sustainable development for the benefit of present and future generations. Protection of the environment should proceed in an integrated manner with economic development in light of national circumstances, without prejudice to the socio-economic development of developing countries.}~~

~~{*ee-octodecies* — the Parties have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.}~~

~~{*ee-novodecies* — the Parties, in particular developed countries, shall respect the principle of sovereignty of States in international cooperation to address the issue of plastics pollution in a facilitative, non-instructive and non-punitive manner, and avoiding any undue burden being placed on Parties.}~~

~~{*ee-viceies* — the Parties should protect the environmental system for the benefit of present and future generations of humankind, on the basis of historical responsibility, equity and in accordance with their common but differentiated responsibilities and respective capabilities (CBDR+RC) between developed and developing countries, taking into account developed countries' historical contribution to plastic pollution due to high production and consumption levels, industrial activities, and waste management practices.}~~

~~{*ee-unviceies* — developed countries, having historically contributed to plastic pollution, and accordingly have the obligation to compensate for their actions in accordance with Polluters Pay Principle (PPP)}~~

~~{*ee-duoviceies* — the specific needs, priorities and special circumstances of developing country Parties, especially those that are particularly vulnerable to the adverse impacts of plastic pollution, and of those Parties, especially developing country Parties, that would have to bear disproportionate or abnormal burden under the instrument, should be given full consideration.}~~

~~{*ee-terviceies* — the Parties shall take precautionary approaches in a cost-effective manner and in accordance to their national circumstances, capabilities and different socio-economic context based on the common but differentiated responsibilities principle.}~~

~~{*ee-quaterviceies* — developing country Parties should have the right to promote sustainable development, policies and measures to protect the environment as appropriate to the specific conditions of each Party and should be integrated with national development programs, taking into account that economic development is essential for adopting measures to address plastic pollution.}~~

~~{*ee-quinviceies* — the Parties must ensure measures taken to combat plastic pollution, including unilateral ones, must not introduce trade distortions and constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade.}~~

~~{see *sexvicies*—the need to improve the international economic environment for the developing countries and to promote their sustained economic development are prerequisites for enabling developing countries to participate effectively in the international efforts to protect the global environment.}~~

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

### ~~Option 0~~

~~No standalone provision.~~

### ~~Option 1~~

~~This *instrument*\* [is based on a comprehensive approach that] [addresses the [full] [whole] life-cycle of plastic **products**] [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] [from [extraction to] production, design, use, **and** consumption, [of plastic products to] disposal and remediation **of plastic waste**] [and] [based on comprehensive regulations and collaborative measures [based on a hierarchy between avoidance, reduction, reuse, recycling, and elimination]], [taking into account, among other things, the principles of the Rio Declaration on Environment and Development, as well as national circumstances and capabilities]. [It addresses [all sources of] plastic pollution [and leakage, including legacy plastic pollution] and covers plastic [materials and] products, **and plastic waste**] [as well as plastic-related chemicals and microplastics]. [It recognizes [and addresses] [the risk] **[the effect of]** of plastic pollution to human health and the environment and the impact on climate change and biodiversity.]] [It also [prioritizes and] addresses [the elimination of problematic, harmful and high-risk plastic categories and] sustainable production and consumption of plastics **products**], including environmentally sound management **of plastic waste**, resource efficiency and circular economy.]~~

~~[The *instrument*\* does not apply to the following applications and/or substances:~~

- ~~a. [Medical and health use;]~~
- ~~b. [Emergency response to public health incidents and natural disasters;]~~
- ~~c. [Scientific and experimental research]~~
- ~~d. [Raw materials, such as hydrocarbons and their derivatives;]~~
- ~~e. [Intermediate products, such as [virgin] **primary** polymers, which have to be further processed for serving end-uses, and any dual-use items]~~
- ~~{e *bis* [Transportation,]~~
- ~~{e *ter* [Building and construction,]~~
- ~~{e *quarter* [Electronic application,]~~
- ~~{e *quinquies* [Infrastructure,]~~
- ~~{e *sexies* [Energy]~~
- ~~{e *septies* [Packaging]~~
- ~~{e *octies* [Specific lists of plastic products]}~~
- ~~{e *novies* [Plastic polymers]~~
- ~~{e *decies* [Chemicals]~~
- ~~{e *undecies* [Microplastics]~~
- ~~{e *duodecies* [Non-plastic substitutes]~~
- ~~{e *terdecies* [GHG emissions]~~
- ~~{e *quaterdecies* [National security]~~

<sup>10</sup> ~~Note by the secretariat: original footnote omitted. See subgroup 1.1 co-facilitators' non-paper on subgroup outcomes, 29 April 2024, footnote 5, available at <https://www.unep.org/inc-plastic-pollution/session-4/documents/in-session#ContactGroups>.~~

**Option 2**

{The scope of the} ~~{This instrument\* [is to end] [applies to]}~~ plastic pollution through a {full} life-cycle approach, ~~{by promoting circularity}~~ taking into account ~~{among other things the principles of Rio Declaration on environment and development}~~ national circumstances and capabilities through nationally determined ~~{initiatives}~~ ~~{action plans}~~ reflecting country-driven approaches, ~~{without overlapping with the mandates of other MEAs and relevant instruments and bodies}~~ 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. ~~{The application of this instrument excludes extraction and processing of primary raw materials and virgin polymer production.}~~

~~{OP 1 bis For greater clarity, feedstock such as hydrocarbons and primary polymers made thereof, is excluded from the scope of the instrument}~~

**Placement to be determined**

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

**Part II**

**1. ARTICLE 6. ~~{Primary [and secondary] plastic polymers}~~ SUPPLY**

Alt title: ~~{Plastic polymers}~~

*I am not proposing text for this article. I propose that INC-5 agrees on text that includes a process to address the current information gaps regarding existing and needed levels of production, as well as the lack of clarity about efficiency and effectiveness in recovering plastic polymers.*

*This article could:*

◆ *Acknowledge the need to manage the supply of primary polymers to achieve sustainable levels of production and consumption of plastics through their life cycle.*

◆ *Encourage Parties to take measures to promote sustainable production and consumption of plastics throughout their life cycle.*

*This article could require:*

◆ *Parties to cooperate to achieve a global objective of sustainable levels of production.*

◆ *Reporting on production of primary and secondary plastic polymers.*

◆ *Decision on the need for further action at a later meeting of the Conference of the Parties.*

◆ *Keeping under review the measures and objectives set out in this article*

**Commented [A6]:** Partially inspired by 1., Option 1, Suboption 1, OP2 alt.

**Commented [A7]:** Partially inspired by 1., Option 1, OP1 alt 2

**Commented [A8]:** Inspired by 1., Option 1, Suboption 1, ¶ 2.

**Commented [A9]:** OP1bis. Suboption 1, ¶ 2

**Commented [A10]:** Inspired by 1 Option 1. OP7 bis

**Commented [A11]:** Inspired by 1 Option 1. OP7 bis

**Option 0**

*No text. No provision*

**Option 1**

1. ~~{[Parties] [are encouraged to] [Each Party], [based on common but differentiated responsibilities] [sustainable economic growth and development and eradicate poverty] [taking into consideration their respective capabilities and national circumstances,] [shall] [may endeavour to] take [the] [necessary] measures [to prevent and [mitigate] [remove] the [potential for adverse] impacts on human health [and][or] the environment [especially biodiversity] from the [production] [use] of [primary] plastic polymers} [of concern] [to environment and human health] [and [secondary plastics polymers], [including their [feedstocks] and [precursors]]] [to [manage] [address] [promote] [sustainable] production and consumption of plastics through product design and environmentally sound waste management, including through resource efficiency and circular economy approaches.]} ~~{[Merge with II.8]}~~~~

*{OP1 alt. No text.}*

*OP1 alt 2* ~~{[Each Party [is encouraged to] shall [subject to availability of credible and affordable substitutes] take measures [manage the plastics] [to [reduce] [promote] demand for [[primary plastic] polymers]] [that present a risk [of concern] to human health or the environment and] to promote sustainable production and consumption of plastic throughout its lifecycle.}~~

**[OP1 alt 3 Parties shall take necessary measures to ensure the sustainable production of plastic for the purpose of preventing and mitigating impacts on the environment, taking into account respective national capacities and circumstances]**

**[OP1 bis Each party shall [is encouraged] provide to the secretariat within [three months] [a period it deems appropriate] of becoming a party [statistical] [publicly available] data on their annual production, imports and exports of [primary plastic polymers] [and secondary plastic polymers] [with due regard to protection of business and state confidential information], including types and quantities for [2025] [and each period thereafter] specified in part IV.3 on reporting on progress or [the best possible estimates of such data] where actual data is not available.] (Proposed placement: move to Part IV)**

**[Sub-option 0**

*No text in sub-option.]*

**[Sub-option 1**

2. [In order to achieve the global target specified] **by the governing body\* and updated each [x years] [depending on scientific data on the effectiveness of global reduction targets to reduce plastic pollution] depending on economic [scientific, environmental, economic, social and human health impact including food and water security] and market studies] in [part I of annex A], [Each Party] [Parties] [shall] [are encouraged to] [may endeavour to] [is encouraged to subject to the availability of credible affordable, accessible substitutes][, based on scientific evidence,] [traditional knowledge, knowledge of Indigenous Peoples [,] and local knowledge systems], [Indigenous knowledge, traditional knowledge, and local knowledge] [not allow its level of production and supply of [primary plastic polymers] [and secondary plastic polymers] to exceed the reduction target specified in [by conference of parties and updated each [x years] depending on economic and market studies [part I of annex A]]][, [cooperate] to manage and [reduce,] [where feasible and appropriate], [or optimize the] [[manage and]] [take [appropriate] measures to] [promote sustainable production and [consumption] of plastics] [[reduce] the [demand for] [global production and supply of] [primary plastic polymers]] [and secondary plastic polymers] [through the development of] [[of [concern] [[that present a] risk [of concern]] to human health and environment] [in[to] an agreed sustainable level]] [develop nationally determined targets [to [reduce] its level of production] and take the necessary measures to achieve them]. [For each reporting period specified in part IV.3 on reporting on progress the contribution of the national targets to the global target shall be evaluated to determine the adaptation to be done by the Parties to achieve the global target.]]**

**[OP2 alt Parties shall [according to national circumstances and capacities and based on the principles of circular economy] [determine] [take] [the necessary] [appropriate] measures [based on scientific, environmental, social and human health including food and water security] [to promote sustainable production and consumption of plastics] [to manage [and reduce] [and optimize] [the global production and supply] [the use] of [primary plastic polymers] [and secondary plastic polymers] referred to in paragraph 1.]]]**

**[OP2 bis The measures taken to implement this provision shall have particular regard to [primary plastic production and] products that contribute the most [to plastic pollution], [based on scientific evidence, subject to the availability of credible, affordable, accessible substitutes and national circumstances and capabilities] [or are not conducive] to a safe circular economy.]**

3. [Parties are encouraged to [restrict] [manage] applications of [each plastic polymer type as recommended in annex] [plastic products] [... ] unless [the environmental leakage of] 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.]

4. [Parties are also encouraged to take any necessary measures to increase the production, supply, utilization, and demand of secondary plastic[s] [content] [and circular polymers].] **[keeping in view market contingencies] (proposed placement: move to Provision II.9)**

**[OP4 bis Each party [shall] [shall endeavour to] establish science and risk based public procurement policies or guidelines to reduce waste and adverse environmental impacts related to procured plastic products, including requirement related to the items produced with recovered materials.]**

5. [Each country is encouraged to Party [should][shall]], [based on scientific evidence] **[based on scientific, environmental, social and human health including food and water security] [traditional knowledge, knowledge of Indigenous Peoples [,] and local knowledge systems], [Indigenous knowledge, traditional knowledge, and local knowledge] take [any] [appropriate][effective] measures to [[reduce]**

[manage] the demand for and production of [primary plastic polymers] [and secondary plastic polymers] [while promoting an increase of the demand for and production of secondary plastics,] [, including] [excluding] [the following measures] [[through] [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 [voluntary] measures [may] [shall not] include]::]

- a. [Market- and price-based measures;]
- b. [Neither granting nor maintaining] [[Removal of] subsidies [or] [and] other fiscal incentives to the production of primary plastic polymers] [and secondary 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.
- d. [[Should] [establish] [The establishment of] [national] 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] secondary [materials] [plastics].]

**[OP2 alt (merging OP2, OP3, OP4, OP5) Parties are encouraged, according to national capacities and circumstances, to take measures to achieve sustainable production of primary plastic polymers and plastic products, promoting the production and demand of secondary plastic, the use of renewable raw materials, of energy efficiency, recycling of plastic polymers, and the sound management of chemicals used in their production.]**

6. [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, [cultural], and social aspects. The measures shall not apply if it is scientifically proven [on the basis of the best available science], [that is operationally proven] [traditional knowledge, knowledge of Indigenous Peoples[,] and local knowledge systems], [Indigenous knowledge, traditional knowledge, and local knowledge] that there are no viable substitutes that could endanger people's health].]

**[OP6 bis Each party [shall] [shall endeavour to] establish and implement as soon as possible but no later than [three years] upon becoming a party a system for licensing the production, import and export of [primary plastic polymers] [and secondary plastic polymers].]**

7. [[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] [which shall include] their [intended] [level] [policy] of domestic supply [of primary plastic polymers] [and secondary plastics] including, as relevant, domestic production, [and the measures taken to manage and [reduce] it] [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]].] **(proposed placement: move to IV.1)**

**[OP7 bis The governing body\* shall update the global [reduction] targets in annex A every [5 years] based on [demand and market studies] [and on scientific data on the] effectiveness of global reduction targets to reduce plastic pollution on the basis of reports in part IV.]**

## **~~2. [Cooperation and coordination with relevant MEAs on] [[Chemicals and polymers] of concern [in [plastics and] plastic products]]~~**

**~~[Alt title: Hazardous chemicals [in plastics and plastic products] of concern]~~**

### **~~[Option 0]~~**

~~No text. [No provision]]~~

~~[OP0 bis. This provision shall be interpreted and implemented in a manner that does not duplicate and respects the relevant legal instruments and frameworks and relevant global regional subregional and sectoral bodies, and promotes the coherence and coordination with those instruments, frameworks and bodies.]~~

### **~~[Option 1]~~**

1. ~~1. [Each Party] [Parties], in accordance to its national circumstances and capabilities and subject to its national [action] plan, [taking into account common but differentiated responsibilities and respective capabilities] [shall] [is encouraged] take the [necessary] [effective] measures [Parties commit to controlling plastic materials that contain additives or constituents of concern listed under the BRS~~

conventions, including those referred to in paragraph 2, [to prohibit or] to regulate, [as appropriate,] [to manage] [to not allow and] [eliminate] [progressively] [or] [to minimize,] [and avoid] [according to lists in annex A] [and as appropriate] to eliminate, [at the latest by the dates provided in part II of annex A,] [through a robust criteria established in Annex A, B and C of the Stockholm Convention on Persistent Organic Pollutants ensuring an effective approach] [the use] [and/or] presence [the risk] of the [plastics containing] [hazardous] chemicals, [and] [groups of chemicals] and [polymers] [in applications of plastic products] [plastic products] [plastic application] [with the potential for adverse impacts on human health or the environment] [at any stage of] [throughout] the plastic life cycle, or with properties that [may] hinder their [safe and] environmentally sound management, [including their reusability, reparability, recyclability and disposal] [based on the criteria contained in annex A] [listed in part II of annex A] [except as provided in that annex] [based on agreed scientific criteria, following a transparent and inclusive process decided by the governing body\*] [in the production] [sale, distribution,] [manufacture, use,] import and/or export of plastic [polymers] [products], plastics and plastic products, [subject to the provisions of that annex, the measures taken to implement this provision shall be mutually supportive with other international agreements dealing with chemicals] [throughout] [at any stage of the product] life cycle, [containing a chemical, group of chemicals, or polymer listed in part II of annex A] [and any persistent organic pollutants (POPs) listed] [of annex A], except as provided in that annex,] [in Annex A, B and C of the Stockholm Convention on Persistent Organic Pollutants] [and taking into account global framework on chemicals] [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].] [With an applicational approach]

*OPI alt* [Each Party] [Parties] shall take [appropriate] measures, [taking into account common but differentiated responsibilities and respective capabilities] consistent with its regulatory frameworks and processes, and based on scientific evidence, [in a way that does not create unnecessary obstacles to international trade and does not constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade] to [identify and] [control] [regulate] [manage] [prohibit and regulate] chemicals, [groups of chemicals] and [polymers] [plastic products] [to prioritize and evaluate,] [as appropriate,] [polymers] [plastic products] and chemicals used in [plastic production]] [to test] [chemicals used or intended to be used in plastic production]] that [may] [be contained in plastic products in concentration above scientifically established maximum permissible concentrations and] present a [demonstrated] risk of concern to [adverse effect on] human health or the environment [throughout] [at any stage of] the [plastic] product life cycle. [from the moment plastic products are put into circulation] [including consideration of risks relevant to] [their environmentally sound management, reusability, and recyclability]] [relevant to the reuse repair and recycling of the products that contain these chemicals or] [polymers] [plastic products], [with an applicational approach]] [to this end, consideration of plastic products reusability, recyclability, and environmentally sound waste management, may also be taken into account.]

*OPI alt bis* Each party [shall] [is encouraged] take measures, taking into account common but differentiated responsibilities and respective capabilities, consistent with its regulatory frameworks and processes, and based on scientific evidence to prioritize, test and evaluate as appropriate chemicals used in plastics production that may present a risk of concern to human health or the environment.]

*OPI alt ter* Any measures established by a Party for the implementation of the provisions of OPIALT shall be in conformity with the Agreement on Technical Barriers to Trade included in Annex 1A of the Marrakesh Agreement establishing the World Trade Organization.]

*OPI alt 2* Each party is encouraged to take measures, consistent with its regulatory frameworks and processes and based on scientific evidence to identify and regulate chemicals used in plastic products that present a risk to human health or the environment above maximum permissible limit values, based on criteria contained in annex X, without duplication of other multilateral environmental agreement regulations.]

2. — [Where [production or use] [the presence] of a [regulated] [hazardous]] [plastic containing] chemical[s], [that may present a demonstrated risk of concern to human health or the environment] [or] [group[s] of] [hazardous] chemical[s] [that may present a demonstrated risk of concern to human health or the environment] [or polymer] [plastic products] [listed in part II of annex A] [in plastics and plastic products] is permitted,] each Party [taking into consideration its socioeconomic context and national circumstances,] with [such] production or use [shall] [is encouraged to:]

a. — [Each party is encouraged to] [Take appropriate measures to] [ensure that any such] [production] [manufacture] or use is carried out in a manner [that reduces the risk of] that] [prevents] [and] [or] [minimizes] human exposure or [release] [leakages] into the environment [of chemicals or] [polymers] [plastic products] that present a risk or concern] [throughout the] [plastic product] life cycle [of the

[[concerned hazardous] chemical, **{that may present a demonstrated risk of concern to human health or the environment}** [[plastic] polymer] **{plastic products}** or] [plastics **and**] [including] plastic] product [concerned]]]] and fosters the [safe and] environmentally sound management, **{of such chemicals and polymers}** [[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, **{that may present a demonstrated risk of concern to human health or the environment}** [[groups of [hazardous] chemicals] **{that may present a demonstrated risk of concern to human health or the environment}** [[and] [as well as the plastic] [polymers],] **{plastic products}** and [plastics **and**] [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, reparability, recyclability and] final disposal.]]

c. — [[Require] **{Encourage}** producers, **{exporter}** and importers of such **{unregulated}** [hazardous] chemicals, **{that may present a demonstrated risk of concern to human health or the environment}** [groups of [hazardous] chemicals] **{that may present a demonstrated risk of concern to human health or the environment}** [[as well as plastic] **and**] polymers] and] [plastics [including] **and**] 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 **{harmonized}** information about the [hazards] **{impacts}** to human health or the environment associated with the relevant chemical **{group of chemicals}** **{that may present a demonstrated risk of concern to human health or the environment}** **and**] [, [plastic] [polymer]] or [plastic **and**] [including] [plastic] product] **{containing them}**, and related implications for their [safe] use, **{reuse, repair, refurbishment,}** recyclability and disposal], based on the harmonized requirements contained in part II of annex A]; and]

d. — [Require producers, **{exporters}** and importers of the relevant chemicals **and group of chemicals of concern}** [, [plastic] [polymers]] or [plastics **and**] [including] [plastic] products] **{containing them}** to [appropriately] mark and label them **{in accordance with provision 13 on transparency, tracking, monitoring and labelling}** [based on the harmonized requirements contained in part II of annex A] **{based on guidelines adopted by governing body consistent to existing global standards}**, to allow their [safe and] environmentally sound use and handling [throughout their life cycle], [including their] [reusability, reparability, recyclability and] final disposal.]

**{d bis}** Take measures to prevent the presence of non-intentionally added substances, unreacted monomers and unintentionally formed impurities in plastics and plastic products, listed in part 2 of annex A subject to the provision of that annex.]

**{OP2 alt}** Each Party is encouraged, according to national capacity, to take measures to ensure that any use and waste management of plastic products that contain those chemicals refers in para 1, are carried in a manner that prevent and minimize human exposure or release into the environment.]

**{OP3 supra}** 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. 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.]

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 restrict or prohibit}** **{to eliminate}** [to not allow, or to restrict, **{to prohibit or to regulate}** the use] **{the presence}** in [plastics][plastic polymers] and [plastics including] [plastic products] of **{unregulated}** [hazardous] chemicals, **and group of chemicals}** [groups of [hazardous] chemicals] [and polymers] [not included in part II of annex A] that have **{recognized or}** [the] potential for adverse impacts on human health or the environment **{throughout}** [at any stage of the product life cycle], or to hinder the [safe and] environmentally sound management, [including recyclability and disposal, of the final product].]

[4. — Any new chemicals of concern identified under paragraph 1 above shall be prohibited under the relevant chemical convention.]

{5. The cost of [compliance of control measures] ~~[implementation of the instrument]~~ 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.}

{OP5 bis The STEPs shall recommend to the governing body\* at each session, chemicals, polymers, or plastic products, their associated targets and timelines on the Annexes.}

**ARTICLE 3.** ~~[[Problematic [PLASTIC PRODUCTS] and avoidable] [Single-use] plastic products] [[and groups of such products]], [[including] [short-lived] and single-use plastic products] [[and [microplastics on their own and] [products containing] intentionally added] microplastics]] in plastics and plastics products]] (proposed placement: move to II.5) AND CHEMICALS OF CONCERN AS USED IN PLASTIC PRODUCTS~~

*I have heard support for management of plastic products, including the elimination from the market of some products, and the avoidance of certain chemicals of concern in plastic products, as being essential in protecting the environment and human health from plastic pollution. However, beyond that general recognition and agreement, I have not detected sufficient convergence to suggest draft text. I have also heard support for the elements that I set out in my previous non-paper, and, accordingly, I present them again.*

*I note that many national and regional initiatives globally have eliminated some plastic products and banned some chemicals of concern in their manufacture, or are restricting their use, but these efforts are fragmented.*

*One concern that has been raised with me is that all countries, while sharing similar high ambition, do not share the same legal and administrative structures or national circumstances, that would allow for a "one size fits all" approach to plastic products, including with regard to certain chemicals of concern as used in plastic products. This suggests to me that we need to include considerations that combine the level of ambition with flexibility in approaches at the national level.*

*A further concern that has been expressed is the need to avoid delaying initial action until after COP1: this suggests that initial lists of plastic products and/or chemicals of concern as used in plastic products to be controlled, could allow Members and industry to take early action including before, and in anticipation of, entry into force.*

*This article could include:*

- ◆ Initial list of lists of plastic products to be controlled, to be contained in an annex or annexes.
- ◆ Some exclusions or exceptions may need to be reflected.
- ◆ A list of measures that could be applied to plastic products.
- ◆ Possible linkage to applications.
- ◆ Process for the Conference of the Parties (COP) to identify further plastic products and chemicals of concern as used in plastic products to be subject to control, including process to review the lists.
- ◆ References to:
  - ◆ National circumstances and capabilities.
  - ◆ Procedure for amending annexes.
  - ◆ Transparency and traceability.
- ◆ Additional measures that could be taken by a Party, including in relation to:
  - ◆ Product design, re-use, recyclability of products.
  - ◆ Alternatives and non-plastic substitutes.

*Work in the interim period between the DipCON and COP1 (for adoption by the COP at its first meeting) could include:*

- ◆ *Development of guidance, including on a sectoral basis, on specific issues, and guidance to assist in transitioning away from listed chemicals of concern as used in plastic products.*

- Commented [A12]:** Generally inspired by Part II, 3, a, Option 1, ¶1
- Commented [A13]:** Partially inspired by Part II, 3, a, Option 1, ¶1 and also partially inspired by Part II, 3, b, Option 1, ¶1 regarding microplastics
- Commented [A14]:** Generally inspired by Part II, 3bis, ¶1
- Commented [A15]:** Partially inspired by Part II, 3, a, Option 1, ¶1
- Commented [A16]:** Generally inspired by Part II, 3bis, ¶1 and ¶3
- Commented [A17]:** Generally inspired by Part II, 3, a, Option 1, ¶1, OP1 alt 2, and Option 2, ¶1
- Commented [A18]:** Generally inspired by Part II, 3bis, ¶3, a
- Commented [A19]:** Partially inspired by Part II, 3, a, Option 1, ¶1
- Commented [A20]:** Generally inspired by Part II, 3, a, Option 1, ¶1 "[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.]"
- Commented [A21]:** Partially inspired by Part II, 3, a, OP1 bis and likely inspired by Part II, 5, a, Option 2, ¶1
- Commented [A22]:** Generally inspired by Part II, 5, b, ¶2
- Commented [A23]:** Generally inspired by Part II, 5, d, ¶3
- Commented [A24]:** Generally inspired by Part II, 6, Option 1, ¶1

- ◆ *Schedule for work to identify further plastic products to be subjected to control.*
- ◆ *Terms of reference for any expert or other subsidiary bodies to be established by the COP.*
- ◆ *Guidance to be developed by the COP to facilitate the implementation of this provision.*

**Option 0**

*No provision on this matter.*

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

**Option 1**

1. **[[Each party should identify at the national level problematic plastic products]** Subject to its national action plan and based upon national circumstances and capabilities, **[[taking into account common but differentiated responsibilities and respective capabilities]** Each Party **[is encouraged ] to] [,consistent with their regulatory frameworks and processes,] [to gradually reduce]** **[must [take the [necessary] measures to [identify] [regulate] and reduce and not allow]] [should][shall] [Parties are [is] encouraged to] [take] [the necessary] measures [, consistent with national laws,]] [to regulate] [not allow][phase out or] [[to] gradually][reduce]] [, as appropriate,] [restrict] the [use [of problematic [and avoidable] plastic products, [and product groups] [it considers to be problematic and avoidable, which may include] [[including [short-lived and] single-use plastic products] [and take measures to reduce their use] in its territory]] [consistent with national laws and taking into account scientific information] [[with high risk of environmental leakage]], [manufacture, use,] [production, sale, distribution, import or export of]] [problematic [and avoidable]] [the] plastic products [that disproportionately contribute to plastic pollution especially in the marine environment or have properties that may hinder their safe and environmentally sound management including their reusability, repairability, recyclability and disposability][, including [short-lived and] single-use plastic products,] [with a high risk of environmental leakage, in its territory] [[listed in [part II[I] [III] of annex B]] [provisions of the Stockholm convention on Persistent Organic Pollutants on the decisions of its Conference of the Parties]]][and subject to the provisions of that annex] [[[after the dates specified for those products,] and] identified [within their national jurisdictions] [taking into account of the availability accessibility affordability and environmental impact of] [based on] [like products made of any alternative materials, as well as socioeconomic effects of such measures] [relevant parameters] [science based] [criteria [based on safety, sustainability, essentiality and transparency] [and within the timeframe set out in the same]]][only if an assessment of requirements of resources for the obligation and a financial mechanism to provide for meeting those obligations have been ensured] [[national criteria guided by] the criteria contained in part I of annex B] [[provisions of the Stockholm convention on Persistent Organic Pollutants on the decisions of its Conference of the Parties]] [science-based criteria] [and listed at the national level] [with an application-based approach] [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]] [provided alternatives or substitutes are available, accessible, affordable, and environmental-friendly [sustainable]] [, in particular to developing countries, taking into account their national circumstances and capability] [[set out in part I of] [annex [B], [provisions of the Stockholm convention on Persistent Organic Pollutants on the decisions of its Conference of the Parties] 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].] [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.] [provisions of the Stockholm convention on Persistent Organic Pollutants on the decisions of its Conference of the Parties] [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]]].**

**[[OPI bis Each Party shall reduce the production, sale, distribution, import or export of plastic products listed in Part [III] of Annex B [provisions of the Stockholm convention on Persistent Organic Pollutants (POPs) on the decisions of its Conference of the Parties] subject to the provisions of that annex and improve their design in accordance with article 5 of this instrument\*.]]**

*OPI alt 1 No text.*

**OPI alt 2** [Each country is encouraged to consider its unique national circumstances and capabilities taking into account factors such as climate conditions, environmental considerations and socioeconomic conditions when implementing measures to regulate the production, sale and distribution of short-lived and single-use plastic products by adopting tailored approaches based on individual circumstances Parties can work together to reduce plastic waste and promote sustainable practices on a global scale.]

2. [The governing body\* [shall] [may] [develop guidance [to inform efforts by parties to reduce] [[on] [compile national regulation on] the regulation of] problematic [and avoidable] plastic[s] [products] [taking into account scientific information] [[based on scientific criteria] [,traditional knowledge, knowledge of Indigenous Peoples, and local knowledge systems] and [take into account] the availability, accessibility and affordability of sustainable alternatives.]] [to assist Parties in the implementation of paragraph 1. This guidance may take into account and refer to any guidance and criteria developed under articles [5. *Product design, composition and performance*] and [6. *Non-plastic substitutes*].]]

[3. [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.] [are encouraged to promote the development of safe, environmentally sound and sustainable alternative plastics and plastic products and non-plastic substitutes, in line with the waste hierarchy.]]

[4. The cost of [compliance of control measures] **implementation of the instrument\***] 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 2

1. Parties are encouraged to take measures to regulate the use of problematic and avoidable plastic products with emphasis to plastic products with high risk of environmental leakages identified on the basis of guidelines adopted by the governing body\* and take into account their availability, accessibility and affordability of sustainable alternatives in particular to developing countries according to their national circumstances and capabilities.]

#### **[3bis Listing a product in Part II of Annex B [Problematic and avoidable plastic products] and Part III of Annex B [Problematic plastic products]**

[1. The governing body\*, at its first meeting, shall adopt a process for listing products in part II of Annex B [Problematic and avoidable plastic products] and part III of Annex B [Problematic plastic products]. The process shall include: the submission of proposals to list a product; the assessment of proposals using the criteria in part I of Annex B by an [Expert Committee], including any future reassessment; and the consideration of any recommendations from the [Expert Committee] by the governing body\*.]

[2. When adopting a process under paragraph 1, the governing body\* must ensure that the process provides for the following:]

[3. The [Expert Committee] shall develop guidance for consideration and adoption by the governing body\* on how a Party could apply the criteria in part I of Annex B if that Party wishes to implement measures that are additional to those required under Article 3.

a. The [Expert Committee] shall, as necessary, consider whether any amendments to part I of annex B are required based on best available science, traditional knowledge, knowledge of indigenous peoples and local knowledge systems and accordingly make recommendations for the governing Body\*'s consideration and adoption. In particular, the [Expert Committee] shall consider the need for the development of criteria in relation to likelihood of harm to human health.

b. When applying the criteria in part I: annex B, the [Expert Committee] shall take into account the waste hierarchy.

c. When applying the criteria in part A of part I of annex B, the [Expert Committee] shall take into account technical, social and economic feasibility and environmental and health implications.]]

b. [Products containing] [Microplastics on their own and] Intentionally added microplastics [in plastics and plastic products] (proposed placement: merge 3a and 3b)

#### Option 0

*No provision on this matter.*

#### Option 1

1. [Subject to its national action plan,] Each Party shall [not allow the production, use in manufacturing, sale, distribution, import or export of [plastics and] [take the **national**] necessary measures [to regulate the use of plastic products] to [manage, [where applicable] restrict and, where appropriate, not allow, the production, use in manufacturing, sale, distribution, [import or export] of]] [identify [plastics and] products containing intentionally added microplastics, [in [accordance with the [scientifically developed] criteria] [based on the

elements] [contained in part V of annex B], [except where an exception is specified in part IV of annex B]]], taking into consideration technical feasibility, availability and accessibility of alternative plastics and plastic products, and socio-economic impacts] [with an application-based approach.] [Each Party shall be encouraged to take any necessary measures to prevent the leak of unintentionally released microplastics into the environment.]]

- (a) of microplastics on their own with the exception of preproduction of raw materials or
  - (b) of products containing intentionally added microplastics]
- [subject to the provision of annex B part VI, VII, and VIII.]

**OP1 alt 1** *No text.*

**[OP1 alt 2** Each Party shall take measures, as appropriate and consistent with its national laws, to **reduce or where feasible ban** [control] the use [or] manufacture **[and sale]** 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.]] **[in implementing this obligation parties shall take into account whether the intentionally added microplastics in the product fulfil an essential function and if so whether a feasible substitute is available.]**

**[OP1 alt 3** Parties **[are encouraged to]** should take effective **[national]** measures to identify goods and products that contain intentionally added microplastics, **[to develop scientific research to evaluate]** [to establish the risks **[assessment]** of their ingestion and their pollution of the environment and adverse effects on the human body], followed by a **[science based replacement]** 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.]

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

3. 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.]

**OP3 alt** *No text.*

4. The cost of [compliance of control measures] **[implementation of the instrument\*]** 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 2**

Merge with II.8 on unintentional releases of microplastics.

**[3 bis alt. Micro- and [nanoplastics]] (proposed placement: move to Provision 8)**

#### **Option 0**

*No provision.]*

#### **Option 1]**

[1. Each party [is encouraged] [or Parties] [shall] [take effective measures] [shall endeavour] to promote research [, within its capacities and considering national circumstances] on [scale and scope] of [leakage of [intentionally added] micro and [nanoplastics]] [micro plastic pollution] across the [entire] lifecycle of [plastics] [plastic products] and their impacts on all ecosystems, [biodiversity, food chains] and human health. ]

2. Each party [shall take measures] [shall endeavour] [to promote transparency] and reduce [emissions] of both intentionally added microplastic ingredients [and all forms of] [and unintentional] releases] of microplastics] [microplastic pollution]].

**[OP2 bis.** Each party shall take necessary measures to minimize current and future health and environmental impacts of micro- and nanoplastics guided by science.]

3. Parties [shall] [are encouraged to based on national circumstances] [to promote national organizational arrangements for establishment of national centres] and capabilities] establish [regional

centres] [national centres] of excellence to monitor and report on leakage [and dispersal] of microplastics in land, water, air and in [living organisms] [biota].]

[4. The dedicated fund established under this treaty shall provide resources to establish infrastructure[,] to promote research on [micro and [nanoplastics]] [microplastic pollution.] (proposed placement: to be moved to Part III)

## **ARTICLE 4. [EXEMPTIONS available to a Party upon request]**

### **Option 0**

*No provision on this matter.*

### **Option 1**

*The inclusion of this article is conditional on there being articles on plastic products and/or chemicals of concern as used in plastic products. This article could be decided and finalized upon agreement on obligations under plastic products and other relevant provisions. My suggested text is:*

[1. Any Party State or regional economic integration organization 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 for one or more exemptions<sup>11</sup> from the phase-out dates listed in part II in [Annex [A] on chemicals of concern as used in plastic products and a Annex [B] for specific on plastic products], hereafter referred to as an "exemption", by notifying the Secretariat in writing: in accordance with the procedure [set out in ...].

(a) On becoming a Party to this Convention; or

(b) In the case of any chemical that is added by an amendment to Annex [A] or any product that is added by an amendment to Annex [B] on plastic products, no later than the date upon which the applicable amendment enters into force for the Party.

Any such registration shall be accompanied by a statement explaining the Party's need for the exemption.

***OPI bis 2.*** Each Party that has one or more The register of any exemptions and any extensions to an exemption shall be identified in a register. include the name of the Party to which the exemption applies and the period of the exemption. The Secretariat shall establish and maintain the register shall be kept updated by [the governing body\*] and make it available to the shall be publicly available.

3. The register shall include:

(a) A list of the Parties that have one or more exemptions;

(b) The exemption or exemptions registered for each Party; and

(c) The expiration date of each exemption.

2.4. [All exemptions referred to in Unless a shorter period is indicated in the register by a Party, all exemptions pursuant to paragraph 1 shall expire [5] five years after the relevant phase-out dates listed in part II of a Annex [A] and or [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.]

3.5. [[With the proper justification and necessary action plan for exempted period from The Conference of the Parties may, at the request of a Party the] [The] governing body\* may decide to extend an exemption for a period requested by the Party but not exceeding [X] five years; unless the Party requests a shorter period. In making its decision, the Conference of the Parties shall take due account of; in accordance with the procedure [set out in ...].] <sup>12</sup> [The country that would apply for the exemption may need to submit its

(a) A report from the Party justifying the need to extend the exemption and outlining activities undertaken and along with the action planned to eliminate the need for the exemption as soon as feasible; and for that specific period.]

<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.

(b) Available information, including in respect of the availability of alternative chemicals and products.

An exemption may only be extended [2] times per entry once per chemical or product 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.]~~

6. A Party may at any time withdraw an exemption upon written notification to the Secretariat. The withdrawal of an exemption shall take effect on the date specified in the notification.

4.7. Notwithstanding paragraph 1, [No Party State or regional economic integration organization may register for have an exemption in effect at any time after [3] five years after the phase-out date for a the relevant chemical or plastic product listed in part II of a Annex [A] or [B]., unless one or more Parties remain registered for an exemption for that chemical or product, having received an extension pursuant to paragraph 5. In that case, a State or regional economic integration organization may, at the times set out in paragraphs 1 (a) and (b), register for an exemption for that product or process, which shall expire ten years after the relevant phase-out date.

8. No Party may have an exemption in effect at any time after ten years after the phase-out date for a chemical or product listed in Annex [A] or [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.

**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 0}**

*No provision*

**{Option 1}**

1. ~~— [Dedicated programmes of work [by the governing body\*] [are hereby] [shall be] established to support the implementation of the instrument\* for the [following] sectors [to be decided by the governing body at its first session, based on the needs to evaluate current and projected releases of plastics and plastic waste [and to evaluate the efficacy of the measures of the parties relating to their management of such releases], while taking into account socio-economic impacts] [and/or product groups]:~~

- a. ~~— [[Packaging;]~~
- b. ~~— [Fisheries and aquaculture;]~~
- e. ~~— [Agriculture;]~~
- d. ~~— [Textiles;]]~~
- e. ~~— [Top plastic transporting rivers into the marine environment;]]~~
- f. ~~— [Transport;]~~
- g. ~~— [Electric and] [Electronic products;]~~
- h. ~~— [Building and] [construction;]~~
- i. ~~— [Cigarette filters and other tobacco related products;]~~
- j. ~~— [Legacy plastic waste;]~~
- k. ~~— [Conduct targeted assessment of high impact sectors and highly impacted areas].~~

2. ~~— [The governing body\* shall, at its first session, adopt the arrangements and terms of reference [including membership and representation criteria] for the operation of the dedicated programmes of work, and review them periodically thereafter. The dedicated programmes of work shall:~~

- a. — ~~Based on the outcomes of the targeted assessments~~ 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~~ **may adopt** ~~initiate~~ additional dedicated programmes of work, as appropriate, to support implementation of the instrument\*.

**Option 2**

[1. — Parties are encouraged to, according to their national circumstances and capabilities, assess which sectors most contribute to plastic pollution in their national jurisdictions and establish related dedicated programs of work to support the implementation of this instrument\*.]

**ARTICLE 5. PLASTIC PRODUCT DESIGN, ~~composition~~ and performance**

a. — ~~Product~~ **design and** ~~performance~~

**Option 0**

*No text.*

**Option 1**

*My suggested text is:*

- [1. ~~Subject to their national plan and based upon national circumstances and capabilities~~ ~~and available scientific results.~~ ~~Each Party shall~~ **is encouraged to take** ~~the necessary~~ **effective** ~~measures~~; ~~as appropriate, and in accordance to national priorities,~~ including those referred to in paragraphs 2 and 3.]
- (a) ~~To improve and~~ ~~promote~~ product ~~performance~~ ~~design~~ to ~~enhance~~ the ~~design~~ ~~circularity~~ ~~and~~ ~~improve the composition~~ ~~performance~~ of ~~plastic~~ products, ~~as well as transparency, including marking of the~~ ~~the~~ ~~packaging~~ ~~in order to promote product performance and enhance~~ ~~circularity~~, and improve the composition of ~~plastics and~~ ~~plastic~~ products, ~~according to national capacity of developing countries and available resources~~ with a view to:**
- fa. — ~~Reducing~~ ~~demand~~ for ~~and~~ ~~the~~ use of ~~primary plastic polymers, plastics and~~ plastic products ~~of plastics across the value chain, including in product packaging~~ ~~and associated chemicals~~ ~~listed in annex A~~ and should always be followed by the availability of alternative material for plastic and/or non-plastic substitutes that are affordable ~~accessible~~ ~~Improving the~~ ~~regular~~ economy ~~circularity~~ of plastic products and minimizing releases of plastic waste, including microplastic];
- fb. — ~~Increasing~~ ~~the~~ ~~safety~~, ~~sustainability~~, ~~circularity~~ of ~~plastic and~~ plastic products, guided by the waste hierarchy, including where relevant, ~~with respect to their~~ ~~chemicals~~ ~~composition~~, taking into account relevant international standards and guidelines, including any relevant sector- or product-specific standards and guidelines, in order to reduce the use of primary plastic polymers and associated chemicals of concern in plastic products; and ~~groups of chemicals of concern~~ ~~referred to in part H.2 and related annex A,~~ ~~adopted by the governing body\* by consensus~~ durability, reusability, refillability, repairability ~~in practice~~, ~~repurposability~~, ~~recyclability~~ and refurbishability ~~if applicable~~ of ~~plastics and~~ plastic products, as relevant, and ~~improving~~ their capacity ~~of~~ ~~plastics and~~ plastic products to be ~~reused~~, ~~repurposed~~, ~~recycled~~ ~~recovered~~ ~~at scale and~~ ~~in practice~~ and disposed of in a safe and environmentally sound manner upon becoming waste; ~~fb. bis~~ ~~increasing~~ as relevant for the application ~~the safety and durability, of plastic products, and the ability to reuse~~ability, refillability, repairability, ~~repurposability~~, ~~recyclability~~ and refurbishability of ~~plastics and~~ plastic products ~~in practice and at scale~~, ~~them and to disposed of them in a safe and environmentally sound manner upon their becoming waste,~~];
- fc. — ~~Minimizing~~ ~~unintentional~~ ~~releases~~ ~~leakage~~ and ~~emissions~~ ~~of microplastics~~ ~~leakages~~ ~~from~~ ~~and~~ ~~releases and emissions of chemicals from~~ environmental and safety impacts from ~~plastics and~~ plastic products, ~~following the guidelines set out in Annex C~~ ~~adopted by the governing body\*~~ ~~by consensus~~ including ~~relevant sector and product specific standards and guideline~~ ~~intentionally~~

added] ~~of~~ microplastics] [considering technical ~~and socio-economic~~ feasibility and accessibility of [potential microplastic] alternatives and socio-economic impacts];]]

[e. ~~bis~~ Taking into account the cost and quality of recycled plastic products]

[e. ~~ter~~ Taking into account the relevant international standards and guidelines, including [any] relevant sector- or product-specific standards and guidelines, ~~as specified in annex C~~] ~~[[adopted][confirmed] by the governing body\* by consensus]~~ [and assure compliance with sectoral requirements]. [The measures adopted pursuant to this provision may be reflected in the national plan communicated].]]

**~~[OP1 bis For the purpose of paragraph 1 Parties may take into account the relevant international standards and guidelines including any relevant sector- or product-specific guidelines.]~~**

#### **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] [sustainable] design [and performance] [requirements] [criteria] ~~aimed at increasing the recyclability, durability, reuseability, refillability, repairability and refurbishability if applicable depending on product characteristics, application and functionality~~] ~~for specific product or sector categories containing plastics~~] [and other related elements] contained in part I of annex C]]]. ~~take into account the guidelines established by the governing body\* [by consensus]]~~ [[including, where relevant,]] ~~which could be based on~~ sector- or product-specific [criteria and elements,] ~~standards and guidelines~~] [within the timeframe defined in that annex.]] ~~The minimum design [and performance] requirements~~ ~~[[The criteria] should [build upon the provisions in paragraph 1 of this article]~~ [be harmonized distinguishing between design for reduction, reuse, recycling of plastic products and packaging.]]

3. — ~~[[For this purpose]~~ [Each Party] [The governing body\*] shall establish and maintain ~~relevant~~ 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 [sustainable] design and performance [criteria] [requirements] and other related elements contained in part I of annex C, including, where relevant, sector- or product-specific [criteria] [requirements] 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 ~~is encouraged to~~] [should] ~~[[shall] adopt [voluntary] [sustainable product] design and performance criteria and [regulatory schemes]]~~ [take [the] [any] necessary measures] [to] [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. — [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], and assuring compliance with sectoral requirements]. 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;]

e. — [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]]] ~~measures~~ ~~requirements~~ 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 [cooperate] [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 support the implementation [and assure compliance with] [of] paragraph 1 of this article as well as with sectoral requirements] [to [implement paragraphs 1-3] [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,] [if applicable, depending on product characteristics, application and functionality] [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 plastic waste] [-, and assure compliance with sectoral requirements].]]**

**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 [if applicable] of [plastics and] plastic products **[depending on product characteristics, application and functionality]**, 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].

[OP2 bis For the purposes of paragraphs 1 and 2, Parties may take into account the relevant international standards and guidelines, including any relevant sector- or product-specific standards and guidelines.]

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], [and] [recycling,] refill and repair [repurposing and refurbishment] of [plastics and]] [Circularity approaches for] plastic products**

1. — [Subject to its national plan and based upon national circumstances and capabilities,] Each Party [is encouraged] [shall], based on guidance to be adopted by the *governing body*\* [at its first session] [at the latest by its [first][second][third] session,], take [effective] [and environmentally beneficial] measures [as deemed appropriate], covering the distribution, sales, and consumption stages] to [promote][ensure] [enable] [actively foster] the [reduction] [in volume of plastic use] [in the use] [of [plastics and] plastic products through as relevant], reuse, [and] [recycling,] refill, repair, repurposing and refurbishment [circularity approaches], as relevant, of [plastics and] plastic products [produced [or used] within its territory and those available on its market, [in particular] [including] through the [implementation [and sealing of incentivised] [of] reuse [and] [systems including return and], [recycling,] refill [models as well as] [and] repair [and bulk sale] systems]]] [enhancement of recycling infrastructure] [, [according to] [taking into account] national circumstances and [capacities][capabilities], as well as access to [available, accessible and affordable] technologies and availability of financial resources from developing countries]. [The *governing body*\* shall issue harmonized standards for product reuse, recycling, repair and refurbishment.] **[based on guidance to be adopted by the *governing body*\* [by consensus].]**

2. — Each Party shall [take] [by taking] the necessary measures[[, including those referred to in paragraph 1,], covering the distribution, sales, and consumption stages,] [to achieve the minimum [sector-specific] [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 [or used] within its territory and those available on its market. [This should be based, where relevant, on a sectoral approach [specified in annex C].]

[OP2 alt [Each Party [is encouraged to consider] [should] [shall] [, as appropriate,]] [Parties are encouraged to] [adopt] [use] [nationally determined] [timebound] [targets in] [the implementation] [support] of [paragraph 1] [this [objective][article]]] [, reflecting national circumstances and capabilities.]]

3. — The measures taken to implement [the] [this] 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 [2, VII], [or] [incentivizing] [promoting] [changes in the supply

chain] ~~[[by investing in] reuse, recycling, refill and repair system and infrastructure], [and in [promotion of sustainable] consumer behaviour [through raising consumer awareness on sustainable consumption] and [shall][may] be reflected in the national plan communicated [pursuant to [Part IV.1 on national [action] plan[s]]]]]~~

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.]~~

5. ~~— Parties are encouraged to [work with relevant [national and] international organizations at the multilateral level] [cooperate] towards the development [and implementation] of standards[, definitions, metrics] and guidelines for reuse and refill systems [with the view to harmonizing and scaling reuse solutions in prioritised sectors].~~

e. ~~Use of recycled plastic contents~~

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] [to encourage the use of recycled plastics in appropriate plastic products] [for [appropriate] plastics and] [is encouraged to] [promote that] [require plastics and] 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] [contain][to the extent possible and practicable] [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] [materials from secondary resources], [as appropriate taking into account national circumstances and capabilities.] [when it is technologically feasible [and economically viable] and] [based on the elements contained in] [as set out in] [part III of annex C]], within the timeframe specified in that annex]. [The measures taken to implement this provision [shall][may] 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.]~~

2. ~~— 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.]~~

3. ~~— The governing body\* shall provide a [timeframe] [timebound targets] 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.]~~

4. ~~— Each Party [shall][should][based on national circumstances is encouraged to] take [the necessary] measures [to [ensure] [promote] [to enhance where feasible] that, where [needed] [possible], [primary plastic] [[plastics used] in products] [plastic products] [is [replaced][complemented] by] [contain materials from secondary sources which shall be] safe[,] [and][,] environmentally sound[, affordable, accessible and available] recycled plastic content[, as applicable] [taking into account national circumstances and capabilities] [as well as requirements for specific plastic products, categories, their application and functionality]][, 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, [certification schemes, international cooperation on harmonized best practices][the establishment of extended producer responsibility schemes, as set out in part [II.17] or incentivizing [changes in the supply chain] [the development of reduce, recycle, refill and repair systems and infrastructure] [by investing in recycling system and infrastructure,]] and in [promotion of sustainable] 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]].]~~

~~[OP4 *alt* Each Party should take nationally determined measures to encourage the use of recycled plastic in appropriate plastic products produced within its territory and those available on its market to promote safe and environmentally sound post-consumer recycled plastic contents, when it is technologically feasible and economic viable.]~~

d. — ~~[Alternative plastics and plastic products]~~

~~[Option 0]~~

~~[No text.]~~

~~[Option 1]~~

~~[1. — [[Parties] [Each Party] shall] **[should]** [endeavour to] ensure that [“]alternative plastics and plastic products[”] [which include bio-based, biodegradable and compostable plastics] are safe[r], environmentally sound and sustainable, [based on life cycle assessments,] [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 [including] 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] [adopted by the governing body\* that encompass safety, environmental soundness, and sustainability]] [, 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, built on a full life cycle analysis] [as well as the national circumstances and capacities].]~~

~~2. — The criteria that will be established should also take into consideration avoidance of undesirable substitution and problem shifting.~~

~~[3. — [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 **[such as biobased plastics, biodegradable plastics and compostable plastics taking into account their potential for environmental economic social and human health impact including food security]** [, including through]. The measures [and incentives] taken to implement this provision may include the use of] regulatory [measures] and economic *instrument[s]* [, as per national regulation].]~~

~~[4. — Parties shall [be guided by the waste hierarchy and] ensure [that [reduction **[in volume of plastic use]** 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.]~~

~~[5. — There shall be an assessment of the need as well as [mobilization of financial resources], capacity building and technology transfer for each country for innovation and for their nationally driven commitments under this provision.]~~

~~[6. — The measures taken to implement this provision shall be reflected in the national plan communicated pursuant to [Part IV.1 on national plans].]~~

~~[7. — 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.]]~~

~~[8. — 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.]~~

~~[OP8 bis Based upon national circumstances and capabilities, parties should promote safe, environmentally sound and sustainable alternatives to [plastics and] plastic products, such as (i) bio-based plastics, (ii) biodegradable plastics and (iii) compostable plastics, taking into account their potential for environmental, economic, social and human health impacts, including food security.]~~

~~[OP8 bis Based upon national circumstances and capabilities, parties should promote safe, environmentally sound and sustainable alternatives to [plastics and] plastic products, such as (i) bio-based plastics, (ii) biodegradable plastics and (iii) compostable plastics, taking into account their potential for environmental, economic, social and human health impacts, including food security.]~~

~~[Option 2]~~

~~[Merge with II.6 (“Non-plastic substitutes”)]~~

6. — **Non-plastic substitutes**

**Option 0**

*No provision on this matter.*

**Option 1**

(b) 1. ~~Subject to its national plan and based upon national circumstances and capabilities, each~~ ~~Each Party shall~~ ~~Parties should~~ take measures ~~To foster~~ ~~research, and~~ ~~innovation,~~ ~~including through the cooperation mechanism referred to in~~ ~~Part III. ...~~ ~~and incentivize and promote~~ ~~the research,~~ ~~to assess~~ the development and use at scale of ~~safe, environmentally sound, and sustainable~~ alternatives and non-plastic substitutes, including products, technologies and services, taking into account the best available science, traditional knowledge, knowledge of Indigenous Peoples and local knowledge systems and their potential for waste reduction and reuse, as well as ~~their environmental, socio-economic, cultural and human health impacts across their lifecycle,~~ ~~including food and water security, and land loss,~~ ~~based on life cycle assessments,~~ ~~waste hierarchy~~ ~~and considering possible unintended consequences and trade-offs~~ ~~as well as the developing countries' access to the transfer of necessary technologies and financial resources.~~

Commented [A25]: Inspired by 6.Option 1. ¶ 6

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, products, technologies and services, ~~taking into account national circumstances and capacities.~~

3. ~~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.~~

4. ~~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.~~

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

6. ~~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.~~

7. ~~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.~~

8. ~~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.~~

#### Option 2

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

2. The Conference of the Parties shall adopt, at its first meeting, guidance to assist Parties in their implementation of paragraph 1 of this Article. The Conference of the Parties shall keep under review, and update as appropriate, the guidance developed pursuant to this paragraph.

*Work in the interim period between the DipCON and COP1 (for adoption by the COP at its first meeting) could include guidance to inform national action, potentially also for specific sectors or groups or products.*

## 7. ~~Extended producer responsibility~~

#### Option 0

*[No provision on this matter.]*

#### Option 1

*[Introduction]*

~~Alt. Parties shall~~ ~~may~~ ~~encourage~~ ~~and support~~ ensure that ~~all plastic producers operating in their jurisdiction are part of mandatory~~ ~~voluntary~~ ~~Extended Producer Responsibility (E)PR~~ ~~schemes~~ ~~systems~~ 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~~ ~~E)PR schemes.~~

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

1. — ~~[[Each Party] [Parties] shall [should] [encourage] [and support] [ensure that producers [would enhance the quality of their products to pave the way for more efficient recyclability and to avoid generating waste] [are responsible for their products after becoming waste and] [who does not yet have its [E]PR system/scheme] [could consider incentive measures to achieve such an objective] [shall][is encouraged] [and assisted] [to consider to][establish][, regulate,] [implement] [and operate][, as appropriate] [within its jurisdiction] [and shall not extend to international supply chains,] [as per its national plan and based upon] [take measures to facilitate the development of] a[n] [mandatory] [where possible or] [voluntary] [national] [fiscal and/or [non-fiscal]] [extended] producer responsibility ([E]PR) [system][scheme] [for these products] [or any systems or mechanisms serving the same purpose] [and objectives] [most appropriate to a specific region or country.] [and available][, affordable and accessible] [technologies] [including based on the modalities] [guidelines for their design and implementation] [covering the products] [including eco-modulation] contained in annex D] [with flexibility in the scope of the application] [including, where relevant, on a sectoral [or product] basis,] [as part of an environmentally sound system] [one of the elements of waste management] [taking into account] [their national circumstances and capabilities] [according to its specific conditions] ...]~~

*[Objectives]*

~~[... to [cover the organization or financing of] [contribute to] [collection, transport, sorting [or] [and] environmental sound] [management] [treatment of] [plastic] [waste] [within the national jurisdictions] and where appropriate clean-up of littering] [incentivize] [promote] [plastic] [waste] [prevention] [reduction] [reuse] [and reduction] [the design] [plastic reduction], [through a] [sustainable and circular design] [increased] [reuse,] increased recyclability, promote [high quality recycling and] higher recycling rates, [enhance the accountability of producers] [and importers] [as well as other relevant stakeholders throughout the whole supply chain] [and importers for safe and environmentally sound management, of plastics and plastic products throughout their life cycle] [assure] [just transition with special consideration of waste pickers,] and [increasing public awareness] [on waste prevention and collection] [enhance [the accountability] [extended] [responsibility] 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] [promoting [plastic reuse,] increased recyclability, and higher recycling rates for [plastics and] plastic products]].~~

~~[1 bis Parties shall] [encourage] [and support] [cooperate regionally and at global level [in implementation of [extended] producer responsibility schemes] to address plastic waste leakage into marine ecosystems caused by [extreme weather events] [disasters] such as flooding.]~~

~~[1 ter Parties shall] [are encouraged] institutionalize extended producer responsibility mechanism as a practical approach to [upstream measures] and for the development of environment friendly products and advocate on sustainable] that advocate for international standards on sustainable production and consumption and circular economy [approaches] [throughout the full life cycle of their product].]~~

*[Implementation]*

2.1 — ~~[Parties shall, in implementing this provision, take into account how the measures taken would contribute to a just transition] [bearing in mind] [the needs and requirements of] affected populations] [including waste pickers and other workers in informal and cooperative settings] [with special consideration] of] [and incentives to] [fair and adequate compensation [and]], [formalisation [and integration] of the] waste pickers [into waste management systems including issuance of personal protective equipment] and other workers in informal and cooperative settings].~~

2.2 — ~~[Each party] [Parties should] [shall] ensure that extended producer responsibility schemes take account of the [guidelines developed by the governing body<sup>26</sup>,] [elements in annex D and cover the sectors and product groups referred to in 4bis Dedicated programmes of work.] [The governing body<sup>26</sup> shall] [may][, 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 extended producer responsibility [systems][schemes] [or any systems or mechanisms that serve the same purpose as extended producer responsibility systems,] and [identify][define] their essential features, and to [encourage] [support] their [alignment] [harmonization], taking into account [how the measures taken would contribute to] [how extended producer responsibility systems can support] [the objective of] [the instrument<sup>26</sup>] [ensuring] a just transition,] [with special consideration of waste pickers and other workers in informal and cooperative settings.] [These guidelines are of recommendatory nature.]~~

~~[2.2 bis In implementing the provisions of this article, parties [may wish to consider] [shall take into account] relevant guidance and guidelines in other [international agreements] [multilateral environmental agreements] [which the parties find themselves amenable to] including those developed~~

~~under the Basel Convention on the control of transboundary movements of hazardous waste and their disposal [taking into account national circumstances and domestic laws and regulations].~~

~~2.3 [Parties shall ensure that extended producer responsibility [schemes] [systems] have efficient and effective traceability and accountability mechanisms] [in accordance with national circumstances, capabilities, laws and standards]. [Extended producer responsibility money should not be diverted to activities other than waste management.]~~

~~[2.3 *alt* Parties may wish to consider measures to ensure effective implementation of the extended producer responsibility schemes at the national level taking into account their legal system.]~~

~~2.4 [The measures taken to implement this provision [shall] [might] be reflected in the national plan [if the party wishes to do so] communicated pursuant to [Part IV.1 on national plans].] [which also allows for periodic review and expansion of coverage of extended producer responsibility.]~~

~~2.5. [Parties may consider cooperating at regional and global level, in the implementation of extended producer responsibility schemes.]~~

~~2.5 *bis* [Producers [shall] [are encouraged to] report on extended producer responsibility implementation to [local] regulatory authorities [on a voluntary basis] based on an agreed template to generate data on progress in addressing plastic pollution.]~~

## 8. ARTICLE 7. EMISSIONS AND RELEASES of plastic throughout its life cycle

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

*My suggested text is:*

### Option 1

[1. [Each Party] [Parties], subject to its national plan and based upon national circumstances and capabilities and relevant national environmental regulations, [, based on ] [initial studies], [vulnerability studies] [and assessment of levels of contamination of [marine, terrestrial and aquatic] [ecosystems,] [environments] [shall] [are encouraged] [should] [take] [necessary] [effective] measures to manage,] [regulate] [prevent] [or reduce,] [with a view toward elimination] and, [where feasible possible,] [eliminate] [minimise plastic waste leakages] [the emissions] and] [to protect human health and the environment] [control] [releases of monomers, polymers, chemicals and group of chemicals, with a priority for the ones listed into Annex A] [that are veritable and more than significant as per national scientific standards] [plastic polymers,] [chemical pollutants] [plastics, including microplastics, [nanoplastics] and plastic products] [across their life cycle], [including from extraction and production,] [to the environment.] [in all environmental compartments including the terrestrial, atmosphere, soil, freshwater, and marine environment and air] [from [the] [from various] sources [that should be nationally determined] [identified in [part I of] annex E]], with assessment of trends of the emissions and releases, [in accordance with Part IV.4 on periodic assessment and monitoring of the progress of implementation of this instrument<sup>2</sup>] taking into consideration technical feasibility and accessibility [and environmental friendliness] of alternative plastics [across their life cycle] 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] [leakage of plastic waste] 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] [that are veritable and more than significant as per national scientific standards];

[b. Releases to soil and water from the production, storage, transportation, and use and end of life management of:

(a) eChemicals [and polymers] of concern; as used in plastics and plastic products [listed in part II of a Annex [A],] and plastic products listed in Annex [B]; [that are veritable and more than significant as per national scientific standards]

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

*[b. ter* Minimization of microplastics generation and the generation of hazardous chemicals during the use and waste phases.]

b. *alt* merge b and e.

~~[[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 (d) mMicroplastics, **and nanoplastics**, during use of products, to air, soil, and water, [including the marine environment] and ecosystems.]]~~

~~*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 endeavour 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 endeavour to implement and enforce the national laws, regulations, or policies it adopts or maintains in accordance with this provision.~~

~~*OP1 alt* 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 (c) mMicroplastics during production of plastics and recycling of plastic waste to air and water;~~
- ~~b. Leakages of waste plastic products to land and waterbody; and~~
- ~~e. Releases of microplastics during use of products containing intentionally added microplastics to water.~~

~~2. Each Party [subject to its national plan and based upon national circumstances and capabilities and relevant national environmental regulations,] [shall] [take [effective] [any necessary] measures to] [is encouraged to] prevent [regulate] [or] [and] [reduce, with a view toward elimination] [and where [possible] [feasible],] [and eliminate] [emissions and] releases of [(b) pPlastic pellets, flakes and powder] [plastic pollution] [from the full supply chain, including] [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 Organization 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, consistent with its national laws, take measures to control emissions and releases of hazardous pollutants from plastic production facilities]**~~

~~3.2. The measures taken to in implementing its obligations the provisions of this article [are encouraged to] [shall] be reflected in the national plan [communicated pursuant to paragraph 1, [Part IV.1 on national plans]], with necessary means of implementation each Party shall taking into account, as appropriate, relevant international rules, standards, and guidelines, the special circumstances of small island developing States]].~~

~~*OP3 alt* No text.~~

~~4.3. The *governing body*\*[The Conference of the Parties shall, at its first session/meeting, shall] [may] adopt [guidelines] [guidance], including where relevant, sectoral guidelines, to facilitate implementation of [the obligations set out in paragraph 1 [and 2] ~~of~~ [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,] as well as guidance, including, where relevant, on a sectoral basis, to facilitate implementation of the obligations set out in paragraphs 1 and 2 of this article.]] [to capture and remove plastic pollution, including microplastics **and nanoplastics** from freshwater bodies, the marine environment and [any other] ecosystems]. [The guidelines shall be coordinated with other relevant bodies.]~~

~~5. [Parties are encouraged to] [Each Party shall] 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 [chemicals, polymers] [plastics [and] [,] plastic products [and their alternatives]] [plastic pollution], including [plastics waste and] microplastics, **and nanoplastics** into [waterways and] the [marine] [and other] environment[, 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.]]**in particular small island developing States and least developed countries.**~~

**5 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 2**

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. ARTICLE 8. PLASTIC WASTE MANAGEMENT**

*My suggested text is:*

**a. ~~[[Plastic] Waste management]~~**

1. Each Party[, as per its national plans and based upon national circumstances and capabilities and relevant national regulations,] 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]] [on safe and environmentally sound waste management [.] [[at its different stages]] [[to ensure] environmentally sound [waste] management [of plastic waste.]], [including] handling, [collection,] [sorting,] transportation, storage, recycling [treatment]], other recovery including energy recovery] and final disposal[[of plastic waste]].[[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.][.]

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 [of] [to] achieving 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 handling, 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.[1. ~~Each Party shall meet the requirements take measures, [including], where relevant, through a sectoral approach, to ensure that plastic waste is managed in an~~ for [minimum] [safe and] environmentally sound manner, [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, and in accordance with any guidelines that may be adopted by the Conference of the Parties to this Convention. In developing such guidelines, the Conference of the Parties shall take into account arrangements in relevant international agreements, [, 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 [at its first session,] [[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]] [[and subsequently update as needed,] guidelines on [safe and] environmentally sound management of plastic waste, taking into account [the waste hierarchy and] [and the] 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]]. [A mechanism needs to be established to assess the infrastructural requirements and financial resources required for safe and environmentally sound management of plastic waste.]

~~[[4][3] Each Party shall [take [the necessary] measures to prevent] [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,] [open dumping, ocean dumping,] littering [and open burning] [of plastic waste] 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.]~~

~~[6][5]2. [It is recommended to] [Each] [Parties] [Party] [may, as per their national plan and based upon national circumstances and capabilities] [shall] [are] [is] encouraged [to] [take additional measures], according to their national capacities, [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* [ ]]~~

~~(d) [x] [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,], including by the adoption and implementation of approaches such as extended producer responsibility (EPR) schemes~~

~~[(a)- [Invest in] [Promote] investment in, [and mobilizing] of resources from all sources for,]] [in] 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] Establishing systems at national and local levels for handling, sorting, collection, transportation, storage, recycling and treatment of plastic wastes;~~

~~[(c)- [Incentivize] [Encourage] behavioural changes throughout the value chain [ ] and [raising] [consumer] [public] awareness [on sustainable consumption] [about plastic waste prevention and minimization, taking into account] [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];]~~

~~*e-bis.(c)* Develop, identify, and/or Promoting, developing and strengthening 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.]~~

~~[7][6] bis. Each Party is encouraged to adopt environmentally sound waste management practices.~~

~~3. Each Party shall take measures to ensure that the export of plastic waste is only allowed:~~

~~(a) For the purpose of safe and environmentally sound recovery, reuse, recycling, or disposal in a manner consistent with this Article; and~~

~~(b) With the written consent of the importing Party or non-Party.~~

~~34. Where export of plastic waste is allowed under paragraph 3, the exporting Party shall:~~

~~i. (a) Provide to the importing Party or non-Party complete information about the composition of the waste proposed to be exported, 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;~~

~~iii. (b) Require exporters to comply with generally accepted and recognized international rules, standards and practices for packaging, labelling and transport.~~

~~4 5. The governing body<sup>28</sup> Conference of the Parties shall, at its first-session meeting, adopt guidance for the [implementation of the] [purpose of this] to assist Parties in their implementation of [set out in paragraphs 3] and 4 of this Article, including a format for certification to demonstrate that the importing Party or non-Party has measures in place to ensure consistency with the requirements under subparagraph (b) of paragraph 3. In developing such guidance, the Conference of the Parties shall take into account as appropriate arrangements in relevant international under other multilateral environmental agreements] [inter alia, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal].]~~

**Commented [A26]:** The Chair's suggested text for ARTICLE 8, ¶2(b) is more in line with Part II, 9, a, OP1 bis but it was placed here for structure and a better reading of the Chair's suggested text.

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**Commented [A27]:** Partially inspired by 10. b. Sub-Option 1 ¶ 3.a

**Commented [A28]:** From 10. b. Sub-Option 1 ¶ 3.b

**Commented [A29]:** From 10. b. Sub-Option 1 ¶4

Work in the interim period between the DipCON and COP1 could include guidance on developing national EPR schemes and on exports of plastic waste pursuant to paragraphs 3 and 4 (for adoption by the COP at its first meeting), and any interim arrangements.

## XX. Fishing gear

*A decision on placement (or whether this provision should be included at all) is still pending. Different approaches have been proposed by Members of the INC for further consideration, including:*

- no dedicated provision on fishing gear*
- having no provision on fishing gear and instead have a sectoral programme under current 4bis of the revised draft text*
- having no provision on fishing gear and instead have a reference to this specific sector in other relevant provisions of the instrument, as needed*
- having a standalone provision*
- having elements on fishing gear considered under Part II.8*
- having elements on fishing gear considered under Part II.9*
- having elements on fishing gear considered under Part II.*

### Option 0

*No provision on this matter.*

### Option 1

*[Overarching obligation]*

1. — [Each Party] [Parties] [to the instrument<sup>2</sup>] [[shall] [should] [cooperate]] [is encouraged to], including through the cooperation mechanism referred to in [Part III, article number yet to be defined], [and] [subject to its national plan and based upon national circumstances and capabilities] take [appropriate] [any] [effective] [measures] [actions] [to tackle] [abandoned lost or otherwise discarded end of life] [pollution arising] [from lost or damaged] fishing gear [waste.] [across the [whole] lifecycle [of plastic gears used for] fishing [activities] and aquaculture gear][to prevent and ], [reduce] [and where possible prevent] [with a view to eliminating] [and eliminate] [plastic pollution from] fishing gear [composed of plastic] from becoming abandoned, lost, [or otherwise] [and] discarded in the [marine] environment, [and to promote circularity], [taking into account,] as appropriate, [consistent with] [in accordance with] [internationally agreed [instruments,] rules, [guidelines and] standards and recommended practices and procedures.] [taking into account as applicable relevant [multilateral environmental agreements] [international agreements] [and] [respecting] their respective mandates as well as common but differentiated responsibilities.]

*[Particular measures]*

[..., including [as appropriate]] [on]

a. — [[Encourage the development [or] [and] [of] [improve the] [the enhancement of new] [design] [and technologies for] [for circularity] of fishing and aquaculture gear[s], [in line with performance criteria set out in part I of annex C, where practicable and feasible] [with a view to] [reduce their environmental impact, while] [enhance] increasing durability, reusability, repairability and refurbishability and their capacity to be [dismantled] [repurposed,] recycled and disposed of in a safe and environmentally sound manner at end-of-life, and minimizing] [to minimise] releases [and] [emissions] [leakages] of or from fishing and aquaculture gears [waste], [including microplastics,] to the [marine] environment;]

b. — [to implement effective] [to encourage] [marking] [of [fishing] gears] [and net materials used for their repair, providing information in their description about the plastic materials, used for their production] [when available and applicable], [tracing] [tracking] [, retrieval] [and] [ ] [and require] [a database for the monitoring reporting] [and traceability] [of lost gears,] [by Part IV.3 on reporting on progress] [in accordance with] [taking into account] [other relevant regional] and international [agreements] [regulations], [including MARPOL Annex V]] [[and recovery] requirements,] to [ ] prevent, reduce and eliminate, abandoned, lost or otherwise discarded] [tackle] fishing gear [containing plastic], [taking into account] [internationally [agreed rules], [guidelines] standards and recommended practices and procedures]

~~{taking into account as applicable relevant multilateral environmental agreements and their respective mandates.} {Developed countries should provide support in terms of technology transfer for these initiatives}}~~

~~{b bis—Carry out formal risk assessment to support the scope and design of fishing gear marking taking into account relevant FAO guidelines}~~

~~e. —[[promote] [facilitate] **implement effective measures for**] [the] collection and environmentally sound [disposal or recycling of end-of-life] [waste management of] **end of life** [plastic] [fishing] **and aquaculture** gear, [including any recovered gear.] **enhance** [the management of gear at the end of its usable life.] [including the reuse, repair and recycling of gear] **both onboard and on land** **in collaboration between parties relevant industry sectors, and relevant stakeholders, artisanal and small scale fishers**]] [.] [;and]~~

~~{c alt—Parties are encouraged to promote environmentally sound management of fishing gear waste}~~

~~{c bis Promote and facilitate efforts for fishers and fishing communities including artisanal and small fishers to comply with the provisions of this instrument<sup>2</sup>}~~

~~{c ter Where feasible,} [consistent with national laws,] [require] [encourage] [fishing vessels to have equipment on board to retrieve its lost fishing gear]~~

~~{c quater Promote adequate gear labelling to ensure material traceability and recyclability for recyclers} [in accordance with Part II.13]~~

~~{c quinquies Establish mechanisms and incentives for the regular [ecologically sensitive] retrieval of derelict gear and [prioritising methods that minimise further harm to marine ecosystems while integrating traditional knowledge, knowledge of indigenous people and local knowledge systems into decision making] to adapt mechanism for monitoring and reducing discards of fishing gear}~~

~~{c sexies Improve cooperation and use economic and innovative options to address the problem including mechanisms for the retrieval of lost abandoned or otherwise discarded fishing gear and identification of owners of gear and gear registries.}~~

*{Other actions}*

2. — [Each Party] [Parties] [should take actions to]:

a. — ~~{c sept} promote [and facilitate training,] [education and awareness raising] **sharing lessons learned** [with fishing [gears,] [industries and practitioners] **on the environmental [impacts] [associated with abandoned fishing gear]** on best practices and methods to reduce the [risk] of losing **and damaging** fishing gear and [other plastics] [its accessories] during fishing operations, and for the environmentally sound [disposal] **management** of end-of-life gear, and}~~

b. — ~~{c octies} promote collaboration between Parties and relevant industry sectors and stakeholders, including fisheries, port reception facilities, waste management, and recycling.~~

c. — ~~{c novies} promote investment, mobilize resources and facilitate knowledge exchange to enhance the recyclability and recycling rates of end-of-life and recovered fishing gear.~~

*{Relevant initiatives and organizations}*

3. — Parties [shall] [are encouraged to] promote [synergy and complementarity with relevant initiatives and organizations], and regional and international authorities [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, [safe] disposal, and recycling of fishing [and aquaculture] gear, including with relevant initiatives and organizations].

~~{3 bis—Parties [are encouraged to work with] [shall cooperate including through] relevant [national], [regional] [and international] [organizations] [standardising bodies] towards the development} [and implementation] [of global] [of harmonised] [standards including definitions and guidelines for [circular] [environmentally sound] [design] of fishing gear].~~

*{Means and measures of implementation}*

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]*.

5. 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.

*[Additional elements in other provision]*

*[Furthermore remediation of abandoned, lost and discarded fishing gear is important to protect the marine environment, the provision [in Part II.1] 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.]*

## 10. Trade ~~in listed chemicals[, polymers] and products, and in plastic waste~~ ~~[related measures]~~<sup>14</sup>

### 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;
- 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.

<sup>14</sup> Note by the secretariat: original footnote omitted. See Co-facilitators' non-paper on subgroup 1.2 outcomes, 29 April 2024, footnote 5, available at <https://www.unep.org/inc-plastic-pollution/session-4/documents/in-session/ContactGroups>.

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];

e. *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].

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. ARTICLE 2. EXISTING PLASTIC POLLUTION, including in the marine environment**

### *My suggested text is:*

[1. Parties [will take actions and] [shall] [are encouraged] [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, evaluate and prioritize] locations or accumulation zones, [and] [hotspots] [critical points] [and sectors];

i. most affected by existing plastic pollution, [including] in the [terrestrial, freshwater and the] marine environments [and areas beyond national jurisdiction, or where]; and

ii. [where] [that evaluations identify accumulation areas with] quantities and types of [fitter] plastic pollution [garbage that represent] [pose] a threat to [human health,] species or habitats; and [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 such identified~~ locations or 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 ~~them of such plastic pollution.~~

~~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~~

e. ~~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.~~

~~e. alt~~ Promote safe and environmentally sound remediation activities, including through engagement with local population, communities, and citizens:

~~e. 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.

3.2. The ~~When implementing remediation measures~~ taken to implement the provisions of this article ~~Part II.11~~ ~~shall~~ ~~could~~ be reflected in the ~~outside of national~~ plan ~~jurisdiction, Parties should take into account relevant provisions of international agreements,~~ communicated pursuant to ~~Part IV.1 on national plans.~~

~~OP3 alt 1~~ No text.

Commented [A30]: Equivalent to Option 0

3. Each Party is encouraged to promote engagement of local communities, civil society, as well as the private sector, in activities pursuant to paragraphs 1 and 2.

4. The governing body\* ~~The Conference of the Parties~~ ~~shall~~, at its first session,

~~Option 1~~ should adopt guidance, as appropriate, to facilitate implementation of this ~~Article.~~

~~Option 2~~ 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.

~~Option 3 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 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.

*Work in the interim period between the DipCON and COP1 (for adoption by the COP at its first meeting) could include the development of guidance to assist Parties in implementing this Article, and support to Signatories, in particular to LDCs and SIDS, for early implementation.*

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## 12. **ARTICLE 10. Just transition [pathways]**

*My suggested text is:*

[1. [Leaving no one behind,] Each **In the implementation of this Convention, Parties** [could] [should] [shall] **cooperate to promote and facilitate** [cooperate to promote] [, as per national circumstances and capabilities and relevant national regulation,] [a] [fair, equitable and inclusive] [just] **transition[s]** [pathways] **[which encompass pathways that include socio-economics workforce, technology and innovation circularity and other dimensions]** [for affected] [populations] **[within its jurisdiction]** [Parties] [[for [Indigenous Peoples] and [local communities],] **artisanal fishermen and fishing communities**] [waste pickers] [and other workers in [plastic] [waste] value chains]] [in the context of] [towards] **sustainable production** [consumption of plastic, development], with special consideration [to social and economic impacts] for [[affected] developing country [Parties]] **[workers]** [women] [[and vulnerable groups] **persons in vulnerable situations**], including [impacted communities] [,] [children [and youth],] **[taking into account] of the situation of workers in the informal sector, including waste pickers, Indigenous Peoples and populations affected by the adverse effects on human health and the environment of plastic pollution and [in line with] [right to development and the priority to alleviate poverty in order to achieve sustainable development] [international human rights obligations,] the International Labour Organization Just Transition guidelines] [as well as UN guiding principles on business and human rights]** [according to national [laws and regulations,] social policies and circumstances]], in **the implementation measures set out in this Convention, of this instrument\***] [including by, *inter alia*, enhancing institutional arrangements, enabling policies and conditions to improve the opportunities, capabilities and livelihoods of affected communities]] [, provided that means of implementation are available for developing countries].

**Commented [A31]:** need to add "and" (most likely a typographical error)

[Developed country Parties shall provide sufficient finance, technology transfer and capacity building support [with the view to promote and facilitate the just transition [pathways] of] [to [affected]] developing country **[and economies in transition]** Parties.] This may include[, according to national circumstances].<sup>15</sup>

**[OPI bis In the implementation of the instrument\* to promote just transition, parties shall cooperate to enable capacity building and technical assistance as well as facilitate technology transfer.]**

**[OPI alt 2. In the implementation of this instrument\*, e]Each Party is [shall] [could] encouraged to promote [an equitable and inclusive] [just] transition [for engagement of affected populations,] with particular consideration for [waste pickers and other workers in informal and cooperative settings in line with the International Labour Organization guidelines for a just transition] [workers and [persons] [people] [in vulnerable situations,] [impacted communities, civil society, as well as the private sector, in activities pursuant to paragraph 1.] within [its national jurisdiction,] This may include:]**

a. — [Designating a national coordinating [body] [mechanism] for engagement [and collaboration] with relevant stakeholders, including public authorities, [trade unions,] [workers association] [waste pickers,] **[and other workers in the informal and cooperative settings]** non-governmental organizations[, Indigenous Peoples] and [local communities] [and affected [populations] [communities] [fishing associations and communities] [according to national regulations] [with the aim of data collection, monitoring, evaluation and national reporting on progress of just transition];

b. — [Enabling [policies] [regulations] [and conditions] [that integrate] [to [ensure and] [improve] [as appropriate] [adequate] 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. — **[Providing adequate]** [Improving working conditions [, occupational safety and health, and social protection] for [waste pickers and] workers] **[across the plastics value chain]** in the waste management

<sup>15</sup> See below subparagraphs a. to g.

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 Extended Producer Responsibility [schemes] [systems] 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. ]

**[OP 1 *alt bis* When designing and implementing policies and measures, Parties shall avoid creating burden to developing countries including imposing prohibitive barriers to their exports through compliance costs and conditions that are incompatible with local resources and technical capabilities.]**

**[OP 1 *alt ter* In their actions to achieve just transition pathways Parties are guided by the principles of this instrument<sup>2</sup>.]**

2.3. [The [Each Party may report measures taken to implement this Article](#) provision [shall] [could] [might] be reflected in the [its national plan report](#) [communicated pursuant to [Part IV.1 on national plans](#)]] [Article 15](#).

**[OP2 *bis* Each Party should support policies to [create decent work and quality jobs] improve income, opportunities, and livelihoods for affected workers and communities in the transition to [a circular economy] [more circular economies] for plastics, considering the needs and priorities of affected workers and communities [based on social dialogue].]**

**[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] [while] avoiding disproportionate and adverse impacts on [persons] [people] in vulnerable situations.]**

**[OP2 *quater* Each Party shall, in accordance with its domestic procedures, [endeavour to] provide opportunities for members of the public [waste pickers and other workers in informal and cooperative settings] to provide input on government plastic waste management decisions or measures.]**

[4. The Conference of the Parties may adopt guidance to assist Parties in the implementation of this Article, taking into account relevant guidelines under other international organizations, including the International Labour Organization.](#)

*Work in the interim period between the DipCON and COP1 (for adoption by the COP at its first meeting) could include the development of guidance to assist Parties in implementing this Article.*

### 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 World Trade Organization 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 World Trade Organization 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,] [encourage] marking and [eco-]labelling [requirements] [practices for plastic products] [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] [to promote the circularity of plastics, enable informed decision-making, and facilitate reuse, repair, refurbishment and recycling of plastics].

**e. alt 1** Move to Part II, Section 5.

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

3. — 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.

pursuant to paragraph 2];

4. — 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].

5. — 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*\*.

6. — 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.

7. — 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\*.

### **{13bis** 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<sup>16</sup>.

3. In relation to the previous paragraph, Parties shall take the effective measures at each stage of plastic lifecycle listed in annex X.<sup>16</sup> The mandatory and voluntary measures listed in annex X shall be reflected accordingly in the national action plan. The governing body<sup>18</sup> can review the annex as necessary.

**Part III**<sup>17, 18</sup>

**1. ARTICLE 11. FINANCE, ~~ing mechanism [and resources]~~ INCLUDING THE ESTABLISHMENT OF A FINANCIAL MECHANISM**

*I am not proposing text for this Article. However, I expect that this Article would, inter alia:*

- ◆ Require each Party to mobilise, within its capabilities, resources in respect of those national activities that are intended to implement this Convention, in accordance with its national policies, priorities, plans and programmes.
- ◆ Recognize that the ability of some Parties to implement some legal obligations effectively under this Convention will depend on the availability of capacity-building and technical and adequate financial assistance.
- ◆ Define a mechanism for the provision of financial and technical cooperation to such parties to assist their compliance with the control measures of the Convention. The mechanism could:
  - ◆ Include one or more funds;
  - ◆ Be operated by one or more entities;
  - ◆ Include entities providing multilateral, regional and bilateral financial and technical assistance;
  - ◆ Include contributions from the private sector.
- ◆ Recognize that the financial mechanism will provide new and additional resources within a broader landscape of existing financial flows including from domestic finance, bilateral, regional, and multilateral entities, and the private sector.
- ◆ Designate the Conference of the Parties to provide overall policies and guidance for the mechanism
- ◆ Invite Parties to contribute resources through a mechanism.
- ◆ Require the Conference of the Parties at its first meeting to decide on the institutional arrangements of the mechanism.
- ◆ Require the Conference of the Parties to review the effectiveness of the mechanism, its ability to address the changing needs of the developing country Parties and Parties with economies in transition, the level of funding available through the mechanism, and the effectiveness of the performance of any institutional entities entrusted to operate the mechanism.
- ◆ Catalyze and align public and private financial flows with the objective and provisions of the Convention.
- ◆ The financial mechanism is established on entry into force of the Convention - the Conference of the Parties can decide the operational modalities.

**Commented [A32]:** Inspired by Part III, 1, ¶1

**Commented [A33]:** Inspired by Part III, 1, ¶2

**Commented [A34]:** Generally inspired by Part III, 1, ¶1

**Commented [A35]:** Generally inspired by Part III, 1, ¶2, OP2 alt, OP5 ter

**Commented [A36]:** Generally inspired by Part III, 1, ¶8

**Commented [A37]:** Overall, generally inspired by Part III, 1, ¶2, OP7 bis, ¶8, ¶10. On "technical assistance," generally inspired by Part III, OP0 and Part III, 1, ¶2, 4, OP6 alt 2, e and OP6 ter, c.

**Commented [A38]:** Generally inspired by Part III, 1, ¶1, OP4 bis, OP6 quarter, OP7 bis, ¶10

**Commented [A39]:** Generally inspired by Part III, 1, OP7 bis

**Commented [A40]:** Inspired by Part III, 1, ¶5

**Commented [A41]:** Inspired by Part III, 1, OP4 bis

**Commented [A42]:** Inspired by Part III, 1, ¶7

**Commented [A43]:** Inspired by Part III, 1, ¶8

**Commented [A44]:** Inspired by Part III, 1, ¶1

**Commented [A45]:** Partially inspired by Part III, 1, ¶8

<sup>16</sup> See the proposed text of annex X at p. 68.

<sup>17</sup> Note by the co-facilitators: Due to divergent views expressed during the first session of subgroup 2.1, any significant re-ordering of the provisions will be discussed, and agreement sought in session. The current order of the provisions does not indicate the final structure of the article.

<sup>18</sup> Note by the co-facilitators: It was suggested to consolidate all references to means of implementation in Part III. Possibility to consolidate the following paragraphs from Part II in Part III:

- Part II article 2 Chemicals and polymers of concern OP1ter and OP1 quater Alt 2.
- Part II article 5 Product design, composition and performance OP2 bis, OP3, OP1 bis, OP2 bis. OP2 ter.
- Part II article 6. Non-plastic substitutes OP2 bis 1.
- Part II article 9. Waste management [6][5] chapeau, [6][5] a, OP2 bis2.
- Part II article 11 Existing plastic pollution, including in the marine environment OP 4 Alt 2, OP 4 bis.
- Part II 12. Just transition Option 1 OP1, Option 3 OP1.

*Work in the interim period between the DipCON and COP1 (for adoption by the COP at its first meeting) could include:*

- ◆ *Transitional arrangements.*
- ◆ *Guidance to the financial mechanism.*
- ◆ *Operational modalities for the financial mechanism.*
- ◆ *Any other arrangements to give effect*

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

**OP0** 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] [will be related to the effectiveness of this article]. 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.

**OP0 alt** No provision in this matter.

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]. [The mobilization of] [Such] resources [for tackling plastic pollution should] [may] include [all sources,] 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>19</sup> [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.]

**OP1 alt** No provision in this matter.

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], [increase their support including through] [[provide] within their capacities] [on a voluntary basis]] [adequate] finance, capacity-building [, technical assistance] and technology transfer [on voluntary and mutually agreed terms] [on grant or concessional 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 fulfil 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. <sup>20</sup>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

<sup>19</sup> *Note:* For a list of possible sources of financing beyond traditional sources, see paragraph 24(e) of document UNEP/PP/INC.2/4.

<sup>20</sup> After deliberations, the subgroup agreed to defer consideration of how special circumstances of countries and groups of countries should be reflected in the text (e.g. para. 3). Members are encouraged to take this into consideration during successive rounds of discussion.

country Parties, particularly] [downstream, underdeveloped countries,] small island developing States [or least developed countries] [or environmentally or ecologically vulnerable developing countries] [countries with special 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 provision in this matter.*

4. <sup>21</sup>A mechanism for the provision of [financial and technical assistance, including technology transfer [and development and capacity-building and training,]] [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] [with priority from the public, and private, with developed country parties [and others in a position to do so] taking in the lead in the mobilization of resources.]

**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 the 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, 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] [strategies], policies, program priorities, and eligibility criteria [for access to and utilization of financial resources], [an indicative list of categories of activities that could receive support] related to this instrument.\*]

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

**OP5 sexies** [The *governing body*\* shall establish an Executive Committee, operating under its authority, 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

<sup>21</sup> **Note by the co-facilitators:** Several delegations suggested that this provision may be better placed at the top of this article. Other delegations expressed their preference to maintain the provision as it is.

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.

**OP6** The mechanism shall [include] [consist of]:

[A newly established dedicated [and independent] [multilateral] fund [financed by contributions from non-developing country Parties on the basis of [a] [the United Nations] scale of assessment] [as the main vehicle] for providing support to [developing country Parties][and Parties with economies in transition] to [comply with any agreed control measures] [implement the instrument\*], [to provide new, predictable, stable, adequate and timely financial resources on a grant basis in support of the implementation of this instrument\*];<sup>22</sup>

**OP6 alt** The mechanism shall [include] [consist of]:

a. An existing fund [within an existing financial arrangement] [e.g., the Global Environment Facility Trust Fund];<sup>23</sup>

**OP6 alt 2** The mechanism shall [include] [consist of]:

a. [For support of early action and implementation] [an existing fund [within an existing financial arrangement] [e.g., the Global Environment Facility Trust Fund];

b. [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\*].

c. 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

d. A Remediation Fund to support remediation of legacy plastics in the marine environment, including areas beyond national jurisdiction;

e. [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];]

**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** Elements to be funded [should be decided by the *governing body*\* of the instrument\*.] [should include:

- a. Enabling activities;
- b. Agreed incremental and other costs of compliance;
- c. Technical assistance and capacity-building and training;
- d. Technology transfer and development on mutually agreed terms;
- e. Secretarial services of the Multilateral Fund and related support costs.]

**OP6 quater** 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].

**OP6 quinquies** The financial mechanism should seek to ensure that duplication is avoided, and complementarity and coherence are promoted, among utilization of the funds within the mechanism.

**OP6 sexies** 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.

<sup>22</sup> Note: The fund(s) could be dedicated to specific purposes, such as addressing legacy plastic waste or innovation.

<sup>23</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>).

**OP6 septies** 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][and activities to be funded in developing country Parties [and Parties 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 alt** 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 alt 2** [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 alt 3** The *governing body*\* of the instrument\* shall decide on activities to be funded in developing country Parties [and countries with economies in transition].

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

**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** 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.

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>24</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 implementation of the global plastic pollution fee, including on the contribution of the fee to the financial mechanism established in paragraph 4.<sup>25</sup>]

**OP9 alt** No provision in this matter.

**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;

<sup>24</sup> **Note:** Adapted from Minamata Convention, Article 13.11.

<sup>25</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.

- 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 extended producer responsibility schemes, by making available consistent and predictable revenue flows to cover capital costs of establishing waste management systems (typically not covered by extended producer responsibility 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>26 27</sup>

10. Parties, and bilateral, regional and multilateral entities and the private sector are encouraged to make finance flows consistent with a pathway towards ending plastic pollution, by mobilising, [redirecting] and aligning financial flows from all sources, domestic and international, public, and private, towards [projects] [activities] that prevent or reduce emissions and releases to the environment of plastics and plastic products across their full life cycle.

**OP10 alt** No provision in this matter

[**OP10 bis** Parties [shall] [are encouraged to [decrease] [phase 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.]

**OP10 bis alt** No provision in this matter

**OP10 ter** 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.

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## **2. ARTICLE 12. CAPACITY-BUILDING, TECHNICAL ASSISTANCE AND TECHNOLOGY TRANSFER INCLUDING INTERNATIONAL COOPERATION**

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

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

*My suggested text is:*

[1. ~~[[All Parties, within their respective capabilities,]]~~ ~~[[Developed countries]]~~ shall ~~cooperate to provide enable], the provision of [new and additional] timely, [sustainable,] comprehensive and] [enduring] [and adequate] [and appropriate] capacity-building and [financial and] technical assistance [including on research and development]]<sup>28,29</sup> to developing countries Parties [most in need], in particular, to least developed countries Parties and small island developing States Parties, [and environmentally and ecologically vulnerable developing countries] [[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\* Convention. ~~[Capacity-building should be country-~~~~

<sup>26</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.

<sup>27</sup> Note by the co-facilitators: Several delegations suggested that this provision may be addressed under Part II.7 (Extended producer responsibility). Other delegations expressed their preference to maintain the provision under this part.

<sup>28</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>29</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\*.

driven, based on and responsive to national needs, and foster country ownership of Parties, in particular, for developing country Parties.]

*OP1 alt* No text.

**OP1 bis** [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.]

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 bis2.** 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 facilitate and 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 addressing 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] 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, [with due consideration to proprietary rights]]. [In implementing this provision, Parties shall promote and facilitate research, innovation and investment in pursuit of new environmentally sound technologies and innovative solutions, and shall facilitate access to essential technologies, [including with respect to financial resources and proprietary rights.]]

*OP3 alt* No provision in this matter.

4. The Conference of the Parties shall review, no later than at its [third] meeting, and thereafter on a regular basis, capacity-building, technical assistance and technology transfer to support the implementation of this Convention, taking into consideration developing country Parties' needs, including through consideration of national reports submitted pursuant to Article 15.]

*No work is envisaged for the interim period between the DipCON and COP-1.*

### [3.] Technology [transfer]

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>30</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. —<sup>31</sup>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.

## Part IV

### 1. ARTICLE 14. NATIONAL [Action] [Implementation] PLANS<sup>32</sup>

*My suggested text is:*

[1. Each Party ~~may decide to~~ [shall] [is encouraged to] [prepare] [develop {and implement}] a national plans, [based upon its national {needs, priorities,} circumstances and {respective} capabilities.] [in order to comply with obligations created under the instrument\*] [to pursue its nationally determined {objective} {plan} of ending plastic pollution] [to describe the measures it {is taking} and or {intends to take}] {to implement the its obligations under this instrument\* Convention. Any such plan should be transmitted to the Conference of the Parties through the Secretariat as soon as it has been developed.} [and any further or additional measures it intends to take] [and to achieve its objectives] [based upon national circumstances and capabilities]]. [The national plans will be country driven [inclusive and based on best available knowledge and data] [developed in accordance with: (a) [existing] national laws and regulations and (b) domestic

<sup>30</sup> Note by the co-facilitators: This provision is replicated in Part III.1 on Financing.

<sup>31</sup> The group has proposed considering the relocation of this provision to Part IV (Section 5) on International Cooperation of the draft text. However, it has been agreed that discussions will continue under the current section until further decisions are made.

<sup>32</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'.

circumstances and capabilities].<sup>33</sup> [Recognising developed countries take the lead in action and the need to support developing countries for the effective implementation of the objective of the instrument\*.] **[in accordance with Annex G]** [The national plans [shall][should][might] [[be based on] **[guided by]** **[address]** 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] [relevant] [elements] [necessary measures] related to the **[obligations under the instrument\*]** **[effective measures stipulated in annex X]** **as well as the needs of support related to those impacts and measures**<sup>34</sup>;

a. — [List of obligations — *to be revisited once the obligations have been agreed upon*]

b. — [xx].

2.3. **[Each Party]** [taking into account its national [context and circumstances] [rules and regulations]] [shall][should], **in undertaking work pursuant to paragraphs 1 and 2,** [may] [prepare the plan [through domestic consultations.] [including with the [relevant] [partners and] **national stakeholders to facilitate the development, implementation, review and updating of their national plans**] [with binding actions.] including [quantitative and] [measurable] [targets.] [formulated in a specific, measurable, achievable, relevant and timebound manner (SMART)] and] [be guided by] [based on] the [modalities] [format] [guidance] [in Annex G] [to be adopted by the governing body\*] [to fulfil its obligations under the instrument\*] [as appropriate]. Such plans should [[be flexible] [and prepared] in light of different national circumstances [and capabilities] [and shall respect national sovereignty.]] [[National plans [shall][may]] [Parties are encouraged to] include [[targets and actions in the] medium term as well as long term strategies] [in the national plans] [towards achieving the objective [and targets] of the instrument\*.]

*[OP2 alt No text]*

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

*[OP3 alt No text]*

4. Each [developed country] [shall] [] [may] **[submit] [communicate]** its initial national plan [through the secretariat] [to the governing body\*] [to the secretariat] within [X][2][5] year[s] of the date on which this instrument\* enters into force for it **[and thereafter provide a review every x years on the progress in meeting its obligations under the Convention, and update of their its plan as necessary, and include such reviews in its national reports, under article X].**

*[OP4 alt No text]*

**[OP4 bis]** Each developing country Party **[and country with economies in transition]** could voluntarily **[prepare and] [communicate]** its national plan to the governing body\* upon availability of and its accessibility to financial and technical support for this purpose.]]

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

*[OP5 alt No text]*

6. — [Developed country] Parties [shall] [should] [may] review, update **[and submit] [communicate]** to the governing body\* their national plans **[based upon national circumstances and capabilities]** [while developed country parties [shall] [should] [may] report every [5] year[s], and developing country Parties **[and countries with economies in transition]** [shall] [should] [may] 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 plan] [considering different national circumstances] **[including any new obligations].**

**[OP6 alt]** Each Party [shall] [should] [may] [review and] [update] **[modify]** its national plan every [X] [5] years [or earlier if determined by the Party.] [based upon national circumstances and capabilities.] [with a view to showing progress in its implementation] [, in a manner prescribed by the governing body\*].

*[OP6 alt 2 No text]*

<sup>33</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.

<sup>34</sup> **Note by the secretariat:** original footnote omitted. See Co-facilitators' non-paper on subgroup 2.2 outcomes, footnote 4, available at <https://www.unep.org/ine-plastic-pollution/session-4/documents/in-session#ContactGroups>.

7. Each [developed country] Party [shall] [should] [may] include information on the implementation of its national 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] [should] [may] establish a baseline, i.e. a year of reference, [to assess the starting situation with regard [to plastic pollution]]] [towards achieving the objective of this instrument\*].

*OP7 alt No text*

*OP7 bis5.* The secretariat [shall] [should] [may] [establish and maintain a public registry to record national plans [submitted] [communicated] by Parties, [with a view to facilitating] [to facilitate] information exchange [among Parties] [and] [shall] [may]] [make national plans submitted by the Parties under this Article publicly available].

*OP7 ter* [Support shall be provided to [developing country] Parties [with limited domestic resources and the most significant capacity gaps] [with a clear distinction between developed and developing countries, taking into account the internationally agreed principles of equity, common but differentiated responsibilities and respective capabilities] [and countries with economies in transition] for the implementation of this article, recognizing that enhanced support [for developing country Parties] [and countries with economies in transition] will effectively facilitate their actions both in preparing national plans [and implementing this instrument\* at large].<sup>35</sup>]

6. The Conference of the Parties may adopt guidance regarding implementation of this Article.]

*Work in the interim period between the DipCON and COP1 (for adoption by the COP at its first meeting) could include the development of guidance for the preparation of national plans.*

## 2. **ARTICLE 13. IMPLEMENTATION** ~~[[AND]]~~ **COMPLIANCE** ~~[[and cooperation]]~~<sup>36</sup>

### Option 1

*My suggested text is:*

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

*[OP1 alt 2 A mechanism to facilitate implementation of, and [promote] [review] [compliance with,] [and cooperation by the Parties regarding all] the provisions of this instrument\*, including a committee, is hereby established.]*

*OP1 bis [No Party or any political, economic or financial jurisdiction shall use the elements or components of this instrument\* as leverage in any bilateral relationships.]*

2. The mechanism referred to in paragraph 1 [shall consist of a committee that] shall [be] [function in a manner that is] [transparent] [non-intrusive] [facilitative] [non-punitive] [non-adversarial] [expert-based] in nature [and] [shall] pay particular attention to the respective national [capacities,] [capabilities] [and circumstances] of Parties<sup>37</sup> [at all stages of the review process]. [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>38</sup>

*[OP2 alt 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.]*

<sup>35</sup> *Note by the co-facilitators:* This text is akin to statements included in relation to financing (see OPO 3) and may be able to be further streamlined.

<sup>36</sup> The name of the mechanism/committee will be adjusted throughout the article once a decision has been taken on the title.

<sup>37</sup> *Note by the secretariat:* original footnote omitted. See Co-facilitators' non-paper on subgroup 2.2 outcomes, footnote 7, available at <https://www.unep.org/inc-plastic-pollution/session-4/documents/in-session#ContactGroups>.

<sup>38</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.

**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. [This committee shall protect the confidentiality of the information received in confidence.]

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 governing 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.

4.2. 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 challenges faced by developing state Parties regarding implementation] and make recommendations to the governing body\* Conference of the Parties, 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>39</sup>

**OP4 alt** No text

**OP4 bis3**<sup>40</sup> The committee shall consist of 17 [Parties, as per guidance adopted by the governing body\*] [[15][17][18] members [nominated by Parties and elected by the Conference of Parties]] [with recognized competence in fields relevant to this instrument\* Convention, [including legal or technical expertise,]] [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 the Association of South East Asian Nations (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 7,] [The eCommittee and its members shall be independent, transparent, and free from conflicts of interest.]

5.4. 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\* Conference of the Parties, at its first session meeting, shall elect [X<sup>41</sup>] members to the committee for an initial term of [X] years and [X] members for a term of [half of X] years. Thereafter, the governing body\* Conference of the Parties shall elect at its relevant regular sessions meetings [x] 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

6.5. [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;]
- e**b. Requests from the governing body\* Conference of the Parties;
- e**c. [Information provided by the secretariat with respect to the status of submission of information [under Article 15]; [part IV.3 on reporting on progress];]
- e. [Requests from the secretariat, based on information available to it, inter alia from national reports;]
- f**d. [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 alt 2** No text.

<sup>39</sup> Note by the secretariat: original footnote omitted. See Co-facilitators' non-paper on subgroup 2.2 outcomes, footnote 9, available at <https://www.unep.org/inc-plastic-pollution/session-4/documents/in-session#ContactGroups>.

<sup>40</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.

<sup>41</sup> To be determined after a decision has been taken on the number of members of the committee in OP4 bis.

7.6. The committee referred to in this article shall elaborate its rules of procedure, which shall be subject to [approval] [endorsement] by the governing body\* Conference of the Parties at its second session meeting.<sup>42</sup> The governing body\* Conference of the Parties may adopt further terms of reference for the committee.

**OP7 bis** 7. 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**

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 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.

3. — 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\*.

4. — The committee may consider issues on the basis of written submissions from any Party with respect to its own compliance.

*Work in the interim period between the DipCON and COP1 (for adoption by the COP at its first meeting) could include the development of draft RoP and ToR for the Committee.*

### **3. ARTICLE 15. REPORTING on progress [of implementation]**

*My suggested text is:*

#### **Option 1**

1. Each [developed country] Party shall report to the governing body\* Conference of the Parties on the measures taken to implement the provisions of this instrument\* Convention [and on the effectiveness of such measures] [and the possible challenges in meeting the objective of the instrument\*] Convention.

**OP1 bis** 2. Each developing country Party may shall include in its [voluntarily] reporting the information as called for in Articles [...., ...., etc] of this Convention, to the governing body\* on the matters referred to in paragraph 1 upon availability of and its accessibility to financial and technical support for this purpose.]

2.3. Each Party shall submit its report referred to in paragraph 1 [and 2] of this Article to the sSecretariat,<sup>43</sup> [who will make it publicly available]. The sSecretariat shall keep under review and regularly communicate to the governing body\* Conference of the Parties the status of submissions by Parties of information, [in accordance with paragraphs 1, 2 and 3 of this article].

3. — Each Party shall include, in its reporting, information provided in accordance with [Part II.13 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>44</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\* Conference of the Parties shall, at its first session meeting, adopt the periodicity [reporting intervals] modalities [, common framework] and format for [the reporting] [national reporting] [referred to in paragraph 1 of this Article, which shall take into consideration account the desirability of

<sup>42</sup> Note: The rules of procedure may include provisions for non-compliance.

<sup>43</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>44</sup> Note by the secretariat: original footnote omitted. See Co-facilitators' non-paper on subgroup 2.2 outcomes, footnote 14, available at <https://www.unep.org/inc-plastic-pollution/session-4/documents/in-session/ContactGroups>.

~~coordinating the full life cycle of plastics and plastic products,] [including ways and means to ensure that reporting is specific, measurable, achievable, relevant and timebound ] [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 within a longer period.]~~

**OP1 bis** 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, World Customs Organization, World Health Organization, and the International Labour Organization.

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.]

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].

**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 report the information called for in articles [X, X]<sup>45</sup> of this instrument\* [and should take into account information provided by relevant partners and stakeholders, in particular waste pickers].

**OP2 alt** 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 [while providing flexibility [in the implementation] to developing country Parties] [in light of their capacities and not creating new burdens for developing country Parties.], [taking into account the desirability of coordinating reporting with relevant international instruments and organizations, as appropriate].

**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.

*Work in the interim period between the DipCON and COP-1 (for adoption by the COP at its first meeting) could include the development of a draft format and periodicity for the preparation of national reports.*

<sup>45</sup> Note: The list of relevant articles to be defined.

**4. ARTICLE 16. Periodic assessment and monitoring of the progress of implementation of the instrument\* ~~and EFFECTIVENESS EVALUATION~~ AND MONITORING**

*My suggested text is:*

**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:

a. Establishment of baseline information on the types and volumes of existing plastic pollution in the environment;

b. Periodically collect data and information on the types and levels of plastic pollution in the environment;

c. Modelling to understand the movement of plastics in air, soil, water, and ecosystems;

d. The effects of plastic pollution on the environment.]

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\* Conference of the Parties shall [establish [a subsidiary body] [an Effectiveness Evaluation and Review Committee] to] periodically evaluate [in a comprehensive and facilitative manner,] the [implementation] [progress] [effectiveness] of the instrument\* Convention. [to assess collective progress in achieving the objective of the instrument\*] [considering commitments and support provided in light of equity] and make recommendations accordingly. The terms of reference for the [subsidiary body] [Committee] and the modalities for effectiveness evaluation will be determined by the governing body\* at its [ ] session.

2. The governing body\* Conference of the Parties shall, at its first session meeting, [[initiate the establishment of] [arrangements for providing itself with relevant data and information on plastic pollution] and [adopt] [[the modalities] for the [evaluation] [assessment] of [effectiveness] [the implementation] and monitoring [progress] of the instrument\*] Convention, in accordance with the provisions of [Part IV.4a] [this article]. 3. The first [evaluation] [assessment] of [effectiveness] [progress] of the instrument\* Convention shall be undertaken no later than [X][4][5][6six][8] years after the date of entry into force of the instrument\* Convention and [periodically] thereafter at [intervals to be decided by the governing body\* Conference of the Parties, but no later than at] least every [X][4][5] years.

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

a. ~~b~~ [National reporting pursuant to [Part IV.3 on reporting on progress] Article 15.]

~~ba~~ [Any 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>46</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.]]~~

<sup>46</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.

e. — [Results of assessment and monitoring conducted pursuant to [Part IV.4.a. on assessment and monitoring];]

f.e. [[Relevant i]] [Information and recommendations provided by the Implementation and Compliance eCommittee referred to in Article 13; [Part IV.2 on implementation and compliance mechanism];]

g.c. [Reports and other relevant information provided to the Conference of the Parties pursuant to paragraph 2; 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.f. [Relevant information and recommendations provided by any subsidiary body established by the Conference of the Parties and relevant reports from the chemicals-related agreements, multilateral environmental agreements and that deal with climate change, biodiversity, law of the sea as well as multilateral organizations, such as International Labour Organization, International Maritime Organization, including the World Trade Organization, World Customs Organization, World Health Organization, and World Trade Organization; and International Labour Organization;]

i.g. [Other information the governing body\* Conference of the Parties deems relevant.]

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

4.5. The governing body\* Conference of the Parties [shall] [may] take into account the outcomes of the [evaluation][assessment] of [effectiveness][progress] of the instrument\* Convention [when determining [if necessary] [any] measures required [to enhance the effectiveness of the instrument\* Convention,] [to advance in achieving the objective of the instrument\* [including measures to support developing countries overcome challenges related to the implementation of the instrument\*]] Convention.]

**[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>47</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>48</sup> This report may contain [optional advice] [recommendations] to the governing body\*[, including with respect to possible amendments to annexes A and B].<sup>49</sup>

3. — In the conduct of its work under this provision, the [the expert review body or panel]<sup>50</sup> may [prioritize substances] [study], products or sectors with high volumes or the greatest likelihood of giving rise to plastic pollution.<sup>51</sup>

<sup>47</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>48</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>49</sup> Co-facilitators' note: Members may wish to consider the addition of a provision on the process for amendment of these modalities.

<sup>50</sup> Note: This language assumes that a scientific and/or technical body or review mechanism would be mandated to carry out this function.

<sup>51</sup> Members may wish to consider developing a list of considerations in the conduct of the work by the subsidiary body, including, for example:

- a. — The potential harm of the polymer, additive or product;
- b. — The contribution of the polymer, additive or product;
- c. — The necessity of the product;

4. The governing body\* shall consider, in light of the report provided by [the expert review body or panel]<sup>52</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 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>53</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>54</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] [facilitate cooperation in the exchange of information referred to in this article] with relevant [international instruments] [, international initiatives] and organizations, [including

d. The availability of safe, sustainable, accessible and economically feasible alternatives and/or substitutes; and

e. The degree of economic harm to developing countries, particularly small island developing States.

<sup>52</sup> *Note:* This language assumes that a scientific and/or technical body or review mechanism would be mandated to carry out this function.

<sup>53</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>54</sup> *Note:* Pursuant to United Nations Environment Assembly 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 open-ended working group established by resolution 5/8 towards the establishment of the future SPP.

the secretariats of relevant international instruments and other international initiatives,] as appropriate, [including] with a view to [ensuring the greatest level of consistency] [avoiding duplication] among relevant international instruments and organizations.<sup>55</sup>

*OP5 alt 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. ARTICLE 17. INFORMATION EXCHANGE

*My suggested text is:*

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

- a. Best practices and policies on sustainable consumption and production of plastic;
- b. Research and technologies, [innovation, and green chemistry; and on voluntary and mutually agreed terms related to plastic];
- c. Scientific and technical 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, health and environmental impacts 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].

<sup>56</sup>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\**.

3.2. Each Party shall designate a national focal point for the exchange of information under this *instrument\** Convention, including with regard to the prior informed written consent of importing States Parties and non-Parties under [Part II.10 on trade in plastics and plastic products] [paragraph 3 of Article 8 Waste Management].

*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] replicating and scaling sustainable solutions [in addressing plastic pollution]].

5.3. Parties may exchange the information pursuant referred to this instrument\* in paragraph 1 directly, or through an online clearinghouse to be maintained by the secretariat in cooperation with other relevant

<sup>55</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.

<sup>56</sup> Previously OP5 bis.

international instruments and organizations, as appropriate. 5. For the purposes of this Convention, Parties exchanging information pursuant to this Convention shall protect any confidential information as mutually agreed and handle Indigenous Knowledge in a manner consistent with relevant international norms or standards.

No work is envisaged for the interim period between the DipCON and COP-1.

## 7. **ARTICLE 18. AWARENESS-RAISING, EDUCATION AND RESEARCH** ~~and development~~

My suggested text is:

### **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.

~~[Proposal to have a stand-alone article]~~

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

~~[1.3. Parties shall endeavour to advance scientific and technological research, development and innovation, including by:~~

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

- b. Enhancing understanding of environmental and human health, as well as socio-economic impacts of plastic pollution, as well as ~~and~~ alternative solutions across the full life cycle, including in the marine environment;
  - c. Promoting and improving methods for the monitoring and modelling plastic pollution including its distribution and abundance in the environment, and impacts on human health;
  - 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 traditional knowledge, knowledge of Indigenous knowledge peoples and local knowledge systems 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\*~~ Convention and shall promote, as appropriate, such efforts at the ~~regional~~, national and international including regional, 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\*~~ Convention, 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; and
  - d. Promoting the inclusion of plastic pollution issues across curricula and practices in educational institutions.;

*No work is envisaged for the interim period between the DipCON and COP-1.*

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>57</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>58</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 Peoples and local communities (IPLC), local government, and the youth][in particular women, youth and Indigenous Peoples and local communities, the informal [recycling]-sector [and waste pickers] and other vulnerable groups] [and all sectors of the plastic industry] 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*\*.

### 8 bis. ARTICLE 19. HEALTH aspects

*My suggested text is:*

- [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
  - 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\* Conference of the Parties, 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 intergovernmental organizations as appropriate; and

<sup>57</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>58</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*\*.

- 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.~~

*No work is envisaged for the interim period between the DipCON and COP-1.*

## Part V

### 1. ARTICLE 20. CONFERENCE OF THE PARTIES, INCLUDING ABILITY TO ESTABLISH SUBSIDIARY GROUPS ~~Governing body~~<sup>59</sup>

*My suggested text is:*

- [1. A Conference of the Parties is hereby established.
2. The first meeting of the Conference of the Parties shall be convened by ~~[placeholder]~~ the Executive Director of the United Nations Environment Programme no later than one year after the date of entry into force of this ~~instrument~~<sup>59</sup> Convention. 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~~<sup>59</sup> Convention. It shall perform the functions assigned to it by this ~~instrument~~<sup>59</sup> Convention and, to that end, shall:
  - a. Establish such subsidiary bodies as it considers necessary for the implementation of the ~~instrument~~<sup>59</sup> Convention;
  - 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~~<sup>59</sup> Convention;
  - e. Consider and take any action necessary to achieve the objectives of the ~~instrument~~<sup>59</sup> Convention including adopting procedures or requirement in additional annexes;
  - f. Consider matters related to compliance;
  - g. Request and consider scientific and technical assessments or reviews from the subsidiary bodies to the ~~instrument~~<sup>59</sup> Convention or any independent body linked to the ~~instrument~~<sup>59</sup> Convention;
  - 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~~<sup>59</sup> Convention 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~~<sup>59</sup> Convention, 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~~<sup>59</sup> Convention 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

<sup>59</sup> ~~Note by the secretariat: original footnote omitted. See Co-facilitators' non-paper on subgroup 2.2 outcomes, 28 April 2024, footnote 28, available at <https://www.unep.org/inc-plastic-pollution/session-4/documents/in-session#ContactGroups>.~~

admitted unless at least one third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Conference of the Parties.]

*Work in the interim period between the DipCON and COP-1 would include the development of draft Rules of Procedure of and Financial Rules for the Conference of the Parties for adoption by the COP at its first meeting.*

## 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>60</sup>*

## 3. ARTICLE 21. SECRETARIAT<sup>61</sup>

*My suggested text is:*

- [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, and 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~~<sup>\*</sup> Convention;
  - c. Assist Parties, as required, in the exchange of information related to the implementation of the ~~instrument~~<sup>\*</sup>;
  - 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~~<sup>\*</sup> Convention and such other functions as may be determined by the Conference of the Parties.

**Commented [A46]:** In the non-paper it's not italicized. Also, there is a possibility that this was meant to be Convention.

<sup>60</sup> See INC-3 contact group 3 outcome document, p. 10.

<sup>61</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). ~~Note by the secretariat: original footnote partly omitted. See Co-facilitators' non-paper on subgroup 2.2 outcomes, 28 April 2024, footnote 30, available at <https://www.unep.org/inc-plastic-pollution/session-4/documents/in-session#ContactGroups>.~~

3. ~~{The secretariat functions for this *instrument*\* shall be performed by the Executive Director of the United Nations Environment Programme until *it*less when the Conference of the Parties convenes and decides, by a three fourths majority of the Parties present and voting, to entrust the secretariat functions to one or more other international organizations. 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.

*No work is envisaged during the interim period between DipCON and COP-1.*

## **Part VI<sup>62</sup>. Final provisions<sup>63</sup>**

### **1. ARTICLE 22. SETTLEMENT OF DISPUTES**

- [1. Parties shall seek to settle any dispute between them concerning the interpretation or application of this *instrument*\* Convention through negotiation or other peaceful means of their own choice.
2. When ratifying, accepting, approving or acceding to this *instrument*\* Convention, or at any time thereafter, a Party that is not a regional economic integration organization may declare in a written instrument submitted to the Depository that, with regard to any dispute concerning the interpretation or application of this *instrument*\* Convention, it recognizes one or both of the following means of dispute settlement as compulsory in relation to any Party accepting the same obligation:
- (a) Arbitration in accordance with ~~{the procedure set out in [part [ ]/annex [ ]]}~~<sup>64</sup> ~~{procedures to be adopted by the Conference of the Parties in an annex as soon as practicable}~~<sup>65</sup>;
- (b) Submission of the dispute to the International Court of Justice.
3. A Party that is a regional economic integration organization may make a declaration with like effect in relation to arbitration in accordance with the procedure referred to in paragraph 2(a).
4. A declaration made pursuant to paragraph 2 or 3 shall remain in force until it expires in accordance with its terms or until three months after written notice of its revocation has been deposited with the Depository.
5. The expiry of a declaration, a notice of revocation or a new declaration shall in no way affect proceedings pending before an arbitral tribunal or the International Court of Justice, unless the parties to the dispute otherwise agree.
6. If the parties to a dispute have not accepted the same means of dispute settlement pursuant to paragraph 2 or 3, and if they have not been able to settle their dispute through the means mentioned in paragraph 1 within twelve months following notification by one ~~P~~party to another that a dispute exists between them, the dispute shall be submitted to a conciliation commission at the request of any party to the dispute. ~~{The procedure set out in [part [ ]/annex [ ]] shall apply to conciliation under this article.}~~<sup>66</sup> ~~{The conciliation commission shall render a report with recommendations. Additional procedures relating to the conciliation commission shall be included in an annex to be adopted by the Conference of the Parties no later than at its second meeting.}~~<sup>67</sup>

*No work is envisaged during the interim period between DipCON and COP-1.*

**Commented [A47]:** In the non-paper it's not italicized. Also, there is a possibility that this was meant to be Convention

<sup>62</sup> Part VI was prepared by the co-facilitators of subgroup 2.2 at the fourth session at the request of the subgroup.

<sup>63</sup> Note: This part includes standard text found in existing Multilateral Environmental Agreements, in particular from the Minamata Convention on Mercury, the Stockholm Convention on Persistent Organic Pollutants, the United Nations Convention to Combat Desertification in those countries experiencing serious drought and/or desertification, particularly in Africa, and the Convention on Biological Diversity.

<sup>64</sup> Minamata Convention on Mercury, article 25.

<sup>65</sup> Stockholm Convention on Persistent Organic Pollutants, article 18.

<sup>66</sup> Minamata Convention on Mercury, article 25.

<sup>67</sup> Stockholm Convention on Persistent Organic Pollutants, article 18.

## 2. **ARTICLE 23. AMENDMENTS TO THE *instrument* CONVENTION**

- [1. Amendments to this *instrument* Convention may be proposed by any Party.
2. Amendments to this *instrument* Convention shall be adopted at a meeting of the Conference of the Parties. The text of any proposed amendment shall be communicated to the Parties by the Secretariat at least six months before the meeting at which it is proposed for adoption. The Secretariat shall also communicate the proposed amendment to the signatories to this *instrument* Convention and, for information, to the Depositary.
3. The Parties shall make every effort to reach agreement on any proposed amendment to this *instrument* Convention by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a ~~two-thirds~~<sup>68</sup> ~~three-fourths~~<sup>69</sup> majority vote of the Parties present and voting at the meeting.
4. An adopted amendment shall be communicated by the Depositary to all Parties for ratification, acceptance or approval.
5. Ratification, acceptance or approval of an amendment shall be notified to the Depositary in writing. An amendment adopted in accordance with paragraph 3 shall enter into force for the Parties having consented to be bound by it on the ninetieth day after the date of deposit of instruments of ratification, acceptance or approval by at least three-fourths of the Parties that were Parties at the time at which the amendment was adopted. Thereafter, the amendment shall enter into force for any other Party on the ninetieth day after the date on which that Party deposits its instrument of ratification, acceptance or approval of the amendment.]

*No work is envisaged during the interim period between DipCON and COP-1.*

## 3. **ARTICLE 24. ADOPTION AND AMENDMENTS**

- [1. Annexes to this *instrument* Convention shall form an integral part thereof and, unless expressly provided otherwise, a reference to this *instrument* Convention constitutes at the same time a reference to any annexes thereto.
2. Any additional annexes adopted after the entry into force of this *instrument* Convention shall be restricted to procedural, scientific, technical or administrative matters.
3. The following procedure shall apply to the proposal, adoption and entry into force of additional annexes to this *instrument* Convention:
- (a) Additional annexes shall be proposed and adopted according to the procedure laid down in paragraphs ~~1 to 3 of Article 23~~<sup>70</sup> ~~1-3 of [article on Amendments to the instrument]~~;
- (b) Any Party that is unable to accept an additional annex shall so notify the Depositary, in writing, within one year from the date of communication by the Depositary of the adoption of such annex. The Depositary shall without delay notify all Parties of any such notification received. A Party may at any time notify the Depositary, in writing, that it withdraws a previous notification of non-acceptance in respect of an additional annex, and the annex shall thereupon enter into force for that Party subject to subparagraph (c); and
- (c) On the expiry of one year from the date of the communication by the Depositary of the adoption of an additional annex, the annex shall enter into force for all Parties that have not submitted a notification of non-acceptance in accordance with the provisions of subparagraph (b).
4. The proposal, adoption and entry into force of amendments to annexes to this *instrument* Convention shall be subject to the same procedures as for the proposal, adoption and entry into force of additional annexes to the *instrument* Convention except that an amendment to an annex shall not enter into force with regard to any Party that has made a declaration with regard to amendment of annexes in accordance with paragraph 5 of [Article 23](#) ~~[article on Ratification, Acceptance and Approval]~~, in which case any such amendment shall enter into force for such a Party on the ninetieth day after the date it has deposited with the Depositary its instrument of ratification, acceptance, approval or accession with respect to such amendment.]
5. ~~If an additional annex or an amendment to an annex is related to an amendment to this *instrument* Convention the additional annex or amendment shall not enter into force until such time as the amendment to the *instrument* Convention enters into force.]<sup>70</sup>~~

Commented [A48]: Merged with ¶ 4

<sup>68</sup> United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa, article 30; Convention on Biological Diversity, article 29.

<sup>69</sup> Minamata Convention on Mercury, article 26; Stockholm Convention on Persistent Organic Pollutants, article 24.

<sup>70</sup> Minamata Convention on Mercury, article 27.

#### 4. **ARTICLE 25. RIGHT TO VOTE**

- [1. Each Party to this *instrument\*Convention* shall have one vote, except as provided for in paragraph 2.
2. A regional economic integration organization, on matters within its competence, shall exercise its right to vote with a number of votes equal to the number of its member States that are Parties to this *instrument\*Convention*. Such an organization shall not exercise its right to vote if any of its member States exercises its right to vote, and vice versa.]<sup>71</sup>

#### 5. **ARTICLE 26. SIGNATURE**

[This *instrument\*Convention* shall be opened for signature at [city], [country], by all States and regional economic integration organizations [from [--] to [--], at the United Nations Headquarters in New York [from [--] to [--].]

#### 6. **ARTICLE 27. RATIFICATION, ACCEPTANCE, APPROVAL OR ACCESSION**

- [1. This *instrument\*Convention* shall be subject to ratification, acceptance or approval by States and by regional economic integration organizations. It shall be open for accession by States and by regional economic integration organizations from the day after the date on which the *instrument\*Convention* is closed for signature. Instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.
2. Any regional economic integration organization that becomes a Party to this *instrument\*Convention* without any of its member States being a Party shall be bound by all the obligations under the *instrument\*Convention*. In the case of such organizations, one or more of whose member States is a Party to this *instrument\*Convention*, the organization and its member States shall decide on their respective responsibilities for the performance of their obligations under the *instrument\*Convention*. In such cases, the organization and the member States shall not be entitled to exercise rights under the *instrument\** concurrently.
3. In its instrument of ratification, acceptance, approval or accession, a regional economic integration organization shall declare the extent of its competence in respect of the matters governed by this *instrument\*Convention*. Any such organization shall also inform the Depositary, who shall in turn inform the Parties, of any relevant modification of the extent of its competence.
4. Each State or regional economic integration organization is encouraged to transmit to the Secretariat at the time of its ratification, acceptance, approval or accession of the *instrument\*Convention* information on its measures to implement the *instrument\*Convention*.
5. In its instrument of ratification, acceptance, approval or accession, any Party may declare that, with regard to it, any amendment to an annex shall enter into force only upon the deposit of its instrument of ratification, acceptance, approval or accession with respect thereto.]

#### 7. **ARTICLE 28. ENTRY INTO FORCE**

- [1. This *instrument\*Convention* shall enter into force on the ninetieth day after the date of deposit of the fiftieth instrument of ratification, acceptance, approval or accession.
2. For each State or regional economic integration organization that ratifies, accepts or approves this *instrument\*Convention* or accedes thereto after the deposit of the fiftieth instrument of ratification, acceptance, approval or accession, the *instrument\*Convention* shall enter into force on the ninetieth day after the date of deposit by such State or regional economic integration organization of its instrument of ratification, acceptance, approval or accession.]
3. For the purposes of paragraphs 1 and 2, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of that organization.

#### 8. **ARTICLE 29. RESERVATIONS**

[No reservations may be made to this *instrument\*Convention*.]

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<sup>71</sup> Minamata Convention on Mercury, article 28; Stockholm Convention on Persistent Organic Pollutants, article 23.

**9. ARTICLE 30. WITHDRAWAL**

[1. At any time after three years from the date on which this instrument\*Convention has entered into force for a Party, that Party may withdraw from the *instrument\*Convention* by giving written notification to the Depository.

2. Any such withdrawal shall take effect upon expiry of one year from the date of receipt by the Depository of the notification of withdrawal, or on such later date as may be specified in the notification of withdrawal.]

**10. ARTICLE 30. DEPOSITARY**

[The Secretary-General of the United Nations shall be the Depository of this *instrument\*Convention*.]

Commented [A49]: Must likely to be ARTICLE 31.

**11. ARTICLE 31. AUTHENTIC TEXTS**

[The original of this *instrument\*Convention*, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Depository.

Commented [A50]: Must likely to be ARTICLE 32.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed this *instrument\*Convention*.

Done at [--] on this day of [--], [--].

[ANNEXES TO BE DEVELOPED IF AND AS REQUIRED]

## Possible annexes to the instrument<sup>72</sup>

### 1. Indicative list of potential annexes<sup>73</sup>

#### Annex A Primary plastic polymers, and chemicals and polymers of concern<sup>74</sup>

##### Part I Primary plastic polymers

###### Option 1

Global baseline, timeframe(s) and reduction target

###### 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>75</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<sup>76</sup>

##### 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>77</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

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<sup>72</sup> The possible annexes identified in this section include the indicative list of potential annexes contained in document UNEP/PP/INC.4/3, in accordance with the mandate for the preparation of this compilation text, as well as the text of proposed annexes relating to elements II.2, II.3 and II.5 as contained in the outcome document of subgroup 1.2 at the fourth session.

<sup>73</sup> Reproduced from document UNEP/PP/INC.4/3. The identification of "options" within each potential annex has been adapted for clarity, to account for the further development of the relevant draft text options since the issuance of UNEP/PP/INC.4/3.

<sup>74</sup> See also below section 2, Proposed annexes relating to element II.2.

<sup>75</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>76</sup> See also below section 3 Proposed annexes relating to elements II.3 and 3bis.

<sup>77</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.

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<sup>78</sup>**

Part I Design and performance criteria

**Option 1**

- Minimum design and performance criteria for plastics and plastic products
- General design and performance criteria<sup>79</sup>
- Sectoral design and performance criteria<sup>80</sup>
- Other related elements, including in relation to certification and labelling as relevant

**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**

- 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>81</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>82</sup>

<sup>78</sup> See also below section 4, Proposed annex relating to element II.5.

<sup>79</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.

<sup>80</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>81</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>82</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.

**Annex F Waste management**

Part I Minimum safe and environmentally sound collection, recycling and disposal rates for plastic waste

Part II Harmonized indicators for development of nationally determined targets and minimum requirements

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>83</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

<sup>83</sup> See proposed overarching provision at p. 41.

- h. Leveraging public procurement
- i. Raising-awareness of the problem of global plastic pollution and the importance of consumers' and vendors' behavioural changes in plastic use (\*)

#### 4. Waste management and disposal stage

- 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

2. [Proposed annexes relating to element II.2

**Option 0**

*No text*

**Option 1**

Chemicals and polymers of concern

Part A Criteria for identifying chemicals of concern in plastics

- i. carcinogenic, mutagenic or reprotoxic (CMRs category 1A or 1B)
- ii. specific organ toxicity with chronic effects (STOT RE)
- iii. endocrine disrupting chemicals (EDCs HH and/or ENV)
- iv. persistent, bioaccumulative and toxic (PBTs)
- v. very persistent and very bioaccumulative (vPvBs)

Part B Chemicals of concern in plastics for ban or elimination under the *instrument*\*

Phthalates

Di(2-Ethylhexyl)Phthalate (DEHP)

Dibutyl phthalate (DBP)

Benzyl butyl phthalate (BBP)

Diisobutylphthalate (DIBP)

Bisphenols

Bisphenol A (BPA)

Alkylphenols

Nonylphenol (NP)

4-tert-Octylphenol (4t-OP)

Flame retardants

Tris(2-carboxyethyl)phosphine hydrochloride (TCEP)

Metals and metal compounds

Cadmium and cadmium compounds

Lead and lead compounds

(Timeframes and specific exemptions to be decided)

Part C Groups of Chemicals of concern in plastics to avoid and minimize under the *instrument*\*

Phthalates

Bisphenols

UV-stabilizers (benzotriazoles)

PFASs

Alkylphenols

Flame retardants (brominated, chlorinated, organophosphorus)

Metals, metalloids and metal compounds]

[Option 2

Chemicals and groups of chemicals of concern

- |  |
|--|
| <ol style="list-style-type: none"><li>1. Screening criteria for determination of chemicals and groups of chemicals of concern:<ul style="list-style-type: none"><li>• Carcinogenic, mutagenic, or toxic for reproduction (CMR)</li></ul></li></ol> |
|--|

- Persistent, Bioaccumulative and Toxic (PBT)
- Very persistent and very accumulative (vPvB)
- Equivalent Level of Concern to the above criteria (or any wording referring to the same concept)
- Long range transport potential (LRT potential)
- Endocrine disruptor (ED)
- Persistent, mobile and toxic (PMT)
- Very persistent and very mobile (vvM)
- Specific target organ toxicity (STOT)
- Respiratory and skin sensitizers

2. List of chemicals and groups of chemicals of concern subject to control measures (including restrictions as relevant)

Chemical group/ use criteria	Hazard criteria	Entries	Chemical name and CAS- number	Possible restriction
Plasticizer	CMR	DEHP	117-81-7	
		DBP	84-74-2	
		BBP	85-68-7	
		DIBP	84-69-5	
Flame retardant	CMR	TCEP	115-96-8	
		TXP	25155-23-1	
Stabilizer	PBT/vPv B	UV-350 UV-320	36437-37-3	
		UV-327	3846-71-7	
			3864-99-1	
Bisphenols		BPA	80-05-7	

Metal and metal compounds details	Examples listed	
Cadmium compounds (examples)	1306-19-0	7790-80-9
	10124-36-4	4464-23-7
	542-83-6	10108-64-2
	17010-21-8	1306-23-6
	7790-79-6	513-78-0

<b>Lead compounds (examples)</b>	10190-55-3	1319-46-6
	7758-95-4	6838-85-3
	7439-92-1	68605-98-1
	16183-12-3	57142-78-6
	17976-43-1	51404-69-4
	12141-20-7	7758-97-6
	13698-55-0	17570-76-2
	12626-81-2	15245-44-0
	61790-14-5	10099-74-8
	68784-75-8	11120-22-2
	598-63-0	69011-06-9
	53807-64-0	90583-37-2
	13424-46-9	15739-80-7
	1072-35-1	12202-17-4
	7446-14-2	13814-96-5
	91031-62-8	12578-12-0
	15845-52-0	1314-41-6
	12065-90-6	62229-08-7
	12036-76-9	6080-56-4
	1344-38-3	52732-72-6
	1317-36-8	1335-32-6
	6477-64-1	7784-40-9
	56189-09-4	301-04-2
	52652-59-2	1344-37-2
	78-00-2	7439-92-1
	816-68-2	75-74-1
	8012-00-8	7446-27-7
	7428-48-0	12656-85-8
	16038-76-9	13453-65-1
	20837-86-9	
	12060-00-3	
	1344-40-7	

3. List of chemicals and groups of chemicals of concern subject to control measures (including restrictions as relevant) in plastic products:

Chemical group/ use criteria	Hazard criteria	Entries	Chemical name and CAS- number	Possible restriction at product level
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..					
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7. List of non-intentionally added substances, unreacted monomers and unintentional formed impurities in plastic and plastics products subject to prevention and monitoring

II

3. Proposed annexes relating to elements II.3 and 3bis

a. [Proposed annex B

Option 0

No text

Option 1

Criteria

Part A: Problematic criteria

Likelihood of the product causing harm to the environment, biodiversity, or human health during its lifecycle, for one or more of the following reasons:

[a pre: The presence of one or more chemicals of concern in part 2 of annex A.]

Likelihood of the product emitting harmful by-products, emissions, or releases during its lifecycle, and this likelihood consists of one or more of the following:

Likelihood that the product rapidly breaks down into fragments or microplastics

Likelihood that part of the product rapidly breaks down into fragments or microplastics

Likelihood of product, by-products, emissions, or releases from the product entering an environment, including through direct application, where the environment and biodiversity is susceptible to harm and the likelihood of harm occurring, and this likelihood consists of one or more of the following:

Likelihood of ingestion by animals and organisms

Likelihood to create animal entanglement

Likelihood of item being littered

The product disrupts circularity for one or more of the following reasons:

The product is inherently short-lived or single use

It is not reusable, recyclable [, or compostable] in practice and at scale

It disrupts the ability of other items to be recycled [or composted]

It negatively affects the quality or safety of the end-product of the recycling [or composting] process

Part B: Avoidable criteria

The product is avoidable for one or more of the following reasons:

The product's use is not essential

The product can be replaced or its design improved to increase, as appropriate, its durability, reusability, refillability, refurbishability and its capacity to be repurposed and recycled

The problematic plastic component or components can be removed from the product without significantly impeding its functionality

A feasible reuse, refill, or remanufacture business model or other practice is available

The product or any problematic plastic component or components of the product can be replaced using a more sustainable material without significantly impeding functionality

The product's design can be improved by increasing its reusability, or recyclability  
Options for improved resource efficiency exist or can be developed, including its lifetime durability]

b. [Annex X - Products

Option 0

No text

Option 1

The following products are excluded from this Annex:

- a. Specific products essential for medical uses where no feasible alternative is available; and
- b. Products essential for military uses where no feasible alternative is available.

Products subject to Elimination	
Plastic Products	Date after which the manufacture, import, or export of the product shall not be allowed (phase-out date)
EPS (Expanded Polystyrene) packaging	2030
PS (Polystyrene) packaging	2030
PVC (Polyvinyl chloride) packaging	2030
PVDC (Polyvinylidene chloride, or polyvinylidene dichloride) packaging	2030
PETG (Polyethylene terephthalate glycol) packaging	2030
Oxo-degradable products	2030
Intentionally-added microplastics	2030
Single use and short-lived plastic products (to be specified)	TBD
[Cigarette filters]	

c. [Annexes B]

	<p><b>Part I.1 Criteria for the determination of problematic plastic products: The criteria proposal to define problematic plastic products will be based on potential impact on health and the environment or the risks for polluting the environment, e.g.:</b></p> <ul style="list-style-type: none"> <li>Potential impact/hazard on human health and environment linked to the intrinsic properties as well as its use;</li> <li>Propensity of products to rapidly break down into microplastics;</li> <li>Propensity to impede reuse, refill, recyclability, ...</li> <li>...</li> </ul>
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]

**4. Proposed annex relating to element II.5**

[Option 0

No text]

[Option 1]

The following elements should be considered in the product design stage:

**<Structure of Product>**

1. Reduction in volume of plastic use. Use the smallest volume of material as much as possible.
2. Simplified packaging. Restrain excessive packaging.
3. Longer use and longer service life. Enhance the durability of the product. The product is able to withstand repeated use. The parts of the product are easily replaceable. The product is easily repairable.
4. Use of easily reusable parts or reuse of parts. Use parts that are easily reusable. Reuse parts.
5. Use of Single materials or reduction of material types. Use a single material for the product as a whole or parts thereof, or reduce the material types used.
6. Easier disassembly and separation. The parts are easily disassembled and sorted by components. (Easier removal of lithium-ion batteries from other parts of the product is better.) The number of processes required to remove parts, etc., is minimized as much as possible. The types of materials used are indicated.
7. Easier collection and transportation. The weight, size, shape, and structure of the product are to facilitate easier collection and transportation as much as possible.
8. Easier crushing and incineration. Easier crushing and incineration for parts that are difficult to reuse or recycle.

**<Materials of Product>**

1. Substitution of materials other than plastic  
Substitute materials other than plastic.
2. Use of easily-recyclable materials  
Use easily-recyclable materials.  
Reduce material types.  
Avoid using additives and other materials, that hinder recycling.
3. Use of recycled plastics. Use recycled plastics.

4. Use of bioplastics

Use biomass (bio-based) plastics from renewable organic resources such as plants.

*Use biodegradable plastics for products that tend to unavoidably leak to natural environment, taking into account the conditions in which biodegradation occurs.*