

## Annotated Draft Text

Chapters related to chemicals in plastics and transparency of chemical composition information for plastics, including traceability of disclosed information in individual plastic items.

This document provides annotations to the new zero draft text, focusing only on provisions related to chemicals in plastics and the transparency and traceability of chemicals in plastic materials and products.

### How to use this document:

All **Red words are new text** added by the authors of this document

All **Purple text is rationale for changes** added by the authors of this document

All **Green Text is suggested preferred text** added by the authors of this document

Please reach out to us, if you have questions or if you want to discuss this topic and the suggested annotations.

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## Preamble

Directions:

Red words are new text

Purple text is rational for changes

Green Text is suggested preferred text

### 1. Preamble<sup>[1]</sup>

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

[The Parties to this instrument\*,

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

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

Rationale: Health must not be forgotten in the preamble.

Recognizing that plastic pollution includes microplastics, **nanoplastic**, and chemical constituents of plastics,

Preferred text: Recognizing that plastic pollution includes microplastics, nanoplastic, and chemical constituents of plastics,

Rationale: Very important to expand the definition of pollution beyond just physical pollution. Plastics are chemical products. Furthermore, there are smaller fractions of plastics than microplastics.

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

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

Recognizing the special circumstances of Small Island Developing States,

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

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

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

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

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

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

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

Rationale: Health must not be forgotten in the preamble.

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

Recognizing the wide range of approaches, sustainable alternatives, **also safe to environment and health**, and technologies available to address the full life cycle of plastics, further highlighting the need for enhanced international collaboration to

facilitate access to technology, capacity-building, and scientific and technical cooperation, and stressing that there is no single approach,

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

Rationale: Important to stress that sustainable alternatives must also be safe to environment and health.

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

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

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

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

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

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

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

New addition: Recognizing the need to protect the health of fence line communities affected by emissions and releases of toxic plastic monomers, oligomers, additives and processing aid chemicals throughout the entire lifecycle, including during plastic production, manufacturing of plastic products, disposal and recycling of plastic waste,

Preferred text: Recognizing the need to protect the health of fence line communities affected by emissions and releases of toxic plastic monomers, oligomers, additives and processing aid chemicals throughout the entire lifecycle, including during plastic production, manufacturing of plastic products, disposal and recycling of plastic waste,

Rationale: Manufacturing, waste and recycling operations may be located so that the nearby communities are turned into communities in vulnerable situations.

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

Recalling United Nations Environment Assembly resolution 5/14 of 2 March 2022 which requested the Executive Director of the United Nations Environment Programme to convene an intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment, based o

## Objective

Directions:

Red words are new text

Purple text is rational for changes

Green Text is suggested preferred text

Objective

## Option 1

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

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

Rationale: The preferred text includes the clean text after removing brackets and no additional text is suggested.

## Option 2

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

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

Rationale: Full life cycle, and sets a target date. More comprehensive than Option 1, but the objective of the instrument should not be met by nationally determined targets

and provisions. This will considerably weaken the instrument. The instrument shall mainly be based on globally harmonized and binding provisions.

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

## Definitions

### 3. Definitions[1]

#### Option 0

No standalone provision.

#### Option 1

1. For the purposes of this instrument:

- a. ~~{Plastic pollution}~~ means [physical pollution from plastic materials and chemical pollution from their chemical constituents, including monomers, oligomers, polymers, additives, remnants of processing chemicals, as well as non-intentional pollutants formed in the manufacturing processes ]

Preferred text: Plastic pollution means physical pollution from plastic materials and chemical pollution from their chemical constituents, including monomers, oligomers, polymers, additives, remnants of processing chemicals, as well as non-intentional pollutants formed in the manufacturing processes.

Rationale: It is very important to create a well-thoughtout definition of plastic pollution that includes all aspects of chemical pollution linked to the life cycles of plastic materials and plastics.

- b. [sustainable design of plastic and plastic products means design that excludes toxic plastic additives and ensures plastic materials and products can be reused, remanufactured or mechanically recycled and



therefore retained in the economy for as long as possible, along with the resources they are made of and do not contribute to recirculation of toxic plastic chemicals in new products made of recycled plastic and the generation of toxic waste, which can significantly contribute to sustainable production and consumption of plastics]

**Preferred text:** sustainable design of plastic and plastic products means design that excludes toxic plastic additives and ensures plastic materials and products can be reused, remanufactured or mechanically recycled and therefore retained in the economy for as long as possible, along with the resources they are made of and do not contribute to recirculation of toxic plastic chemicals in new products made of recycled plastic and the generation of toxic waste, which can significantly contribute to sustainable production and consumption of plastics.

**Rationale:** It is very important to create a well-thoughtout definition of sustainable design and include its considerations of the chemical composition of plastics.

- b. ["Circularity"] means []
- c. ["Chemicals"] means []

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[1] 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>).

## Scope

5. Scope<sup>[1]</sup>

### Option 0

No standalone provision.

### Option 1

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

Rationale: it is a comment not a suggest text

## Option 2

This instrument\* addresses the full life cycle of plastics, **as outlined in resolution 5/14**, based on comprehensive regulations and collaborative measures based on a hierarchy between avoidance, reduction, reuse, recycling, and elimination, **to protect the human health and environment and end plastic pollution.**

Preferred text: This instrument\* addresses the full life cycle of plastics, **as outlined in resolution 5/14**, based on comprehensive regulations and collaborative measures based on a hierarchy between avoidance, reduction, reuse, recycling, and elimination, **to protect the human health and environment and end plastic pollution.**

Rationale: Important to mention the resolution, and what the measures shall protect. "Full life cycle" need a definition, but should, as several Parties seem to interpret, cover everything from extraction and preparation of plastic feedstock, to plastic manufacturing, waste management, and any kind of reuse, repurpose and recycling operations.

## Option 3

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

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

Rationale: This option has a too limited scope, omitting all stages of the life cycle upstream of the design of products.

## Option 4

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

Rationale: This Option 4 looks more like a recommendation. Important to mention the resolution, and what the measures shall protect. "Full life cycle" needs a definition, but should, as several Parties seem to interpret, cover everything from extraction and preparation of plastic feedstock, to plastic manufacturing, waste management, and any kind of reuse, repurpose and recycling operations.

### Option 5

This legally binding instrument\* covers the whole life cycle of plastics, from extraction or production of raw materials and resin to production, design, manufacturing, use, consumption, reuse, recycling, disposal and remediation, and addresses all sources of plastic pollution as per UNEA Resolution 5/14. It covers plastic materials and products, as well as plastic related chemicals and microplastics. It recognizes the risk of plastic pollution to human health and the environment and the impact on climate change and biodiversity.

Preferred text: This legally binding instrument\* covers the whole life cycle of plastics, from extraction or production of raw materials and resin to production, design, manufacturing, use, consumption, reuse, recycling, disposal and remediation, and addresses all sources of plastic pollution as per UNEA Resolution 5/14. It covers plastic materials and products, as well as plastic related chemicals and microplastics. It recognizes the risk of plastic pollution to human health and the environment and the impact on climate change and biodiversity.

Rationale: This option is comprehensive, with the suggested additions. While it does not originally mention the UNEA Resolution 5/14, it, nevertheless, explicitly notes all stages of plastic lifecycle where pollution may arise, either as physical or chemical pollution. Adding the UNEA Resolution 5/14 to the text explains the link to the decision made globally to develop the new Treaty with a lifecycle approach.

Reuse and recycling are envisioned to be important strategies, and should consequently be reflected in the option.

In addition to "extraction" that covers fossil sources, "production" should be added, to cover production of renewable raw materials, e.g. plant materials, and the production of plastic resin from the raw materials

Unless production of monomers and polymerisation into resin is covered by the instrument, we will not be able to restrict the use of certain monomers and combinations of them into oligomers and polymers.

### Option 6

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

Preferred text: The production, **manufacturing**, consumption, treatment and final disposal of plastics through the circular economy approach, prioritizing product design, **material flows free from harmful chemicals**, and environmentally sound waste management. It is proposed to create an instrument to promote and evaluate best practices in the management of the complete life cycle of different types of plastics, including measures to address their demand and production at the commercial level. It reinforces the importance of **global and globally harmonized requirements while at the same time allows for the consideration of modalities for implementation** in accordance with the national reality of the States Parties through their implementation plans.

Rationale: "Free from harmful chemicals" signals a high ambition. With new suggestion, the text now explains the need for globally harmonized approaches and their national implementation through the national implementation plans.

## Option 7

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

Rationale: This option is not good, as the only binding action at the global level would be the national action plan, to be filled with national priorities. We cannot solve the global plastic crises if we do not have globally binding provisions to fill national actions plans with.

## Option 8

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

Rationale: We agree that all objectives need to be absolutely clear, to leave no room for interpretation. This Option 8 is a recommendation not the suggested text.

## Option 9

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

Rationale: Should not be considered. The UNEA resolution 5/14 should not be reopened for discussions of interpretations. That would be like opening up Pandora's box.

## Option 10

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

- ~~—— To promote sustainable development production and consumption of plastics, with the use of the best available technologies, product design and environmentally sound waste management, including through resource efficiency and circular economy approaches;~~
- ~~—— To promote national and international cooperative measures to reduce plastic pollution in the marine environment, including existing plastic pollution. Implementing efficient recycling systems and promoting economy, where plastic waste is reduced, reused and repurposed, can significantly decrease the environmental impact of plastics;~~
- ~~—— The core of the plastic pollution crisis is "the resource inefficient, linear, take-make-waste plastic economy," which should be replaced by a rational and environment friendly economy;~~

- ~~———— Further, the scope of the future instrument should focus on development and promotion of sustainable alternatives to replace hazardous additives;~~
- ~~———— The scope of the instrument should exclude the stages of extraction and processing of primary raw materials as well as the stages related to virgin polymer production, since no plastic pollution is generated at these stages of production and raw materials can be used for production of other non-plastic products;~~
- ~~———— Limitations should be put on unnecessary and problematic plastic applications, to make recycling techniques more efficient and environmentally sound, and biodegradable plastics to become a suitable alternative for single use applications of ordinary plastics.~~

Rationale: This option gives counterarguments to option 9. However, it is clear that when the resolution was adopted with no understanding of the importance of chemicals in the context of plastic pollution. For example, if we omit virgin polymer production from the scope, we miss to address pollution from monomers and oligomers. Several monomers are highly toxic.

Furthermore, biodegradable plastics should not be promoted unrestrictedly. All degradation of plastics generate smaller fractions, i.e. micro- and nano-plastics, and in addition they contain additives.

### Option 11

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

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

-> Rationale: The text of this option would need to be further developed as it looks like a wish list now.

## Option 12

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

-> Rationale: The text of this option would need to be further developed. It is a comment not a suggested text.

## Option 13

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

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

-> Rationale: This option should be rejected, It does not recognize that the life cycle of plastics begins upstream of the design phase and that production of plastic feedstocks and polymers generate chemical pollution. Many of these contaminants are highly hazardous. If we want plastic to be clean, regulation must take place upstream of the design phase.

## Option 14

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

-> Rationale: The text of this option would need to be further developed. It is a comment not a suggest text.

## Option 15

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

-> Rationale: The text of this option would need to be further developed. It is a comment not a suggest text.

## Option 16

1. The following shall be included as the plastic pollutions for the purposes of this instrument\*:

- a. Any pollutions generated or arisen or released from all stages of entire life cycle of plastics as set out in annex [A, B and ...], except for any pollutions caused by secondary pollutants;
- b. Any unintentional leakages that are not covered under paragraph (a) but are potentially released from anthropogenic activities, in particular, post consumption of plastics as set out in annex [..];
- c. Microplastics including nanoplastics intentionally added into any, inter alia, cosmetic products as set out in part I of Annex [..] and occurred from unintentional degradation of plastic wastes, plastic products, plastics as set out part II of annex [..];
- d. Any hazardous chemicals of concern, that are not covered under the existing multilateral environmental agreements, emitted or released from each stage of full[entire] plastic life cycle as set out in annex [..];

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

-> Rationale The text of this option would need to be further developed, but the basic structure has potential. For now, it is a wish list.

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[1] The options reproduce text from the compilation of written inputs received from members at the third session of the committee concerning the possible scope of the



instrument ((available at <https://www.unep.org/inc-plastic-pollution/session-3/documents/in-session#ContactGroups>). See contact group 3 outcome document, p. 5.

## Part II Chapter 1 Primary plastic polymers

Directions:

Red words are new text

Purple text is rational for changes

Green Text is suggested preferred text

Part II

1. Primary plastic polymers

Alt title: Plastic polymers

Option 0

No text.

Option 1

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

-> Preferred text: Parties shall take the necessary measures to prevent and mitigate the potential for adverse impacts on human health and the environment from the production of primary plastic polymers and secondary plastics, including their feedstocks and precursors, to manage production and consumption of plastics through

product design and environmentally sound waste management, including through resource efficiency and circular economy approaches.

-> Rationale: It is important to add “secondary plastics” here, as the instrument will promote recycling.

OP1 Alt. No text.

### Sub-option 0\*\*

No text in sub-option.

### Sub-option 1

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

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

Rationale: Sub-Option 2 is better.

### Sub-Option 2

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

-> Preferred text: Parties shall based on scientific evidence manage and take measures to reduce the global production and supply of primary plastic polymers, **and to increase the production, supply, utilization, and demand of secondary plastic polymers**, in an agreed sustainable level to achieve the global target set out in part I of annex A [AP1] [4].

-> Rationale: If the dependency on primary plastic polymers should be diminished, the availability of secondary plastic polymers should increase. If we do not allow a market for secondary plastics, we will be stuck with primary production, which needs supply of oil/coal or renewable raw materials.

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[AP1] This sub-option is most comprehensive, and can include promotion of secondary plastic polymers, i.e. recycled plastics, as suggested by OP3 ter.

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

-> Preferred text: Each Party shall, in order to achieve the target referred to in paragraph 2, develop nationally determined targets to reduce its uction\*\* and take the necessary measures to achieve them.

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

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

-> Rationale: OP3 ter was integrated into our susggested alteravtive text to sub-Option 2.

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

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

### Sub-Option 3

-> Rationale: This sub-Option should not be used, as it refers to national plans, filled only with nationally determined priorities.

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

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

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

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

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

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

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

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

-> Preferred text:

[1][3][5][4]. Each Party shall, based on scientific evidence,\*\* take effective measures to reduce the demand for and production of primary plastic polymers while promoting an increase of the demand for and production of **safe and non-toxic** secondary plastics, including to promote sustainable production and consumption of plastic throughout its lifecycle\*\* Such measures may include:

- a. Market- and price-based measures;

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

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

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

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

Complete preferred text

### Option 1

1. Preferred text: Parties shall take the necessary measures to prevent and mitigate the potential for adverse impacts on human health and the environment from the production of primary plastic polymers and secondary plastics, including their feedstocks and precursors, to manage production and consumption of plastics through product design and environmentally sound waste management, including through resource efficiency and circular economy approaches.
2. Preferred text: Parties shall based on scientific evidence manage and take measures to reduce the global production and supply of primary plastic polymers, and to increase the production, supply, utilization, and demand of secondary plastic polymers, in an agreed sustainable level to achieve the global target set out in part I of annex A [.4].
3. Preferred text: Each Party shall, in order to achieve the target referred to in paragraph 2, develop nationally determined targets to reduce its production\*\* and take the necessary measures to achieve them.
4. Preferred text: Each Party shall reflect the measures taken to implement this provision in their respective\*\* national plans communicated pursuant to part IV.1 on national plans], including their intended level of domestic supply of primary plastic polymers and secondary plastics including, as relevant, domestic

production, expressed in percentage terms in relation to the baseline set out in part I of annex A, for each reporting period specified in part IV.3 on reporting on progress

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

Preferred text: [1][3][5][4]. Each Party shall, based on scientific evidence,\*\* take effective measures to reduce the demand for and production of primary plastic polymers while promoting an increase of the demand for and production of **safe and non-toxic** secondary plastics, including to promote sustainable production and consumption of plastic throughout its lifecycle\*\* Such measures may include:

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

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

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

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

## **Part II Chapter 2 Chemicals and polymers of concern**

### **2. Chemicals and polymers of concern**

Alt title: Hazardous chemicals of concern

#### Option 0

Preferred title: **Hazardous, problematic and avoidable** chemicals

Rationale: there is no need to explain the meaning of hazardous chemicals, while the term “chemicals of concern” was not clear to some delegates. Some chemicals may be problematic for recycling process and some can be substituted with already available safer alternatives.

The word “chemicals” needs to be well defined in definitions to include also monomers, oligomers and polymers.

Criteria for hazardous, problematic and avoidable chemicals should be defined and globally harmonized at a later stage but as soon as possible, starting at COP1.

It is important to ensure that recyclers take part in developing the criteria for problematic and avoidable chemicals because they have practical knowledge about what chemicals can interfere with the recycling process.

Problematic and avoidable should as a principle not be granted any exemption because by definition they are avoidable and exemptions already exist.

No text.

### Option 1

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

1. Preferred text: Each Party shall take the necessary measures to prohibit or to regulate and progressively eliminate, at the latest by the dates provided in part II of annex A, the use **and** presence of the chemicals, groups of chemicals, **monomers, oligomers** and polymers listed in part II of annex A. The measures taken to implement this provision shall be reflected in the national plans communicated pursuant to [Part IV.1 on national plans].

Rationale: The word “presence” is here very important, because we do not want legacy hazardous chemicals being allowed to recirculate with the circular economy.

2. Each Party shall take the necessary measures to not allow and to ~~[progressively]~~ eliminate, at the latest by the dates provided in part II of annex A, the production, sale, distribution, import or export of plastic polymers, plastics and plastic products containing a **problematic and avoidable** chemical, group of chemicals,

monomers, oligomers or polymer listed in part II of annex A, except as provided in that annex. The measures taken to implement this provision shall be reflected in the national plans communicated pursuant to [Part IV.1 on national plans].

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

Rationale: The word “progressively” is not needed because the paragraph already includes the date provided in Annex A, Part II, including the sunset date.

## Option 2

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

Preferred text: Each Party shall take the necessary measures, including those referred to in paragraph 2, to minimize, and eliminate at the latest by the dates provided in part II of annex A, the use and presence in the production, sale, distribution, import and/or export of plastics and plastic products of hazardous, **problematic and avoidable** chemicals, groups of chemicals, **monomers, oligomers** and polymers **throughout plastic lifecycles**. The measures taken to implement this provision shall be reflected in the national plans communicated pursuant to [Part IV.1 on national plans].]

Rationale: Option 1 is better and clearer than Option 2. But if Option 2 is discussed, then the preferred text should be applied.

The key criteria for identifying hazardous, problematic and avoidable chemicals should be based on inherent properties, like hazard. If we follow the precautionary principle and hazard criteria, it is not necessary to establish the potential of adverse impacts based on exposure.



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

Preferred text: Each Party shall take the necessary measures to not allow, or to regulate, at the latest by the dates provided in part II of annex A, the use and presence in plastics and plastic products of hazardous, **problematic and avoidable** chemicals, groups of chemicals, **monomers, oligomers** and polymers identified in part II Annex A. The measures taken to implement this provision shall be reflected in the national plans communicated pursuant to [Part IV.1 on national plans].]

Rationale: The word “as appropriate” is not needed here because it opens the door for creating loopholes at the national level, which prevents a level playing field for business. Furthermore, criteria for identifying chemicals considered hazardous, problematic and avoidable should be globally harmonized and binding for implementation.

These criteria should also include but not be limited to chemicals under the Stockholm Convention, thus including a reference to POPs in paragraph 2 may be understood as a duplication or as a limitation to the scope of chemicals to be regulated under the Plastics Treaty.

#### Provisions common for options 1 and 2 above

These Provisions should also be considered for inclusion in Part II, Chapter 4 on Exemptions.

This paragraph describes what has to be done if there are exemptions.

There is no information about HOW the exemptions are being granted in this paragraph. Therefore a paragraph is needed describing the process, as laid down in the treaty text, about exemptions being granted.

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

Preferred text: Where production or use of regulated hazardous, **problematic and avoidable** chemicals, group of chemicals, or **monomers, oligomers** and polymer listed in part II of annex A is permitted, each Party with such production **and/or** use shall:

Rationale: socioeconomic context and national circumstances should be deleted because it is not necessary to mention here, as the provision for exemptions will be defined later in the text

a. Take appropriate measures to ensure that any such [production] **and/or** use is carried out in a manner that prevents **releases, emissions and harm to human health and the environment** and ~~minimizes human exposure or release into the environment [throughout life cycle of the [concerned hazardous] chemical, [[plastic] and polymer] or [plastics including plastic] product [concerned]] and fosters the safe and environmentally sound management, including the recyclability and disposal, of the polymers, plastics, and plastic products containing them;~~

Preferred text: Take appropriate measures to ensure that any such production **and/or** use is carried out in a manner that prevents **releases, emissions and harm to human health and the environment** throughout the life cycle.

Rationale: “minimizing human exposure or release into the environment” would be fulfilled by minimal activities, as there is no quantified goal attached. Therefore it is better to add “releases, emissions and harm to human health and the environment” to capture all harm. It is important to keep “throughout the life cycle” to capture harm along the life cycle. The rest can be deleted as it is already captured in the rest of the text.

b. [Take appropriate measures to ensure that all such [hazardous, **problematic and avoidable**] chemicals, groups of [hazardous] chemicals [[and] [as well as the plastic **monomers, oligomers,** ] polymers,] and [plastics including plastic] products containing them, are used in a manner consistent with part II of annex A and managed in a safe and environmentally sound manner throughout their life cycle, ~~including for their [including for their reusability, repairability, recyclability and] final disposal;]~~

Preferred text: Take appropriate measures to ensure that all such hazardous, **problematic and avoidable** chemicals, groups of chemicals, **including plastic monomers, oligomers,** and polymers, and plastics, including plastic products containing them, are used in a manner consistent with part II of annex A and managed in a safe and environmentally sound manner throughout their life cycle.

Rationale: This para adds products compared to the one above (a). Products containing hazardous chemicals, through an exemption, should not be recycled, repaired, or reused as they are hazardous. They should be replaced at the earliest time possible with benign materials. If this is not possible, then the useful life of the products for their originally intended function should be extended for as long as possible.

- c. Require producers and importers of such [hazardous, **problematic and avoidable**] chemicals, groups of [~~hazardous~~]chemicals [(as well as plastic] **monomers, oligomers**, polymers] and [plastics including plastic] products containing them to provide ~~to government authorities, [in addition to the information required under]~~ **as per** [Part II.13~~4~~ on transparency, tracking, monitoring and labelling], complete information about the hazards to human health or the environment associated with the relevant chemical[, [plastic] **monomer, oligomer**, polymer] or [plastic including plastic] product, and related implications for their safe use, recyclability and disposal[, based on the **globally** harmonized requirements contained in part II of annex A] **and make information publicly available**; and

Preferred text: Require producers and importers of such hazardous, **problematic and avoidable** chemicals, groups of chemicals as well as plastic **monomers, oligomers**, polymers and plastics, including plastic products containing them to provide **as per** Part II.13 on transparency, tracking, monitoring and labelling, complete information about the hazards to human health or the environment associated with the relevant chemical, plastic **monomer, oligomer**, polymer or plastic including plastic product, and related implications for their safe use, recyclability and disposal, based on the **globally** harmonized requirements contained in part II of annex A **and make information publicly available**;

Rationale: “as per Part II 13 on transparency, tracking, monitoring and labelling” makes it clear that all stakeholders, not just governments, need information about the presence of hazardous, problematic and avoidable chemicals in plastics and that this information should be tracked in individual materials and products.

- d. Require producers and importers of the relevant chemicals[, [plastic] **monomers, oligomers**, polymers] or [plastics including plastic] products to appropriately mark and label them [based on the harmonized requirements contained in part II of annex A], to allow their safe and environmentally sound use and handling [throughout their life cycle], ~~including their [reusability, repairability, recyclability and] final disposal.~~

Preferred text: Require producers and importers of the relevant chemicals, plastic **monomers, oligomers**, polymers or plastics, including plastic products, to appropriately mark and label them based on the harmonized requirements contained in part II of

annex A, to allow their safe and environmentally sound use and handling throughout their life cycle.

Rationale: Important to keep “based on the harmonized requirements contained in part II of Annex A, not to face many different labelling systems that are not understandable and confusing or create additional costs for the actors in the value chain.

[4][3] Each Party **shall** ~~is encouraged to~~ include in its reporting pursuant to [Part IV.3 on reporting on progress] any measures it has taken to not allow, or to restrict, the use in [plastics][~~plastic polymers~~] and [~~plastics including~~] plastic products of (hazardous) chemicals, groups of [hazardous] chemicals [and monomers, oligomers or polymers] [not included in part II of annex A] that have the potential for adverse impacts on human health or the environment at any stage of the product life cycle, or to hinder the [safe and] environmentally sound management, ~~including recyclability and disposal,~~ of the final product.

Preferred text: Each Party **shall** include in its reporting pursuant to Part IV.3 on reporting on progress any measures it has taken to not allow, or to restrict, the use in plastics plastic products of hazardous, **problematic and avoidable** chemicals, groups of chemicals and **monomers, oligomers** or polymers not included in part II of annex A that have the potential for adverse impacts on human health or the environment at any stage of the product life cycle, or to hinder the safe and environmentally sound management of the final product.

Rationale: It is key to keep “not included in part II of Annex A”, because otherwise it will alter the whole meaning of the paragraph. This paragraph is about chemicals that are not in the Annex (yet). The provided information will inform the Parties to the Convention about potential future additions to the list of regulated chemicals.

### Option 3

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

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

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

Rationale: For provisions to be efficient they should be binding, and not nationally determined. Risk should not be part of the paragraph, as it signals that rather than restrictions or bans, inherent hazards of chemicals can be managed with risk-reducing measures.

Including “throughout the life cycle” instead of listing all operational activities shortens the text and makes it clearer and less complicated. It also ensures that no operational activities are missing from the list.

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

Rationale: This option should be deleted. Needs to be globally harmonized provisions, or else the Treaty will not reach its goals to protect human health and the environment from the harmful effects of plastic chemicals, trade be complicated and unnecessary costs incur in connection with legislative compliance checks when products cross from one jurisdiction into another with differing requirements. Nationally determined provisions implies that one country can continue to pollute others that have already banned chemicals that the first country still allows.

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

Rationale: This option should be deleted. Needs to be globally harmonized provisions, or else the Treaty will not reach its goals to protect human health and the environment from the harmful effects of plastic chemicals, trade be complicated and unnecessary costs incur in connection with legislative compliance checks when products cross from one jurisdiction into another with differing requirements. Nationally determined provisions implies that one country can continue to pollute others that have already banned chemicals that the first country still allows.

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

Rationale: This option should be deleted. Needs to be globally harmonized provisions, or else the Treaty will not reach its goals to protect human health and the environment from the harmful effects of plastic chemicals, trade be complicated and unnecessary costs incurred in connection with legislative compliance checks when products cross from one jurisdiction into another with differing requirements. Nationally determined provisions implies that one country can continue to pollute others that have already banned chemicals that the first country still allows.

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

Rationale: Prohibitions must be possible under the Plastic Treaty. The Plastic Treaty is envisioned to regulate chemicals that now fall into the cracks, because other treaties cannot regulate them.

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

Rationale: This can be further discussed.

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

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

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

Rationale: Problematic and avoidable should be included, to match the suggested additions to the title. Monomers and oligomers are in general more toxic than polymers.

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

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

Rationale: Monomers and oligomers are in general more toxic than polymers. If hazardous and problematic chemicals are well-defined in the section on definitions, monomers and oligomers and polymers do not need to be repeated in all paragraphs.

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

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

Rationale: Monomers and oligomers are in general more toxic than polymers. If hazardous and problematic chemicals are well-defined in the section on definitions, monomers and oligomers and polymers do not need to be repeated in all paragraphs.

3. Each Party shall take measures, as appropriate, to not allow, to phase down or to otherwise regulate the production, sale, use, distribution, import or export of **hazardous, problematic and avoidable** chemicals, **monomers, oligomers** or polymers used in plastic production or plastic products that are avoidable because they can be easily substituted for ~~more~~ **safer and** sustainable alternatives, as defined and listed in [annex X], except where the Party has a registered exemption for the relevant product(s) under [annex] Y.

Preferred text Each Party shall take measures, as appropriate, to not allow, to phase down or to otherwise regulate the production, sale, use, distribution, import or export of **hazardous, problematic and avoidable** chemicals, **monomers, oligomers** or polymers used in plastic production or plastic products that are avoidable because they can be easily substituted for **safer and** sustainable alternatives, as defined and listed in annex X, except where the Party has a registered exemption for the relevant product(s) under annex Y.

Rationale: Monomers and oligomers are in general more toxic than polymers. If hazardous and problematic chemicals are well-defined in the section on definitions, monomers and oligomers and polymers do not need to be repeated in all paragraphs.

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

Rationale: This article could go to Chapter 3 if it is only about physical contamination from microplastic. However, if this paragraph intends to address hazardous, avoidable and problematic chemicals as constituents of microplastic, then it should stay in this chapter but include clear language highlighting chemical pollution caused by microplastic.

5. The Science, Technology and Economics Panels (STEPs) shall recommend to the Conference of the Parties by its first meeting, a list of the characteristics of **hazardous, problematic, and avoidable** chemicals, polymers or plastic products referred to in paragraphs 1 to 4 above **for listings in Annexes XYZ**. ~~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.~~ 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.

Preferred text: 5. Alt. The Science, Technology and Economics Panels (STEPs) recommend to the Conference of the Parties chemicals, monomers, oligomers and polymers that are hazardous, problematic, and avoidable chemicals and plastic products referred to in paragraphs 1 to 4 above, for listings in Annexes XYZ. Recommendations for listings must be made available to the Parties no later than X months prior to a COP. 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.

Rationale: This suggestion reflects the additions of monomers, oligomers, problematic and avoidable chemicals. Moreover, it clarifies when recommendations should be shared with Parties.

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

Preferred text: The STEPs shall recommend to the governing body\* at each session, hazardous, problematic and avoidable chemicals, monomers, oligomers and polymers, or plastic products, their associated phase out targets and timelines on the Annexes listed in paragraphs 1 to 4 above.

Rationale: This suggestion reflects the additions of monomers, oligomers, problematic and avoidable chemicals. We should clarify that the targets are phase-out targets.

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

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

Rationale: This option shall not be promoted, as it can be interpreted as the Plastic Treaty has no option to decide on its own to regulated chemicals, only accept chemicals that are listed in the BRS Conventions.

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

Rationale: We agree that criteria should be in an Annex, but option 5 as a whole is not good for the Plastic Treaty.

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

Rationale: Needs to be globally harmonized provisions, or else the Treaty will not reach its goals to protect human health and the environment from the harmful effects of plastic chemicals, trade may be complicated and unnecessary costs incurred in connection with legislative compliance checks when products cross from one jurisdiction into another with differing requirements. Nationally determined provisions implies that one country can continue to pollute others that have already banned chemicals that the first country still allows.

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

Rationale: This article could go to Chapter 3 if it is only about physical contamination from microplastic. However, if this paragraph intends to address hazardous, avoidable and problematic chemicals as constituents of microplastic, then it should stay in this chapter but include clear language highlighting chemical pollution caused by microplastic.

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*Complete preferred text version, Chapter 2*

Option 1

1. Preferred text: Each Party shall take the necessary measures to prohibit or to regulate and progressively eliminate, at the latest by the dates provided in part II of annex A, the use **and** presence of the chemicals, groups of chemicals, **monomers, oligomers** and polymers listed in part II of annex A. The measures

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

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

## Option 2

1. Preferred text: Each Party shall take the necessary measures, including those referred to in paragraph 2, to minimize, and eliminate at the latest by the dates provided in part II of annex A, the use and presence in the production, sale, distribution, import and/or export of plastics and plastic products of hazardous, problematic and avoidable chemicals, groups of chemicals, monomers, oligomers and polymers throughout plastic lifecycles. The measures taken to implement this provision shall be reflected in the national plans communicated pursuant to [Part IV.1 on national plans].]
2. Preferred text: Each Party shall take the necessary measures to not allow, or to regulate, at the latest by the dates provided in part II of annex A, the use and presence in plastics and plastic products of hazardous, problematic and avoidable chemicals, groups of chemicals, monomers, oligomers and polymers identified in part II Annex A. The measures taken to implement this provision shall be reflected in the national plans communicated pursuant to [Part IV.1 on national plans].]

## Option 3

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

## Option 4

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

1. Preferred text: 1. Each Party shall eliminate or not allow the production, sale, use, distribution, import or export of **hazardous, problematic and avoidable** chemicals, **monomers, oligomers** or polymers that are hazardous to human health or the environment, problematic or avoidable, and used in plastic production or plastic products, at any stage of the plastic lifecycle, as defined and listed in annex X, not later than the respective dates in the annex.
2. Preferred text: Each Party shall take measures, as appropriate, to not allow, to phase down or to otherwise regulate the production, sale, use, distribution, import or export of **hazardous, problematic and avoidable** chemicals, **monomers, oligomers** or polymers used in plastic production or plastic products that are problematic because they disproportionately contribute to plastic pollution, especially in the marine environment, or they have properties that may hinder their safe and environmentally sound management, including their reusability, repairability, recyclability and disposal, as defined and listed in annex X, except where the Party has a registered exemption for the relevant product(s) under annex X.
3. Preferred text Each Party shall take measures, as appropriate, to not allow, to phase down or to otherwise regulate the production, sale, use, distribution, import or export of **hazardous, problematic and avoidable** chemicals, **monomers, oligomers** or polymers used in plastic production or plastic products that are avoidable because they can be easily substituted for **safer and sustainable** alternatives, as defined and listed in annex X, except where the Party has a registered exemption for the relevant product(s) under annex Y.
4. Rationale: This article could go to Chapter 3 if it is only about physical contamination from microplastic. However, if this paragraph intends to address **hazardous, avoidable and problematic chemicals as constituents of microplastic**, then it should stay in this chapter but include clear language highlighting chemical pollution caused by microplastic.
5. Preferred text: 5. Alt. The Science, Technology and Economics Panels (STEPS) recommend to the Conference of the Parties chemicals, **monomers, oligomers** and polymers that are **hazardous, problematic, and avoidable** chemicals and plastic products referred to in paragraphs 1 to 4 above, **for listings in Annexes XYZ. Recommendations for listings must be made available to the Parties no later than X months prior to a COP. In preparing these recommendations, the**

STEPS shall consider sound scientific, socioeconomic, and sociocultural assessments and the availability of safe, accessible, efficient, economically feasible, environmentally friendly and sustainable substitutes, including those based on the knowledge and practices of Indigenous Peoples and local communities.

6. Preferred text: The STEPs shall recommend to the governing body\* at each session, **hazardous, problematic and avoidable** chemicals, **monomers, oligomers** and polymers, or plastic products, their associated **phase out** targets and timelines on the Annexes listed in paragraphs 1 to 4 above.

## Part II Chapter 3 Problematic, **unnecessary** and avoidable plastic products, including short-lived and single-use plastic products and intentionally added microplastics

Directions:

Red words are new text

Purple text is rationals for changes

Green Text is suggested text versions

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

Problematic [plastic products]\*\*, **unnecessary** and avoidable plastic products [and groups of such products]\*\*, including short-lived and single-use plastic products and [products containing]— **hazardous, problematic and avoidable chemicals** and intentionally added microplastics

Preferred text: ***Alt title:* Problematic plastic products, **unnecessary** and avoidable plastic products and groups of such products, including short-lived and single-use plastic products and products containing— **hazardous, problematic and avoidable** chemicals and intentionally added microplastics**

Rationale: According to the report by Nordic Council of Ministers, problematic plastic products should also include avoidable and unnecessary products. Potential criteria for determining problematic plastic products should also include information on whether a product contains chemicals or polymers of concern, including those derived from secondary plastics, or represents health and environmental hazards. See <https://norden.diva-portal.org/smash/get/diva2:1833207/FULLTEXT04.pdf>

### **Option 0**

No provision on this matter.

### **Option 1**

1. Each Party shall ~~{not allow}~~**reduce** the production, sale, distribution, import or export of ~~{the}~~ plastic products[, including short-lived and single-use plastic products,] **and {products containing hazardous, problematic and avoidable chemicals and intentionally added microplastics}** listed in part II[I] of annex B ~~{after the dates specified for those products, and}~~ identified based on criteria ~~{and within the timeframe set out in the same annex}~~ **{provided alternatives or substitutes are available, accessible, affordable, and safe for health and environmental-friendly}** **and free from harmful chemicals** ~~{set out in part I of} annex [B], except where the Party has a registered exemption for the relevant product(s) under part II of annex B pursuant to {Part II.4 on exemptions available to a Party upon request}. {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~~ **and provide complete information about the hazards to human health or the environment associated with the relevant chemicals as per Part II.13 on transparency, tracking, monitoring and labelling.}**

Preferred text: 1. Each Party shall not allow the production, sale, distribution, import or export of the plastic products, including short-lived and single-use plastic products, **and products containing hazardous, problematic and avoidable chemicals and intentionally added microplastics**, listed in part II[I] of annex B and identified based on criteria and within the timeframe set out in the same annex provided alternatives or substitutes are available, accessible, affordable, **safe for health and environment** and **free from harmful chemicals** set out in part I of annex [B], except where the Party has a registered exemption for the relevant product(s) under part II of annex B pursuant to ~~{Part II.4 on exemptions available to a Party upon request}~~. 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 **and provide complete information about the hazards to human health or the environment associated with the relevant chemicals as per Part II.13 on transparency, tracking, monitoring and labelling.**

Rationale: Problematic plastic products also include products containing hazardous, problematic and avoidable chemicals and intentionally added microplastic. It is important to highlight that substitutes should be safe for health and free from harmful chemicals. Without this explanation it is not clear whether substitutes should be safe for human health.

A reference to Part II.13 on transparency, tracking, monitoring and labelling makes it clear that parties need to ensure information disclosure about the the presence of hazardous, problematic and avoidable chemicals in plastics and that this information should be tracked in individual materials and products.

**OP1 Alt 1.** No text.

**OP1 Alt 2.** Each Party must take the necessary measures to regulate and reduce and not allow the production, sale, distribution, import or export of the plastic products, including short-lived and single-use plastic products, listed in part II of annex B after the dates specified for those products, and identified based on criteria set out in part I of annex B, except where the Party has a registered exemption for the relevant product(s) under part II of annex B pursuant to ~~[part II.4 on exemptions available to a Party upon request]~~.

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

Rationale: Both texts repeat what is already said in Option 1. However less details are included. Thus, if these texts are considered, then the additions from Option 1 par. 1 should be included.

## Option 2

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

Preferred text: Each Party shall take the necessary measures to reduce the use of problematic, unnecessary and avoidable plastic products, including short-lived and single-use plastic products, **and products containing hazardous, problematic and avoidable chemicals and intentionally added microplastics,** in its territory. not allow the production, sale, distribution, import or export of problematic, unnecessary and avoidable plastic products, including short-lived and single-use plastic products, **and products containing hazardous, problematic and avoidable chemicals and**

**intentionally added microplastics**, identified based on **globally harmonized** criteria contained in part I of annex B-**developed** by the *governing body*\* after enforcement of the *instrument*. The measures taken to implement this provision **within the timeframe set out in the same annex** for reduction and phase-out, shall be reflected in the national plan communicated pursuant to [*Part IV.1 on national plans*]. This provision does not limit Parties' abilities to enact bans or adopt more ambitious criteria in addition to the criteria in part I of annex B.

Rationale: Problematic plastic products also include products containing hazardous, problematic and avoidable chemicals and intentionally added microplastic. Criteria should be globally harmonized to avoid multiple criteria from different jurisdictions, which will be difficult to meet. Timeframes should be determined by the treaty. The process for exemptions or time extension should be well defined in appropriate part of the treaty text.

~~**OP1 bis.** Each Party should identify at the national level a list of problematic and avoidable plastic products.~~

Rationale: should be deleted because a globally agreed living list is needed in the treaty and not various lists decided upon at the national level. However, each party may extend the list at the national level to include more products. This approach is already reflected in option 2 paragraph 1.

~~**OP1 Alt 1.** No text.~~

~~**OP1 Alt 2.** Subject to its national action plan and based upon national circumstances and capabilities, each Party should take the measures to regulate the production, sale, distribution, of problematic and avoidable plastic products, including short-lived and single-used plastic products, identified based on the science-based criteria [with an application-based approach]. The measures taken to implement this provision shall be reflected in the national plan communicated pursuant to [*Part IV.1 on national plans*].~~

Rationale: Option 2 paragraph 1 already includes these provisions in a clearer way.



**OP1 bis Alt 2.** The *governing body*\* shall develop guidance on the regulation of problematic, **unnecessary** and avoidable plastics based on scientific criteria and take into account the availability, accessibility and affordability of sustainable alternatives **free from harmful chemicals**.

Preferred text: The *governing body*\* shall develop guidance on the regulation of problematic, **unnecessary** and avoidable plastics based on scientific criteria and take into account the availability, accessibility and affordability of sustainable alternatives **free from harmful chemicals**.

Rationale: It is important to highlight that substitutes should be safe for health and free from harmful chemicals. Without this explanation it is not clear whether substitutes should be safe for human health.

**OP1 ter Alt 2.** For implementation the Parties must promote the development of safe and cost-effective alternatives **free from harmful chemicals and intentionally added microplastics** and such knowledge and technologies must **be available and freely accessible** ~~shared freely among~~ **to** all the Parties.

Preferred text: For implementation the Parties must promote the development of safe and cost-effective alternatives **free from harmful chemicals and intentionally added microplastics** and such knowledge and technologies must **be available and freely accessible to** all the Parties.

Rationale: It is important to highlight that alternatives should be safe for health and environment and free from harmful chemicals and microplastics. Without this explanation, it is not clear whether substitutes should meet the necessary criteria, meaning they are safe for human health and the environment. Such knowledge should be accessible and available for free to all Parties and not just shared freely by those who invented them.

**OP1 quater Alt 2.** The cost of compliance of **with** control measures shall be assessed for each country and funding shall be made available through the dedicated fund as per a procedure decided by the *governing body*\* to enable compliance of **with** control measures.

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

Rationale: the text is fine

### Option 3

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

Rationale: This Option is too weak to be considered

b. [Products containing] Intentionally added microplastics

### Option 0

*No provision on this matter.*

### Option 1

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

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

Rationale: The text is ok

**OP1 Alt.** No text.

### Option 2

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

Preferred text: Each Party shall identify plastics and products containing intentionally added microplastics in accordance with the criteria-contained in part V of annex B, and take the necessary measures to manage, restrict and-not allow their production, use in manufacturing, sale, distribution, import or export, taking into consideration technical feasibility, availability and accessibility of alternative plastics and plastic products free from intentionally added microplastics.

Rationale: it should be clear that alternatives have to be free from microplastics because this part of the treaty text is about products with intentionally added microplastics.

~~**OP1 Alt.** Each Party shall take measures, as appropriate and consistent with its national laws, to control the use or manufacture of products containing intentionally added microplastics. Such measures could include a Party taking actions to address their production, use in manufacturing, sale, distribution, import or export.~~

Rationale: OPI bis better reflects the need to implement the provision at the national level.

**OP1 bis.** The measures taken to implement this provision shall be reflected in the national plan communicated pursuant to *[Part IV.1 on national plans]*.

Preferred text: Each Party shall identify plastics and products containing intentionally added microplastics in accordance with the criteria-contained in part V of annex B, and take the necessary measures to manage, restrict and-not allow their production, use in manufacturing, sale, distribution, import or export, taking into consideration technical feasibility, availability and accessibility of alternative plastics and plastic products free from intentionally added microplastics. **The measures taken to implement this provision shall be reflected in the national plan communicated pursuant to *[Part IV.1 on national plans]*.**

Rationale: this part should be added to Option 2 Par 1 above.

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

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

Rationale: Transparency in the global treaty should not be limited by national regulations.

**OP2 Alt.** No text.

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

Rationale: parties should identify products containing microplastics based on the globally harmonized criteria developed by the governing body of the treaty. The measures taken to implement this provision shall be reflected in the national plan communicated pursuant to [Part IV.1 on national plans].

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

Rationale: the text is similar to par. 2

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

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

Rationale: agree

### Option 3

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

Rationale: Too vague. Such text is not acceptable for a legally binding treaty.

### Option 4

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

Rationale: This text does not include ban or restriction of such products, just the regulation.

### **Option 5**

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

### **3bis. Micro- and nanoplastics**

### **Option 1**

*Placeholder pending further text.*

### **c.Products containing hazardous, problematic and avoidable chemicals**

Rationale: This paragraph is totally missing and should be added.

Complete Preferred text

Preferred text: **Alt title: Problematic plastic products, unnecessary and avoidable plastic products and groups of such products, including short-lived and single-use plastic products and products containing– hazardous, problematic and avoidable chemicals and intentionally added microplastics**

### **Option 1**

Preferred text: 1.Each Party shall not allow the production, sale, distribution, import or export of the plastic products, including short-lived and single-use plastic products, **and products containing hazardous, problematic and avoidable chemicals and intentionally added microplastics**, listed in part II[I] of annex B-and identified based on criteria and within the timeframe set out in the same annex provided alternatives or substitutes are available, accessible, affordable, **safe for health and environment-and free from harmful chemicals** set out in part I of-annex [B], except where the Party has a registered exemption for the relevant product(s) under part II of annex B pursuant to ~~{Part II.4 on exemptions available to a Party upon request-~~ 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 **and provide complete information about the hazards to human health or the environment associated with the relevant chemicals as per Part II.13 on transparency, tracking, monitoring and labelling.**

### **Option 2**

Preferred text: Each Party shall take the necessary measures to reduce the use of problematic, unnecessary and avoidable plastic products, including short-lived and single-use plastic products, **and products containing hazardous, problematic and avoidable chemicals and intentionally added microplastics**, in its territory. not allow the production, sale, distribution, import or export of problematic, unnecessary and avoidable plastic products, including short-lived and single-use plastic products, **and products containing hazardous, problematic and avoidable chemicals and intentionally added microplastics**, identified based on globally harmonized criteria contained in part I of annex B developed by the *governing body*\* after enforcement of the *instrument*. The measures taken to implement this provision within the timeframe set out in the same annex for reduction and phase-out, shall be reflected in the national plan communicated pursuant to [Part IV.1 on national plans]. This provision does not limit Parties' abilities to enact bans or adopt more ambitious criteria in addition to the criteria in part I of annex B.

**OP1 Alt 1. No text.**

Preferred text: The *governing body*\* shall develop guidance on the regulation of problematic, unnecessary and avoidable plastics based on scientific criteria and take into account the availability, accessibility and affordability of sustainable alternatives free from harmful chemicals.

**OP1 ter Alt 2.**

Preferred text: For implementation the Parties must promote the development of safe and cost-effective alternatives free from harmful chemicals and intentionally added microplastics and such knowledge and technologies must be available and freely accessible to all the Parties.

**OP1 quater Alt 2.**

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

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

## **Option 2**

Preferred text: Each Party shall identify plastics and products containing intentionally added microplastics in accordance with the criteria-contained in part V of annex B, and take the necessary measures to manage, restrict and-not allow their production, use in manufacturing, sale, distribution, import or export, taking into consideration technical feasibility, availability and accessibility of alternative plastics and plastic products free from intentionally added microplastics.

**OP1 bis.** The measures taken to implement this provision shall be reflected in the national plan communicated pursuant to [*Part IV.1 on national plans*].

Preferred text: Each Party shall identify plastics and products containing intentionally added microplastics in accordance with the criteria-contained in part V of annex B, and take the necessary measures to manage, restrict and-not allow their production, use in manufacturing, sale, distribution, import or export, taking into consideration technical feasibility, availability and accessibility of alternative plastics and plastic products free from intentionally added microplastics. **The measures taken to implement this provision shall be reflected in the national plan communicated pursuant to [*Part IV.1 on national plans*].**

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

### **OP2 ter Alt 2.**

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

## **Part II Chapter 5 Product design, composition and performance**

Directions:

Red words are new text

Purple text is rational for changes

Green Text is suggested preferred text

### 5. Product design, composition and performance

a. [Product [design and] performance]

### Option 0

No text.

### Option

1. ~~[Subject to their national plan and based upon national circumstances and capabilities] [and available scientific results,] e~~ Each Party ~~[shall]~~~~is encouraged to~~ take measures ~~[as appropriate, and in accordance to national priorities,]~~, including those referred to in paragraphs 2 and 3,] to ~~[promote product performance to] enhance the [design] [circularity] of plastic products, including packaging, and improve the composition [of plastics and] plastic products, [according to national capacity of developing countries and available resources] with a view to~~ require plastics and plastic products produced within its territory and those available on its market to comply with the minimum design and performance criteria and other related elements contained in part I of annex C, including, where relevant, in addition sector- or product-specific criteria and elements, within the timeframe defined in that annex. The minimum design and performance criteria shall be globally harmonized, covering elements of design for reduction, reuse, refurbishing, recycling of plastic products and packaging, and in accordance with Chapter 2, Annex A on the chemical composition of plastics, combination of materials into composite products, and packaging materials, with a view to:

**Preferred text:** Each Party shall require plastics and plastic products produced within its territory and those available on its market to comply with the minimum design and performance criteria and other related elements contained in part I of annex C, including, where relevant, in addition sector- or product-specific criteria and elements, within the timeframe defined in that annex. The minimum design and performance criteria shall be globally harmonized, covering elements of design for reduction, reuse, refurbishing, recycling of plastic products and packaging, and in accordance with Chapter 2, Annex A on the chemical composition of plastics, combination of materials into composite products, and packaging materials, with a view to:

**Rationale:** Every plastic product, no matter it is produced nationally or imported should comply with globally harmonized minimum criteria with respect to chemical composition and function covering elements throughout the lifecycle of plastics and be in compliance with the relevant Chapters of the treaty, including Chapter 2 on chemicals and 13 on transparency and traceability and labeling.



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

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

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

~~{OP1.c. alt. Minimizing environmental and safety impacts of plastics and plastic products, including intentionally added microplastics.}~~

-> Preferred text:

- a. Reduce the use of plastics, including primary plastic polymers, and associated chemicals, throughout the value chain, including in product packaging; and
- b. Increase the safety, durability, reusability, refillability, repairability, refurbishability and recyclability of plastics and plastic products, as relevant, and their capacity to be reused, repurposed, recycled and disposed of in a safe and environmentally sound manner upon becoming waste;
- c. Minimizing environmental and safety impacts of plastics and plastic products, including intentionally added microplastics.

Rationale: The production and use of plastics, including primary polymers and associated chemicals should be reduced and the longevity of the product should be promoted through product design and other measures throughout the value chain.

2. In considering the chemical composition of plastic materials and products, Parties shall meet the provisions for phase-outs and restrictions of hazardous and other problematic chemicals as per Chapter 2 and Annex A, and meet the mandatory transparency and traceability provisions for the chemical composition as per part 2, Chapter 13. Transparency will inform design decisions.

Rationale: Insuring restriction and phaseout, chemical information transparency, traceability and labelling in plastic products is important for the detoxification of material cycles.

Furthermore, consideration of the chemical composition must be made in accordance with the requirements of Chapter 2 on chemicals and Chapter 13 on chemical information transparency and traceability when deciding upon the design. Therefore we suggest adding a new paragraph 2, capturing that.

### Sub-Option 1

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

~~[OP1.c. bis Improving the capacity of plastics and plastic products to be repurposed, recycled and disposed of in an environmentally sound manner upon becoming waste;]~~

~~[OP1.c. ter Taking into account the relevant international standards and guidelines, including any relevant sector- or product-specific standards and guidelines, and assure compliance with sectoral requirements. The measures adopted pursuant to this provision may be reflected in the national plan communicated.]]~~

Rationale: We integrated relevant elements from sub-Option 1 paragraph 2 into Option 1 paragraph 1 so that it now captures important elements from both Options, including, for example, globally harmonized minimum product specific criteria..

3. ~~[Each Party][The governing body\*]~~ shall establish and maintain certification procedures and labelling requirements for plastics and plastic products ~~[produced within its territory and those available on its market,]~~ based on **the globally harmonized minimum** ~~[recommendations from the STEPs, and]~~ the design and performance criteria and other related elements contained in part I of annex C, **Chapter 2 and Chapter 13**, including, where relevant, sector- or product-specific criteria and elements, and shall require plastics and plastic products to be appropriately labelled in accordance with these **globally harmonized** criteria and elements. The measures taken to implement this provision shall be reflected in the national plan communicated pursuant to [Part IV.1 on national plans].

Preferred text: Each Party shall establish and maintain certification procedures and labelling requirements for plastics and plastic products produced within its territory and those available on its market, based on the **globally harmonized minimum** design and performance criteria and other related elements contained in part I of annex C, **Chapter 2 and Chapter 13**, including, where relevant, sector- or product-specific criteria and elements, and shall require plastics and plastic products to be appropriately labelled in accordance with these **globally harmonized** criteria and elements. The measures taken to implement this provision shall be reflected in the national plan communicated pursuant to Part IV.1 on national plans.

Rationale: It is important to emphasize that criteria to be developed by the treaty are globally harmonized whether at the general level for all types of products or for sector-specific or product-specific.

The administrative burden on the governing body would be too big if they operate the certification process, but all national certification bodies must use globally harmonized minimum design and performance criteria.

This paragraph 3 of sub-Option 1 should be added to Option 1.

## Sub-Option 2

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

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

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

-> Rationale: Option 1 par 2 with suggested additions is better than Sub-Option 2. Sub-Option 2 is vague and encourages including sector and product-specific standards and guidelines instead of having a common harmonized minimum standard applicable to products irrespective of industry or country of origin.

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

- ~~a. Adopting public procurement policies or guidelines for plastic products to enhance circularity of plastic products;~~
- ~~b. Promoting the use of environmental performance standards for plastic products;~~
- ~~c. Supporting efforts to establish or augment voluntary certification schemes for environmentally preferable products or packaging to encourage sustainable choices;~~
- ~~d. Parties should take into account relevant international standards and guidelines, including any relevant sector or product specific standards and guidelines.~~

-> Rationale: Option 1 is better than Option 2 alt, therefore Option 2 alt should be rejected. The latter only encourages countries to consider taking measures in a,b,c,d, so it is not mandatory, which is not within the scope of the Global Treaty.

~~3. — Each Party should establish, in accordance with the elements contained in part I of annex C, [to the extent possible], transparency, labelling and certification procedures and requirements for plastics and plastic products that conform to the design and performance criteria established pursuant to paragraph 1 [, taking into account Confidential Business Information (CBI)].~~

-> Rationale: This version of 3 should be rejected as it is less good than the preferred text above. In general, there is no need for CBI claims in a certification system as the certification process is different from sharing information within the value chain. The certification process is about providing information from a company to a certifier to ensure that the certificate provided to the company is correct. The certification process should be globally harmonized and transparent in accordance with criteria and provisions in Annex C.

OP3 Alt. No text.

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

~~4. — Parties [are encouraged to][shall] work with relevant [national, and] international organizations towards the development of standards and guidelines [at the multilateral level], including on a sectoral basis as relevant, to [reduce the use of plastics in products across the value chain, including in product packaging, and][optimize and] improve the design of plastic products to increase their [safety.]~~

~~durability, reusability, [refillability, and repairability, recyclability and refurbishability in practice]\*\* and so that they can be [and refurbishability,] [and] their capacity to be [reused], repurposed, recycled and disposed of in [a safe and] environmentally sound manner upon becoming waste[; and minimize the environmental and safety impacts of plastics and plastic products][, and assure compliance with sectoral requirements].~~

Rationale: It is not clear what the combined provision is meant for and why it captures only some elements but misses key ones, including globally harmonized minimum design and performance criteria, which should also reflect requirements in Chapters 2 and 13.

If there is a decision to discuss this common provision, we suggest starting with the preferred text below.

-> Preferred text: Parties shall work with relevant national, and international organizations and sectors towards the development of globally harmonized standards and guidelines to reduce the use of plastics and their constituent toxic chemicals in products across the value chain and in accordance with Chapter 2 and Chapter 13, including in product packaging, and optimize and improve the design of plastic products to increase their health and environmental safety, durability, reusability, refillability, and repairability, recyclability and refurbishability in practice\*\* and so that they can be disposed of in a safe and environmentally sound manner upon becoming waste and minimize the environmental and safety impacts of plastics and plastic products.

### Sub-Option 3

~~2. \_\_\_\_\_ Each Party is encouraged to take measures as appropriate, and in accordance with national priorities, to enhance the design of plastic products, including packaging, and improve the composition of plastic products, with a view to:~~

~~a. \_\_\_\_\_ Increasing the safety, repurposability, durability, reusability, and repairability of plastic products, as relevant, and their capacity to be repurposed, recycled and disposed of in a safe and environmentally sound manner upon becoming waste; and~~

~~b. \_\_\_\_\_ Minimizing releases and leakage from plastic products, including hazardous chemicals and microplastics;~~

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

-> Rationale: This option would not be good, as it excludes binding and globally harmonized approaches. Without such, the Treaty will be weak and not reach its intended goals.

### Option 2

~~1. Subject to its national plan and based upon national circumstances and capabilities, each Party shall take measures, including those referred to in paragraphs 2 and 3, to enhance the design of plastic products, including packaging, and improve the composition of plastics and plastic products.~~

~~2. Subject to its national plan and based upon national circumstances and capabilities, each Party should take measures to: increase the safety, durability, reusability, refillability, repairability and refurbishability and recyclability of plastics and plastic products, as relevant, taking into account relevant international standards, including any relevant sector or product-specific standards and guidelines. The measures adopted pursuant to this provision shall be reflected in the national action plan communicated pursuant to [part IV.1 on national plans].~~

~~3. Subject to its national plan and based upon national circumstances and capabilities, each Party should take measures for plastics and plastic products that conform to paragraph 1.~~

~~4. There shall be an assessment of the need as well as mobilization of financial resources and technology transfer for each country in order to nationally driven commitments under this provision.~~

-> Rationale: This option would not be good, as it excludes binding and globally harmonized approaches. Without such, the Treaty will be weak and not reach its intended goals.

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

-> Preferred title: **Circularity approaches for plastic products**

Rationale: If “circularity” is defined in the definition it should be used in this title and everywhere instead of listing all elements of circularity where it is relevant. However, if there is no definition of Circularity in the treaty text, all elements, starting with reduce, reuse, refill, repair, refurbishment, recycling should always be mentioned in the relevant parts of the treaty text.

However, we need to highlight that plastic circularity can only be considered if chemical components of plastics are well defined, well known and that this information is transparent and traceable in individual materials and products. Please, see Chapter 13 elaborating more on this issue.

## Option 1

-> Rationale: All options contain relevant elements, so we suggest merging them with option 1 as suggested below:

1. Each Party shall, based on guidance to be adopted by the governing body\* at its first session, take effective measures to promote {the reduction,} reuse, {recycling,} refill, repair, repurposing **and refurbishment recycling**, as relevant, of plastics and plastic products produced within its territory and those available on its market, in particular through the implementation of reuse, {recycling, } refill and repair systems. {The governing body\* shall **no later than at the second session recommend globally** harmonized standards for product reuse, **and** recycling, repair **and** refurbishment.}

> Preferred text: 1. Each Party shall, based on guidance to be adopted by the governing body\* at its first session, take effective measures to promote the reduction, reuse, refill, repair, repurposing and refurbishment, **and recycling** as relevant, of plastics and plastic products produced within its territory and those available on its market. The governing body\* shall **no later than at the second session recommend globally** harmonized standards for product reuse, repair, **and recycling** .

-> Rationale: Not sure that we need to have harmonized standards for refurbishment, but definitely for reuse, repair, and recycling. A lot depends on the definitions and we suggest to well define all stages of plastic throughout the lifecycle.

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

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

Rationale: Adding refurbishment and recycling to this paragraph completes coverage of all stages of plastic life cycle.

**3. All Parties shall comply with the provisions for restriction, phase-outs, transparency, tracking and labeling of hazardous and other problematic chemicals in plastic materials and products and listed in Annex A in accordance to Chapters 2 and 13, in order to detoxify plastic material cycles and make circularity safe and resource efficient.**

Rationale: New article. Very important that the chemical composition of plastics is considered in recycling operations. Noting that Chapter 2 explicitly states chemicals listed in part II Annex A need to be considered at any stage of plastic life cycle, it is important to make the link between paragraph 3 and Chapters 2.

Moreover, it is also important to make the link between paragraph 3 and Chapter 13, noting that Chapter 13 highlights the need for chemical transparency information throughout the entire plastic lifecycle and traceability of this information in individual materials and products. Transparency, traceability and labeling are foundational pillars for informed decision making to ensure toxics-free use, reuse and recycling.

All parties shall comply with the provisions on transparency, traceability and labeling, as per part II, 13, of the Treaty, and Annex X, which is a prerequisite for toxics-free, safe and resource efficient reuse and recycling of plastic materials and products. Plastic materials and products without chemical identity information shall automatically be considered toxic a priori. Such materials and products, including recyclates thereof, shall not be allowed in food contact materials, textiles, children's products, and in products for other sensitive consumer groups.

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

-> Rationale: Paragraph 4 here is paragraph 4 from Option 5.

5. Each Party shall, as appropriate, adopt nationally determined timebound targets in the implementation of this article, to be reflected in the national plan communicated pursuant to Part IV.1.

-> Paragraph 5 here is paragraph 2 from Option 2.

## Option 2

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



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

### Option 3

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

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

### Provision common for Options 1 to 3 above

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

### Option 4

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

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

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

### Option 5

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

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

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

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

#### c. Use of recycled plastic contents

##### Option 1

1. Each Party shall require plastics and plastic products produced within its territory and those available on its market to contain minimum percentages of safe and environmentally sound post-consumer recycled plastic, as set out in **part III of annex C** and in line with the provisions of Chapter 2, Annex A and Chapter 13, within the timeframe specified in that annex C.

> Preferred text: Each Party shall require plastics and plastic products produced within its territory and those available on its market to contain minimum percentages of safe and environmentally sound post-consumer recycled plastic, as set out in part III of annex C, **part III of annex C and in line with the provisions of Chapter 2, Annex A and Chapter 13**, within the timeframe specified in annex C.

Rationale: The references to the Annexes are necessary to clarify what considerations need to be done to implement the provisions of this paragraph.

##### Option 2

1. ~~[Subject to its national plan and based upon national circumstances and capabilities,]~~ Each Party [as per its national action **implementation plan**][should][shall] [take [nationally determined][the necessary] measures [for [appropriate] plastics and][promote that] plastic products produced within its territory and those available on its market][to increase the share of secondary plastic that is used in plastic products ], **whether produced within its territory or imported into its market**, [to] achieve minimum percentages][and to adopt time-bound targets][to

promote recycling\*\* and to adopt time-bound targets on the use of safe and environmentally sound post-consumer recycled plastic contents free of harmful chemicals, ~~[when it is technologically feasible and]~~ based on the elements contained in [part III of annex C], **Chapter 2 and Chapter 13**. [The measures taken to implement this provision shall be reflected in the national plan communicated pursuant to {Part IV.1 on national plans}][~~consistent with national laws on post-consumer recycled plastic contents~~].

> Preferred text: Each Party as per its **implementation** plan shall take measures to increase the share of secondary plastic that is used in plastic products, **whether produced within its territory or imported into its market**, to achieve minimum percentages and to adopt time-bound targets to promote recycling\*\* and to adopt time-bound targets on the use of safe and environmentally sound post-consumer recycled plastic contents **free of harmful chemicals**, based on the elements contained in part III of annex C, **and in line with the provisions of Chapter 2, Annex A and Chapter 13**. The measures taken to implement this provision shall be reflected in the national plan communicated pursuant to Part IV.1 on national plans.

> Rationale: This provision should be harmonized and binding for all Parties; not determined nationally, which would promote various parallel standards. It is very important that the provision stipulates that recycled plastics shall be free of harmful chemicals. Otherwise, toxic recycling will take place. The language about products produced within its territory or imported to its markets is picked from option 4.

This paragraph has impact only if the national implementation plans are mandatory for each Party in the treaty.

Adding the word “implementation” to national plans (national implementation plans - NIPs) is important for various reasons, including:

- national implementation plans highlight the need to actual implementation of the treaty provisions, similar to the NIPs to the Stockholm Convention on POPs
- for developing countries and countries in transition, it will be easier to get support for NIP implementation as they will include concrete activities to implement the provisions of the treaty.

[**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.]

{OP 4-2 par. 1 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.}

Preferred text: 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.

Rationale: We prefer to have it as a separate paragraph under Option 1 or Option 2.

### Option 3

1. The governing body\* shall provide a timeframe in the annex towards transitioning all plastics in the market to be recyclable, **free of harmful chemicals in compliance with Chapter 2, Annex A and Chapter 13 on transparency, tracking and labelling**, and this may entail gradual, incremental minimum percentage of safe and environmentally sound post-consumer recycled **plastics**. {Standards for recycled plastics ~~shall~~ **should** be harmonized globally.}

> Preferred text: 1. The governing body\* shall provide a timeframe in the annex towards transitioning all plastics in the market to be recyclable **free of harmful chemicals in compliance with Chapter 2, Annex A and Chapter 13 on transparency, tracking and labelling**, and this may entail gradual, incremental minimum percentage of safe and environmentally sound post-consumer recycled. Standards for recycled **plastics shall** be harmonized globally.

-> Rationale: Multiple standards will complicate compliance checks and international trade, and in the end translate into increased risks and more costs for all stakeholders. Globally harmonized provisions are strongly preferred. Reference to compliance with the provisions on hazardous chemicals, Chapter 2, and transparency, traceability and labeling, par II, Chapter 13, is necessary before use of recycled content can be promoted.

### Option 4

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

> Rationale: Options 2 or 3 are better, but the section highlighted in green, can be integrated into any of these options. There is no reference to any targets, which makes the paragraph weak.

### Provision common for Options 1 to 4 above

[2. Each Party ~~{shall}{should}~~~~based on national circumstances is encouraged to~~ take measures ~~{to ensure that, where {needed}{possible}, {primary plastic}{plastics used} in products is {replaced}{complemented} by safe and environmentally sound recycled plastic content free of harmful chemicals~~, ~~{as applicable}~~, depending on the availability of technological solutions and means of implementation for developing countries~~}}], as appropriate to promote design, composition and performance of products that enable maximum recycled plastic content free of harmful chemicals 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, including harmful chemicals in it in line with the provisions of Chapter 2 and Chapter 13~~. The measures taken to implement ~~{this}{the}~~ provision{s of this article} may include the use of ~~{regulatory {and economic} instruments}~~, public procurement, ~~{the establishment of extended producer responsibility schemes, as set out in part VII}~~ or incentivizing changes in the supply chain ~~{by investing in recycling system and infrastructure,}}~~ and in consumer behaviour~~}}~~, among other measures~~}}~~, through raising consumer awareness on sustainable consumption. The measures taken to implement this provision~~{and}~~ shall~~{may}~~ be reflected in the national plan communicated ~~}}pursuant to {Part IV.1 on national plans}}], according to national circumstances~~].

> Preferred text: Each Party shall take measures to ensure that, where possible, primary plastic in products is replaced by safe and environmentally sound recycled plastic content **free of harmful chemicals**, to promote design, composition and performance of products that enable maximum recycled plastic content **free of harmful chemicals** 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, **including harmful chemicals in it in line with the provisions of Chapter 2 and Chapter 13**. The measures taken to implement the provisions of this article may include the use of regulatory and economic instruments, public procurement, the establishment of extended producer responsibility schemes, as set out in part VII or incentivizing changes in the supply chain by investing in recycling system and infrastructure, and in consumer behaviour, among other measures, through raising consumer awareness on sustainable consumption. The measures taken to implement this provision shall be reflected in the national plan communicated pursuant to Part IV.1 on national plans.

> Rationale: Recyclates shall be free of harmful chemicals, which means that harmful chemicals must be systematically identified and regulated in the Treaty by a binding and globally harmonized approach (Chapter 2). Furthermore, to support informed decision-making for toxic-free recycling, a globally harmonized and binding transparency and traceability approach must be in place in the Treaty (Chapter 13)

The phrase “safe and environmentally sound recycled plastic content” is not specific enough and therefore too weak. If used, it must be complemented with “free of harmful chemicals” and a reference to Chapters 2 and 13.

d. Alternative plastics and plastic products

Option 0

Option 1

No text.

1. ~~{Parties shall ensure that [‘]alternative plastics and plastic products[‘] are safe[r], environmentally sound and sustainable free of harmful chemicals, [r] in accordance with globally harmonized standards to be decided by the governing body\*, and in compliance with Chapter 2 and Chapter 13, based on recommendations from the STEPs,} [compared to the plastic product,] taking into account their [negative] potential for [waste reduction and reuse, as well as any] negative environmental, [climate,] economic, social [cultural] and human health impacts[, including food [and water]\*\* safety security][r], in accordance with criteria set out in part IV of Annex C} [as well as the national circumstances and capacities].~~

> Preferred text: 1. Parties shall ensure that ‘alternative plastics and plastic products’ are safer, environmentally sound and sustainable free of harmful chemicals,, in accordance with globally harmonized standards to be decided by the governing body\*, and in compliance with Chapter 2 and Chapter 13, based on recommendations from the STEPs, compared to the plastic product, taking into account their potential for waste reduction and reuse, as well as any negative environmental, climate, and human health impacts, including food and water\*\* safety in accordance with criteria set out in part IV of Annex C. Any exemptions from environmental and health criteria based on socio-economic arguments shall be limited in time, and reassessed X years after permitted.

Rationale: It is important to define the alternative plastic and alternative plastic products.

The criteria for alternative plastics and plastic products should be globally harmonized to ensure equal conditions for safety for human health and the environment, irrespective of jurisdiction, taking into account the full life cycle. Chemical content of alternative plastics should comply with provisions of Chapter 2 and Chapter 13 on transparency and traceability. Because “health” is part of the assessment, chemical composition of the plastics and emissions from its life cycle, including from production, consumption and disposal, must be taken into account.

Rationale: Option 1 covers similar points better and in more detail.

## Option 2

Overarching rationale: Option 1 is preferred, but if the Parties decide to work with Option 2, the suggested text below is recommended. Option 1 is more concise and more to the point.

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

OP1 bis. We propose an additional provision, calling for the governing body\* to adopt a comprehensive set of criteria that encompasses safety, environmental soundness, and sustainability for these alternative plastics and plastic products.

[2. Parties, in implementing the above provision, shall ~~endeavour to~~ ensure that alternative plastics and plastic products are safe for health, environmentally sound and sustainable, ~~based on life cycle assessments~~, based on the minimum design and performance criteria and other related elements contained in part I of Annex C, including on chemicals as per Chapter 2 and Chapter 13 taking into account including their potential for environmental, economic, social and human health impacts, including food safety security.]

> Preferred text: 2. Parties, in implementing the above provision, shall ensure that alternative plastics and plastic products are safe for health, environmentally sound and sustainable, based on life cycle assessments, based on the minimum design and performance criteria and other related elements contained in part I of Annex C, including on chemicals as per Chapter 2 and Chapter 13, taking into account their potential for environmental, economic, social and human health impacts, including food safety.

>Rationale: To minimize the industry influence on the negotiation process, we suggest deleting the references to economic and social impacts because health and environment should always be considered first.

We also want to make sure that the assessment criteria are globally harmonized. The criteria in part 1 of Annex C must also integrate the criteria with respect to hazardous, problematic and avoidable chemicals in part II of annex A and in line with Chapter 2 and 13.

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

Preferred text: 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.

>Rationale: This could be considered and be a paragraph under Option 2.

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

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

> Preferred text: The measures taken to implement this provision shall be reflected in the national **implementation** plan communicated pursuant to Part IV.1 on national plans

>Rationale: Measures taken to meet all binding provisions of the Treaty shall be reflected in the national implementation plans.

### Option 3

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

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

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

Rationale: All plastic alternatives are already covered in Option 1, including the need to develop criteria for alternative plastics and the importance of meeting the requirements of the provisions under Chapter 2 and Chapter 13. There is no need to specifically mention this or that type of alternative plastics and plastic products to ensure that nothing is missed or forgotten. In addition, there may be more alternative



plastic products in future that will also have to meet the criteria for health and environment safety, including being free from harmful chemicals.

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### *Complete preferred text version Chapter 5*

#### a. Product design and performance

#### Option 1

1. Preferred text: Each Party shall require plastics and plastic products produced within its territory and those available on its market to comply with the minimum design and performance criteria and other related elements contained in part I of annex C, including, where relevant, in addition sector- or product-specific criteria and elements, within the timeframe defined in that annex. The minimum design and performance criteria shall be globally harmonized, covering elements of design for reduction, reuse, refurbishing, recycling of plastic products and packaging, and in accordance with Chapter 2, Annex A on the chemical composition of plastics, combination of materials into composite products, and packaging materials, with a view to:

- a. Reduce the use of plastics, including primary plastic polymers, and associated chemicals, throughout the value chain, including in product packaging; and
- b. Increase the safety, durability, reusability, refillability, repairability, refurbishability and recyclability of plastics and plastic products, as relevant, and their capacity to be reused, repurposed, recycled and disposed of in a safe and environmentally sound manner upon becoming waste;
- c. Minimizing environmental and safety impacts of plastics and plastic products, including intentionally added microplastics.

2. In considering the chemical composition of plastic materials and products, Parties shall meet the provisions for phase-outs and restrictions of hazardous and other problematic chemicals as per Chapter 2 and Annex A, and meet the mandatory transparency and traceability provisions for the chemical composition as per part 2, Chapter 13. Transparency will inform design decisions.

#### Elements common to Option 1 and 2

4. Preferred text: Parties shall work with relevant national, and international organizations and sectors towards the development of globally harmonized standards and guidelines to reduce the use of plastics and their constituent toxic chemicals in products across the value chain and in accordance with Chapter 2 and Chapter 13, including in product packaging, and optimize and improve the design of plastic

products to increase their **health and environmental** safety, durability, reusability, refillability, and repairability, recyclability and refurbishability in practice\*\* and so that they can be disposed of in a safe and environmentally sound manner upon becoming waste and minimize the environmental and safety impacts of plastics and plastic products.

b. Circularity approaches for plastic products

1. Preferred text: Each Party shall, based on guidance to be adopted by the governing body\* at its first session, take effective measures to promote the reduction, reuse, refill, repair, repurposing and refurbishment, **and recycling** as relevant, of plastics and plastic products produced within its territory and those available on its market. The governing body\* shall **no later than at the second session recommend globally harmonized standards for product reuse, repair, and recycling** .

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

3. Preferred text: **All Parties shall comply with the provisions for restriction, phase-outs, transparency, tracking and labeling of hazardous and other problematic chemicals in plastic materials and products and listed in Annex A in accordance to Chapters 2 and 13, in order to detoxify plastic material cycles and make circularity safe and resource efficient.**

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

5. Preferred text: Each Party shall, as appropriate, adopt nationally determined timebound targets in the implementation of this article, **to be reflected in the national plan communicated pursuant to Part IV.1.**

c. Use of recycled plastics

1. Preferred text: Each Party shall require plastics and plastic products produced within its territory and those available on its market to contain minimum percentages of safe and environmentally sound post-consumer recycled plastic, as set out in part III of annex C, **part III of annex C and in line with the provisions of Chapter 2, Annex A and Chapter 13, within the timeframe specified in annex C.**

### c. Use of recycled plastic content

1. Preferred text: Each Party as per its **implementation** plan shall take measures to increase the share of secondary plastic that is used in plastic products, **produced within its territory and those introduced to its market**, to achieve minimum percentages and to adopt time-bound targets to promote recycling\*\* and to adopt time-bound targets on the use of safe and environmentally sound post-consumer recycled plastic contents **free of harmful chemicals**, based on the elements contained in part III of annex C, **part III of annex C-and in line with the provisions of Chapter 2, Annex A and Chapter 13**. The measures taken to implement this provision shall be reflected in the national plan communicated pursuant to Part IV.1 on national plans.

Option 2, paragraph 1 bis: Preferred text: 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.

### d. Alternative plastics and plastic products

#### Option 1

1. Preferred text: Parties shall ensure that 'alternative plastics and plastic products' are safer, environmentally sound and sustainable **free of harmful chemicals**,, in accordance with **globally harmonized** standards to be decided by the governing body\*, **and in compliance with Chapter 2 and Chapter 13**, based on recommendations from the STEPs, compared to the plastic product, taking into account their potential for waste reduction and reuse, as well as any negative environmental, climate, and human health impacts, including food and water\*\* **safety** in accordance with criteria set out in part IV of Annex C. **Any exemptions from environmental and health criteria based on socio-economic arguments shall be limited in time, and reassessed X years after permitted.**

#### Option 2

2. Preferred text:. Parties, in implementing the above provision, shall ensure that alternative plastics and plastic products are safe for health, environmentally sound and sustainable, based on life cycle assessments, **based on the minimum design and performance criteria and other related elements contained in part I of Annex C, including on chemicals as per Chapter 2 and Chapter 13**, taking into account their

potential for environmental, economic, social and human health impacts, including food safety.

option 2 bis

Preferred text: 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 ter

3. Preferred text: The measures taken to implement this provision shall be reflected in the national **implementation** plan communicated pursuant to Part IV.1 on national plans

## Part II Chapter 8 Emissions and releases of plastic throughout its life cycle

Directions:

Red words are new text

Purple text is rational for changes

Green Text is suggested preferred text

8. Emissions and releases of plastic and **chemicals** throughout **the entire** its life cycle

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

> Preferred title: Emissions and releases of plastic and **plastic chemicals** throughout **the** entire life cycle of plastics and plastic products

Rationale: Adding “chemicals” to the title explicitly shows that this chapter deals with physical and chemical pollution from plastic.

### Option 1

1. Each Party[, ~~based on studies of initial studies, vulnerability studies and assessment of levels of contamination of ecosystems,~~] shall [take measures to] [prevent and [where feasible] eliminate the emissions and] ~~of the plastic~~

~~chemicals, including additives and processing aid chemicals of plastic chemicals, including monomers, oligomers, polymers, additives and processing aid chemicals, plastic materials and products, and microplastics, across their entire life cycle, to protect human health and the environment]-and [take measures to control] releases of [plastic polymers,] [chemical pollutants] plastics, including microplastics, and plastic products [across their life cycle], [including from extraction and production,]-to the environment from [the] [from various] sources that should be nationally determined [identified in annex E], [with assessment of trends of the emissions and releases, taking into consideration technical feasibility and accessibility of alternative plastics and plastic products, and socio-economic impacts] [according to the national circumstances and capacities of developing countries]-[by the dates identified therein]. Countries should establish monitoring, reporting, and easily accessible information systems, akin to Pollutant Release and Transfer Registers (PRTRs). These systems, referred to as "plastic pollution release and transfer registers," could mirror the obligations outlined in the Protocol on Pollutant Release and Transfer Registers. Integration into existing and the creation of new global, national or regional pollutant portals could serve as means to implement these registers.~~

Preferred text: 1 . Each Party, shall take measures to prevent and eliminate the emissions of plastic chemicals, including monomers, oligomers, polymers, additives and processing aid chemicals, plastic materials and products, and microplastics, across their entire life cycle, to protect human health and the environment and control releases of pollutants, including microplastics, and plastic products across their life cycle, from the sources identified in annex E, by the dates identified therein. Countries should establish monitoring, reporting, and easily accessible information systems, akin to Pollutant Release and Transfer Registers (PRTR). These systems, referred to as "plastic pollution release and transfer registers," could mirror the obligations outlined in the Protocol on Pollutant Release and Transfer Registers<sup>1</sup>. Integration into existing, and the creation of new, global, national or regional pollutant portals could serve as a means to implement these registers.

Rationale: The entire life cycle of plastics, from extraction and production of raw materials, to plastic products, shall be covered.

The idea of "plastic pollution release and transfer registers" for supporting effective and transparent reporting on plastic pollution has already been presented by UNEP. See

[https://apps1.unep.org/resolutions/uploads/221223\\_united\\_nations\\_economic\\_commission\\_for\\_europe\\_unece.pdf](https://apps1.unep.org/resolutions/uploads/221223_united_nations_economic_commission_for_europe_unece.pdf)

The emissions and releases covered under this provision should include:

- a. [Emissions] [Releases] [of any plastic pollution]-[of hazardous substances], including microplastics, to air [and in workplaces throughout the value chain of plastics], including globally harmonized effective and transparent reporting on

plastic pollution through promoting use of pollutant release and transfer registers

Preferred text: Emissions of any plastic pollution, of hazardous substances, including microplastics, to air and in workplaces throughout the value chain of plastics, including globally harmonized effective and transparent reporting on plastic pollution through promoting use of pollutant release and transfer registers.

Rationale: See above.

{b. Releases to soil and water from the extraction of plastic feedstock, production, storage, transportation and use of hazardous chemicals [, including monomers, oligomers and polymers] of concern, plastics and plastic products [listed in part II of Annex A]; and}

Preferred text: Releases to soil and water from the extraction of plastic feedstock, production, storage, transportation and use of hazardous chemicals, including monomers, oligomers and polymers of concern, plastics and plastic products listed in part II of Annex A, including globally harmonized effective and transparent reporting on plastic pollution through promoting use of pollutant release and transfer registers.

Rationale: See above

We also merged relevant elements from Option 1b bis, OP1b.ter and Option 1b Alt in Option 1 b above.

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

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

~~OP1b. Alt. merge b and c.~~

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

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

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

Rationale: Too weak and unspecific option. It doesn't specify whether measures are based on a globally harmonized approach or on national specific approach.

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

Rationale: Too weak and specifically addresses measures to be taken nationally.

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

> Preferred text: Each Party shall take measures to prevent and eliminate emissions and releases of plastic pellets, flakes and powder from production, storage, handling and transport, taking into account, as appropriate, the relevant provisions and guidance agreed in the framework of international organizations such as the International Maritime Organization.

> Rationale: This should be a binding provision; not voluntary.

OP2-1 par. 2 Alt 1. No text.

~~OP 2-1 par 2 Alt 2. Move text to annex B.~~

Rationale: Provisions should be in the main body of the text while details can be in annexes.

OP2- 1 bis, par. 2. In relation to the provision in Part II.8.2 and the reference to the International Maritime Organisation and hence reference to the MARPOL Convention, due consideration should be given to provisions as set out within other agreements such as the Cartagena, London, and OSPAR Conventions.

Rationale: Adding references to other Conventions can be made in Option 1 Paragraph 2 as appropriate.

OP2-4-ter, par. 2. Each Party shall take actions to prevent fishing gear composed of plastic from becoming abandoned, lost, or otherwise discarded in the marine environment, taking into account, as appropriate, internationally agreed rules, standards and recommended practices and procedures.

Rationale: This sub-option can be considered to be included as a separate subparagraph to Option 1.

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

Preferred text: 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.

Rationale: This should be a binding provision; not voluntary.

OP 1 par 3 Alt. No text.

4. The governing body\*, at its first session, shall ~~may~~ adopt ~~guidelines~~ ~~guidance~~, including where relevant, sectoral guidelines, to facilitate implementation of ~~the obligations set out in paragraph 1 and 2~~ ~~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~~, and best available techniques and best environmental practices to capture and remove plastic pollution, including microplastics from freshwater bodies, the marine environment and ~~any other~~ ecosystems. ~~The guidelines shall be coordinated with other relevant bodies.~~

Preferred text: The governing body\*, at its first session, shall adopt guidelines, including where relevant, sectoral guidelines, to facilitate implementation of the obligations set out in paragraph 1 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, and best available techniques and best environmental practices to capture and remove plastic pollution, including microplastics from freshwater bodies, the marine environment and any other ecosystems. The guidelines shall be coordinated with other relevant bodies.

Rationale: Preferably the governing body shall adopt the guidelines.



5. Parties are encouraged to promote scientific and technical innovation[, including through the cooperation mechanism\* referred to in {Part III, article number yet to be defined}, ] to prevent and capture ~~the~~ [any] releases of **plastic chemicals**, [plastics [and],] plastic products ~~[and their alternatives]]~~ ~~[plastic pollution]~~, including microplastics, into the ~~[marine]]~~ and other environment ~~[including in the marine]]~~, particularly through strengthening cooperation among members, a commitment of sharing knowledge and transfer of technology, based on good faith and common understanding, from developed to developing countries.

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

Rationale: Plastic pollution includes physical and chemical pollution.

OP 1 par 5 Alt. Each Party shall promote scientific and technical innovation to prevent the release of plastic into waterways and the marine environment. to developing countries.].

Rationale: it is too unspecific and addresses physical pollution from plastic which is not sufficient.

## Option 2

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

Preferred text:1. Each Party shall prevent and eliminate the emissions and releases of plastic **monomers, oligomers, polymers, and other chemicals of concern listed in Annex A**, plastics, including microplastics, and plastic products across their life cycle, to the environment from the sources identified in annex E by the dates identified therein. The emissions and releases covered under this provision should include:

Rationale: Plastics is not just physical pollution, rather also chemical.

a. Emissions of hazardous, ~~substances~~ **chemicals**, including **monomers, oligomers** microplastics, to air;

Preferred text: a. Emissions of hazardous chemicals, including monomers and oligomers and microplastics, to air;

Rationale: Best to be consistent and not use chemicals and substances interchangeably throughout the document. Monomers can be volatile. and probably some oligomers too.

- b. Releases to soil and water from the production, transportation and use of chemicals, monomers, oligomers and polymers of concern, plastics and plastic products; and

Preferred text b: Releases to soil and water from the production, transportation and use of chemicals, monomers, oligomers and polymers of concern, plastics and plastic products; and

Rationale: Monomers and oligomers are usually more toxic than polymers that are chemically inert.

- c. Releases of chemicals, monomers, oligomers and polymers of concern, plastics and plastic products,

Preferred text c: Releases of chemicals, monomers, oligomers and polymers of concern, plastics and plastic products, including microplastics, to air, soil, and water, and ecosystems.

Rationale: Monomers and oligomers are generally more toxic than polymers, and should thus be addressed in environmental monitoring.

Parties should establish monitoring for the emissions and releases outlined above, reporting, and easily accessible information systems, akin to Pollutant Release and Transfer Registers (PRTRs). These systems, referred to as "plastic pollution release and transfer registers," could mirror the obligations outlined in the Protocol on Pollutant Release and Transfer Registers. Integration into existing, and the creation of new, global, national or regional pollutant portals could serve as a means to implement these registers.

Rationale: This idea for supporting effective and transparent reporting on plastic pollution has already been presented by UNEP. See [https://apps1.unep.org/resolutions/uploads/221223\\_united\\_nations\\_economic\\_commission\\_for\\_europe\\_unece.pdf](https://apps1.unep.org/resolutions/uploads/221223_united_nations_economic_commission_for_europe_unece.pdf)

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

Rationale: as suggested.

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

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

Rationale: as suggested.

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

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

Rationale: as suggested.

5. The governing body\*, at its first session, shall adopt guidelines, including where relevant, sectoral guidelines, to facilitate implementation of the obligations set out in paragraphs 1, 2 and 3 including emission and effluent standards,

sector-specific best available techniques and best environmental practices on preventing emissions and releases {and best available techniques and best environmental practices to capture and remove plastic pollution, including microplastics from freshwater, the marine environment and ecosystems}.

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

Rationale: as suggested.

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

Preferred text: Parties are encouraged to promote scientific and technical innovation to prevent and capture the releases of plastics and plastic products, including microplastics, into the environment.

Rationale: Not just marine environment. Better to say environment to cover all dimensions of it.

### Option 3

Rationale: Though this Option 3 refers to PRTRs, which is a very important approach, it prioritizes national circumstances that is not sufficient for the global treaty. We suggest to include PRTR considerations in Option 1 or 2 instead. Other provisions of Option 3 are weaker than Option 1 and 2, or combinations of the two.

1. Each Party, subject to its national plan and based upon national circumstances and capabilities and relevant national environmental regulations, should take necessary measures to regulate the emissions and releases of plastics, including microplastics, across their life cycle, to the environment. Countries should establish monitoring, reporting, and easily accessible information systems, akin to Pollutant Release and Transfer Registers (PRTRs). These systems, referred to as "plastic pollution release and transfer registers," could mirror the obligations outlined in the Protocol on Pollutant Release and Transfer Registers<sup>1</sup>. Integration into existing and the creation of new global, national or regional pollutant portals could serve as a means to implement these registers.

2. Each Party, subject to its national plan and in accordance with its national circumstances and capabilities and relevant national environmental

regulations, should take necessary measures to regulate and reduce emissions and releases of plastic pellets, flakes and powder from production, storage, handling and transport, taking into account, as appropriate, the relevant provisions and guidance agreed in the framework of relevant international organizations.

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

4. The governing body\*, at its first session, shall adopt guidelines, to facilitate implementation of the obligations set out in paragraph 1 based on best available techniques and best environmental practices to capture and remove plastic pollution, including microplastics from freshwater bodies, the marine environment and ecosystems.

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

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

#### Option 4

1. Each Party shall prevent and control the emissions and releases of plastic waste, and microplastics, **as well as monomers, oligomers, polymers and other chemicals of concern listed in Annex A**, to the environment from the sources identified in annex E. The emissions and releases covered under this provision should include:

Preferred text: Each Party shall prevent and control the emissions and releases of plastic waste, and microplastics, **as well as monomers, oligomers, polymers and other chemicals of concern listed in Annex A**, to the environment from the sources identified in annex E. The emissions and releases covered under this provision should include:

Rationale: Plastic pollution is not just physical pollution, rather chemical. This option, if used, it needs to be complemented with the chemical constituents of plastics.

a. Emissions and releases of microplastics, **monomers, oligomers and polymers of concern**, during production of plastics and recycling of plastic waste to air and water;

Preferred text: Emissions and releases of microplastics, **monomers, oligomers and polymers of concern**, during production of plastics and recycling of plastic waste to air and water;

Rationale: Plastic pollution is not just physical pollution, rather chemical. This option, if used, it needs to be complemented with the chemical constituents of plastics.

- b. Leakages of waste plastic products to land and waterbody; and
- c. Releases of microplastics, **monomers, oligomers** and polymers of concern, during use of products containing intentionally added microplastics to water.

Preferred text: **Releases of microplastics, monomers, oligomers** and polymers of concern, during use of products containing intentionally added microplastics to water.

Rationale: Plastic pollution is not just physical pollution, rather chemical. This option, if used, needs to be complemented with the chemical constituents of plastics.

Parties should establish monitoring for the emissions and releases outlined above, reporting, and easily accessible information systems, akin to Pollutant Release and Transfer Registers (PRTRs). These systems, referred to as "plastic pollution release and transfer registers," could mirror the obligations outlined in the Protocol on Pollutant Release and Transfer Registers. Integration into existing, and the creation of new, global, national or regional pollutant portals could serve as a means to implement these registers.

Rationale: This recommendation on PRTRs speaks to a,b,c altogether. The idea for supporting effective and transparent reporting on plastic pollution has already been presented by UNEP. See [https://apps1.unep.org/resolutions/uploads/221223\\_united\\_nations\\_economic\\_commission\\_for\\_europe\\_unece.pdf](https://apps1.unep.org/resolutions/uploads/221223_united_nations_economic_commission_for_europe_unece.pdf)

2. Each Party shall prevent and control the emissions and releases of plastic pellets, flakes and powder from production, storage, handling and transport.

Rationale: this article is fine.

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

Preferred text: 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.

Rationale: this article is fine.

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

Rationale: This article is fine.

5. Parties are encouraged to promote scientific and technical innovation to prevent the releases of plastics waste and microplastics, and **plastic chemicals**, into environment including marine environment.

Preferred text: Parties are encouraged to promote scientific and technical innovation to prevent the releases of plastics waste and microplastics, and **plastic chemicals**, into environment including marine environment.

Rationale: Plastic pollution is not just physical pollution, rather chemical. This option, if used, it needs to be complemented with the chemical constituents of plastics.

#### Option 5\*\*

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

Preferred text: Each Party should manage and eliminate the leakages and releases of plastic products and product waste, including microplastics waste, and **plastic chemicals** to the environment.

Rationale: Plastic pollution is not just physical pollution, rather chemical. This option, if used, it needs to be complemented with the chemical constituents of plastics.” Chemicals” need to be clearly defined in the chapter on definitions.

2. The leakage and releases covered under this provision should include:  
a. Leakage/ Releases of hazardous **chemicals** ~~substances~~, including **plastics and microplastics** waste to all environments;

Preferred text: Leakage/ Releases of hazardous **chemicals**, including **plastics and microplastics** waste to all environments.

Rationale: This article is fine, with the suggested addition. The word “substances” needs to be substituted with “chemicals” consistently throughout the text. Chemicals” need to be clearly defined in the chapter on definitions.

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, **monomers and oligomers** and polymers of concern. ~~from other multilateral environmental agreements.~~

Preferred text: Releases to all environments from the production, transportation and use of plastic products, and chemicals of concern as per the agreed list for chemicals, **monomers and oligomers** and polymers of concern.

Rationale: Monomers and oligomers should also be added, as they are more reactive than polymers and may be toxic. Furthermore, the Treaty should have its own function for restricting and banning chemicals and polymers, and not depend on other MEAs. The scope of chemicals in other MEAs is way too narrow to cover all chemicals and polymers of concern of relevance to the plastic treaty.

### *Complete preferred text version, Chapter 8*

#### Option 1

1. Preferred text: 1 . Each Party, shall take measures to prevent and eliminate the emissions of plastic chemicals, including monomers, oligomers, polymers, additives and processing aid chemicals, plastic materials and products, and microplastics, across their life entire cycle, to protect human health and the environment and control releases of pollutants, including microplastics, and plastic products across their life cycle, from the sources identified in annex E, by the dates identified therein. Countries should establish monitoring, reporting, and easily accessible information systems, akin to Pollutant Release and Transfer Registers (PRTR). These systems, referred to as "plastic pollution release and transfer registers," could mirror the obligations outlined in the Protocol on Pollutant Release and Transfer Registers<sup>1</sup>. Integration into existing, and the creation of new, global, national or regional pollutant portals could serve as a means to implement these registers.

The emissions and releases covered under this provision should include:

- a) Preferred text: Emissions of any plastic pollution, of hazardous substances, including microplastics, to air and in workplaces throughout the value chain of plastics, including globally harmonized effective and transparent reporting on plastic pollution through promoting use of pollutant release and transfer registers.
- b) Preferred text: Releases to soil and water from the extraction of plastic feedstock, production, storage, transportation and use of hazardous chemicals, including monomers, oligomers and polymers of concern,



plastics and plastic products listed in part II of Annex A, including globally harmonized effective and transparent reporting on plastic pollution through promoting use of pollutant release and transfer registers.

2. Preferred text: Each Party shall take measures to prevent and eliminate emissions and releases of plastic pellets, flakes and powder from production, storage, handling and transport, taking into account, as appropriate, the relevant provisions and guidance agreed in the framework of international organizations such as the International Maritime Organization.
3. Preferred text: The measures taken to implement the provisions of this article shall be reflected in the national plan communicated pursuant to Part IV.1 on national plans.
4. Preferred text: The governing body\*, at its first session, shall adopt guidelines, including where relevant, sectoral guidelines, to facilitate implementation of the obligations set out in paragraph 1 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, and best available techniques and best environmental practices to capture and remove plastic pollution, including microplastics from freshwater bodies, the marine environment and any other ecosystems. The guidelines shall be coordinated with other relevant bodies.
5. Preferred text: Parties are encouraged to promote scientific and technical innovation, including through the cooperation mechanism\* referred to in Part III, article number yet to be defined, to prevent and capture any releases of plastic chemicals, plastics and plastic products, including microplastics, into 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.
6. The governing body\*, at its first session, shall adopt guidelines, including where relevant, sectoral guidelines, to facilitate implementation of the obligations set out in paragraphs 1, 2 and 3 including emission and effluent standards, sector-specific best available techniques and best environmental practices on preventing emissions and releases [and best available techniques and best environmental practices to capture and remove plastic pollution, including microplastics from freshwater, the marine environment and ecosystems.

## Option 2

1. Preferred text:1. Each Party shall prevent and eliminate the emissions and releases of plastic monomers, oligomers, polymers, and other chemicals of concern listed in Annex A, plastics, including microplastics, and plastic products across their life cycle, to the environment from the sources identified in annex

E by the dates identified therein. The emissions and releases covered under this provision should include:

- a) Preferred text: Emissions of hazardous **chemicals**, including **monomers and oligomers and** microplastics, to air;
  - b) Preferred text: Releases to soil and water from the production, transportation and use of chemicals, **monomers, oligomers** and polymers of concern, plastics and plastic products; and
  - c) Preferred text: Releases of chemicals, **monomers, oligomers** and polymers of concern, plastics and plastic products, including microplastics, to air, soil, and water, and ecosystems.
2. Preferred text: Each Party shall prevent and eliminate emissions and releases of plastic pellets, flakes and powder from the full supply chain, including production, storage, handling and transport, taking into account, as appropriate, the relevant provisions and guidance agreed in the framework of international organizations such as the International Maritime Organization.
3. Preferred text: Each Party shall cooperate and take effective measures across the whole lifecycle of fishing and aquaculture gear to prevent, reduce and eliminate, abandoned, lost or otherwise discarded fishing and aquaculture gear and promote circularity, taking into account internationally agreed rules, standards and recommended practices and procedures. In particular, Parties shall take measures to:
- a. Enhance the design of fishing and aquaculture gear, with a view to increasing durability, reusability, repairability and refurbishability and their capacity to be repurposed, recycled, and disposed of in a safe and environmentally sound manner at end-of-life, and minimising releases and emissions of or from fishing and aquaculture gears, including microplastics, to the environment;
  - b. Implement effective marking of gears and require reporting of lost gears, taking into account other relevant regional and international regulations, including MARPOL Annex V;
  - c. Facilitate the collection and environmentally sound waste management of gear, including the reuse, repair and recycling of gear; and
  - d. Promote and facilitate training, education and awareness-raising.
4. Preferred text: The measures taken to implement the provisions of this article shall be reflected in the national plan communicated pursuant to Part IV.1 on national plans with necessary means of implementation taking into account the special circumstances of small island developing States.

5. Preferred text: The governing body\*, at its first session, shall adopt guidelines, including where relevant, sectoral guidelines, to facilitate implementation of the obligations set out in paragraphs 1, 2 and 3 including emission and effluent standards, sector-specific best available techniques and best environmental practices on preventing emissions and releases and best available techniques and best environmental practices to capture and remove plastic pollution, including microplastics from freshwater, the marine environment and ecosystems.
6. Preferred text: Parties are encouraged to promote scientific and technical innovation to prevent and capture the releases of plastics and plastic products, including microplastics, into the environment.

### Option 3

No preferred text is suggested.

Rationale: Though this Option 3 refers to PRTRs, which is a very important approach, it prioritizes national circumstances that is not sufficient for the global treaty. We suggest to include PRTR considerations in Option 1 or 2 instead. Other provisions of Option 3 are weaker than Option 1 and 2, or combinations of the two.

### Option 4

1. Preferred text: Each Party shall prevent and control the emissions and releases of plastic waste, and microplastics, as well as monomers, oligomers, polymers and other chemicals of concern listed in Annex A, to the environment from the sources identified in annex E. The emissions and releases covered under this provision should include:
  - a. Emissions and releases of microplastics, monomers, oligomers and polymers of concern, during production of plastics and recycling of plastic waste to air and water;
  - b. Leakages of waste plastic products to land and waterbody; and
  - c. Releases of microplastics, monomers, oligomers and polymers of concern, during use of products containing intentionally added microplastics to water.

Parties should establish monitoring for the emissions and releases outlined above, reporting, and easily accessible information systems, akin to Pollutant Release and Transfer Registers (PRTRs). These systems, referred to as "plastic pollution release and transfer registers," could mirror the obligations outlined in the Protocol on Pollutant Release and Transfer Registers. Integration into existing, and the creation of new,

global, national or regional pollutant portals could serve as a means to implement these registers.

2. Preferred text: Each Party shall prevent and control the emissions and releases of plastic pellets, flakes and powder from production, storage, handling and transport.
3. Preferred text: The measures taken to implement the provisions of this article shall be reflected in the national plan communicated pursuant to Part IV.1 on national plans.
4. Preferred text: The governing body\*, at its first session, shall adopt guidelines, including where relevant, sectoral guidelines, to facilitate implementation of the obligations set out in paragraph 1, including emission and effluent standards, sector-specific best available techniques and best environmental practices on preventing and controlling emissions and releases, and best available techniques and best environmental practices to capture and remove plastic waste, including microplastics from freshwater bodies, the marine environment and ecosystems.
5. Preferred text: Parties are encouraged to promote scientific and technical innovation to prevent the releases of plastics waste and microplastics, and **plastic chemicals**, into environment including marine environment.

#### Option 5

1. Preferred text: Each Party should manage and eliminate the leakages and releases of plastic products and product waste, including microplastics waste, **and plastic chemicals** to the environment.
2. Preferred text: The leakage and releases covered under this provision should include:
  - a. Leakage/ Releases of hazardous **chemicals**, including **plastics and 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, **monomers and oligomers** and polymers of concern.

## Part II Chapter 9 Waste management

Directions:

Red words are new text

Purple text is rational for changes

Green Text is suggested preferred text

## 9. Waste management

### a. ~~Plastic~~ Waste management

Preferred text: Plastic waste management

Rationale: Although many of the provisions in this chapter can be applicable to waste management in general, the Treaty is about plastics.

#### Option 1

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

> Preferred text: Each Party shall take effective measures to ensure that plastic waste is managed in a safe and environmentally sound manner, **prioritizing human health and environmental protection** throughout different stages of **the waste** life-cycle, including handling, collection, sorting, transportation, storage, **dismantling and preparation for recycling free from harmful chemicals**, other recovery including energy recovery and final disposal, taking into account the waste hierarchy, and the special circumstances of small island developing States. The measures taken to implement this provision shall be reflected in the national plan communicated pursuant to Part IV.1 on national plans, with an aim of achieving nationally determined targets and minimum requirements developed based on the harmonized indicators set out in part II of annex F.

> Rationale: A prime objective of the Treaty is to protect human health and the environment and this should be reflected in the article. Dismantling as one step of preparing plastic materials for recycling or other operations should be mentioned, as well as it is important to state that all of these end of life operations should be free from

harmful chemicals, so that they do not contribute to uncontrolled spreading or formation of chemicals that are hazardous to human health and the environment.

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

> Preferred text: Each Party shall meet the requirements, including\*\* where relevant through a sectoral approach, for **globally harmonized** minimum safe and environmentally sound management of plastic waste, including through collection, recycling and disposal rates, set out in part I of annex F, taking into account the waste hierarchy and other relevant provisions, 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, 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 (MARPOL) Annex V of the International Maritime Organization and the Bamako Convention on Hazardous Wastes.

> Rationale: Important to highlight the need of establishing “minimum” standards, that should be globally harmonized and binding.

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

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

> Rationale: “Shall” shows that the provision is binding.

## Option 2

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

> Preferred text: Each Party shall take measures to ensure environmentally sound and **toxic-free** management of plastic waste at its different stages, including handling, sorting, collection, transportation, storage, **dismantling in preparation of recycling**, recycling, **energy** recovery, and final disposal of plastic waste. The measures taken to implement this provision shall be reflected in the national plan communicated pursuant to Part IV.1 on national plans, to achieve nationally determined targets based on the harmonized elements set out in part II of annex F.]

> Rationale: It is necessary to acknowledge that handling of plastic waste comes with risks of exposure to the constituent chemicals of plastics. This is why the word “toxic-free” is necessary to add to ensure that control measures are in place to stop the uncontrolled spreading of toxic chemicals from the waste, while handing waste or turning it into secondary raw materials. The word “energy” could be added in conjunction with recovery, as this is the second last level in the waste hierarchy before disposal of plastic waste.

OP1 bis. To implement the obligation pursuant to paragraph 1, each Party shall give priority/due consideration to establishing a basic effective social system at local level for handing, sorting, collection, transportation, storage, **dismantling**, recycling and treatment of plastic wastes, which is indispensable to a safe, ~~and~~ environmentally sound **and toxics-free** waste management and just transition.

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

> Rationale: This option should not replace article 1 of Option, but could be its own article, as it embodies aspects of Just Transition. Dismantling and toxics-free should be added.

2. The governing body\* ~~{shall}{may}~~, ~~where necessary~~ adopt ~~{at its first session,}~~ ~~{requirements, best practice guidance and guidelines}~~ **and harmonized standards** ~~{and subsequently update as needed,}~~ ~~guidelines on for~~ ~~{safe and}~~ environmentally sound management of plastic waste, taking into account the waste hierarchy and other relevant international guidelines and guidance~~},~~ developed under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal and other international agreements~~, as appropriate,~~ as well as the need for a just transition, including for waste pickers.}

> Preferred text: The governing body\* shall adopt at its first session, requirements, best practice guidance and guidelines and subsequently update as needed, guidelines **and harmonized standards** for safe and environmentally sound management of plastic waste, taking into account the waste hierarchy and other relevant international guidelines and guidance, developed under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal and other international agreements, as appropriate, as well as the need for a just transition, including for waste pickers.

> Rationale: Article correspond to Article 2 of Option 1, but also talks about updating guidance, guidelines and standards. Harmonized standards should be added if this option is used to ensure a minimum level of environmental and health safety for everyone irrespective of jurisdictions. Standards help developing and transition countries gaining know-how and technology transfers to ensure they meet the standards.

### Option 3

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

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

> Rationale: This option is insufficient. It is the least ambitious and leaves it up to every Party to decide upon their own guidelines and standards.

### Provisions common for Options above

[[4][3] Each Party shall {not allow waste management practices {listed in part III of annex F} that may lead to the emissions and releases of hazardous substances, [based on strong scientific evidence,] and shall regulate the other allowed waste



management practices that may lead to the emissions and releases of the hazardous substances ~~{listed in part IV of annex F.}~~~~{take measures to prevent open dumping and open burning of plastic waste.}~~

> Preferred text: Each Party shall not allow waste management practices listed in part III of annex F that may lead to the emissions and releases of hazardous substances, based on strong scientific evidence, and shall regulate the other allowed waste management practices that may lead to the emissions and releases of the hazardous substances listed in part IV of annex F.

> Rationale: Open dumping and open burning of plastic waste should anyway be included in part III of Annex F.. In case there is decision to develop a plastic pollutants release and transfer register system in the Plastics Treaty, it should include waste transfer and emissions from landfills.

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

> Rationale: These waste ill-practices should be in part III of Annex F.

~~{6}{5} ~~{It is recommended to} [Each]{Parties}{Party} [shall]{are}{is} encouraged} [to] ~~{take additional measures[, according to their national capacities,] [to] related to waste management, with developing country parties being supported by international cooperation and, in particular, the cooperation mechanism referred to in [Part III, article number yet to be defined], which could include, inter alia:}~~ to adopt comprehensive economic-driven approaches such as establishing and operating Extended Producer Responsibility (EPR) scheme, including, where relevant, on a 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.}}~~~~

> Preferred text: Parties shall to take additional measures, according to their national capacities, to adopt comprehensive economic-driven approaches such as establishing and operating Extended Producer Responsibility (EPR) scheme, including, where relevant, on a 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.

> Rationale: Positive to promote EPR schemes and recycling, within the capacities allowed by the national context.

~~{a. [Invest in]} Promote investment and mobilization of resources from all sources for} waste management systems and infrastructure, including through financial and technical support to subnational governments, that enable{s}~~

environmentally sound management of plastic waste[and enhances waste management capacity];}

> Preferred text: a. Promote investment and mobilization of resources from all sources for waste management systems and infrastructure, including through financial and technical support to subnational governments, that enables environmentally sound management of plastic waste and enhances waste management capacity.

> Rationale: This is fine.

{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}

> Preferred text: 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

> Rationale: This is fine.

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

> Preferred text: c. Incentivize behavioural changes throughout the value chain and raise public awareness on sustainable consumption and production, **waste prevention and minimization**, as well as the critical roles of all stakeholders in reducing plastic litter and supporting recycling **free of harmful chemicals**, taking into account the waste hierarchy.

> Rationale: Slight rearrangement of the text in the bracket to make the sentence logical. Adding recycling free from harmful chemicals is important to ensure toxic chemicals are not recirculated in new products.

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

[7][6] The measures taken to implement the provisions of this article shall be reflected in the national plan [communicated pursuant to {Part IV.1 on national plans}].

{Where appropriate, Parties are encouraged to cooperate internationally or regionally to implement the provisions of this article.}

> Preferred text: 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.

> Rationale: This is fine. Measures taken shall be reflected in the national plan. International cooperation will be necessary.

#### Provisions common for Options above Alt

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

Rationale: There is no clarity why Provisions common for Options above are recurring throughout the document. Sometimes it looks like the summary of the Options presented above. Other times it is completely new text that could be either standalone articles or added to options above.

#### Option 4

- ~~1. Each Party, as per its national plans and based upon national circumstances and capabilities and relevant national regulations, shall take measures on safe and environmentally sound waste management. The measures taken to implement this provision shall be reflected in the national plan communicated pursuant to [Part IV.1 on national plans].~~
- ~~2. The governing body\* shall adopt at its first session, and subsequently update as needed, guidelines on safe and environmentally sound management of plastic waste, taking into account the other relevant international guidelines and guidance. A mechanism needs to be established to assess the infrastructural~~

~~requirements and financial resources required for safe and environmentally sound management of plastic waste.~~

~~3. Parties may, as per their national plan and based upon national circumstances and capabilities, take additional measures to:~~

~~a. invest in waste management systems and infrastructure that enable environmentally sound management of plastic waste;~~

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

~~c. incentivize behavioural changes throughout the value chain and raise consumer awareness on sustainable consumption.~~

~~4. The measures taken to implement the provisions of this article shall be reflected in the national plan communicated pursuant to [Part IV.1 on national plans].~~

> Rationale: Weaker than Option 1 and 2. Not preferred.

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*Complete preferred text version Waste Management*

### Option 1

1. Preferred text: Each Party shall take effective measures to ensure that plastic waste is managed in a safe and environmentally sound manner, prioritizing human health and environmental protection throughout different stages of the waste life-cycle, including handling, collection, sorting, transportation, storage, dismantling and preparation for recycling free from harmful chemicals, other recovery including energy recovery and final disposal, taking into account the waste hierarchy, and the special circumstances of small island developing States. The measures taken to implement this provision shall be reflected in the national plan communicated pursuant to Part IV.1 on national plans, with an aim of achieving nationally determined targets and

minimum requirements developed based on the harmonized indicators set out in part II of annex F.

2. Preferred text: Each Party shall meet the requirements, including\*\* where relevant through a sectoral approach, for **globally harmonized** minimum safe and environmentally sound management of plastic waste, including through collection, recycling and disposal rates, set out in part I of annex F, taking into account the waste hierarchy and other relevant provisions, 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, 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 (MARPOL) Annex V of the International Maritime Organization and the Bamako Convention on Hazardous Wastes.

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

## Option 2

1 Preferred text: Each Party shall take measures to ensure environmentally sound and **toxic-free** management of plastic waste at its different stages, including handling, sorting, collection, transportation, storage, **dismantling in preparation of recycling**, recycling, **energy** recovery, and final disposal of plastic waste. The measures taken to implement this provision shall be reflected in the national plan communicated pursuant to Part IV.1 on national plans, to achieve nationally determined targets based on the harmonized elements set out in part II of annex F.]

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

2. Preferred text: The governing body\* shall adopt at its first session, requirements, best practice guidance and guidelines and subsequently update as needed, guidelines **and harmonized standards** for safe and environmentally sound management of plastic waste, taking into account the waste hierarchy and other relevant international guidelines and guidance, developed under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal and other international agreements, as appropriate, as well as the need for a just transition, including for waste pickers.

## Provisions common for Options above

[[4][3] > Preferred text: Each Party shall not allow waste management practices listed in part III of annex F that may lead to the emissions and releases of hazardous substances, based on strong scientific evidence, and shall regulate the other allowed waste management practices that may lead to the emissions and releases of the hazardous substances listed in part IV of annex F.

[6][5] > Preferred text: Parties shall to take additional measures, according to their national capacities, to adopt comprehensive economic-driven approaches such as establishing and operating Extended Producer Responsibility (EPR) scheme, including, where relevant, on a 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.

> Preferred text a: Promote investment and mobilization of resources from all sources for waste management systems and infrastructure, including through financial and technical support to subnational governments, that enables environmentally sound management of plastic waste and enhances waste management capacity.

> Preferred text 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

> Preferred text c: Incentivize behavioural changes throughout the value chain and raise public awareness on sustainable consumption and production, **waste prevention and minimization**, as well as the critical roles of all stakeholders in reducing plastic litter and supporting recycling **free of harmful chemicals**, taking into account the waste hierarchy.

OP [6][5] c bis. > Preferred text: 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.

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

Directions:

Red words are new text

Purple text is rational for changes

Green Text is suggested preferred text

> Preferred title: Trade in listed **hazardous, problematic and avoidable** chemicals, **monomers, oligomers, polymers** and products, and in plastic waste

> Rationale: monomers and oligomers should also be included, because they are generally more reactive than polymers. It is important to highlight that chemicals the Chapter is about, whether it is about all chemicals or specifically about chemicals of concern.

#### Option 0

No provision on this matter.

#### Option 1

Trade in listed chemicals, polymers and products

a. Trade in listed chemicals, polymers and products

> Preferred title: Trade in listed **hazardous, problematic and avoidable** chemicals, **including monomers, oligomers, polymers** and products

> Rationale: monomers and oligomers should also be included, because they are generally more reactive than polymers. It is important to highlight that chemicals the Chapter is about, whether it is about all chemicals or specifically about chemicals of concern.

#### Sub-Option 0

No text.

#### Sub-Option 1

1. Each Party shall not export:

a. {a chemical, group of chemicals or, **monomer, oligomer**, polymer referred to in [Part II.2 on chemicals and polymers of concern]}; for use in plastic

production or incorporation into a plastic product or a product with plastic components;

> Preferred text: Each Party shall not export: a chemical, group of chemicals, monomer, oligomer 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 or a product with plastic components;

> Rationale: monomers and oligomers should also be included, because they are generally more reactive than polymers. Products may not be fully made of plastic but contain parts made of plastic. If this happens, these plastic components should be free of harmful, problematic and avoidable chemicals.

b. a plastic product or a product with plastic components containing any such chemical, monomer, oligomer or polymer [as outlined in a) above]; or}

> Preferred text: b. a plastic product or a product with plastic components containing any such chemical, monomer, oligomer or polymer as outlined in a) above; or

> Rationale: monomers and oligomers should also be included, because they are generally more reactive than polymers. Products may not be fully made of plastic but contain parts made of plastic. If this happens, these plastic components should be free of harmful, problematic and avoidable chemicals.

c. a microplastic [~~or~~],—product [addressed in [Part II.3 on problematic]~~for 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, monomer, oligomer, [polymer] or product is permitted under this instrument\* and with the prior informed consent of the importing State.

> Preferred text: 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; except where the production and use of such chemical, monomer, oligomer, polymer or product is permitted under this instrument\* and with the prior informed consent of the importing State.

> Rationale: monomers and oligomers should also be included, because they are generally more reactive than polymers.

2. ~~Each Party exporting a chemical, monomer, oligomer, 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, monomer, oligomer, 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.}

> Preferred text: 2. Each Party exporting a chemical, **monomer**, **oligomer**, 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, **monomer**, **oligomer**, 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.

> Rationale: monomers and oligomers should also be included, because they are generally more reactive than polymers.

3. Each Party exporting pursuant to this provision a chemical, **monomer**, **oligomer** 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:

> Preferred text: 3. Each Party exporting pursuant to this provision a chemical, **monomer**, **oligomer** 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:

> Rationale: monomers and oligomers should also be included, because they are generally more reactive than polymers.

a. provide to the importing State and the importer complete harmonized information about the composition of the exported **oligomer**, {polymer,} chemical or product and the associated hazards to human health ~~or~~ **and** the environment, based on the **globally** harmonized disclosure requirements {contained in annex A}, including safety data sheets, ~~as relevant~~;

> Preferred text: a. provide to the importing State and the importer complete **globally** harmonized information about the composition of the exported **oligomer**, polymer, chemical or product and the associated hazards to human health **and** the environment, based on the **globally** harmonized disclosure requirements contained in annex A, including safety data sheets;

> Rationale: Should be explicit that the harmonized provisions apply equally to all Parties, i.e. the provisions are "globally" harmonized. Otherwise we will have parallel systems that may be non-comparable, and incur additional costs and create obstacles for all involved in international trade. "As relevant" has to be deleted not to create a loophole.

b. mark and label the exported chemical, **monomer, oligomer**, {polymer or} product in accordance with relevant harmonized labelling requirements {contained in annex A}, as relevant; and

> Preferred text: b. mark and label the exported chemical, **monomer, oligomer**, polymer or product in accordance with relevant harmonized labelling requirements contained in annex A

> Rationale: monomers and oligomers should also be included, because they are generally more reactive than polymers.

c. comply with the relevant generally accepted and recognized international rules, standards and practices for packaging, labelling and transport.

> Preferred text: c. comply with the relevant generally accepted and recognized international rules, standards and practices for packaging, labelling and transport.

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

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

> Rationale: monomers and oligomers should also be included, because they are generally more reactive than polymers.

5. Each Party shall not import:

a. a chemical, group of chemicals, **monomer, oligomer** {or polymer referred to in {Part II.2 on chemicals, **monomers, oligomers**, and polymers} of concern};

> Preferred text: a chemical, group of chemicals, **monomer, oligomer** or polymer referred to in Part II.2 on chemicals, **monomers, oligomers**, and polymers of concern;

> Rationale: monomers and oligomers should also be included, because they are generally more reactive than polymers.

b. a plastic product **or product with plastics** containing any such chemical, **monomer, oligomer** {or polymer}; or

> Preferred text: a plastic product **or product with plastics** containing any such chemical, **monomer, oligomer**, or polymer; or

> Rationale: monomers and oligomers should also be included, because they are generally more reactive than polymers.

- 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, **or not meeting standards established in article [5] on product design;**];

> Preferred text: 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, **or not meeting standards established in article [5] on product design;**

> Rationale: Products that do not meet criteria for product design shall not be imported.

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

> Rationale: This OP5.c.bis is integrated into c.

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]].

Preferred text: 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.~~

Preferred text: In case of export to, or import from, a non-Party to this instrument, each Party shall apply the provisions of this article.

Rationale: removing text on “on a non-discriminatory basis” makes it clear that Parties shall apply the provisions of article no matter whether chemicals and products are traded in by Parties or non-Parties.

### 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].

> Rationale: The text is too weak and should not replace all the requirements in Sub-Option 1

~~Sub-Option 3 and 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.~~

> Rationale: The text is too weak and should not replace all the requirements in Sub-Option 1

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

> Preferred title: Transboundary movement of plastic waste

> Rationale: The provisions should apply not only to non-hazardous 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]

> Preferred text: 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 .

> Rationale: The Basel Convention should also be honored, as it contributes to meeting the objectives of the Plastic Treaty.

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.

> Preferred text: Where transboundary movement of plastic waste is permitted pursuant to paragraph 1, each Party exporting plastic waste 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 **monomers, oligomers**, polymers, chemicals and plastics, and any associated hazards to human health or the environment, based on the relevant harmonized disclosure, **tracking and labelling** requirements contained in **Part II Chapter 13**, annex A, including safety data sheets, as relevant;

> Preferred text: Provide to the importing State and the importer complete information about the composition of the exported waste, including its contents in **monomers, oligomers**, polymers, chemicals and plastics, and any associated hazards to human health or the environment, based on the relevant harmonized disclosure **tracking and labelling** requirements contained in **Part II Chapter 13**, annex A, including safety data sheets, as relevant;

> Rationale: **monomers and oligomers** should also be included, because they are generally more reactive than polymers. A reference to Chapter 13 is important to ensure that the disclosure, tracking and labelling requirements are based on a harmonized approach.

ii. Mark and label the exported waste in accordance with the relevant harmonized labelling requirements contained in **Part II Chapter 13**, annex A, as relevant; and

iii. **If plastic waste is mixed and shredded prior to trade, the stakeholder carrying out the mixing and shredding is responsible for retrieving**

the chemical composition data linked to the label of the individual plastic products, in compliance with part II Chapter 13, and combine this information from all constituent products in the waste mixture, into a new label available to the importer.

iiiv. Comply with generally accepted and recognized international rules under the Basel Convention, ~~standards and practices for packaging~~, labelling and transport for hazardous and non-hazardous waste.

Preferred text: ii. Mark and label the exported waste in accordance with the relevant harmonized labelling requirements contained in Part II Chapter 13, annex A, as relevant; and

iii. If plastic waste is mixed and shredded prior to trade, the stakeholder carrying out the mixing and shredding is responsible for retrieving the chemical composition data linked to the label of the individual plastic products, in compliance with part II Chapter 13, and combine this information from all constituent products in the waste mixture, into a new label available to the importer.

iiiv. Comply with generally accepted and recognized international rules under the Basel Convention, labelling and transport for hazardous and non-hazardous waste.

> Rationale: We suggest adding a new iii that includes information about the need to label mixed and shredded plastic waste before trade, based on the chemical composition data in accordance with Part II Chapter 13, retrieved from each constituent plastic in the mixture. Mixed and shredded plastic waste, for example plastic flakes, is a new product that is globally traded and its labelling should comply with the requirements of Part II Chapter 13.

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].

> Preferred text: 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.

> Preferred text: Each Party shall prevent and eliminate illegal trade and dumping of 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]~~.

> Preferred text: 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 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 requirements under the treaty in accordance to Part II Chapter 13** ~~and domestic and international rules, standards, and guidelines.~~

Preferred text: 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 requirements under the treaty in accordance to Part II Chapter 13**

> Rationale: It is not clear whether Sub-Option 2 paragraph 1 is intended to replace par 1 of sub-Option 1. With our addition in red this sub-Option 2 of paragraph 1 better addresses trade of various categories of plastic waste. Delegates need to decide whether they want to proceed with this option that includes our additions.

### 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.

> Rationale: It is not clear where this Sub-Option 3 belongs. To our understanding it looks like an alternative to par. 5 of Sub-Option 1. If this is the case, we prefer sub-Option 3 as it is more detailed.

Preferred text: 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.~~

> Rationale: Not to be preferred, as it is unspecific about Basel Convention provisions.

#### 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.~~

Rationale: This Option 2 is too short, not self explanatory, does not include references to the Basel Convention or to Part II Chapter 13.

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*Complete Preferred text Trade in listed chemicals, polymers and products*

1. Each Party shall not export:



> Preferred text a: chemical, group of chemicals, **monomer, oligomer** 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 **or a product with plastic components**;

> Preferred text b: a plastic product **or a product with plastic components** containing any such chemical, **monomer, oligomer** or polymer as outlined in a) above; or

> Preferred text 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; except where the production and use of such chemical, **monomer, oligomer**, polymer or product is permitted under this instrument\* and with the prior informed consent of the importing State.

2. Preferred text: Each Party exporting a chemical, **monomer, oligomer**, 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, **monomer, oligomer**, 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. Preferred text: Each Party exporting pursuant to this provision a chemical, **monomer, oligomer** 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:

> Preferred text a: provide to the importing State and the importer complete **globally** harmonized information about the composition of the exported **oligomer**, polymer, chemical or product and the associated hazards to human health **and** the environment, based on the **globally** harmonized disclosure requirements contained in annex A, including safety data sheets;

> Preferred text b: mark and label the exported chemical, **monomer, oligomer**, polymer or product in accordance with relevant harmonized labelling requirements contained in annex A

> Preferred text c: comply with the relevant generally accepted and recognized international rules, standards and practices for packaging, labelling and transport.

4. Preferred text: Where a customs code under the Harmonized Commodity Description and Coding System is available for a chemical, **monomer, oligomer**,

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:

> Preferred text a: chemical, group of chemicals, **monomer, oligomer** or polymer referred to in Part II.2 on chemicals, **monomers, oligomers**, and polymers of concern;

> Preferred text b: a plastic product **or product with plastics** containing any such chemical, **monomer, oligomer**, or polymer; or

> Preferred text 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, **or not meeting standards established in article [5] on product design**;

Preferred text: 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. Preferred text: In case of export to, or import from, a non-Party to this instrument, each Party shall apply the provisions of this article.

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

> Preferred title: Transboundary movement of plastic waste

#### Sub-Option 1

1.> Preferred text: 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. > Preferred text: Where transboundary movement of plastic waste is permitted pursuant to paragraph 1, each Party exporting plastic waste 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.b. i > Preferred text: Provide to the importing State and the importer complete information about the composition of the exported waste, including its contents in

monomers, oligomers, polymers, chemicals and plastics, and any associated hazards to human health or the environment, based on the relevant harmonized disclosure tracking and labelling requirements contained in Part II Chapter 13, annex A, including safety data sheets, as relevant;

3.b. Preferred text: ii. Mark and label the exported waste in accordance with the relevant harmonized labelling requirements contained in Part II Chapter 13, annex A, as relevant; and

3.b.iii. If plastic waste is mixed and shredded prior to trade, the stakeholder carrying out the mixing and shredding is responsible for retrieving the chemical composition data linked to the label of the individual plastic products, in compliance with part II Chapter 13, and combine this information from all constituent products in the waste mixture, into a new label available to the importer.

3.b. iv. Comply with generally accepted and recognized international rules under the Basel Convention, labelling and transport for hazardous and non-hazardous waste.

4. > Preferred text: 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. > Preferred text: Each Party shall prevent and eliminate illegal trade and dumping of plastic waste.

6. Preferred text: 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 trade and dumping of plastic waste pursuant to paragraph 5.

### Sub-Option 2

Preferred text: 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 requirements under the treaty in accordance to Part II Chapter 13

### Sub-Option 3

Preferred text: 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.

## Part II Chapter 11 Existing plastic pollution, including in the marine environment

Red words are new text

Purple text is rational for changes

Green Text is suggested preferred text

1. Parties ~~[shall]~~ ~~[are encouraged]~~ ~~[will take actions and shall]~~ ~~[cooperate]~~ ~~[in accordance with the Common but Differentiated Responsibility to respective capabilities]~~ **based on mobilization of resources in line with Part III Chapter 1** ~~[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 **conduct**:

Preferred text: Parties will take actions and shall cooperate in accordance with the Common but Differentiated Responsibility to respective capabilities, **based on mobilization of resources in line with Part III Chapter 1, to conduct**:

Rationale: This paragraph should focus on actions described in a,b,c below and not on resource mobilation. Resource mobilisation is in Part III Chapter 1 on financing mechanism and resources.

a. ~~[cooperate to]~~ ~~[assess]~~ ~~[evaluation, identification and prioritization of]~~ ~~[, identify and prioritize]~~ accumulation zones, ~~[and]~~ ~~[hotspots,]~~ ~~[critical points,]~~ ~~[and sectors]:~~

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

ii. ~~[where]~~ ~~[that evaluations identify accumulation areas with]~~ quantities and types of ~~[litter]~~ ~~[plastic pollution]~~ ~~[garbage that represent]~~ **that** ~~[pose]~~ a threat to ~~[human health,]~~ species or

habitats [taking into account the full][complete]-life cycle of plastics].

Preferred text: evaluation, identification and prioritization of accumulation zones, hotspots, critical points, and sectors:

i. most affected by existing plastic pollution, including in the terrestrial, freshwater and the marine environment and areas beyond national jurisdiction; and

ii. where quantities and types of plastic pollution **that** pose a threat to human health, species or habitats [taking into account the full-life cycle of plastics].

b. ~~Take [adopt]—[effective]~~ mitigation and [remediation measures][~~removal actions~~], including clean-up activities [for the] [~~in identified~~] accumulation zones, [~~and~~] hotspots [~~and [critical] sectors~~] identified, [taking into account the provisions [~~in existing international agreements~~] [of international agreements in force,] including those [relevant][~~relating~~] to the conservation and sustainable use of [terrestrial, freshwater and]—marine [environment and] biological diversity, [~~including in areas [beyond][located outside] national jurisdiction;]~~]—[and manage and dispose of removed plastic pollution in an environmentally sound manner] [taking into account special circumstances of small island developing States,]—[and the disproportionate impacts on small island developing States; and

Preferred text: mitigation and remediation measures, including clean-up activities for the accumulation zones, hotspots and critical sectors identified, taking into account the provisions of international agreements in force, including those relevant to the conservation and sustainable use of terrestrial, freshwater and marine environment and biological diversity, including in areas beyond national jurisdiction; and manage and dispose of removed plastic pollution in an environmentally sound manner taking into account special circumstances of small island developing States, and the disproportionate impacts on small island developing States; and

OP 1.b. bis. ~~collect~~ data and information **collection** 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]; **and**

Preferred text: 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; and

Rationale: The text is fine to include as a sub-paragraph. We suggest changing “collect” to “collection” in order to make it grammatically compatible with the text in the chapeau of paragraph 1.

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

Preferred text: engagement of all stakeholders, including, the local communities, civil society, and citizens, non-governmental organization as well as the private sector, in safe environmentally sound remediation activities.

Rationale: Promoting engagement is not sufficient. Stakeholders should be engaged in the process.

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

Rationale: Captured by c) above.

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

Preferred text: 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.

Rationale: Could be its own sub-article to paragraph 1.

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}~~.

Preferred text: Each Party should 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.

**Rationale:** Linked to the PRTR mechanism described in Chapter 8. All parties, not just developing countries, should make information publicly available.

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.

**Preferred text:** 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.

**Rationale:** Can be its own paragraph.

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

**Preferred text:** The measures taken to implement the provisions of this article Part II. 11 shall be reflected in the national plan communicated pursuant to Part IV.1 on national plans.

**Rationale:** This is logical.

OP3 Alt 1. No text.

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

**Preferred text:** 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.

Rationale: This paragraph is well-formulated.

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

Rationale: Better covered by the original paragraph 4.

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

Preferred text: he governing body\* shall get an assessment of the existing plastic pollution in respect of each country from an appropriate subsidiary body, the financial resources required to mitigate and remediate the existing plastic pollution due to legacy plastic waste.

Rationale: Could be its own paragraph,

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

Preferred text: Developed country Parties as the largest historical beneficiaries of plastic goods and exporters of plastic waste to developing countries shall take the lead in tackling legacy and existing plastic pollution in the marine environment including beyond national jurisdiction.

Rationale: While we acknowledge that developed countries should play the lead in tackling legacy plastic pollution, all countries are beneficiaries of plastic and need to take action to address pollution.

*Complete preferred text Existing plastic pollution, including in the marine environment*

1. Preferred text: Parties will take actions and shall cooperate in accordance with the Common but Differentiated Responsibility to respective capabilities, based on mobilization of resources in line with Part III Chapter 1, to conduct:

Preferred text a : evaluation, identification and prioritization of accumulation zones, hotspots, critical points, and sectors:

i. most affected by existing plastic pollution, including in the terrestrial, freshwater and



the marine environment and areas beyond national jurisdiction; and

ii. where quantities and types of plastic pollution **that** pose a threat to human health, species or habitats {taking into account the full-life cycle of plastics.

Preferred text b: mitigation and remediation measures, including clean-up activities for the accumulation zones, hotspots and critical sectors identified, taking into account the provisions of international agreements in force, including those relevant to the conservation and sustainable use of terrestrial, freshwater and marine environment and biological diversity, including in areas beyond 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

Preferred text 1b 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; **and**

Preferred text c: engagement of all stakeholders, including, the local communities, civil society, and citizens, non-governmental organization as well as the private sector, in safe environmentally sound remediation activities.

OP 1.c. bis. Preferred text: 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. Preferred text: Each Party should 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. Preferred text: 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. Preferred text: The measures taken to implement the provisions of this article Part II. 11 shall be reflected in the national plan communicated pursuant to Part IV.1 on national plans.

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

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

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

OP 4 bis. Preferred text: Developed country Parties as the largest historical beneficiaries of plastic goods and exporters of plastic waste to developing countries shall take the lead in tackling legacy and existing plastic pollution in the marine environment including beyond national jurisdiction.

## Part II Chapter 13 Transparency, tracking, monitoring and labelling

Directions:

Red words are new text

Purple text is rationals for changes

Green Text is suggested text versions

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

#### 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]:~~

Preferred text: Each Party shall:

Rationale: -> delete all text in brackets, it is not necessary, dilutes the text and make it oriented primarily to activities at the national level

- 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 requirements adopted by the governing body\* consistent with WTO regulations and avoiding duplication with other multilateral environmental agreements,] [throughout their [entire] life cycle]]][type and quantities of polymers produced, the type and quantities of chemicals used in production] and make such information available in a publicly accessible database]:~~

Preferred text: require producers of primary and secondary plastics and importers and exporters to disclose globally harmonized information on the chemical composition of all plastics and plastic products, based on requirements adopted by the governing body, throughout their entire life cycle, the type and quantities of chemicals and polymers used in production, and make such information available in a publicly accessible database.

Rationale:

- important to keep “disclose” instead of “communicate”, “globally”
- important to keep “all plastics and plastic products” (as it is not the same and poses obligations on different actors in the supply chains)
- the word “guidelines” should be substituted by “requirements” to ensure that the process is binding and that all stakeholders use the same information in a globally harmonized form
- “engage”, “where feasible” is too weak and intends voluntary action instead of mandatory
- Mentioning WTO is not needed here

- 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 requirements to be adopted by the governing body\* [at its first session,] [[consistent with WTO regulations and avoiding duplication with other multilateral environmental agreements,] [in particular] for the purposes of their [safe and] environmentally sound use, recycling[, recovery] and disposal][, taking into account,][[as appropriate, any guidance adopted by the governing body\*]] Confidential Business Information (CBI) and human health and environmental impacts][and in accordance with measures that may be specified and 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;]~~

Preferred text: take measures to ensure the traceability of chemicals, polymers and plastic contents of feedstocks and products throughout the life cycle of plastics and plastic products, based on globally harmonized requirements to be adopted by the governing body at its first session for the purposes of their safe and environmentally sound use, recycling, and disposal, and in an annex to the instrument, for the purpose of protecting public health and the environment throughout the plastics life cycle.

#### Rationale:

- the text on purpose should be there only once
- “improve” is too weak, imposes voluntary action
- the word “guidelines” should be substituted by “requirements” to ensure that the process is binding and that all stakeholders use the same information in a globally harmonized form
- Mentioning WTO is not needed here as Chapter 10 is about trade and there will be more text on WTO there
- important to keep “globally harmonized” to assure everyone does the same in the same way
- CBI reference not needed, because e.g. Dubai Declaration, SCIP database, no requirements to provide chemical concentrations

- c. establish globally harmonized [digital tracking, traceability,] marking and [eco-]labelling requirements [including] [; consistent with provisions of the World Trade Organization’s Agreement on Technical Barriers to Trade,] based on guidance[to be adopted] by the governing body\* at its first session, [in particular][and in accordance with measures that may be specified in an annex to the instrument\*] for the purpose[s] of [the safe and environmentally sound use, recycling and disposal of plastics

and plastic products][and protecting human health and the environment throughout the plastics life cycle].

Preferred text: establish **globally harmonized** digital tracking, traceability, marking and labelling requirements to be adopted by the governing body at its first session and in accordance with measures specified in an annex to the instrument for the purpose of the safe and environmentally sound use, recycling and disposal of plastics and plastic products and protecting human health and the environment throughout the plastics life cycle.

#### Rationale:

- option: the purpose text “ purpose[s] of [the safe and environmentally sound use, recycling and disposal of plastics and plastic products][and protecting human health and the environment throughout the plastics life cycle]” from all paragraphs (a, b, c) could go to the chapeaux text of chapter 13
- important to keep all four actions: tracking, traceability, marking and labelling requirements to ensure that we are not missing any approaches to provide information.

OP1.c. Alt 1. Move to Part II, Section 5.

#### Rationale:

- should not be moved to Part II, Section 5. “Product design and composition”, because it is linked closely to transparency and traceability, more than to “Product design and composition”, as it describes HOW to achieve transparency and traceability. However, a reference to 12.c in 5 would be good.

OP1.c. Alt 2. Encourage marking and labelling practices for plastic products based on globally harmonized requirements to promote the circularity of plastics, enable informed decision-making, and facilitate reuse, repair, refurbishment and recycling of plastics.

#### Rationale:

- it is not the worst option, but certain important elements are missing, like “traceability” and “tracking”
- additional good elements are mentioned here: reuse, repair, refurbishment
- “encourage” and “promote” is too weak
- prefer to keep the original 1.c

2. Each Party ~~[shall][is mandated to] [monitor] [and][establish a national monitoring system implementing the globally harmonized requirements to] [,] [track] [and publish and update, in a transparent manner relevant and readily available and publicly accessible information on][, to the possible extent,]~~ the types, and ~~[volumes] and [[quantities] of its~~ **the** production, imports and exports of chemicals **including monomers, oligomers** ~~[and polymers] [used][employed] in the [production]and [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][ **In addition, the national monitoring system shall include a register of regulated plastic materials and plastic products, as well as any related subsidies and fiscal incentives related to [these activities][the production, imports and exports of primary plastic polymers]].**~~

Preferred text: Each Party shall establish a national monitoring system **implementing the globally harmonized requirements** to track, publish and update readily available and **publicly accessible** information on the types, volumes and quantities of **the** production, imports and exports of chemicals, **including monomers, oligomers and polymers**, used in the production and manufacturing of plastics and plastic products, throughout their life cycle. **In addition, the national monitoring system shall include a register of regulated plastic materials and plastic products, as well as any related subsidies and fiscal incentives.**

Rationale:

- **national monitoring systems should be implementing the globally harmonized reporting scheme**

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

-> text of OP2 bis does not fit to this chapter - where could it go? Maybe it could go to the trade part? May be to the part on financing?

3. Each Party ~~[shall][is encouraged to]~~ report the information collected pursuant to paragraphs **1 and 2**, ~~together with information on the recycling facilities functioning within its territory,]~~ in a **globally** standardized format ~~[where possible]~~ to the governing body\*.

Preferred text: Each Party shall report the information collected pursuant to paragraph 1 and 2 in a globally standardized format to the governing body.

Rational: -> Delete "is encouraged to" as it is too weak  
-> "standardized format" has to mean that it is the same form for everyone, this should be clear from the text

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

Rational: -> object to OP3 bis 1, too weak

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

-> This should be merged with 3. and should amend 3. as follows:

Preferred text: Each Party shall promote and contribute to the global database needed to administer and implement the requirements of this article and cooperate in the development and maintenance of this database to be established by the governing body\*.

OP3 bis 3. Developing country Parties shall be provided necessary technical and financial assistance based upon an assessment of the technical and financial resources required for complying with obligations given in Section II chapter 13 paragraph 4 in respect of each country.

-> this should not be a replacement to 3, but rather a stand-alone paragraph and should refer to the whole chapter 13. Therefore it needs to be 4.

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

-> keep it, and make it a separate paragraph 5.

13 bis. Overarching provision related to Part II

1. Parties shall establish an effective mechanism in society to promote plastic circularity and prevent the recirculation of toxic plastic chemicals in new products and 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 **toxics-free** plastic circularity and prevent the leakage of plastics into the environment and strengthen the measures over time towards achieving the objective of this instrument.

3. In relation to the previous paragraph, Parties shall take the effective measures at each stage of plastic lifecycle listed in Annex X.[1] The mandatory and voluntary measures listed in annex X shall be reflected accordingly in the national action plan. The governing body\* can review the annex as necessary.

*Rationale: It is not clear where this chapter 13 bis belongs. If it belongs to Chapter 13, it needs to include considerations on transparency and traceability. Otherwise, it could potentially be considered for the chapeau or for another chapter.*

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### *Complete preferred text version, Chapter 13*

1 a: require producers of primary and secondary plastics and importers and exporters to disclose globally harmonized information on the chemical composition of all plastics and plastic products, based on **requirements** adopted by the governing body, throughout their entire life cycle, and quantities **and types** of chemicals and polymers used in production, and make such information available in a publicly accessible database.

1 b: take measures to ensure the traceability of chemicals, polymers and plastic contents of feedstocks and products throughout the life cycle of plastics and plastic products, based on globally harmonized **requirements** to be adopted by the governing body at its first session for the purposes of their safe and environmentally sound use, recycling, and disposal, and in an annex to the instrument, for the purpose of protecting public health and the environment throughout the plastics life cycle.

1 c: establish **globally harmonized** digital tracking, traceability, marking and labelling requirements to be adopted by the governing body at its first session and in accordance with measures specified in an annex to the instrument for the purpose of the safe and environmentally sound use, recycling and disposal of plastics and plastic products and protecting human health and the environment throughout the plastics life cycle.

2. Each Party shall establish a national monitoring system **implementing the globally harmonized requirements** to track, publish and update readily available and **publicly accessible** information on the types, volumes and quantities of the production, imports and exports of chemicals, including monomers, oligomers and polymers, used in the



production and manufacturing of plastics and plastic products, throughout their life cycle. In addition, the national monitoring system shall include a register of regulated plastic materials and plastic products, as well as any related subsidies and fiscal incentives.

3. Each Party shall report the information collected pursuant to paragraph 1 and 2 in a globally standardized format to the governing body and shall promote and contribute to the global database needed to administer and implement the requirements of this article and cooperate in the development and maintenance of this database to be established by the governing body\*.

4. 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 Section II chapter 13 in respect of each country.

5. 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\*.

## Part III 2 Capacity-building, technical assistance and technology transfer

Directions:

Red words are new text

Purple text is rational for changes

Green Text is suggested preferred text

2. Capacity-building, technical assistance and technology transfer

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

Alt title 2: Capacity-building and technical assistance

1. ~~[[All] Parties][Developed countries] shall [and stakeholders shall are encouraged to][provide] [cooperate to [enable], within their respective capabilities,] contribute to the provision of [new and additional]—timely, and [sustainable,] [comprehensive and] [enduring] [and adequate][and appropriate] capacity-building and [financial and] technical assistance [including on research and development]<sup>[1]</sup>.<sup>[2]</sup> to [all] developing countries [most in need], in particular, to least developed countries and small island developing States [and environmentally and ecologically vulnerable developing countries][countries with special geographical conditions or characteristics that are considered vulnerable to plastic pollution, including archipelagic states] [as well as countries with special geographical conditions or characteristics that are considered vulnerable to plastic pollution including archipelagic states], to assist them in implementing their obligations under this instrument\* [and to retain such capacity once built]. [Capacity building activities should place emphasis on supporting partners and stakeholders, in particular women, youth, workers of the informal (waste) sector, Indigenous Peoples and Local Communities (IPLC) and other vulnerable groups, both in the development and implementation of such measures.][Capacity-building should be country-driven, based on and responsive to national needs, including supporting vulnerable groups\*, and foster country ownership of Parties, in particular, for developing country Parties.]~~

\*Women, youth, workers of the informal (waste) sector, Indigenous Peoples and Local Communities (IPLC), etc.

> Preferred text: 1. All Parties and stakeholders shall contribute to the provision of new and additional-timely and sustainable, capacity-building and technical assistance including on research and development<sup>[1]</sup>.<sup>[2]</sup> to developing countries, in particular, to least developed countries and small island developing States, to assist them in implementing their obligations under this instrument\* and to retain such capacity once built. Capacity-building should be country-driven, based on and responsive to national needs, including supporting vulnerable groups\*, and foster country ownership of Parties, in particular, for developing country Parties.

> Rationale: All Parties should contribute; not just developed. It is important to be consistent and use the already agreed terminology, including “least developed countries and small island developing States” to avoid misunderstanding and prolonged discussions on defining what ecologically vulnerable states means. We also want a consistent implementation and not the unnecessary differentiations between countries.

OP1 Alt No text.

2. [The governing body\* shall,][taking into consideration the developing countries Parties’ needs expressed through their national implementation reports][keep under] review [no later than at its third meeting, and thereafter on a regular basis the] capacity-building and technical assistance to support the

implementation of this instrument\* ~~{and promote cooperation and coordination {as appropriate}}~~ with other multilateral environmental agreements and other relevant initiatives to increase the effectiveness of capacity-building and technical assistance.}

> Preferred text: 2 The governing body\* shall, taking into consideration the developing countries Parties' needs expressed through their national implementation reports, 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 with other multilateral environmental agreements and other relevant initiatives to increase the effectiveness of capacity-building and technical assistance.

> Rationale: The text is fine

OP2 Alt No text.

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

> Preferred text: 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 centers, through other multilateral and bilateral means, and through partnerships, including those involving the private sector and/or other stakeholders. Cooperation and coordination with relevant other multilateral environmental agreements, as appropriate, should be sought to increase the effectiveness of technical assistance and its delivery.

> Rationale: The text is fine

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, **including technical assistance on chemical constituents and alternatives safe to human health and the environment**, to address plastic pollution ~~{to developing country Parties, in particular the least developed countries and small island developing States, and Parties with economies in transition, to strengthen their capacity to effectively implement this Instrument}~~ ~~{, including through {reduce, reuse, recycle, refill, repair, and non-plastic substitute} {safe and sustainable}}~~~~{environmentally sound and~~

sustainable] alternatives and non-plastic substitutes [with due consideration to proprietary rights]]. [In implementing this provision, Parties shall promote and facilitate innovation and investment in pursuit of new technologies and innovative solutions[, and shall facilitate access to essential technologies, [including with respect to financial resources and proprietary rights.]]]

> Preferred text: 1. Parties within their respective capabilities shall promote and facilitate, supported by the private sector and other relevant partners and stakeholders, the development, transfer on mutually agreed terms, and diffusion of and access to up-to-date environmentally sound economical and efficient technologies, including technical assistance on chemical constituents and alternatives safe to human health and the environment, to address plastic pollution, including chemical 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 safe and sustainable alternatives and non-plastic substitutes with due consideration to proprietary rights. In implementing this provision, Parties shall promote and facilitate innovation and investment in pursuit of new technologies and innovative solutions, and shall facilitate access to essential technology.

Rationale: Technical assistance on chemical constituents and safe substitutes are very important for ensuring that design, including proper handling of plastic materials and products throughout their life cycles improve.

OP3 Alt No text.

OP3 Alt 2

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[1] 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.)

[2] 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\*.

[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 and for 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.

Preferred text: 2. Parties shall promote and facilitate the development, transfer on mutually agreed terms, diffusion of and access to up to date environmentally sound technologies and, for 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 investment in pursuit of new technologies and innovative solutions, and shall facilitate access to essential technologies.

Rationale: The text is fine.

3. —[Each Party shall ensure freedom of trade and technology and knowledge 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\*.]

Preferred text: Each Party shall ensure freedom of trade and technology and knowledge 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\*.

Rationale: This is fine.

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.]

Preferred text: 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.

Rationale: This is fine.

OP3 bis Each Party shall compel extended producer responsibility schemes to provide technology for processing and recovery of plastic products.[1]

Rationale: This can be its own paragraph.

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.

Preferred text: Developed country Parties should cooperate to enhance the capacity of developing country Parties to implement this instrument, and guarantee sustainability and capacities developed.

Rationale: This is fine. Can be its own paragraph

OP3 quater

~~4. \_\_\_\_\_ A cooperation mechanism\* is hereby established. The cooperation mechanism\* shall provide for:~~

- ~~a. A clearing house platform to enable Parties to access, provide and disseminate information with respect to activities taking place pursuant to the provisions of this instrument\*;~~
- ~~b. Assist Parties to identify their needs for cooperation in science, technology and innovation regarding the provisions of this instrument\*;~~
- ~~c. Facilitate the matching of capacity building needs with the support available and with providers for the transfer of technology, including governmental, non-governmental or private entities interested in participating as donors in the transfer of technology, and facilitate access to related know-how and expertise;~~
- ~~d. Facilitate scientific, technical and technological cooperation to meet these identified needs;~~
- ~~e. Promote training activities for the benefits of Parties that are developing countries;~~
- ~~f. Facilitate and monitor other multilateral, regional and bilateral cooperation available to Parties that are developing countries;~~

~~g. Perform such other functions as may be determined by the governing body\* or assigned to it under this instrument\*.~~

~~5. A cooperation mechanism\* committee is hereby established.~~

~~6. The committee shall coordinate the functioning and supervise the efficiency and effectiveness of the cooperation mechanism\*. it shall submit reports and recommendations that the governing body\* shall consider and take action on as appropriate.~~

~~7. The committee shall consist of members to serve objectively in the best interest of this instrument\*, nominated by Parties, taking into account gender balance and equitable geographical distribution. the terms of reference and modalities for the operation of the committee shall be decided by the governing body\* at its first meeting.~~

Rationale: The Option looks like a wish list. Many points are already covered by other options.

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*Complete preferred text Capacity-building, technical assistance and technology transfer*

1. Preferred text: 1. All Parties and stakeholders shall contribute to the provision of new and additional—timely and sustainable, capacity-building and technical assistance including on research and development<sup>[1].[2]</sup> to developing countries, in particular, to least developed countries and small island developing States, to assist them in implementing their obligations under this instrument\* and to retain such capacity once built. Capacity-building should be country-driven, based on and responsive to national needs, including supporting vulnerable groups\*, and foster country ownership of Parties, in particular, for developing country Parties.

2. Preferred text: The governing body\* shall, taking into consideration the developing countries Parties' needs expressed through their national implementation reports, 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 with other multilateral environmental agreements and other relevant initiatives to increase the effectiveness of capacity-building and technical assistance.

2 bis Preferred text: 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 centers, through other multilateral and bilateral means, and through partnerships, including those involving the private sector and/or other stakeholders. Cooperation and coordination with relevant other multilateral environmental agreements, as appropriate, should be sought to increase the effectiveness of technical assistance and its delivery.

3 Preferred text: Parties within their respective capabilities shall promote and facilitate, supported by the private sector and other relevant partners and stakeholders, the development, transfer on mutually agreed terms, and diffusion of and access to up-to-date environmentally sound economical and efficient technologies, **including technical assistance on chemical constituents and alternatives safe to human health and the environment**, to address plastic pollution, **including chemical 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 safe and sustainable alternatives and non-plastic substitutes with due consideration to proprietary rights. In implementing this provision, Parties shall promote and facilitate innovation and investment in pursuit of new technologies and innovative solutions, and shall facilitate access to essential technology.

### [3.] Technology [transfer]

1. [Developed country Parties should cooperate to facilitate and enhance technology transfer for developing country Parties to implement this instrument\*.]

2. Preferred text: 2. Parties shall promote and facilitate the development, transfer on mutually agreed terms, diffusion of and access to up to date environmentally sound technologies and, for 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 investment in pursuit of new technologies and innovative solutions, and shall facilitate access to essential technologies.

3. Preferred text: Each Party shall ensure freedom of trade and technology and knowledge 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. Preferred text: 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.[1]

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

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[1] Note by the co-facilitators: This provision is replicated in Part III.1 on Financing.

## Part IV 1. National implementation plans

Directions:

Red words are new text

Purple text is rational for changes

Green Text is suggested preferred text

### Part IV

#### 1. National ~~{Action}~~~~[Implementation]~~Plans

Preferred title: National Implementation Plans

Rational: An “action plan” focuses on process, while “implementation” is more holistic, considering how resources are used to fulfill a task.

OP0:[1] For enabling collective assessment of progress of the measures under the instrument, common modalities and guidelines, in addition to the format, are needed.

OP0 Alt No text.

1. Each Party ~~{shall}~~~~{is encouraged to}~~ develop and implement a national ~~{action}~~ plan<sup>[2]</sup> ~~{through domestic consultations, with binding actions, including quantitative and measurable targets, where appropriate}~~ to ~~{pursue its nationally determined objective of ending plastic pollution}~~~~{fulfill its obligations}~~ under this instrument\* ~~{and to achieve its objective(s)}~~~~{in accordance with its capacities and as appropriate}~~. ~~{Such plans should be prepared in light of different national circumstances and may follow a guidance to be adopted by the [governing body\*.]}~~~~{The national [action] plans [shall][should][might] be based on the [modalities, guidelines and] format in annex G [which shall be flexible for adjustments to national realities and circumstances [the impacts of plastic pollution on socio-economic, human health and environment]] and [to the extent possible] [shall][should][could] include [but not be limited to][at least][relevant][elements [necessary measures] related to[3]], which are not exhaustive};}~~

- a. ~~{Production, import, export and use of}~~ primary plastic polymers;}
- b. ~~{Production, import, export and use of}~~ chemicals ~~{including monomers, oligomers and polymers}~~ of concern;}
- c. ~~{Production, import, export and use of}~~ problematic and avoidable plastic products;}
- d. {Product design and performance;}
- e. { Use of ~~r~~Reduce, reuse, refill and repair of plastics and plastic products;}
- f. {Use of recycled plastic contents;}
- g. {Extended Producer Responsibility;}
- h. {Emissions and releases of plastic through its life cycle;}
- i. {Waste management [including by the informal sector];}
- j. {Fishing gear;}
- k. {Existing plastic pollution, including in the marine environment;}
- l. {Just transition;}
- m. {Monitoring and reporting framework for the implementation of the National Plan;}
- n. {Educational and awareness raising programmes on plastic pollution, including those aimed at behavioural change and developing capacity;}
- o. {Assessment and monitoring;}
- p. {Promoting research, development and innovation;}
- q. {Commitments from developed countries in relation to financial support, capacity building and technology transfer for developing countries, especially small island developing States;}
- r. {Promoting, encouraging and incorporating action by all stakeholders to address plastic pollution, including the private sector, informal

plastics waste sector, waste pickers, Indigenous Peoples and local communities;}

- s. {Legislative, policy and regulatory arrangements for compliance with obligations under this instrument\*};}
- t. {Actions to support compliance with reporting requirements under this instrument\*};}
- u. {Transparency monitoring and tracking and labelling;}
- v. {Trade in listed chemicals, including **monomers, oligomers** and polymers, as well as ~~and~~-products **and** in plastic waste;}
- w. {Domestic financing;}
- x. {Non-plastic substitutes;}
- y. {Capacity building and technology transfer;}
- z. {Public awareness;}
- aa. {Information exchange;}
- bb. {Quantification of emissions of greenhouse gases and method of measurement of emission and releases of plastic through its life cycle;}
- cc. {Means of implementation, including those provided to developing countries, in particular, the least developed countries, small island developing states, and environmentally and ecologically vulnerable developing countries.}

Preferred text: 1. Each Party shall develop and implement a national plan<sup>[2]</sup> through domestic consultations, with binding actions, including quantitative and measurable targets, where appropriate to fulfill its obligations. The national plans shall be based on the modalities, guidelines and format in annex G and shall include, but not be limited to, elements related to<sup>[3]</sup>, which are not exhaustive:

- a. **Production, import, export and use of primary plastic polymers;**
- b. **Production, import, export and use of chemicals, including monomers, oligomers and polymers of concern;**
- c. **Production, import, export and use of problematic and avoidable plastic products;**
- d. Product design and performance;
- e. **Reduce and use of reused, refilled and repaired** plastics and plastic products;
- f. Use of recycled plastic contents;
- g. Extended Producer Responsibility;
- h. Emissions and releases of plastic through its life cycle;
- i. Waste management including by the informal sector;
- j. Fishing gear;
- k. Existing plastic pollution, including in the marine environment;

- l. Just transition;
- m. Monitoring and reporting framework for the implementation of the National Plan;
- n. Educational and awareness raising programmes on plastic pollution, including those aimed at behavioural change and developing capacity;
- o. Assessment and monitoring;
- p. Promoting research, development and innovation;
- q. Commitments from developed countries in relation to financial support, capacity building and technology transfer for developing countries, especially small island developing States;
- r. Promoting, encouraging and incorporating action by all stakeholders to address plastic pollution, including the private sector, informal plastics waste sector, waste pickers, Indigenous Peoples and local communities;
- s. Legislative, policy and regulatory arrangements for compliance with obligations under this instrument\*;
- t. Actions to support compliance with reporting requirements under this instrument\*;
- u. Transparency monitoring and tracking and labelling;
- v. Trade in listed chemicals, **including monomers, oligomers** and polymers **as well as** products and plastic waste;
- w. Domestic financing;
- x. Non-plastic substitutes;
- y. Capacity building and technology transfer;
- z. Public awareness;
- aa. Information exchange;
- bb. Quantification of emissions of greenhouse gases and method of measurement of emission and releases of plastic through its life cycle;
- cc. Means of implementation, including those provided to developing countries, in particular, the least developed countries, small island developing states, and environmentally and ecologically vulnerable developing countries.

**Rationale:** All economic activities, such as production, export, import, reuse, repair and recycling should be covered, as well as monomers and oligomers. Monomers and oligomers are generally more reactive and hazardous than polymers.

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

Preferred text: The national plan should be inclusive and based on best available knowledge and data, developed in accordance with: (a) existing national laws and regulations and (b) domestic circumstances and capabilities.

Rationale: Can be the chapeau, if necessary. But it should not replace OP1.

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

Rationale: This option repeats Op 1 Chapeau bis but it is less detailed.

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

Rationale: See the comment about “action plan” above. All Parties need to take action, so it is strange to make action by low and middle income countries contingent upon actions by high income countries.

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

Rationale: Option1 Alt is more comprehensive, and thus more understandable.

OP1 Alt3. Each party shall prepare national plans, based upon national circumstances and capabilities, in order to comply with obligations created under the instrument\*. The governing body\* shall provide guidance and format for preparation and submission of national plans. The national plans will be country driven and the Parties shall decide the activities to be undertaken in the national plans based upon national circumstances and capabilities. [4]

Rationale: This is not unreasonable, but all countries have to meet all mandatory provisions. How they meet a specific provision is nationally determined, reflecting national circumstances and capabilities. This paragraph should not substitute OP 1 paragraph 1. However it may be a paragraph of its own.

OP1 Alt4. No text.

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

Preferred text: Each Party shall communicate its initial national plan to the governing body\* within 2 years of the date on which this instrument\* enters into force for that Party.

Rationale: All parties shall have the obligation to communicate the initial national plan, as soon as possible, which is what within 2 years after the instrument entered into force for the Party in question, is appropriate. .

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

Rationale: Captured by OP1 Alt 4, paragraph 2.

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

Rationale: This is not a good option, as the incentive to prepare a good national plan may be lost, if there is no mandatory sharing of it with the governing body.

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

Preferred text: Each Party shall be guided by the format referred to in paragraph 1 when preparing and submitting their national plans . National plans shall include targets and actions in the medium term as well as long term strategies towards achieving the objective and targets of the instrument\*.

Rationale: All parties shall follow a harmonized format when preparing the national plans. It should also have measurable targets and actions.

OP3 Alt. No text.

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

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

Rationale: Any actions in addition to the mandatory should be encouraged. This can be its own paragraph.

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

Preferred text: Each Party shall update its national plan every 5 years or earlier if determined by the Party, with a view to showing progress in its implementation.

Rationale: Logical to update the national plan at least every 5 years.

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

Preferred text: A Party may at any time adjust its national plan with a view to enhancing its level of ambition, in accordance with guidance adopted by the governing body\*.

Rationale: Any elevation in ambition level above the minimum level required by the Treaty should be encouraged.

OP4 Alt. No text.

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

Preferred text: Parties are encouraged to coordinate on the development and implementation of sub-regional and regional plans to facilitate implementation of this instrument\*, as appropriate.

Rationale: Regional and sub-regional collaboration should be encouraged.

OP5 Alt. No text.

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

Preferred text: Parties shall review, update and communicate to the governing body\* their national plans every 4 years, 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.

Rationale: If the national plans are updated at least every 5 years, reporting to the governing body should take place every 4 years, so the Party has a year to take feedback from the reporting into consideration in the updated plan. All Parties shall have the same reporting requirements, and implementation challenges shall be discussed in connection with the reporting occasion, so that lessons learnt and necessary adjustments can be made in the new plan.

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

Rationale: Too unspecific, no indication of the time. Original 6 better.

OP6 Alt2. No text.

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

Preferred text: Each Party shall 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 establish a baseline, i.e. a year of reference, to assess the starting situation with regards to plastic pollution.

Rationale: This option has good elements, such as the establishment of national baselines. All countries should do it, developing and developed.

OP7 Alt. No text.

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

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

Rationale: This could be a paragraph in its own right.



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

Rationale: Transparency good, but OP7bis formulated in a better way. OP7 bis talks about a public registry that provides clear information about what countries submitted in their national reports and whether they met the deadline for this. However, making reports publicly available is a vague formulation that may result in complicated ways of getting this information.

OP7 ter. Support shall be provided to developing country Parties for the implementation of this article, recognizing that enhanced support for developing country Parties will effectively facilitate their actions both in preparing national plans and implementing this instrument\* at large.[5]

Preferred text: OP7 ter. Support shall be provided to developing country Parties for the implementation of this article, recognizing that enhanced support for developing country Parties will effectively facilitate their actions both in preparing national plans and implementing this instrument\* at large.[5]

Rationale: This could be a paragraph in its own right.

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### *Complete preferred text National Implementation Plans*

1. Preferred text: Each Party shall develop and implement a national plan[2] through domestic consultations, with binding actions, including quantitative and measurable targets, where appropriate to fulfill its obligations. The national plans shall be based on the modalities, guidelines and format in annex G and shall include, but not be limited to, elements related to[3], which are not exhaustive:

- a. Production, import, export and use of primary plastic polymers;
- b. Production, import, export and use of chemicals, including monomers, oligomers and polymers of concern;
- c. Production, import, export and use of problematic and avoidable plastic products;
- d. Product design and performance;
- e. Reduce and use of reused, refilled and repaired plastics and plastic products;
- f. Use of recycled plastic contents;
- g. Extended Producer Responsibility;
- h. Emissions and releases of plastic through its life cycle;
- i. Waste management including by the informal sector;

- j. Fishing gear;
- k. Existing plastic pollution, including in the marine environment;
- l. Just transition;
- m. Monitoring and reporting framework for the implementation of the National Plan;
- n. Educational and awareness raising programmes on plastic pollution, including those aimed at behavioural change and developing capacity;
- o. Assessment and monitoring;
- p. Promoting research, development and innovation;
- q. Commitments from developed countries in relation to financial support, capacity building and technology transfer for developing countries, especially small island developing States;
- r. Promoting, encouraging and incorporating action by all stakeholders to address plastic pollution, including the private sector, informal plastics waste sector, waste pickers, Indigenous Peoples and local communities;
- s. Legislative, policy and regulatory arrangements for compliance with obligations under this instrument\*;
- t. Actions to support compliance with reporting requirements under this instrument\*;
- u. Transparency monitoring and tracking and labelling;
- v. Trade in listed chemicals, **including monomers, oligomers** and polymers **as well as** products and plastic waste;
- w. Domestic financing;
- x. Non-plastic substitutes;
- y. Capacity building and technology transfer;
- z. Public awareness;
- aa. Information exchange;
- bb. Quantification of emissions of greenhouse gases and method of measurement of emission and releases of plastic through its life cycle;
- cc. Means of implementation, including those provided to developing countries, in particular, the least developed countries, small island developing states, and environmentally and ecologically vulnerable developing countries.

Preferred text: Chapeau bis. The national plan should be inclusive and based on best available knowledge and data, developed in accordance with: (a) existing national laws and regulations and (b) domestic circumstances

2. Preferred text: Each Party shall communicate its initial national plan to the governing body\* within 2 years of the date on which this instrument\* enters into force **for that Party.**

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

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

OP3 bis Alt.

Preferred text: Each Party shall update its national plan every 5 years or earlier if determined by the Party, with a view to showing progress in its implementation.

4. Preferred text: A Party may at any time adjust its national plan with a view to enhancing its level of ambition, in accordance with guidance adopted by the governing body\*.

5. Preferred text: Parties are encouraged to coordinate on the development-and implementation of sub-regional and regional plans to facilitate implementation of this instrument\*, as appropriate.

6. Preferred text: Parties shall review, update and communicate to the governing body\* their national plans every 4 years, 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.

7. Preferred text: Each Party shall 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 establish a baseline, i.e. a year of reference, to assess the starting situation with regards to plastic pollution.

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

OP7 ter. Preferred text: OP7 ter. Support shall be provided to developing country Parties for the implementation of this article, recognizing that enhanced support for developing country Parties will effectively facilitate their actions both in preparing national plans and implementing this instrument\* at large.[5]

## Part IV 2 Implementation and compliance

Directions:

Red words are new text

Purple text is rational for changes

Green Text is suggested preferred text

### 2. Implementation and compliance

#### Option 1

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

Preferred text: A review mechanism including a Committee as a subsidiary body of the governing body\*, is hereby established, to promote implementation of, and review compliance with, all provisions of this Convention.

Rationale: Regular reviews of the Parties will help them improve implementation, and keep the pressure up to improve. The review mechanism should be combined with the reporting requirement based on national plans.

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

Rationale: Original paragraph 1 is sufficient. It is anyway clear that the Treaty has no mandate to impose penalties for non-compliance. However a non-compliance mechanism should be developed under the Treaty, including to provide countries with technical support to improve compliance.

2. The mechanism referred to in paragraph 1 {shall consist of a committee that} shall be {facilitative,} ~~[[non-punitive] [non-adversarial] and [expert-based]~~ in nature [and [shall] pay particular attention to the respective national capabilities and

~~circumstances of Parties.[6]]function in a manner that is [transparent,][non-intrusive], non-adversarial and non-punitive and shall pay particular attention to the respective national capacities and [capabilities][circumstances] of Parties [at all stages of the review process][in particular those that are developing countries]. The committee shall also consider and provide flexibilities for the developing country Parties [in particular of small island developing States] in the light of their capacities and capabilities.][7]~~

Preferred text: The mechanism referred to in paragraph 1 shall consist of a committee that shall be facilitative, and expert-based in nature and function in a manner that is transparent, non-intrusive, non-adversarial and non-punitive and shall pay particular attention to the respective national capacities of Parties 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.[7]

Rationale: The review Committee shall be expert-based and guide Parties to better implementation, based on the assessment of national plans and reporting.

~~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.~~

Rationale: Better captured by original paragraph 2.

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

Rationale: Consideration of differing capacities among different countries already captured by original paragraph 2.

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\*.

Preferred text: 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\*.

Rational: The mechanism should be established early.

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

Rationale: Already captured by paragraph 2.

OP3 Alt 2 No text.

4. The committee referred to in paragraph 1 shall ~~{promote implementation of, and review compliance with, all provisions of this instrument\*}. It shall} examine ~~{both individual and systemic} implementation {and compliance} issues {including challenges} faced by developing state Parties regarding implementation} and make recommendations to the governing body\*, as appropriate ~~[including for the provision of effective means of implementation from developed countries to address areas of non-compliance in small island developing States].~~[8]~~~~

Preferred text: 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\*, as appropriate,

Rationale: This paragraph is fine.

OP4 Alt No text.

Rationale: Preferred option OP4 bis[9] with some editing.

OP4 bis[9] The committee shall consist of ~~{Parties, as per guidance adopted by the governing body\*}[[15][17][18] members~~ ~~{nominated by Parties and}[[with recognized competence in fields relevant to this instrument\* [including legal or technical expertise]] to be elected~~ ~~{at the first meeting of}[[by] the governing body\* {striving to reflect a balance of expertise~~ ~~{and on the basis of}]]~~ ~~{with due consideration to} equitable geographical representation~~ ~~{, with {three} members {each} from the five regional groups of the United Nations {and two members from the small island developing States {and one member representing the African Union, ASEAN, EU, Mercosur, respectively}]]~~, taking into account the goal of gender balance~~]]~~ ~~{and thereafter in accordance with the rules of procedure approved by the governing body\* pursuant to paragraph 5. The members of the committee shall have competence in a field relevant to this instrument\* and reflect an appropriate balance of expertise.}~~ ~~{The committee and its members shall be independent, transparent, and free from conflicts of interest.}~~

Preferred text: OP4 bis[9] The committee shall consist of Parties, as per guidance adopted by the governing body\*, nominated by Parties and to be elected at the first meeting of the governing body\* striving to reflect a balance of expertise and on the basis of 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 African Union, ASEAN, EU and Mercosur, respectively, taking into account the goal of gender balance and thereafter in accordance with the rules of procedure approved by the governing body\* pursuant

to paragraph 5. The members of the committee shall have competence in a field relevant to this instrument\* and reflect an appropriate balance of expertise. The committee and its members shall be independent, transparent, and free from conflicts of interest.

Rationale: No reason while ASEAN alone as a regional unit shall have one extra representative. Then the other mentioned polities should also have.

5. Members shall be elected to the committee to serve for a period of [X] years and for a maximum of two consecutive terms. The governing body\*, at its first session, shall elect [nine] members to the committee for an initial term of [X] years and ~~[eight] [nine]~~ 21 members for a term of [half of X] years. Thereafter, the governing body\* shall elect at its relevant regular sessions ~~nine~~ 21 members for a term of [X] years. The members and alternate members shall remain in office until their successors are elected.

Preferred text: 5. Members shall be elected to the committee to serve for a period of [X] years and for a maximum of two consecutive terms. The governing body\*, at its first session, shall elect 21 members for a term of [half of X] years. Thereafter, the governing body\* shall elect at its relevant regular sessions 21 members for a term of [X] years. The members and alternate members shall remain in office until their successors are elected.

Rationale: 3 from Western Europe and North America + 3 from Eastern and Central Europe and Central Asia + 3 from Asia–Pacific + 3 from Africa + 3 from Latin America and the Caribbean Region + 1 from the African Union + 1 from the ASEAN + 1 from the GRULAC + 1 EU + 2 from Small Island Developing States

OP5 Alt No text.

6. ~~{The committee may consider issues on the basis of:}~~
- a. Written submissions from any Party with respect to its own compliance;
  - b. ~~{Written submission from any Party regarding another Party's compliance;}~~
  - c. Requests from the governing body\*;
  - d. ~~{Information provided by the secretariat with respect to the status of submission of information under part IV.3 on reporting on progress;}~~
  - e. ~~{Requests from the secretariat, based on information available to it, inter alia from national reports;}~~
  - f. ~~{Information available to the committee, inter alia from national reports.}~~

Preferred text:

6. The committee may consider issues on the basis of:
- a. Written submissions from any Party with respect to its own compliance;
  - b. Written submission from any Party regarding another Party's compliance;
  - c. Requests from the governing body\*;
  - d. Information provided by the secretariat with respect to the status of submission of information under part IV.3 on reporting on progress;
  - e. Requests from the secretariat, based on information available to it, inter alia from national reports;
  - f. Information available to the committee, inter alia from national reports.

Rationale: This paragraph is fine.

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

Rationale: Already covered by 6.

OP6 Alt2 No text.

7. The committee referred to in this article shall elaborate its rules of procedure, which shall be subject to ~~approval~~[endorsement] by the governing body\* at its second session.[10] The governing body\* may adopt further terms of reference for the committee.

Preferred text: The committee referred to in this article shall elaborate its rules of procedure, which shall be subject to endorsement by the governing body\* at its second session.[10] The governing body\* may adopt further terms of reference for the committee.

Rationale: This text is fine.

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



Preferred text: 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 majority vote of the members present and voting, based on a quorum of half of the members. Regional polities that cast votes for all its members are exempted the two thirds quorum rule.

Rationale: Hard to reach  $\frac{3}{4}$  consensus, and at least  $\frac{2}{3}$  of the Parties shall be present at the time of voting for it to be valid. Bringing all members of a polity that anyway have a common position to a vote, is costly in terms of money, time, and climate impact from traveling.

### Option 2

Bracket entire provision.

### Option 3

~~1. A mechanism to facilitate implementation of, and promote compliance with, the provisions of this instrument\*, including a committee, is hereby established.~~

~~2. The mechanism referred to in paragraph 1 shall be facilitative in nature and shall pay particular attention to the respective national capabilities and circumstances of Parties.~~

~~3. The mechanism referred to in paragraph 1 shall consist of a committee that shall be expert-based and facilitative in nature and function in a manner that is transparent, non-adversarial and non-punitive. The committee shall pay particular attention to the respective national capabilities and circumstances of Parties.~~

~~4. The mechanism shall operate under the modalities and procedures adopted by the governing body\* at its first session and shall report to the governing body\*.~~

~~5. The committee may consider issues on the basis of written submissions from any Party with respect to its own compliance.~~

Rationale: Already covered by the options above.

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

[2] 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’.

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

[4] 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.

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

[6] Note: Adapted from the Minamata Convention, Article 15.

[7] 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.

[8] Note: Adapted from the Minamata Convention, Article 15.

[9] 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.

[10] Note: The rules of procedure may include provisions for non-compliance.

### *Complete preferred text Implementation and Compliance*

#### Option 1

1. Preferred text: A review mechanism including a Committee as a subsidiary body of the governing body\*, is hereby established, to promote implementation of, and review compliance with, all provisions of this Convention.

2. Preferred text: The mechanism referred to in paragraph 1 shall consist of a committee that shall be facilitative, and expert-based in nature and function in a manner that is transparent, non-intrusive, non-adversarial and non-punitive and shall pay particular attention to the respective national capacities of Parties 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.[7]

3. Preferred text: 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. Preferred text: 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\*, as appropriate,

Preferred text: OP4 bis[9] The committee shall consist of Parties, as per guidance adopted by the governing body\*, nominated by Parties and to be elected at the first meeting of the governing body\* striving to reflect a balance of expertise and on the basis of 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 African Union, ASEAN, EU and Mercosur, respectively**, taking into account the goal of gender balance and thereafter in accordance with the rules of procedure approved by the governing body\* pursuant to paragraph 5. **The members of the committee shall have competence in a field relevant to this instrument\* and reflect an appropriate balance of expertise.** The committee and its members shall be

5. Preferred text: 5. Members shall be elected to the committee to serve for a period of [X] years and for a maximum of two consecutive terms. The governing body\*, at its first session, shall elect **21** members for a term of [half of X] years. Thereafter, the governing body\* shall elect at its relevant regular sessions **21** members for a term of [X] years. The members and alternate members shall remain in office until their successors are elected.

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

f. Information available to the committee, inter alia from national reports.

7. Preferred text: The committee referred to in this article shall elaborate its rules of procedure, which shall be subject to endorsement by the governing body\* at its second session.[10] The governing body\* may adopt further terms of reference for the committee.

OP7 bis Preferred text: 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 majority vote of the members present and voting, based on a quorum of half of the members. **Regional polities that cast votes for all its members are exempted the two thirds quorum rule.**

### Part IV 3 Reporting on progress [of implementation]

Directions:

Red words are new text

Purple text is rational for changes

Green Text is suggested preferred text

3. Reporting on progress [of implementation]

> Preferred title: Reporting on progress of implementation

Option 0

No text.

Option 1

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

> Preferred text: Each Party shall report to the governing body\* on the measures taken to implement the provisions of this instrument\* and on the effectiveness of such measures according to the timeline to be agreed by the governing body\* at its first session.

> Rationale: All Parties shall report how they implement the Treaty. Otherwise the effectiveness of the Treaty will be compromised.

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

> Rationale: All Parties shall report how they implement the Treaty. Otherwise the effectiveness of the Treaty will be compromised.

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

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

> Rationale: All Parties shall report how they implement the Treaty. Otherwise the effectiveness of the Treaty will be compromised. The public right to know principle shall be honored. All citizens of a country have the right to know how their government is implementing the Treaty provisions.

3. Each Party shall include, in its reporting, information provided in accordance with {Part II. 1-13, including 14-3 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.[2] {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, but is not limited to disclosure of chemical composition data for plastic materials and products and how traceability is ensured by national legal provisions to implement the global provisions, 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.}

> Preferred text: 3. Each Party shall include, in its reporting, information provided in accordance with Part II.1-13, including on transparency, tracking, monitoring and

labelling, paragraphs 2 and 3, statistical data on types and volumes of its production, imports and exports of plastic polymers and products.][2] 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, **but is not limited to, disclosed chemical composition data for plastic materials and products and how traceability is ensured by national legal provisions implementation the global**, 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

> Rationale: Each Party should report on the implementation of all chapters of Part II, including on transparency and traceability for the chemical composition of plastics, which is a prerequisite for circular economy free of harmful chemicals..

OP3 Alt No text.

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

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

> Rationale: This is fine.

OP4bis On an ad hoc basis, the governing body\* of the instrument\* should encourage reports on relevant subjects from chemicals-related conventions, conventions related to climate change, biodiversity, and the law of the sea as well as

contributions from multilateral organizations, particularly the World Trade Organization (WTO), World Customs Organization (WCO), World Health Organization (WHO), and the International Labour Organization (ILO).

> Rationale: This is fine. Can be its own paragraph.

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

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

> Rationale: This is fine.

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].

> Preferred text: Each Party shall take measures to ensure mandatory 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.

> Rationale: This is an important paragraph to keep to ensure businesses are obliged to disclose 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.

> Preferred text: Exchange of information on traditional knowledge, knowledge of Indigenous Peoples, and local knowledge systems, even if available, shall be subject to free, prior and informed consent.

> Rationale: This should be its own paragraph.

#### 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\*.]~~

> Preferred text: 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 of this instrument\* and on the effectiveness of such measures and the possible challenges in meeting the objective of the instrument\*.

> Rationale: All parties shall report with the same intervals, to keep pressure up to work with the provisions.

#### OP1 Alt No text.

2. Each Party shall include in its ~~[reporting][report,~~ to be made publicly available by the secretariat,] the information called for in articles [X, X][3] of this instrument\* ~~[and should take into account information provided by relevant partners and stakeholders, in particular waste pickers].~~

> Preferred text: Each Party shall include in its report, to be made publicly available by the secretariat, the information called for in articles X, X][3] of this instrument\*

> Rationale: This is fine. We still do not know how many articles will end up in the Treaty text. However, country reports should be publicly available and include reporting on all provisions.

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

> Rationale: Explained for paragraph 1.

#### OP2 Alt 2 No text.

3. The governing body\* shall, at its first session, decide upon the timing and format of the reporting to be followed by the Parties[, taking into account



the desirability of coordinating reporting with relevant international instruments and organizations, as appropriate].

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

Rationale: The text is fine.

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

> Rationale: Explained for paragraph 1.

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

Rationale: Covered by paragraph 2, option 1.

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.

Preferred text: 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.

> Rationale: This is fine. Can be a paragraph.

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[1] 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.

[2] Note: Adapted from the Minamata Convention, Article 21.2.

[3] Note: The list of relevant articles to be defined.

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## Complete preferred text Reporting on Progress

### Option 1

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

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

3. Preferred text: 3. Each Party shall include, in its reporting, information provided in accordance with Part II.1-13, including on transparency, tracking, monitoring and labelling, paragraphs 2 and 3, statistical data on types and volumes of its production, imports and exports of plastic polymers and products.][2] 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, but is not limited to, disclosed chemical composition data for plastic materials and products and how traceability is ensured by national legal provisions implementation the global, 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

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

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

governing body\* the status of submissions by Parties of information [in accordance with paragraphs 1, 2 and 3 of this article.

6. Preferred text: Each Party shall take measures to ensure mandatory 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 bis > Preferred text: Exchange of information on traditional knowledge, knowledge of Indigenous Peoples, and local knowledge systems, even if available, shall be subject to free, prior and informed consent.

#### Option 2

1. Preferred text: 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 of this instrument\* and on the effectiveness of such measures and the possible challenges in meeting the objective of the instrument\*.

OP1 Alt No text.

2. Preferred text: Each Party shall include in its report, to be made publicly available by the secretariat, the information called for in articles X, X[[3] of this instrument\*

OP2 Alt 2 No text.

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

OP3 ter Preferred text: 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.

## Part IV 4 Periodic assessment

Directions:

Red words are new text

Purple text is rational for changes

Green Text is suggested preferred text

4. Periodic assessment and monitoring of the progress of implementation of the instrument\* {and effectiveness evaluation}

Preferred title: Periodic assessment and monitoring of the progress of implementation of the instrument\* and effectiveness evaluation

Rationale: Any Treaty shall regularly undergo effectiveness evaluation

a. [Assessment and monitoring

{1. Parties shall, within their capabilities, individually and/or in collaboration with other Parties or competent organizations, establish programmes to assess and monitor emissions and releases of plastic, including its constituent chemicals, 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 and plastic chemicals in air, soil, water, and ecosystems;
- d. The effects of plastic pollution, including of chemical constituents in plastics, on the environment.

> Preferred text:

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, including its constituent chemicals, 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 and plastic chemicals in air, soil, water, and ecosystems;

d. The effects of plastic pollution, including of chemical constituents in plastics, on the environment.

Rationale: It is crucial to, throughout the treaty text, where relevant acknowledge that plastic pollution also entails pollution from its chemical constituents.

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].

Preferred text: 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.

Rationale: The article is fine.

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.}

Preferred text: 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.

Rationale: The article is fine.

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

Directions:

Red words are new text  
Purple text is rational for changes  
Green Text is suggested preferred text

Rationale: We have not cleaned up this section as it has no direct reference to chemicals

1. The governing body\* shall [entrust a subsidiary body to] periodically evaluate [in a comprehensive and facilitative manner,] the [implementation][progress][effectiveness] of [this][the] instrument\* [to assess collective progress in achieving the objective of the instrument][considering commitments and support provided in light of equity]\*[ and [based upon this evaluation] determine [if necessary] [any] measures required to advance in achieving

its the objective [including measures to support developing countries overcome challenges related to the implementation of the instrument]]. The [governing body\* shall [begin][undertake] its] first [evaluation][assessment] of [effectiveness][progress] of the instrument\* [shall be undertaken] no later than [X][4][5][6][8] years after the date of entry into force of the instrument\* and [periodically] thereafter at [intervals to be decided by the governing body\* but no later than at] least every [X][4][5] years.

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

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

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

- a. [National reporting pursuant to [Part IV.3 on reporting on progress];]
- b. [National plans submitted by Parties pursuant to [Part IV.1 on national plans];]
- c. [[Scientific and s][S]ocioeconomic assessments [pursuant to [Part V.2 on subsidiary bodies]];[1]]
- d. [[Scientific assessments and the use of] Best available scientific and technical knowledge [, including scientific literature [the traditional knowledge of Indigenous Peoples obtained with their free, prior and informed consent,] and other relevant sources;]]
- e. [Results of assessment and monitoring conducted pursuant to [Part IV.4.a. on assessment and monitoring];]
- f. [[Relevant i][I]nformation and recommendations provided by the committee referred to in [Part IV.2 on implementation and compliance mechanism];]
- g. [Reports and other relevant information on the [alignment of financial flows [and alignment with the life cycle stages] from all sources with the instrument\*'s objective [and targets,]] operation of the financial [[resources and] [mechanism][assistance]], [technical assistance] technology transfer [on voluntary and mutually agreed terms] and

capacity-building arrangements put in place under this instrument\*, and alignment with the instrument\*'s objective and targets,; and]

h. [Relevant reports from the chemicals-related agreements, multilateral environmental agreements that deal with climate change, biodiversity, law of the sea as well as multilateral organizations, including the World Trade Organization, World Customs Organization, World Health Organization, and International Labour Organization;]

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

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

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

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

Preferred text: Review of hazardous chemicals, monomers, oligomers and polymers, microplastics and problematic and avoidable chemicals and products, and non-plastic substitutes

Rationale: Monomers and oligomers are generally more reactive than polymers, and also non-hazardous chemicals may interfere with recycling operations.

#### Option 0

No text.

#### Option 1

1. The governing body\* shall conduct, ~~[based on the request of the parties or relevant research associations,]~~ commencing [4X] years after entry into force and at least every [4X] years thereafter, a review of hazardous, problematic and avoidable chemicals, [including monomers, oligomers and polymers] of concern used in plastic production and in manufactured products, intentionally added microplastics and problematic and avoidable plastic products<sup>[2]</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.

Preferred text: The governing body\* shall conduct, commencing 4 years after entry into force and at least every 4 years thereafter, a review of **hazardous, problematic and avoidable** chemicals, including **monomers, oligomers** and polymers, used in plastic production **and in manufactured products**, intentionally added microplastics and **problematic and avoidable** plastic products<sup>[2]</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.

> Rationale: If a 4 year interval for the effectiveness evaluation of the instrument is chosen, also the review of listing of hazardous, problematic and avoidable chemicals should probably be 4 years. Monomers and oligomers are more reactive than polymers.

2. The review referred to in paragraph 1 shall be based on a report by [the expert review body or panel].[3] This report may contain [optional advice][recommendations] to the governing body\*, including with respect to possible amendments to annexes A and B].[4]

Preferred text: The review referred to in paragraph 1 shall be based on a report by the expert review body or panel.[3] This report may contain recommendations to the governing body\*, including with respect to possible amendments to annexes A and B.[4]

Rationale: In general the expert review should provide recommendations for improvements, also with respect to amendments of annexes, as relevant.

3. In the conduct of its work under this provision, the [the expert review body or panel][5] may [prioritize substances ][study], products or sectors with high volumes or the greatest likelihood of giving rise to plastic pollution, **for inclusion into Annexes A and B**.[6]

Preferred text: In the conduct of its work under this provision, the the expert review body or panel][5] may prioritize substances, products or sectors with high volumes or the greatest likelihood of giving rise to plastic pollution, **for inclusion into Annexes A and B**.[6]

Rationale: Also chemicals should be in the scope of reviews.

4. The governing body\* shall consider, in light of the report provided by [the expert review body or panel][7] pursuant to paragraph 2, whether amendments to annexes A and B are warranted.

Preferred text: The governing body\* shall consider, in light of the report provided by the expert review body or panel[7] pursuant to paragraph 2, whether amendments to annexes A and B are warranted.



Rationale: The paragraph is fine as it is.

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[1] Note: This language assumes that a scientific and/or technical body or review mechanism would be mandated to carry out scientific and socioeconomic assessments.

[2] 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).

[3] 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.

[4] Co-facilitators' note: Members may wish to consider the addition of a provision on the process for amendment of these modalities.

[5] Note: This language assumes that a scientific and/or technical body or review mechanism would be mandated to carry out this function.

[6] 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 **monomer, oligomer**, polymer, additive or product;
- b. The contribution of the **monomer, oligomer**, polymer, additive or product;
- c. The necessity of the product;
- 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 SIDS.

> Preferred text: [6] 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 **monomer, oligomer**, polymer, additive or product;
- b. The contribution of the **monomer, oligomer**, polymer, additive or product;
- c. The necessity of the product;
- d. The availability of safe, sustainable, accessible and economically feasible alternatives and/or substitutes; and

Rationale: This footnote is fine.

[7] Note: This language assumes that a scientific and/or technical body or review mechanism would be mandated to carry out this function.

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### *Complete preferred text Periodic Assessment*

1. Preferred text: 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, **including its constituent chemicals**, 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 and plastic chemicals in air, soil, water, and ecosystems;
- d. The effects of plastic pollution, **including of chemical constituents in plastics**, on the environment.

2. Preferred text: 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. Preferred text: 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][c.]

Preferred text: Review of hazardous chemicals, **monomers, oligomers** and polymers, microplastics and problematic and avoidable **chemicals and** products, and non-plastic substitutes

### Option 1

1. Preferred text: The governing body\* shall conduct, commencing **4** years after entry into force and at least every **4** years thereafter, a review of **hazardous, problematic and avoidable** chemicals, **including monomers, oligomers** and polymers,

used in plastic production and in manufactured products, intentionally added microplastics and problematic and avoidable plastic products<sup>[2]</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. Preferred text: The review referred to in paragraph 1 shall be based on a report by the expert review body or panel.<sup>[3]</sup> This report may contain recommendations to the governing body\*, including with respect to possible amendments to annexes A and B.<sup>[4]</sup>

3. Preferred text: In the conduct of its work under this provision, the the expert review body or panel<sup>[5]</sup> may prioritize substances, products or sectors with high volumes or the greatest likelihood of giving rise to plastic pollution, for inclusion into Annexes A and B.<sup>[6]</sup>

4. Preferred text: 4) The governing body\* shall consider, in light of the report provided by the expert review body or panel<sup>[7]</sup> pursuant to paragraph 2, whether amendments to annexes A and B are warranted.

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#### Footnote

> Preferred text: <sup>[6]</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 monomer, oligomer, polymer, additive or product;
- b. The contribution of the monomer, oligomer, polymer, additive or product;
- c. The necessity of the product;
- d. The availability of safe, sustainable, accessible and economically feasible alternatives and/or substitutes; and

## Part IV 6 Information exchange

Directions:

Red words are new text

Purple text is rational for changes

Green Text is suggested preferred text

### 6. Information exchange

Alt title: ~~Transparency~~

Rationale: Chapter on transparency is already included and it is Chapter 13

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

Preferred text: Each Party shall facilitate and undertake exchange of information relevant to the implementation of the instrument\* in a transparent manner on best practices and research and technologies, including on:

Rationale: The provision should be binding and thus reflect this in the language.

- a. Best practices and policies on sustainable consumption and production, ~~where the latter includes design, and the chemical composition of plastics, in primary production of plastics as well as of secondary raw materials through recycling;~~

Preferred text: Best practices and policies on sustainable consumption and production, ~~where the latter includes design, and chemical composition of plastics, in primary production of plastics as well as of secondary raw materials through recycling;~~

Rationale: Important to recognize that sustainable production includes design, consideration of the chemical composition primary and secondary plastics.

- b. Research and technologies ~~{innovation, and green chemistry on voluntary and mutually agreed terms related to plastic};~~

Preferred text: Research and technologies innovation, and green chemistry on voluntary and mutually agreed terms related to plastic;

- c. Knowledge, including ~~{the traditional}~~~~{Indigenous}~~ knowledge ~~{of Indigenous Peoples obtained with their free, prior and informed consent}~~ ~~{traditional knowledge, knowledge of Indigenous Peoples, and local knowledge systems, in line with free prior and informed consent}~~ ~~{and the knowledge of workers in the informal plastic sector {including waste-pickers}}~~, inter alia, on environmentally sound waste management ~~{of plastic waste}~~, sources of

plastic pollution, human and fauna and flora exposure to plastic pollution and the associated risk management and [pollution]-reduction-[policies, actions and other]-options;

Preferred text: Knowledge, including traditional knowledge, knowledge of Indigenous Peoples, and local knowledge systems, in line with free prior and informed consent and the knowledge of workers in the informal plastic sector including waste-pickers, inter alia, on environmentally sound waste management of plastic waste, sources of plastic pollution, human and fauna and flora exposure to plastic pollution and the associated risk management and pollution reduction policies, actions and other options;

Rationale: This is fine.

- d. Studies and experiences on circular economy, **how to ensure material cycles free from toxic chemicals**, and zero waste initiatives; and

Preferred text: Studies and experiences on circular economy, **how to ensure material cycles free of toxic chemicals**, and zero waste initiatives; and

Rationale: We need to strive for material cycles free from toxic chemicals, and share knowledge and experiences on that. Will the sub-paragraph e be developed?

- 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.]~~

Rationale: Already covered by paragraph 1.

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.]

Preferred text: Parties may exchange the information referred to in paragraph 1 directly, through an online 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.

Rationale: An online clearinghouse is a good idea.

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

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

Rationale: The text is fine.

OP3 Alt. No text.

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

Preferred text: 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.

Rationale: The text is fine.

5. Parties exchanging information pursuant to this instrument\* shall protect any confidential information as mutually agreed—[and handle Indigenous Knowledge consistent with relevant international norms or standards]. **Recalling paragraph 22 of the Dubai Declaration, information on chemicals relating to the health and safety of humans and the environment should not be regarded as confidential;**

Preferred text: Parties exchanging information pursuant to this instrument\* shall protect any confidential information as mutually agreed and handle Indigenous Knowledge consistent with relevant international norms or standards. **Recalling paragraph 22 of the Dubai Declaration states that** Recalling information on chemicals relating to the health and safety of humans and the environment should not be regarded as confidential

Rationale: Adding a reference to the globally adopted Dubai Declaration makes it clear that confidential information has its limits.

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

Rationale: Sufficiently covered by paragraph 2?

### *Complete preferred text Information Exchange*

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

Preferred text : a) Best practices and policies on sustainable consumption and production, **where the latter includes design, and chemical composition of plastics, in primary production of plastics as well as of secondary raw materials through recycling;**

Preferred text: b) Research and technologies innovation, and green chemistry on voluntary and mutually agreed terms related to plastic;

Preferred text: c) Knowledge, including traditional knowledge, knowledge of Indigenous Peoples, and local knowledge systems, in line with free prior and informed consent and the knowledge of workers in the informal plastic sector including waste-pickers, inter alia, on environmentally sound waste management of plastic waste, sources of plastic pollution, human and fauna and flora exposure to plastic pollution and the associated risk management and pollution reduction policies, actions and other options;

Preferred text: d) Studies and experiences on circular economy, **how to ensure material cycles free of toxic chemicals,** and zero waste initiatives; and

e. [Other innovative solutions.]

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

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

4. Preferred text: 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. Preferred text: Parties exchanging information pursuant to this instrument\* shall protect any confidential information as mutually agreed and handle Indigenous Knowledge consistent with relevant international norms or standards. **Recalling paragraph 22 of the Dubai Declaration states that** Recalling information on

chemicals relating to the health and safety of humans and the environment should not be regarded as confidential

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

Directions:

Red words are new text

Purple text is rational for changes

Green Text is suggested preferred text

General comment: There is nothing on chemicals until paragraph 3.

### 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, public access to information, 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 obtained with their free, prior and informed consent [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, including related chemical pollution, and] [contribute to the achievement of] the objective of this instrument\*. This may include measures such as:

- a. [Developing a communication and education strategy on the objective of the instrument\*, involving [all][relevant] [partners and] stakeholders [as appropriate], including educational and awareness-raising programmes and [citizen][public] campaigns [with a view to creating behavioural change];]
- b. Promoting public participation and public access to information;



- c. Providing training at the national, regional and international levels[, including exchange visits and specific dedicated training;]
- d. [Including [promoting the inclusion of] issues related to plastic pollution across curricula and practices in educational institutions [at all levels and in all forms of education]; and]
- e. [Developing [regularly-updated and standardized] communication materials [regarding the health risks][on the health impacts] of plastic pollution, [and the importance of behavioural change as well as] potential alternatives [and the importance of behavioural change [and on just transition].]]

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

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

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

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

## Option 2

Alt title: [Scientific research, development and innovation]

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

- 1. Developing and implementing sustainable and circular plastics approaches and systems-wide solutions;
- 2. Enhancing understanding of environmental and human health impacts of plastic pollution and alternative solutions across the full life cycle;
- 3. Promoting and improving methods for the monitoring and modelling plastic pollution including its distribution and abundance in the environment;
- 4. Promoting the collaborative development and use of standardized methods and approaches for environmental data collection and analyses, to improve reliability and comparability; and

5. Incorporating Indigenous knowledge and other cultural and socio-economic factors, as appropriate.

2. Such efforts should support and accelerate solutions across the plastics lifecycle and minimize unintended consequences.]

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

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

[1. Parties shall promote and facilitate public awareness-raising, education, and information exchange related to plastic pollution and its effects relevant to the implementation of this instrument\* and shall promote, as appropriate, such efforts at the regional, national and international levels and cooperate, as appropriate, with relevant intergovernmental and non-governmental organizations.

2. Each Party shall promote and facilitate measures to raise awareness, improve understanding, and share information, such as:

- a. Developing a communication and education strategy on the objective of the instrument\*, involving [partners and] stakeholders, including educational and awareness-raising programmes and citizen campaigns.
- b. Promoting public participation and public access to information;
- c. Providing training at the national, regional and international levels, including exchange visits and specific dedicated training;
- d. Promoting the inclusion of plastic pollution issues across curricula and practices in educational institutions;

3. Each party shall facilitate exchange of information relevant to the implementation of the instrument\*, such as:

- a) Best practices and policies on sustainable consumption and production, including on design, chemical composition of plastics, production of secondary raw materials through recycling free from harmful chemicals;

Preferred text: Best practices and policies on sustainable consumption and production, including on design, chemical composition of plastics, production of secondary raw materials through recycling free from harmful chemicals ;

Rationale: We need to strive for toxic-free material cycles, and share knowledge and experiences on that.

- 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, including pollution from plastic chemicals, health and environmental impacts and the associated risk management and pollution reduction options.

Preferred text: Knowledge, including Indigenous knowledge, inter alia, on environmentally sound waste management, sources of plastic pollution, human and fauna and flora exposure to plastic pollution, including pollution from plastic chemicals, health and environmental impacts and the associated risk management and pollution reduction options.

Rationale: Plastic pollution is not only physical, rather also chemical.

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. Recalling paragraph 22 of the Dubai Declaration, information on chemicals relating to the health and safety of humans and the environment should not be regarded as confidential

Preferred text: Parties exchanging information pursuant to this instrument\* shall protect any confidential information as mutually agreed. Recalling paragraph 22 of the Dubai Declaration, information on chemicals relating to the health and safety of humans and the environment should not be regarded as confidential

Rationale: Referring to the Dubai Declaration demonstrates the importance of disclosing information about harmful chemicals because of their impact on health and the environment.

Complete preferred text

3. Each party shall facilitate exchange of information relevant to the implementation of the instrument\*, such as:

- a) Preferred text: Best practices and policies on sustainable consumption and production, including on design, chemical composition of plastics, production of secondary raw materials through recycling free from harmful chemicals ;

- b. Research, technologies, innovation, and green chemistry;
- c. .

Preferred text: Knowledge, including Indigenous knowledge, inter alia, on environmentally sound waste management, sources of plastic pollution, human and fauna and flora exposure to plastic pollution, including pollution from plastic chemicals, 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. Preferred text: Parties exchanging information pursuant to this instrument\* shall protect any confidential information as mutually agreed. Recalling paragraph 22 of the Dubai Declaration, information on chemicals relating to the health and safety of humans and the environment should not be regarded as confidential

## Part IV 8 Partner and Stakeholder engagement

Directions:

Red words are new text

Purple text is rational for changes

Green Text is suggested preferred text

8. [Partner and] Stakeholder engagement

Preferred title: Partner and stakeholder engagement

1. A multi-stakeholder action agenda[1] 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.[2]

Preferred text: A multi-stakeholder action agenda[1] 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.[2]

Rationale: The text is fine.

2. 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, the informal recycling sector and waste pickers, all sectors of plastic industry, Indigenous People and local community (IPLC), local government, civil society organizations, women and the youth][in particular women, youth and Indigenous Peoples and local communities, the informal sector and other vulnerable groups] in the development and implementation of the instrument\* and to accelerate ambitious action;
- b. Provide a space for relevant [~~partners and~~] stakeholders [~~who wish to do so to report~~][to share information] on action taken in support of the achievement of the objective of this instrument\*;
- c. Promote ambitious action and cooperation at the local, national, regional and global levels;
- d. [In coordination with Parties in their implementation of the instrument\*, mobilize][Support the mobilization of] financial and technical resources from [private sector] stakeholders[, including public and private finance stakeholders][in support of the implementation of the instrument\*];
- e. Share knowledge and highlight successes to replicate and scale sustainable [solutions, including in high-impact sectors and key thematic areas.]

Preferred text:

purpose of the multi-stakeholder action agenda is to, among other things:

- a. Promote active and meaningful participation of all relevant stakeholders [including academia, the informal recycling sector and waste pickers, all sectors of plastic industry, Indigenous People and local community (IPLC), local government, civil society organizations, women and the youth][in particular women, youth and Indigenous Peoples and local communities, the informal sector and other vulnerable groups] in the development and implementation of the instrument\* and to accelerate ambitious action;

- b. Provide a space for relevant partners and stakeholders 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. Support the mobilization of financial and technical resources from 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.

Rationale: The text is fine.

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.

Preferred text: The purpose of the multi-stakeholder action agenda is to promote active and meaningful participation of all relevant stakeholders in the development and implementation of the instrument\*, through share knowledge, opportunities and highlight successes to replicate and scale sustainable solutions.

But better captured by the original paragraph 2.

Rationale: The text is fine.

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\*. **The multi-stakeholder action agenda shall include, inter alia, the informal recycling sector and waste pickers, local governments and all sectors of the plastic industry.**

Preferred text: Each Party shall 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\*. **The multi-stakeholder action agenda shall include, inter alia, the informal recycling sector and waste pickers, local governments and all sectors of the plastic industry.**

Rationale: All stakeholders in society in a position to do so should contribute to the implementation of the national plan.

~~OP3 bis. The multi-stakeholder action agenda shall include, inter alia, the informal recycling sector and waste pickers, local governments and all sectors of the plastic industry.~~

Rationale: Already covered by the original paragraph 3, although not explicit. It is better to add it to par. 3 above.

8bis. Health aspects

1. Parties are encouraged to:

a. Promote the development and implementation of strategies and programmes to identify and protect populations at risk, particularly vulnerable populations, and which may include adopting science-based health guidelines relating to the exposure to plastic pollution, ~~including particular~~ microplastics, **chemicals** and related issues, setting targets for their exposure reduction, where appropriate, and public education, with the participation of public health and other involved sectors;

> Preferred text: 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, ~~including particular~~ microplastics, **chemicals** and related issues, setting targets for their exposure reduction, where appropriate, and public education, with the participation of public health and other involved sectors;

> Rationale: You cannot say "in particular" here because that omits so many important issues only in favor of microplastics. For example, chemicals shall also be included, because plastic pollution is physical and chemical pollution due to chemicals in materials and products.

b. Promote the development and implementation of science-based educational and preventive programmes on occupational exposure to plastic pollution, ~~including particular~~ microplastics, **chemicals** and related issues;

> Preferred text: Promote the development and implementation of science-based educational and preventive programmes on occupational exposure to plastic pollution, ~~including particular~~ microplastics and related issues;

> Rationale: You cannot say "in particular" here because that omits so many important issues only in favor of microplastics. Chemicals shall also be included, because plastic pollution is physical and chemical pollution due to chemicals in materials and products.

c. Promote appropriate health-care services for prevention, treatment and care for populations affected by the exposure to plastic pollution, **including** ~~particular~~ microplastics, **chemicals** and related issues; and

> Preferred text: Promote appropriate health-care services for prevention, treatment and care for populations affected by the exposure to plastic pollution, **including** microplastics, **chemicals** and related issues; and

> Rationale: You cannot say "in particular" here because that omits so many important issues only in favor of microplastics. Chemicals shall also be included, because plastic pollution is physical and chemical pollution due to chemicals in materials and products.

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, **including** ~~particular~~ microplastics and related issues.

> Preferred text: 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, **including** microplastics, **chemicals** and related issues.

> Rationale: You cannot say "in particular" here because that omits so many important issues only in favor of microplastics. Chemicals shall also be included, because plastic pollution is physical and chemical pollution due to chemicals in materials and products.

2. The governing body\*, in considering health-related issues or activities, should:

a. Consult and collaborate with the World Health Organization, other relevant intergovernmental organizations, and other relevant [partners and] stakeholders as appropriate; and

b. Promote cooperation and exchange of information with the World Health Organization, and other relevant intergovernmental organizations, and other relevant [partners and] stakeholders as appropriate.

> Preferred text: 2. The governing body\*, in considering health-related issues or activities, should:



a. Consult and collaborate with the World Health Organization, other relevant intergovernmental organizations, and other relevant [partners and] stakeholders as appropriate; and

b. Promote cooperation and exchange of information with the World Health Organization, and other relevant intergovernmental organizations, and other relevant [partners and] stakeholders as appropriate.

> Rationale: This is fine

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[1] 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\*.

[2] 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\*.

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*Complete preferred text Partner and Stakeholder engagement*

8. [Partner and] ~~S~~stakeholder engagement

Preferred title: Partner and stakeholder engagement

Preferred text: A multi-stakeholder action agenda[1] 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.[2]

Preferred text:

purpose of the multi-stakeholder action agenda is to, among other things:

a. Promote active and meaningful participation of all relevant stakeholders [including academia, the informal recycling sector and waste pickers, all sectors of plastic industry, Indigenous People and local community (IPLC), local government, civil society organizations, women and the youth][in

particular women, youth and Indigenous Peoples and local communities, the informal sector and other vulnerable groups} in the development and implementation of the instrument\* and to accelerate ambitious action;

- b. Provide a space for relevant partners and stakeholders 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. Support the mobilization of} financial and technical resources from 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.

Preferred text OP2 alt: The purpose of the multi-stakeholder action agenda is to promote active and meaningful participation of all relevant stakeholders in the development and implementation of the instrument\*, through share knowledge, opportunities and highlight successes to replicate and scale sustainable solutions.

But better captured by the original paragraph 2.

3. Preferred text: Each Party shall 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\*. **The multi-stakeholder action agenda shall include, inter alia, the informal recycling sector and waste pickers, local governments and all sectors of the plastic industry.**

8bis. Health aspects

1. Parties are encouraged to:

- a. > Preferred text: 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, **including particular–microplastics, chemicals** 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. > Preferred text: Promote the development and implementation of science-based educational and preventive programmes on occupational exposure to plastic pollution, including microplastics and related issues;

c. > Preferred text: Promote appropriate health-care services for prevention, treatment and care for populations affected by the exposure to plastic pollution, including microplastics, chemicals and related issues; and

d. > Preferred text: 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, including microplastics, chemicals and related issues.

2. > Preferred text: 2. The governing body\*, in considering health-related issues or activities, should:

a. Consult and collaborate with the World Health Organization, other relevant intergovernmental organizations, and other relevant [partners and] stakeholders as appropriate; and

b. Promote cooperation and exchange of information with the World Health Organization, and other relevant intergovernmental organizations, and other relevant [partners and] stakeholders as appropriate.

