

Contact Group 1 - Article 3

Status of work as of 8 August 2025 (14:03)

1. The text below reflects the outcomes of the informal held under Contact Group 1 on article 3, as discussed on 8 August, as of 14:03.

**[ARTICLE 3 [SUSTAINABLE CONSUMPTION AND PRODUCTION OF]
[PRODUCT DESIGN] [PROBLEMATIC] PLASTIC PRODUCTS¹**

[1. Each Party [shall] [should], [in accordance with its national circumstances, capacities [needs], [capabilities] and socio-economic considerations,] [consider the following criteria taking into account] [take] [appropriate [technical,] legislative, administrative, [or] [market-driven] [or other]] [incentive] measures [, as appropriate] [in a non-discriminatory manner] [and take into account the product necessity for health, food, water security and safety] [to [prohibit [or reduce] [,where feasible not allow,] the manufacture, [export or import]] [as well as non commercial movements] [address] [not allow [phase out] or otherwise regulate,] manage [and sustainable consume], [reduce, [or prohibit,]]] as appropriate [with the view to maintain sustainable production], [specific applications] of [unnecessary] [high impact plastic products in the national environmental pollution.] [single use or [short lived]] plastic products [not listed in Annex Y] [which can be avoided or replaced without significantly impeding functionality and which] [that] [are proven [supported] by [peer reviewed] scientific evidence to] [meet] [any] [all] [one or more] [based on the criteria developed by the [Conference of the Parties through consensus] [Review Committee] including] of [considering] [with the aim of reducing plastic pollution] [in order to contribute to the achievement of the objective of this instrument] [taking into account] the following criteria [and that it identifies as consistent with paragraph 1*bis*]:

- a. [a-are [hazardous] [highly] [likely] [likelihood] [of being leaked to the environment] [to be [littered] or to enter the environment] [or pose a risk to human health or the environment];]
a alt. [[Sufficient] [Proven] scientific evidence is available that] the [level of] leakage [of the propensity of such leakage cannot be affectively mitigated though the implementation of existing or reasonable practical waste collection, litter or waste management systems] to the environment occurring from [waste from] such a product application poses a threat to the environment]
a bis. [[Determination by the Party of] [Pose] an unreasonable risk to human health or the environment [from the product when released to the environment]]
- b. ~~b-~~[[Determination of a Party of an unacceptable level of scientifically proven risk to the environment from the product waste when it is mismanaged] [Plastic product] [contains [hazardous] [a chemical or] [chemicals] [not regulated by other Conventions] [for which the Party has identified] a risk] [that pose] [risk[s]] of concern to] [in concentrations above scientifically established limits, which present a demonstrated adverse effect on the environment and] [human health] [or the environment] [associated with the use of that product];] [attribution of hazardous properties to chemicals shall be made on the basis of the criteria set out in Globally harmonized systems of classification and labelling of chemicals]]
b. Alt. [Contain a chemical or chemicals [not regulated by other Conventions] of concern to [human health] or the environment, identified pursuant to the criteria set out in part B of Annex Y]
- c. [Plastic product is] [are] [not capable] [difficulty] [to be reused or recycled] of being reused, recycled, [or composted] [,] [and [improvement of] design [innovation] for recyclability [reusability, durability, repairability, or refurbishability] is not feasible] [affordable or accessible] [in practice and at scale];] [proposed merge c and d]

¹ Pending further consultations.

d. [[may] disrupt [inhibit] the [circular economy] [circularity] [on a large scale];] [or] [and]] (proposed merge c and d)

e. [contain intentionally-added microplastics [that the Party has identified pose a risk] [to the environment due to difficulties of recycling and reusing] [[and other chemicals] that [are toxic] to the environment or to human health].]

Alt.e [Other products not listed in Annex Y, if they contain plastics that fulfil one or more of the criteria above]

Bis e. [Technical and economic feasibility and environmental impacts of alternative products]

Ter e. [Availability of alternative products with lower environmental impacts]

Quater e. [Technical and economic feasibility of alternative products]

Quinquies e. [Availability and affordability of scientifically proven safe alternative products with lower environmental impacts]

Sexties e. [Adverse impacts of reducing or prohibition and or putting a limit and the use production and applying a plastic product on food and water security and increased usage of other natural resources as well as its socio economic and cultural feasibility]

Septies e. [Technical, technological and financial barriers and challenges of the Party in changing, modifying, shifting or replacing plastic products and the materials used for it]

1bis. [[In implementing] [For identifying a plastic product according to] paragraph 1 [of this article], each Party [could] shall [identify] [national actions that are practicable taking into account] [assess the plastic] [product[s] [application] based on] the [following] factors [in paragraph 5b, [as appropriate, and the products listed in Annex [X].]][:]]

(a) [The necessity of the plastic product and its intended use, including its functional and societal value in terms of its contribution to food[, transport] or energy security, food and water safety, health care as well as achievement of environmental, climate or industrial goals;

(b) The performance, safety, environmental and health impact, technical feasibility, affordability, availability, and accessibility of directly competitive products made of alternative [products] materials or methods];

(c) The performance of waste management system and its capacity to improve the management of waste from the product, including its collecting, sorting, recycling, regeneration, recovery (including energy recovery), incineration or disposal;

(d) The socio-economic impacts of any proposed mitigation measures;

(e) [Where relevant,] the incorporation of [relevant] traditional knowledge, [knowledge of] Indigenous Peoples and local knowledge systems, [local practices], and scientific and technological advances]

[1. Ter. The products could be regulated using global criteria regulated by the Conference of the Parties.]

[1 Quater. Each party is encouraged, in developing measures to take to take in implementing this article to use the best available scientific information and analysis]

[1. Alt. Each Party shall reduce, and where feasible not allow, the manufacture, export or import of:] [Plastic products not listed in Annex Y that meet one or more of the following criteria:]

[1 2. Alt. Each Party should, in accordance with its national circumstances and needs, consider the following criteria in a non-discriminatory manner, and take into account the product necessity for health, food, water, including their security and safety.]

[1 3. Alt. Each Party should in accordance with its national circumstances and needs manage the risk of products that have been proven by peer reviewed scientific evidence through consideration of available, accessible and affordable alternatives taking into account their social, economic and environmental impact assessments.]

[1 4. *Alt.* Each Party shall, in accordance with its national circumstances, capabilities and social and economic considerations, take appropriate technical, legislative, administrative or other measures in a non-discriminatory manner to address, manage, reduce, or prohibit, as appropriate, specific applications of unnecessary single use plastic products which can be avoided or replaced without significantly impeding functionality and which are proven by scientific evidence to meet one or more of the following criteria:]

[1 5. *Alt.* Each Party shall reduce, and where feasible in accordance with its national circumstances, needs and capabilities not allow the manufacture, export or import of plastic products of the following criteria:]

2. [Each Party shall, in accordance with the provisions of this Article [X on Reporting] [taking into account national circumstances and capabilities], provide the Secretariat with a report detailing the measures adopted in implementing [paragraph 1] [this article], [the rational and evidentiary basis for the measure,] the outcomes achieved, and any challenges encountered. The Secretariat shall make such reports publicly available.]

3. [The Conference of the Parties shall, at its first meeting, establish a[n ad hoc open ended] [subsidiary body] [Committee] to be called the [Scientific-Technical-Economic-[Social]-Cultural]] Review] Committee (the ["Review] Committee").]

4. The [Review] Committee shall [, inter alia], as appropriate, develop [guidance][guidelines] and provide relevant information, [advice, and recommendations] [including development of a robust and scientific framework of criteria and the evaluation] to assist Parties in the implementation of the measures taken to implement [paragraph 1] [this article] [, as well as compile and review the information provided by the Parties pursuant to paragraph 2]. Such guidance, [information,] [advice, or recommendations] shall be submitted to the COP for [consideration and] [adoption] [by consensus].

4bis. [Each Party shall not allow the manufacture, import or export of plastic products as listed in Annex [Y (Plastic products)] after the phase out date specified for that plastic product in Annex [Y], except where the Party has a registered exemption to this paragraph pursuant to Article [Article on Exemptions].]

4ter. [The Review Committee shall be expert based. Members are to be elected by the Conference of the Parties and on the basis of equitable geographical representation. The review Committee modalities and procedures shall be established by the Conference of the Parties at its first meeting.] [Such Committee shall develop the criteria and the obligations of Parties to apply such criteria]

5. [Any Party may submit a proposal to the Secretariat for the inclusion of a [single use or short-lived] plastic product [on [a] [the] [global] list] [with no phase out date] [in Annex [Y]] [in Annex X for consideration by the governing body in accordance with Article [Adoption and Amendment of Annexes] [which will also guide Parties to effectively implement paragraph 1.]. Such a proposal shall include:

- (a) a detailed justification demonstrating how the product meets [any][one or more] [of] the criteria [set out in paragraph 1] [to be developed and adopted by the Conference of the Parties], [and
- (b) scientific or technical information on:]

[The [Review] Committee shall evaluate the proposal in a transparent [and on the basis of the best available science and relevant traditional knowledge, knowledge of Indigenous Peoples, and local knowledge systems] [and scientifically sound] manner. [If the [Review] Committee determines that the criteria are met, it shall recommend to the COP whether the product should be added to the [global] list]. [The [Review] Committee may, taking into account the criteria in paragraph 1 and the following factors, recommend to the COP that the product be added to Annex [Y]:]]

5bis. [The Conference of the Parties shall establish and maintain a database of information referred to in paragraph 2 of this Article. The database shall be publicly available. At its first meeting, the Conference of the Parties shall adopt the format of report of information referred to in paragraph 2 of this Article.]

6. [The [Review] Committee [may] [will] [shall] [on the request of the Conference of the Parties] ~~be made~~ develop recommendations on possible actions to be taken with respect to a plastic product included in the

[global] list [in annex [Y]]. [Such recommendations shall take into account [the criteria listed in paragraph 1 and] [at least] [among other] the following factors:]]

- (a) The necessity of the plastic product and its intended use;
- (b) The performance, safety, environmental impact, technical feasibility, affordability, availability, and accessibility of alternative products or methods;
- (c) The risk posed by chemicals of concern contained in the plastic product;
- (d) The socio-economic impacts of any proposed control measures;
- (e) [Where relevant,] the incorporation of [relevant] traditional knowledge, [knowledge of] Indigenous Peoples and local knowledge systems, [local practices], and scientific and technological advances]

7. [The recommendations of the Review Committee shall be submitted to the COP [for adoption] [by consensus].]

7bis. [The Conference of the Parties, taking due account of the recommendations of the Review Committee, shall decide whether to include the plastic product in Annex [Y].]

7 alt bis. [The Conference of the Parties, taking due account of the recommendations of the Review Committee, including any scientific uncertainties, shall decide whether to initiate global action pertaining to nominated plastic products and shall specify its related measures to be taken, including their listing in Annex [Y]].]

8. [Any measures taken by a Party in the implementation of this Article shall [be based on scientific evidence and] not be applied in a manner that constitute[s] [a means of] arbitrary or unjustifiable discrimination between Parties where similar conditions prevail, nor shall they serve as a disguised restriction on international trade.]

8 Alt. [Each Party shall not allow the manufacture, import or export of plastic products as listed in Annex [Y] after the phase out date specified for that plastic product in Annex [Y], except [where an exclusion is specified in that Annex or] the Party has a registered exemption to this paragraph pursuant to Article [X on Exemptions).]

8bis. [Each Party shall require producers, importers and exporters of plastic products to ensure adequate and reliable information on chemicals used in plastic products along the various value chains, and take appropriate measures to ensure the traceability of chemicals, including in plastic products and wastes, based on globally harmonized guidelines to be adopted by the Conference of parties at its [second] meeting.”]

8ter. [Each Party shall, in accordance with the provisions of Article [X on Reporting], [provide the Secretariat with a report detailing] report on the measures adopted in implementing paragraph 1, 7 and 8 [the outcomes achieved, and any challenges encountered. The Secretariat shall make such reports publicly available].]

8quater. [Any measures established by a Party for the implementation of this Article shall be without prejudice to the rights and obligations of the Parties under the Marrakesh Agreement Establishing the World Trade Organization, including all its Annexes.]

8 quinquies. [Each Party shall endeavour to ensure the availability of information on plastic products and on prioritised chemicals in plastic products along the various value chains, and ensure the traceability of chemicals used in plastic products, based on guidelines to be adopted by the Conference of the Parties at its second meeting.]

8 sextiens. [A subsidiary body under this instrument to assess and facilitate the provision of financial and technical assistance including technology transfer to developing country Parties on voluntary and mutually agreed terms in line with the principles Rio Declaration on Environment and Development to support the implementation of the article.]

Annex Y²

² To be included as Annexes at the end of the document subject to further consultations.

Plastic Products

[Part I] Products [or product group]	Phase out date
Single use plastic sticks to be attached to and to support balloons	[203X]
Single use plastic straws	[203X]
Single use plastic beverage stirrers	[203X]
Single use plastic cutlery/ utensils (forks, knives, spoons, chopsticks)	[203X]
Single use plastic-stemmed cotton bud sticks	[203X]
Single use plastic carrier bags	[203X]
Rinse-off cosmetics and personal care products containing intentionally added microbeads	[203X]
[Part II] Products [or product group] [containing chemicals]	
Toys and children's products and Food contact material containing: <ul style="list-style-type: none"> - DEHP (CAS number 117-81-7) - DBP (CAS number 84-74-2) - BBP (CAS number 85-68-7) - DIBP (CAS number 84-69-5) 	[203X]
Toys and children's products and Food contact material containing: <ul style="list-style-type: none"> - Lead and lead compounds - Cadmium and cadmium compounds 	[203X]
Toys and children's products; Food contact material intended for children under 3 years of age containing: <ul style="list-style-type: none"> - BPA (CAS number 80-05-7) 	[203X]

Annex [X]

- Rinse-off cosmetic and personal care products containing intentionally added microbeads
- Single-use plastic straws
- Single use plastic beverage stirrers
- Single-use plastic cutlery/utensils (forks, knives, spoons, chopsticks),
- Single-use plastic food and beverage packaging made from EPS (expanded polystyrene), and XPS (extruded polystyrene)
- Single-use plastic carrier bags
- Oxo-degradable plastic products
- Cigarette filters made with plastic]