

## Bridging ideas for Chair's Article 3 text v1 December 2024

Provided by Australia – 4 August 2025 (contact [Elizabeth.Ferguson@dcceew.gov.au](mailto:Elizabeth.Ferguson@dcceew.gov.au) WhatsApp +61 414 571 460 for any questions).

### ***Two key bridging ideas:***

- Include a **real-time register of national import bans** (and potentially other measures such as manufacturing and export bans) registered by Parties
  - This will provide **real-time transparency** of nationally determined import restrictions, allowing exporters and manufacturers to understand **what markets they can access** and helping them to comply, allow Parties to **understand what others are regulating**, harmonise national measures, and provide a **timely indication of when global measures may be needed**, if many Parties are regulating a problematic product or chemical in a product
- Ensuring there is a **case for taking global action** in global listing proposals and expert evaluation.
  - Taking global level regulatory action is a significant undertaking. This will ensure that the process to add something to a global list includes consideration of whether the risk of harm, or the inhibition to circularity, warrants global-level action. It is based on concepts from the Stockholm Convention.

**Page 2:** Text proposals

**Pages 3-4:** Detailed rationale for proposals

## Real-time register of national import bans

We think 5 bis can be deleted as the Secretariat could establish a publicly accessible database based on the information provided by Parties through their National Reports. Such a database would not be sufficient on its own as it would not have the benefit of being up to date, which is vital to the functionality of our proposed register in paragraph 5 bis alt below.

~~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.]~~

**5bis alt** A Party shall aim to notify the Secretariat of any import restrictions planned or in effect in connection with the implementation of [paragraph 1]. The Secretariat shall establish and maintain a publicly available registry of such measures. A Party may update or withdraw a notification at any time. The Conference of the Parties shall, at its first meeting, adopt the format for notifications.

## Case for taking global action

### *Party listing proposals:*

5. ...Such a proposal shall include:

(a) [subparagraph on how the proposal meets the criteria], and

**(a) bis a statement indicating the need for global control, and**

(b) scientific or technical information on:]

### *Expert body consideration*

[The review committee shall...] evaluate:

(a) the extent to which the proposal meets the criteria in paragraph 1; and

**(b) the extent to which the risk of adverse human health and/or environmental effects, or the inhibition to circularity, warrants global action; and then**

(c) the following factors:

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

Chair’s text (relevant paragraphs only)	Key elements + proposed new text additions (underlined>	Reasons for enhancements
Real-time register of national import bans		
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.]	<p>We propose a <b>real time register</b> of nationally determined import restrictions based on voluntary notifications by Parties.</p> <p>5bis alt A Party may notify the Secretariat of <u>any import restrictions planned or in effect in connection with implementation of [paragraph 1].</u> The Secretariat shall establish and maintain a <u>publicly available registry of such measures.</u> A <u>Party may update or withdraw a notification at any time.</u></p>	<p><b>Issue:</b> Many countries have established their own, nationally determined plastic trade measures (more than 85 countries with more than 220 different restrictions). However, the measures are not consistent and information about them is not easily accessible. This proliferation of inconsistent national restrictions with little visibility, makes it expensive and difficult for exporters to comply, and results in nationally banned plastics still entering the country.</p> <p>General reporting and the database on national measures under Chair’s text paragraphs 2 and 5 <i>bis</i> will likely only occur annually or biannually, so will be ineffective as an up-to-date information source for importers, exporters and other Parties.</p> <p><b>Solution = A real time public register of import bans</b> Add text:</p> <ul style="list-style-type: none"><li>• To include a voluntary mechanism for Parties to register national import bans</li><li>• For the secretariat to set up and maintain a real-time public register to provide quick and easy access to a list of nationally implemented import bans</li></ul> <p><b>Benefits of this addition</b> A public register of import bans:</p> <ul style="list-style-type: none"><li>• Supports countries in their implementation of national import bans</li><li>• Provides up to date information about national restrictions, rather than information in national reports which would likely only be updated annually</li><li>• Helps exporters and importers comply with national measures (supporting national product bans)</li><li>• Provides critical information for plastic producers looking to export to multiple countries</li><li>• Builds greater consistency across nationally determined import bans by providing greater visibility of others’ measures</li><li>• Provides information on existing import bans on certain products, which can support Parties making a case for global level action and inform global listing proposals</li></ul>
Ensuring there is a <b>case for taking global action</b>		
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: <p>(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</p>	(a) <u>bis</u> a statement indicating the need for <u>global control, and</u>	<p><b>Issue:</b> Taking global action to ban something requires significant effort and resources from Parties. There needs to be a solid case that global level effort is warranted to ensure the effort matches the degree of regulation.</p> <p><b>Solution = Include consideration of the case for global action in the Party listing proposal</b> Amend text to include consideration of the need for global control, when a Party develops a proposal for listing a plastic product in Annex Y (a non-onerous short statement).</p>

Chair's text (relevant paragraphs only)	Key elements + proposed new text additions (underlined)	Reasons for enhancements
<p>(a) <u>bis</u> a statement indicating the need for global control, and</p> <p>(b) scientific or technical information on:]</p>		<p><b>Benefits of this change</b></p> <p>Including a requirement to consider the case for taking global action for Parties and the subsidiary body:</p> <ul style="list-style-type: none"> <li>• Distinguishes between products that would be better regulated at the national level (e.g. adverse impacts only for 1 or 2 countries) versus requiring a global ban</li> <li>• Ensure the listing process is not overwhelmed with proposals for listing products that are not a problem globally.</li> <li>• Ensures that valuable resources are directed towards the highest priority items for global cooperation</li> </ul> <p><b>Precedent:</b> Text drawn from Stockholm Convention Annex D para 2 (addition to para 5)</p>
<p>[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]:]]</p> <p>6. [The [Review] Committee [may] [will] [shall] [on the request of the Conference of the Parties] <u>be made</u> 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:]]</p> <p>(a) The necessity of the plastic product and its intended use;</p> <p>(b) The performance, safety, environmental impact, technical feasibility, affordability, availability, and accessibility of alternative products or methods;</p> <p>(c) The risk posed by chemicals of concern contained in the plastic product;</p> <p>(d) The socio-economic impacts of any proposed control measures;</p> <p>(e) [Where relevant,] the incorporation of [relevant] traditional knowledge, [knowledge of] Indigenous Peoples and local knowledge systems, [local practices], and scientific and technological advances]</p>	<p>[The subsidiary body shall]...<u>evaluate:</u></p> <p>a. <u>the extent to which the proposal meets the criteria in paragraph 1; and</u></p> <p>b. <u>the extent to which the risk of adverse human health and/or environmental effects, or the inhibition to circularity, warrants global action; and then</u></p> <p>c. <u>the following factors:</u></p> <p>vi. The necessity of the plastic product and its intended use;</p> <p>vii. The performance, safety, environmental impact, technical feasibility, affordability, availability, and accessibility of alternative products or methods;</p> <p>viii. The risk posed by chemicals of concern contained in the plastic product;</p> <p>ix. The socio-economic impacts of any proposed control measures;</p> <p>x. [Where relevant,] the incorporation of [relevant] traditional knowledge, [knowledge of] Indigenous Peoples and local knowledge systems, [local practices], and scientific and technological advances]</p>	<p><b>Issue:</b> Taking global action to ban something requires significant effort and resources from Parties. There needs to be a solid case that global level effort is warranted to ensure the effort matches the degree of regulation.</p> <p><b>Solution = Include consideration of the case for global action by the subsidiary body</b></p> <ul style="list-style-type: none"> <li>• Amend text so that the subsidiary body evaluates whether the risk of harm, or the impact on circularity, warrants global action, to inform their recommendation, and the CoP decision on listing (addition to 6) This addition complements the requirement for Parties to make a short case for taking global action in their listing proposals (see para 5).</li> <li>• Clarify the three elements the subsidiary body is evaluating (a) criteria in 1, (b) global risk, (c) implementation factors, to ensure the body has a clear mandate</li> </ul> <p><b>Benefits of this change</b> (see explanation for para 5 above)</p> <p><b>Precedent:</b> Stockholm Art 8 on listing from para 7a 'That the chemical is likely as a result of its long-range environmental transport to lead to significant <b>adverse human health and/or environmental effects such that global action is warranted...</b>'</p>