

ARTICLE 5 PRODUCT DESIGN

CANADA, CHILE, GRENADA, GUATEMALA, REPUBLIC OF KOREA, PANAMA, PHILIPPINES, TUVALU on behalf of PSIDS, UK

We are supportive of working of the basis of the chairs text to strengthen this important article. We are conscious that we are approaching the final stages of negotiations and want to work constructively with members to find broad support for this text before negotiations begin at INC5.2.

We are engaging with a range of members to understand how best we could improve this text to meet a range of member's needs.

So far, we have noted an interest in improving the text in three key areas to support its aims and implementation:

1. Reuse: to support the implementation of products for re-use many countries have noted the importance of improving 'reuse systems' as they are a key part of the solution for enabling greater re-use.
2. Product Information: Increased availability of product information would support members in achieving the objectives in paragraph 1. The availability of product information is particularly important for countries that mainly import plastic products to ensure they are complying with the provisions of this treaty.
3. Future work: As well as guidance, many countries have noted their desire for this article to allow for the development of design and performance criteria in the future, if necessary. This should be informed by evidence, and guidance should support members in the implementation of any criteria.

To help in understanding the changes we have made to the text proposal, we have added our **additions to the chairs text in bold** and some **deletions to the chairs text in bold and strikethrough**.

We have provided comments in the review function of word to provide more detailed information on our changes.

1. Each Party shall, taking into account its national circumstances and capabilities, take appropriate measures to:

(a) improve plastic product design, in pursuit of circular economy approaches, in order to:

- I. contribute to sustainable production and consumption of plastics by increasing **resource efficiency**, reuse and recycling of plastics, including, as appropriate, through reuse and recycled content targets, **and by promoting reuse and recycle systems**;
- II. Improve the **safety**, durability, reusability, refillability, refurbishability, repairability and recyclability of plastic products, and **promote ensure** the use of safe and sustainable additives;
- III. **ensure recycling and** disposal of plastic products in an environmentally sound manner in accordance with the waste hierarchy; and
- IV. Minimize releases **and leakages** of plastic, including microplastics, during the product life **cycle**.

Commented [A1]: Including resource efficiency encompasses a range of value retention measures across the whole lifecycle of plastics that may not be included in 1a. We have heard from some members that this is important to include. We understand resource efficiency to mean the optimisation of resource use so that a given level of final consumption can be met with fewer resources. This can occur at production, consumption, or end of product life.

Commented [A2]: It is important to acknowledge that reuse especially is not just about the reuse of plastics but can be a completely different system where plastics are not used at all. E.g. a glass milk delivery service. Therefore 'increasing reuse and recycling of plastics' is insufficient and would need to see promotion of reuse and recycle systems as they are an important part of the solution to reducing demand for plastics.

Commented [A3]: The safety of plastic products is important to be considered when improving product design to support the aims of the treaty to protect human health and the environment. This could consider the risks of safety from microplastic creation of plastic products and/or the stability of chemicals and design when reusing and recycling

Commented [A4]: Using "promote" in this context suggest that unsafe and unsustainable additives would be acceptable, which most countries do not want to see, so we have proposed "ensure" to give this provision a greater focus on the outcome.

Commented [A5]: Recycling should also be conducted in an environmentally sound manner and it is important that we ensure the waste hierarchy is considered when evaluating which is the best way to recycle a plastic product e.g. mechanical or chemical recycling

Commented [A6]: To be consistent with new title of Article 7

Commented [A7]: Just added for clarity and consistency of other mentions in the text about product lifecycle.

(a) *bis.* improve the availability of relevant information where appropriate, including information on safe and sustainable use, maintenance, repair and instructions on disposal, recycling and waste management of plastic products, to support the management of products effectively at all stages of the life cycle.

(b) foster research, innovation, development in plastic product design and use of sustainable and safer alternatives and non-plastic substitutes, including products, technologies and services, taking into account environmental, economic, social and human health aspects and their potential for waste reduction and reuse, as well as availability, accessibility and affordability, based on life cycle assessments and best available science, and, where relevant, traditional knowledge, [knowledge of Indigenous Peoples][.] [and] local communities].

2. The Conference of the Parties shall at its first meeting establish a process and schedule of work for the development of sector- and product-specific design and performance criteria as relevant, and shall as soon as practicable adopt an annex in accordance with Article 24, relating to sector- and product-specific design and performance criteria. Each Party shall ensure that the design of plastic products is in accordance with the design and performance criteria, if any, set out in the annex.

2.bis. The Conference of the Parties shall adopt and review, and update, as appropriate, guidance, within a reasonable timeframe to assist Parties in their implementation of this Article. The Conference of the Parties shall, as appropriate, draw upon scientific and technical information, traditional knowledge, [knowledge of Indigenous Peoples][.] [and] local communities] to support the implementation of this Article, including such information or knowledge provided by subsidiary bodies established under Article 20.

3. In implementing paragraph 1 of this Article, Parties should take into account relevant international rules, standards, and guidelines. Parties are encouraged to cooperate with relevant international organizations towards the development of relevant international rules, standards, and guidelines at the multilateral level to support the implementation of this Article.

4. Each Party shall ensure that measures taken to implement this Article do not create unnecessary obstacles to international trade and are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between countries where the same conditions prevail, or a disguised restriction on international trade.]

Design example criteria and guidance

Commented [A8]: Members highlighted the need for consideration of when improving the availability of information is most appropriate. This could include considerations for national, regional circumstances as well as the implications and feasibility of businesses providing such information. E.g. it might be more appropriate for larger multinational businesses to provide more information than smaller more domestic based businesses.

Commented [A9]: We have added product design here to acknowledge that we still need more research, innovation and development of plastic product design as there is still a lot unknown on the best approach to many plastic products and/or sectors.

Commented [A10]: brackets have been introduced to acknowledge divergent views on the text formulation of these forms of knowledge

Commented [A11]: Many members wanted to see specific design and performance requirements in the treaty but have shown compromise to work within the chairs text and an ...

Commented [A12]: To note we have deleted the word 'priority' from the chairs text as we understand there is ...

Commented [A13]: Members acknowledged that these requirements which could be a range of different measures ...

Commented [A14]: We heard a range of views from members on the use of criteria or requirements. On balance ...

Commented [A15R14]: An example of how a criteria could support the aims of the article is shown at the end of ...

Commented [A16]: The first meeting was thought as too prescriptive a timeline of when to introduce an annex and ...

Commented [A17]: Inspired by Article 3, para 13 of the Minamata Convention: The Conference of the Parties shall ...

Commented [A18]: There remains strong support for this article to have some legally binding element in the future a ...

Commented [A19]: As in the chairs text, guidance remains important to the implementation of this article

Commented [A20]: This includes measures under para 1 and future design and performance requirements in para 2

Commented [A21]: brackets have been introduced to acknowledge divergent views on the text formulation of ...

Commented [A22]: We understand from some members that we should explicitly acknowledge the role of a science ...

Commented [A23]: Paragraph 3 applies to paragraphs 2 as well as paragraph 1

Commented [A24]: The relationship with international trade law is already sufficiently clarified in the Preamble and ...

Commented [A25R24]: The preamble: 'Emphasizing that nothing in this Convention is intended to affect the rights a ...

Commented [A26R24]: Principles: (f) Ensure that measures taken to combat plastic pollution, including ...

Commented [A27]: This is just an illustrative example and is not intended to prejudice the content of the future annex.

<u>Plastic product/product group/sector</u>	<u>Design and performance criteria</u>	<u>Guidance</u>
	(to be developed by the COP and added to an annex to support implementation of article)	(to be developed by COP to support implementation of the article, including, for example, guidance on the appropriate sectors and/or product categories for the development of national measures, indicators, and technical guidance)
<u>e.g. Plastic Packaging</u>	e.g. related to general obligation i. <u>Increasing reuse and promoting reuse systems.</u> Possible criteria to support members to achieve this: • Durability – extend number of cycles for packaging to maintain value and utility • Safety • Interoperability of reuse system • Accessibility - Ensure reuse systems are in place and products are designed to be accepted in such systems. • Affordability – ensure short- and long-term costs to consumers are considered	e.g. Guidance on how to develop reuse systems for plastic packaging (This will outline how members could meet the design and performance criteria for reuse systems)
	e.g. related to general obligation i. <u>Increasing recycling of plastics and promoting recycling systems</u> Possible criteria to support members to achieve this: • improve material choice • Improve material composition • ensure use of correct colours compatible with recycling infrastructure	e.g. Guidance on how to develop recycling systems, including collection, sorting, recycling for plastic packaging.