

INC-5.2 Proposal of Brazil and Republic of Korea – CG1 - Article 3

<i>Members of the Committee</i>	Brazil and Republic of Korea
<i>Date and time of submission</i>	07/08/2025
<i>Article number</i>	Article 3 – Plastic Products

BUSAN INFORMAL TEXT - Article 3

This is a product that resulted from the informal facilitation process, with wide participation of Member States, conducted by Brazil in collaboration with the Republic of Korea during INC 5.1 in Busan. This is NOT a proposal from either Brazil or the Republic of Korea.

Article 3 – Plastic Products

[1. Each Party shall, in accordance with its national circumstances, capacities, and socio-economic considerations, take appropriate legislative, administrative, or market-driven measures to address, manage, reduce, or prohibit, as appropriate, plastic products that meet any of the following criteria:

- a. are highly likely to be littered or to enter the environment;
- b. contain chemicals that pose risks of concern to human health or the environment;
- c. are not capable of being reused, recycled, or composted in practice and at scale;
- d. may disrupt the circular economy on a large scale; or
- e. contain intentionally-added microplastics.

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

3. The Conference of the Parties (COP) shall, at its first meeting, establish a subsidiary body to be called the Scientific-Technical-Economic-Social Review Committee (the "Review Committee").

4. The Review Committee shall, as appropriate, develop guidance and provide relevant information, advice, and recommendations to assist Parties in the implementation of the measures taken to implement paragraph 1. Such guidance, advice, or recommendations shall be submitted to the COP for adoption.

5. Any Party may submit a proposal to the Secretariat for the inclusion of a plastic product on a global list. Such a proposal shall include a detailed justification demonstrating how the product meets the criteria set out in paragraph 1. The Review Committee shall evaluate the proposal in a transparent 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.

6. The Review Committee may develop recommendations on possible actions to be taken with respect to a plastic product included in the global list. Such recommendations shall take into account at least 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 traditional knowledge, indigenous knowledge systems, local practices, and scientific and technological advances

7. The recommendations of the Review Committee shall be submitted to the COP for adoption.

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