European Union and its Member States – proposal on problematic and avoidable plastic products

3. Problematic and avoidable plastic products and groups of such products, including short-lived and single-use plastic products, and microplastics on their own and intentionally added microplastics in plastics and plastic products

a. Problematic and avoidable plastic products and groups of such products

Option 1

1. Each Party shall not allow the production, sale, distribution, import or export of plastic products, including short-lived and single-use plastic products, listed in part II Annex B and subject to the provisions of that annex. 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.

2. Each Party shall reduce the production, sale, distribution, import or export of the plastic products listed in part III of Annex B, subject to the provisions of that Annex, and improve their design in reference to Part II, provision (5) This provision does not limit Parties’ abilities to adopt more ambitious criteria in addition to the criteria in part I of annex B.

b. Microplastics on their own and intentionally added microplastics in plastics and plastic products

Option 1

1. Each Party shall not allow the production, use in manufacturing, sale, distribution, import or export

   a. of microplastics on their own, with the exception of pre-production raw materials, or,

   b. of products containing intentionally added microplastics,

subject to the provisions of Annex B, Part IV.

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

3. Each Party shall share information on the measures taken pursuant to paragraph 1 in accordance with [Part IV.6 on information exchange] with the aim of promoting transparency.

3. Problematic plastic products and avoidable plastic products and groups of such products, including short-lived and single-use plastic products, and microplastics on their own and intentionally added microplastics in plastics and plastic products

a. Problematic plastic products and avoidable plastic products and groups of such products

Option 0

No provision on this matter

Option 1

[Subject to its national action plan and based upon national circumstances and capabilities.] Each Party [must take the necessary measures to regulate and reduce and not allow] [should] [shall] [Parties
are encouraged to [take] [the necessary] measures [...] [to regulate] [not allow [...] [gradually] [reduce] [...] as appropriate] [restrict] the [... use of problematic and avoidable plastic products, including short-lived and single-use plastic products in its territory [...] [with high risk of environmental leakage] —[production, sale, distribution, import or export of] [problematic and avoidable] [the] plastic products; [...] listed in part II [...] of Annex B and subject to the provisions of that annex, [after the dates specified for those products, and] identified based on [relevant parameters] [criteria] [and within the timeframe set out in the same] [...] [national criteria guided by the criteria contained in part I of Annex B] [science-based criteria] [and listed at the national level] [with an application-based approach] [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] [provided alternatives or substitutes are available, accessible, affordable, and environmentally friendly] [... in particular to developing countries, taking into account their national circumstances and capability] [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. [...] [The measures taken to implement this provision] —[including the appropriately determined timeframe for reduction and as appropriate] —phase out, —shall be reflected in the national plan communicated pursuant to [Part IV.1 on national plans].

2. Each Party shall [reduce] —the production, sale, distribution, import or export of [the] [...] plastic products listed in part III of Annex B, —subject to the provisions of that Annex, and improve their design in reference to Part II, provision (5). This provision does not limit Parties’ abilities to adopt more ambitious criteria in addition to the criteria in part I of annex B.

2. **OP1 Alt 1. No text.**

2. —The governing body [...] shall develop guidance on the regulation of problematic and avoidable plastics based on scientific criteria and take into account the availability, accessibility and affordability of sustainable alternatives.

3. For implementation the Parties must promote the development of safe and cost-effective alternatives and such knowledge and technologies must be shared freely among all the Parties.

4. 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 measure.

b. [Products containing] [Microplastics on their own and] Intentionally added microplastics, in plastics and plastic products

Option 0

No provision on this matter.

Option 1

[Subject to its national action plan...] Each Party shall [not allow the production, use in manufacturing, sale, distribution, import or export of [... plas... and] [... take the necessary measures [... [to regulate the use of plastic products] [... manage, [... where applicable] [... restrict and, where appropriate, not allow, the production, use in manufacturing, sale, distribution, [... import or export [...]] [... identify [plastics and] [... a. of microplastics on their own, [... with the exception of pre-production raw materials, or, [...]

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—b. of products containing intentionally added microplastics, in [accordance with the [...] [scientifically developed criteria] [based on the elements] contained in part V of annex B], [... subject to the provisions of Annex B, Part IV, except where an exception is specified in part IV of annex B [... taking into consideration technical feasibility, availability and accessibility of alternative plastics and plastic products, and socio-economic impacts] [with an application-based approach [...].] [Each Party shall be encouraged to take any necessary measures to prevent the leak of unintentionally released microplastics into the environment.]

— **OP1 Alt 1. No text.**
---**OP1 Alt 2.** 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.

---**OP1 Alt 3.** 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.

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

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

---**OP3 Alt.** No text.

4. 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.

---**Option 5**

Merge with II.8 on unintentional releases of microplastics.

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

Placeholder pending further text.

---**Option 1**

Delete Option 1

Delete.