5. Product design, composition and performance

a. Product design and performance

Option 1

1. Each Party shall take the necessary measures, including those referred to in paragraphs 2 and 3, to improve the design of plastic products, including packaging, in order to promote product performance, enhance circularity and improve the composition of plastics and plastic products, with a view to:

   a. Reducing the use of primary plastic polymers, plastics and plastic products and associated chemicals;

   b. Increasing the safety, with respect to chemicals and groups of chemicals of concern referred to in Part II.2 and the related Annex A;

   c. Increasing, as relevant for the application, the durability, reusability, refillability, repairability, repurposability, recyclability and refurbishability of plastics and plastic products, in practice and at scale, and disposed of in a safe and environmentally sound manner upon becoming waste;

   d. Minimizing unintentional releases and emissions of microplastics and releases and emissions of chemicals from plastics and plastic products, following the guidelines set out in Annex C,

OP1.c. ter Taking into account the relevant international standards and guidelines, including relevant sector- or product-specific standards and guidelines as specified in Annex C, and assure compliance with sectorial requirements. The measures adopted pursuant to this provision may be reflected in the national plan communicated.

Sub-Option 1

2. Each Party shall require plastics and plastic products produced within its territory and those available on its market to comply with minimum design and performance requirements for specific product or sector categories containing plastics contained in part I of annex C within the timeframe defined in that annex. The minimum design and performance requirements should build upon the provisions in the paragraph 1 of this article.

3. Each Party shall establish and maintain certification procedures and labelling requirements for plastics and plastic products produced within its territory and those available on its market, based on the design and performance requirements and other related elements contained in part I of annex C, including, where relevant, sector- or product-specific requirements and elements, and shall require plastics and plastic products to be appropriately labelled in accordance with these requirements and elements.

Provision common for Sub-Options 1 and 2 above

4. Parties are encouraged to work with relevant national, and international organizations towards the development of standards and guidelines at the multilateral level on a sectoral basis, to support the implementation and assure compliance with paragraph 1 of this article as well as with sectorial requirements.

b. Reduce, reuse, refill and repair, repurposing and refurbishment of plastics and plastic products

1. Each Party shall, based on guidance to be adopted by the governing body* at its first session, take effective measures to actively foster the reduction in the use of plastics and plastic products through, as
relevant, reuse, refill, repair, repurposing and refurbishment of plastics and plastic products produced or used within its territory and those available on its market, in particular through the implementation and scaling of incentivized reuse systems, including return and refill models as well as repair and bulk sales systems

2. Each Party shall take the necessary measures, including those referred to in paragraph 1, to achieve the minimum reduction, reuse, refill and repair targets contained in Annex C within the timeframe identified in that annex, for plastics and plastic products produced or used within its territory and those available on its market. This should be based, on a sectoral approach. specified in annex C.

3. The measures taken to implement this provision may include the use of regulatory and economic instruments, public procurement, the establishment of extended producer responsibility schemes, as set out in part II.7, or incentivizing changes in the supply chain and in consumer behaviour through raising consumer awareness on sustainable consumption and shall be reflected in the national plan communicated pursuant to [Part IV.1 on national action plan[s].]

5. Parties are encouraged to work with relevant national and international organizations at the multilateral level towards the development and implementation of standards, definitions, metrics and guidelines for reuse and refill systems, with the view to harmonizing and scaling reuse solutions in prioritized sectors.

c. Use of recycled plastic contents

1. Each Party shall require plastics and plastic products produced within its territory and those available on its market to contain minimum percentages of safe and environmentally sound post-consumer recycled plastic as set out in part III of annex C, within the timeframe specified in that annex

4. Each Party shall take measures to enhance that, where feasible, primary plastic used in products is replaced by safe and environmentally sound recycled plastic content. The measures taken to implement this provision may include the use of regulatory and economic instruments, public procurement, certification schemes, international cooperation on harmonized best practices, the establishment of extended producer responsibility schemes, as set out in part II.7 or incentivizing changes in the supply chain by investing in recycling system and infrastructure, among other measures, through raising consumer awareness on sustainable consumption. The measures taken to implement this provision shall be reflected in the national plan communicated pursuant to [Part IV.1 on national plans]

d. [Alternative plastics and plastic products: Bio-based, biodegradable and compostable plastics and plastic products][1]

Option 0

No text.

Option 1

1. [(Parties) Each Party] shall [endeavour to] ensure that [*]alternative plastics and plastic products[*] [which include bio-based, biodegradable and compostable plastics] are safe[r], environmentally sound and sustainable, [based on life cycle assessments], [, in accordance with standards to be decided by the governing body*, based on recommendations from the STEPs] [compared to the plastic product taking into account [including] their [negative] potential for [waste reduction and reuse, as well as any] environmental, [climate,] economic, social[,cultural] and human health impacts[, including food [and water]** security]] in accordance with criteria [set out in part IV of Annex C] [adopted by the governing body* that encompasses safety, environmental soundness, and sustainability][, based on the minimum design and performance criteria and other related elements contained in part I of Annex C, including distinct sustainability criteria for: (i) bio-based plastics, (ii) biodegradable plastics and (iii) compostable plastics, built on a full life cycle analysis] [as well as the national circumstances and capacities].

[1] The European Union and its Member States want to be able to come back on this item.
2. The criteria that will be established should also take into consideration avoidance of undesirable substitution and problem-shifting.

3. [Subject to their national plan and based upon national circumstances and capabilities.] Parties should encourage the development and use of safe, environmentally sound and sustainable alternative plastics and plastic products [i.e., including through]. The measures [and incentives] taken to implement this provision may include the use of [i.e., regulatory] measures and economic instrument[s], as per national regulation.]

4. Parties shall be guided by the waste hierarchy and ensure that reduction in the use of all plastics and prevention of plastic waste, including from non-fossil feedstocks, will prevail when considering the development and use of alternative plastics and plastic products.

5. There shall be an assessment of the need as well as mobilization of financial resources, capacity building and technology transfer for each country for innovation and for their nationally driven commitments under this provision.

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

Option 3

OP3 bis.

7. Each Party shall take the necessary measures to ensure that environmental claims on (i) bio-based, (ii) biodegradable and (iii) compostable plastics are substantiated. Those measures may include labelling requirements, as set out in [Part II.13], to comply with.

8. Parties are encouraged to work with relevant international organizations towards the development of standards and guidelines at the multilateral level to ensure that (i) bio-based, (ii) biodegradable and (iii) compostable plastics are safe, environmentally sound and sustainable.

Option 4

Merge with II.6 (“Non-plastic substitutes”).

5. Product design, composition and performance

a. [Product design and performance]

   Option 0

   No text.

   Option 1

4. [Subject to their national plan and based upon national circumstances and capabilities] [and available scientific results] each Party [shall] [is encouraged] to take the necessary measures, [as appropriate, and in accordance to national priorities], including those referred to in paragraphs 2 and 3, [i.e., to improve [promote product performance to] enhance the [design] [circularity] of plastic products, including packaging, [in order to promote product performance, enhance circularity and improve the composition of plastics and] plastic products, [according to national capacity of developing countries and available resources] with a view to:

   a. [Reducing [demand] for [and the use of] primary plastic polymers, plastics and plastic products] [of plastics across the value chain, including in product packaging] [and associated chemicals] [i.e., and should always be followed by the availability of alternative material for plastic and/or non-plastic substitutes that are affordable] [Improving the circular economy of plastic products and minimizing releases of plastic waste, including microplastics]

   b. [Increasing the [safety] with respect to chemicals and groups of chemicals of concern referred to in Part II.2 and the related Annex A].
b.bis. Increasing, as relevant for the application, the durability, reusability, refilability, repairability [in practice], [repurposability], [recyclability], and refurbishability of plastics and plastic products, in practice and at scale, as relevant [], and [improving] their capacity [of plastics and plastic products] to be [reused], repurposed, recycled [at scale and in practice] and disposed of in a safe and environmentally sound manner upon becoming waste;}

[cc. Minimizing unintentional releases and emissions [leakages] of microplastics and releases and emissions of chemicals from [and environmental and safety impacts from] plastics and plastic products, following the guidelines set out in Annex C including [intentionally added] microplastics [considering technical feasibility and accessibility of potential microplastic alternatives and socio-economic impacts.]]}

**OP1.c. ter** Taking into account the relevant international standards and guidelines, including any relevant sector- or product-specific standards and guidelines as specified in Annex C, and assure compliance with sectoral requirements. The measures adopted pursuant to this provision may be reflected in the national plan communicated. [*]

### Sub-Option 1

5. **Each Party** shall require plastics and plastic products produced within its territory and those available on its market to comply with the minimum design and performance requirements for specific product or sector categories containing plastics and other related elements contained in part I of annex C, including where relevant, sector- or product-specific criteria and elements, within the timeframe defined in that annex. [The minimum design and performance requirements should build upon the provisions in the paragraph 1 of this article be harmonized distinguishing between design for reduction, reuse, recycling of plastic products and packaging.]

6. **Each Party** shall establish and maintain certification procedures and labelling requirements for plastics and plastic products produced within its territory and those available on its market, based on recommendations from the STEP, and the design and performance requirements and other related elements contained in part I of annex C, including, where relevant, sector- or product-specific requirements and elements, and shall require plastics and plastic products to be appropriately labelled in accordance with these requirements and elements.

### Sub-Option 2

1. **Each Party** shall adopt [sustainable product] design and performance criteria and [regulatory schemes] take [the] any necessary measures [to] is encouraged to take measures as appropriate, and in accordance with national priorities, to enhance the design of plastic products, including packaging, and improve the composition of plastic products, [with a view to]]: *

* [in accordance with the elements contained in part I of annex C] and taking into account relevant international standards and guidelines, including any relevant sector- or product-specific standards and guidelines, and assuring compliance with sectoral requirements. The measures adopted pursuant to this provision shall be reflected in the national plan communicated pursuant to [Part IV.1 on national plans]. The criteria should be harmonized distinguishing between [sustainable products] design and performance for reduction, reuse, recycling of plastic products and packaging.]

**OP2 Alt.** Each Party shall consider including the following actions as part of its measures laid out in paragraph 1:

- Adapting public procurement policies or guidelines for plastic products to enhance durability of plastic products;
- Promoting the use of environmental performance standards for plastic products;
- Supporting efforts to establish or augment voluntary certification schemes for environmentally preferable products or packaging to encourage sustainable choices;
- Parties should take into account relevant international standards and guidelines, including any relevant sector- or product-specific standards and guidelines.

3. **Each Party** shall establish, in accordance with the elements contained in part I of annex C, to the extent possible, transparency, labelling and certification procedures and requirements for
plastics and plastic products that conform to the design and performance criteria established pursuant to paragraph 1[, taking into account Confidential Business Information (CBI)].

**OP3 Alt. No-text.**

**Provision common for Sub-Options 1 and 2 above**

4. Parties [are encouraged to][shall] work with relevant [national, and] international organizations towards the development of standards and guidelines [at the multilateral level, including on a sectoral basis as relevant, to support the implementation and assure compliance with paragraph 1 of this article as well as with sectorial requirements,] reduce the use of plastics in products across the value chain, including in product packaging, and [optimize and] improve the design of plastic products to increase their [safety,] durability, reusability, refillability, repairability and recyclability of plastics and plastic products, as relevant, taking into account relevant international standards, including any relevant sector-specific standards and guidelines. The measures adopted pursuant to this provision shall be reflected in the national action plan communicated pursuant to [Part IV.1 on national plans].

Option 2

1. Subject to its national plan and based upon national circumstances and capabilities, each Party shall take measures, including those referred to in paragraphs 2 and 3, to enhance the design of plastic products, including packaging, and improve the composition of plastics and plastic products.

2. Subject to its national plan and based upon national circumstances and capabilities, each Party should take measures to: increase the safety, durability, reusability, refillability, repairability and recyclability of plastics and plastic products, as relevant, taking into account relevant international standards, including any relevant sector-specific standards and guidelines. The measures adopted pursuant to this provision shall be reflected in the national action plan communicated pursuant to [Part IV.1 on national plans].

3. Subject to its national plan and based upon national circumstances and capabilities, each Party should take measures for plastics and plastic products that conform to paragraph 1.

4. There shall be an assessment of the need as well as mobilization of financial resources and technology transfer for each country in order to nationally driven commitments under this provision.

b. [[Reduce,][**][reuse],[recycling] refill and repair, repurposing and refurbishment] of plastics and [[Circularity approaches for] plastic products

1. [Subject to its national plan and based upon national circumstances and capabilities,] Each Party shall, based on guidance to be adopted by the governing body* [at its first session], [at the latest by its [first][second][third] session], take[effective] [and environmentally beneficial] measures [as deemed appropriate], covering the distribution, sales, and consumption stages, to promote[ensure][enable] actively foster the reduction [in the use] of plastics and plastic products through, as relevant, reuse, [recycling], refill, repair, repurposing and refurbishment [circularity approaches], as relevant, of [plastics and] plastic products produced or used within its territory and those available on its market, in particular through the implementation and scaling of incentivized reuse systems, including [recycling,] return and refill models, as well as repair and bulk sales systems. [According to] [taking into account] national circumstances and [capabilities], as well as access to technologies and availability of financial resources from developing countries. [The governing body* shall issue harmonized standards for product recycling, repair and refurbishment.]

2. Each Party shall [take][by taking] the necessary measures][1], including those referred to in paragraph 1, [[covering the distribution, sales, and consumption stages],] to achieve the minimum [recycling targets and, as appropriate,] reduction, reuse, refill and repair targets contained in [Annex C] within the timeframe identified in that annex, for plastics and plastic products produced or used within its territory and those available on its market. [This should be based, when relevant, on a sectoral approach.]

OP2 alt. [Each Party] [should][shall][, as appropriate,] [Parties are encouraged to adopt] [nationally determined][timebound] targets in [the implementation] [support] of this [objective][article][, reflecting national circumstances and capabilities.]

2.
3. The measures taken to implement the provisions of this article may include the use of regulatory and economic instruments, public procurement, the establishment of extended producer responsibility schemes, as set out in part II.7-VIII, or incentivizing changes in the supply chain by investing in reuse, recycling, refill and repair system and infrastructure, and in consumer behaviour through raising consumer awareness on sustainable consumption and consumer behaviour, and incentivizing changes in the supply chain practices and in consumer behaviour through raising consumer awareness on sustainable consumption and in consumer behaviour, and incentivizing changes in the supply chain practices and in consumer behaviour through raising consumer awareness. The measures taken to implement this provision may be reflected in the national plan communicated pursuant to [Part IV.1 on national action plan[s]].

4. deleted

5. Parties are encouraged to work with relevant national and international organizations at the multilateral level towards the development and implementation of standards, definitions, metrics and guidelines for reuse and refill systems, with the view to harmonizing and scaling reuse solutions in prioritized sectors.

c. Use of recycled plastic contents

1. [Subject to its national plan and based upon national circumstances and capabilities,] Each Party [as per its national action plan] should take the necessary measures to require and promote that recycled plastics and plastic products produced within its territory and those available on its market to increase the share of secondary plastic that is used in plastic products, to contain minimum percentages, and to adopt time-bound targets to promote recycling and to adopt time-bound targets on the use of safe and environmentally sound post-consumer recycled plastic content, as appropriate taking into account national circumstances and capabilities. When it is technologically feasible and based on the elements contained in [as set out in] part III of annex C, within the timeframe specified in that annex. Each Party [should] may take measures to ensure that, where feasible and possible, recycled plastic used in products is replaced by safe and environmentally sound recycled plastic content, depending on the availability of technological solutions and means of implementation for developing countries, as appropriate to promote design, composition and performance of products that enable maximum recycled plastic content in the broadest number of applications possible in order to replace primary plastics which are used in plastic products, while addressing any safety concerns related to the recycled plastic content. The measures taken to implement this provision may include the use of regulatory and economic instruments, public procurement, certification schemes, international cooperation on harmonized best practices, the establishment of extended producer responsibility schemes, as set out in part II.7-VIII, or incentivizing changes in the supply chain by investing in recycling system and infrastructure, and in consumer behaviour, among other measures, through raising consumer awareness on sustainable consumption. The measures taken to implement this provision may be reflected in the national plan communicated pursuant to [Part IV.1 on national plans].
[d. Alternative plastics and plastic products: Bio-based, biodegradable and compostable plastics and plastic products]

**Option 0**

No text.

**Option 1**

1. Each Party shall [endeavour to] ensure that [alternative plastics and plastic products which include bio-based, biodegradable and compostable plastics] are safe, environmentally sound and sustainable, based on life cycle assessments, in accordance with standards to be decided by the governing body, based on recommendations from the STEPs, taking into account [including] their [negative] potential for [waste reduction and reuse, as well as any] environmental, [climate, economic, social, cultural and human health impacts, including food and water security] in accordance with criteria [set out in part IV of Annex C] [adopted by the governing body that encompasses safety, environmental soundness, and sustainability] [based on the minimum design and performance criteria and other related elements contained in part I of Annex C, including distinct sustainability criteria for: (i) bio-based plastics, (ii) biodegradable plastics and (iii) compostable plastics, built on a full life cycle analysis] [as well as the national circumstances and capacities].

2. The criteria that will be established should also take into consideration avoidance of undesirable substitution and problem-shifting.

[3. Subject to their national plan and based upon national circumstances and capabilities,] Parties should encourage the development and use of safe, environmentally sound and sustainable alternative plastics and plastic products [including through]. The measures [and incentives] taken to implement this provision may include the use of] regulatory [measures] and economic instrument[s], as per national regulation.

4. Parties shall be guided by the waste hierarchy and ensure that reduction in the use of all plastics and prevention of plastic waste, including from non-fossil feedstocks, will prevail when considering the development and use of alternative plastics and plastic products.

. 5. There shall be an assessment of the need as well as mobilization of financial resources, capacity building and technology transfer for each country for innovation and for their nationally driven commitments under this provision.

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

**Option 3**

**OP3 bis.**

7. Each Party shall take the necessary measures to ensure that environmental claims on (i) bio-based, (ii) biodegradable and (iii) compostable plastics are substantiated. Those measures may include labelling requirements, as set out in Part II.13, to comply with.

8. Parties are encouraged to work with relevant international organizations towards the development of standards and guidelines at the multilateral level to ensure that (i) bio-based, (ii) biodegradable and (iii) compostable plastics are safe, environmentally sound and sustainable.

**Option 4**

Merge with II.6 (“Non-plastic substitutes”).
## I. Annex C

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