Part II

7. Extended producer responsibility

Option 0
No provision on this matter.

Option 1
[Introduction]

[A]. Parties shall ensure that all plastic producers operating in their jurisdiction are part of
mandatory Extended Producer Responsibility (EPR) schemes and multinational corporations who
introduce plastic products especially in developing countries through franchise, subsidiaries, agents or
any other arrangements, shall minimize their plastic pollution footprint through EPR schemes.

1. [Each Party] who does not yet have its EPR system/scheme [shall] is encouraged to consider
[to establish], [regulate], [implement] and operate, as appropriate, within its jurisdiction [as per its
national plan and based upon] [taking into account] [their national circumstances and capabilities]
[according to its specific conditions] [a] [national] [fiscal and/or non-fiscal] extended
producer responsibility (EPR) [system][scheme] [or any systems or mechanisms serving the same
purpose] [most appropriate to a specific region or country, taking into account market conditions,
national capabilities and circumstances, including based on the modalities covering the products]
included in annex D [with flexibility in the scope of the application] [including, where relevant, on a
sectoral or product basis].

[Objectives]

…to incentivize [plastic reduction, increased reuse, increased recyclability, promote high quality
recycling and higher recycling rates, just transition with special consideration of waste pickers,
and increasing public awareness] [enhance the accountability of producers and importers for safe and
environmentally sound management of plastics and for littering] and plastic products throughout
their life cycle [and across international supply chains] [promoting plastic reuse, increased
recyclability, and higher recycling rates for plastics and plastic products].

[Implementation]

2.1 [Parties shall, in implementing this provision, take into account how the measures taken would
contribute to a just transition.]

2.2. The governing body [shall, at its first session] [adopt] [develop] [implement] [modalities [guidance] [guidelines] [as outlined in Annex D] [to inform the establishment] [for
design and implementation] of national EPR [systems][schemes] [or any systems or mechanisms
that serve the same purpose as EPR systems] [and [identify][define] their essential features, and to
[encourage] [support] their [alignment] [harmonization], taking into account [how the measures taken
would contribute to][how EPR systems can support] [the objective of] [ensuring a just transition.

2.3. Parties shall ensure that EPR schemes have efficient and effective traceability and accountability
mechanisms.

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

Commented [A1]: Lifted from option 2 and added to option 1 as
an Alt to para 1.

Commented [A2]: Lifted from option 2 to be added to option 1
further to suggestions in SG1.3
2.5 Parties may consider cooperating at regional and global level, in the implementation of EPR schemes.

### Option 2

1. Parties shall ensure that all plastic producers operating in their jurisdiction are part of mandatory Extended Producer Responsibility (EPR) schemes, and multinational corporations who introduce plastic products especially in developing countries through franchise, subsidiaries, agents or any other arrangements, shall minimize their plastic pollution footprint through EPR schemes.

2. Parties shall ensure that EPR schemes have efficient and effective traceability and accountability mechanisms.

3. Parties may consider cooperating at regional and global level, in the implementation of EPR schemes.

### 8. Emissions and releases of plastic throughout its life cycle

*Alt title:* [Emissions and][Leakage and] releases of plastic [products and products waste][waste and microplastics] [throughout [the entire] [its] life cycle [of plastics]]

#### Option 1

1. Each Party [, subject to its national plan and based upon national circumstances and capabilities and relevant national environmental regulations,] [, based on studies of [initial studies], [vulnerability studies] and assessment of levels of contamination of ecosystems,] shall [should] take [necessary] measures to [regulate][prevent][or reduce,] with a view toward elimination and [where feasible] eliminate the emissions and [to protect human health and the environment] [take measures to control] releases of [plastic polymers,] [chemical pollutants] plastics, including microplastics, and plastic products [across their life cycle], [including from extraction and production,] [to the environment] [from the various] sources [that should be nationally determined][identified in annex E], with assessment of trends of the emissions and releases, taking into consideration technical feasibility and accessibility of alternative plastics and plastic products, and socio-economic impacts [according to the national circumstances and capacities of developing countries] [by the dates identified therein].

The emissions and releases covered under this provision should include:

- a. [Emissions] [Releases] [of any plastic pollution] [of hazardous substances], including microplastics, to air [and in workplaces throughout the value chain of plastics];
- b. Releases to soil and water from the production, transportation and use of chemicals [and polymers] of concern, plastics and plastic products [listed in part II of Annex A]; and

**OP1** bis. Spills of chemicals and other toxic exposures during extraction and production of plastics, as well as during production of chemicals used in plastics;

**OP1** ter. Minimization of microplastics generation and the generation of hazardous chemicals during the use and waste phases.

**OP1** bis. Alt. merge b and c.

- b[c]: Releases of [chemicals and [monomers and] polymers of concern,] [of any plastic pollution] [plastics and plastic products] [listed in part II of Annex A], including microplastics, to air, soil, and water, [including the marine environment] and ecosystems.

**OP1** ter. Parties are encouraged to organize appropriate systems of environmental regulation and to establish systems of control over permissible environmental impact where they do not exist.

**OP1** ter. Each Party should endeavor to adopt, as appropriate, and maintain national laws, regulations, or policies to address, within its national jurisdiction, adverse impacts on the environment or potential risks to human health linked to or caused by plastic pollution, taking into consideration any disproportionate impacts on persons in vulnerable situations. Each Party should endeavor to
implement and enforce the national laws, regulations, or policies it adopts or maintains in accordance with this provision.

**OP1 Alt.** Each Party shall prevent and control the emissions and releases of plastic waste, and microplastics to the environment from the sources identified in annex E. The emissions and releases covered under this provision should include:

a. Emissions and releases of microplastics during production of plastics and recycling of plastic waste to air and water;
b. Leakage of waste plastic products to land and waterbody; and
c. Releases of microplastics during use of products containing intentionally added microplastics to water.

2. Each Party [subject to its national plan and based upon national circumstances and capabilities and relevant national environmental regulations,] [shall] [take [effective] [any necessary] measures to] [is encouraged to] prevent [regulate][or][and] reduce, with a view toward elimination [and where possible] [feasible], [and eliminate] [emissions and] releases of [plastic pellets, flakes and powder] [plastic pollution] [from the full supply chain, including] [from] production, storage, handling and transport, taking into account, as appropriate, [the relevant [provisions and guidance agreed in] efforts undertaken within] the framework of international organizations such as the International Maritime Organization.

**OP2 Alt 1.** No text.

**OP 2 Alt 2.** Move text to annex B.

**OP2 bis.** In relation to the provision in Part II.8.2 and the reference to the International Maritime Organisation and hence reference to the MARPOL Convention, due consideration should be given to provisions as set out within other agreements such as the Cartagena, London, and OSPAR Conventions.

**OP2 quart.** Each Party shall cooperate and take effective measures across the whole lifecycle of fishing and aquaculture gear to prevent, reduce and eliminate, abandoned, lost or otherwise discarded fishing and aquaculture gear and promote circularity, taking into account internationally agreed rules, standards and recommended practices and procedures. In particular, Parties shall take measures to:

a. Enhance the design of fishing and aquaculture gear, with a view to increasing durability, reusability, repairability, and refurbishability and their capacity to be repurposed, recycled, and disposed of in a safe and environmentally sound manner at end-of-life, and minimizing releases and emissions of or from fishing and aquaculture gears, including microplastics, to the environment;
b. Implement effective marking of gears and require reporting of lost gears, taking into account other relevant regional and international regulations, including MARPOL Annex V;
c. Facilitate the collection and environmentally sound waste management of gear, including the reuse, repair and recycling of gear; and
d. Promote and facilitate training, education and awareness-raising.

3. The measures taken to implement the provisions of this article [are encouraged to][shall] be reflected in the national plan [communicated pursuant to [Part IV.1 on national plans]], with necessary means of implementation taking into account the special circumstances of small island developing States].

**OP3 Alt.** No text.

4. The governing body*, at its first session, may adopt [guidelines] [guidance], including where relevant, sectoral guidelines, to facilitate implementation of [the obligations set out in paragraph 1 [and 2][and OP2 quart][this article], including [emission and effluent standards,][on][sector-specific] best available techniques and best environmental practices] [on preventing emissions and releases] [of plastic into the environment] [and best available techniques and best environmental practices to capture and remove plastic pollution, including microplastics from freshwater bodies, the

Commented [A12]: Incorporated into Option 1, para 1.
Commented [A13]: Incorporated from Option 2.
Commented [A14]: Incorporated from Option 2.
Commented [A15]: See merged text on fishing gear, now reflected in “XX - Fishing gear” issued as a separate document, without prejudice to final placement in the instrument.
Commented [A16]: No longer necessary, as OP2.quart has been streamlined to fishing gear text.
Commented [A17]: Deleted to avoid repetition.
marine environment and [any other] ecosystems. [The guidelines shall be coordinated with other
relevant bodies.]

5. [Parties are encouraged to][Each Party shall] promote scientific and technical innovation,[
including through the cooperation mechanism* referred to in [Part III, article number yet to be
declared], ] to prevent and capture [the] [any] releases of [plastics [and][,]] plastic products [and their
alternatives]] [plastic pollution], including [plastics waste] and microplastics, into [waterways and]
[including in the marine][and other] environment [including in the marine environment]],
particularly through strengthening cooperation among members, a commitment of sharing knowledge
and transfer of technology, based on good faith and common understanding, from developed to
developing countries.

5.bis. 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.

Option 2.** Each Party, subject to its national plan and based upon national circumstances
and capabilities and relevant national environmental regulations, should take necessary
measures to regulate the emissions and releases of plastics, including microplastics, across
their life cycle, to the environment.

2. Each Party, subject to its national plan and in accordance with its national circumstances
and relevant national environmental regulations, should take necessary measures to
regulate and reduce emissions and releases of plastic pellets, flakes and powder from production,
storage, handling and transport, taking into account, as appropriate, the relevant provisions and
guidance agreed in the framework of relevant international organizations. 3. The measures taken to
implement the provisions of this article shall be reflected in the national plan communicated pursuant
to [Part IV.1 on national plans].

4. The governing body*, at its first session, shall adopt guidelines, to facilitate implementation of
the obligations set out in paragraph 1 based on best available techniques and best environmental
practices to capture and remove plastic pollution, including microplastics from freshwater bodies, the
marine environment and ecosystems. 5. Parties are encouraged to promote scientific and
technical innovation to prevent and capture the releases of plastics and plastic products, including
microplastics, into the marine environment. 6. 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.

Option 2.**

1. Each Party should manage and eliminate the leakages and releases of plastic products
and product waste, including microplastics waste, to the environment.

2. The leakage and releases covered under this provision should include:
   a. Leakage/ Releases of hazardous substances, including microplastics waste to all
      environments;
   b. Releases to all environments from the production, transportation and use of plastic
      products, and chemicals of concern as per the agreed list for chemicals and polymers
      of concern from other multilateral environmental agreements.

9. Waste management

a. [Plastic] Waste management

Option 1

1. Each Party[, as per its national plans and based upon national circumstances and capabilities
and relevant national regulations,] shall take [effective] measures [to ensure that [producers manage]
plastic waste [is managed] in a [safe and] environmentally sound manner [throughout its [different
stages][life-cycle]] on safe and environmentally sound waste management [or plastic waste,] [including]
handling, [collection,] [sorting,] transportation, storage, recycling[and treatment], other recovery
including energy recovery and final disposal] of plastic waste] [taking into account [recognizing that] the waste hierarchy] establishes that greater environmental and social benefit occurs when actions at the top of the hierarchy are prioritized[,] and the special circumstances of small island developing States.[,]"

The measures taken to implement this provision [shall] are encouraged to be reflected in the national plan communicated pursuant to [Part IV.1 on national plans], with an aim [of] to achieve nationally determined targets and [minimum requirements developed]. [Based on the harmonized [indicators] [elements] set out in [part II of annex F]].

*OP1 bis.* To implement the obligation pursuant to paragraph 1, each Party shall give priority/due consideration to establishing a basic effective social system at local level for handing, sorting, collection, transportation, storage, recycling and treatment of plastic wastes, which is indispensable to a safe and environmentally sound waste management and just transition.


3. The governing body* [shall][may][, where necessary,] adopt [at its first session,] [the requirements, [best practice] guidance and guidelines] [for the implementation of the provisions in paragraph 2, additional or complementary to the relevant guidance and guidelines developed under other international agreements mentioned above]] [and subsequently update as needed,] guidelines on [safe and] environmentally sound management of plastic waste, taking into account [the waste hierarchy and][and the] other relevant international guidelines and guidance[,]. developed under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal and other international agreements[, as appropriate, as well as the need for a just transition, including for waste pickers.]. [A mechanism needs to be established to assess the infrastructural requirements and financial resources required for safe and environmentally sound management of plastic waste.]

**Option 2**

1. Each Party shall take effective measures to meet best available practices, for minimum safe and environmentally sound collection, recycling and disposal taking into account relevant guidelines, available waste management infrastructure, and national priorities.

2. The governing body* shall, where necessary, utilize the technical guidelines on the environmentally sound management of plastic waste recently updated and adopted by parties at COP16 of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, avoiding duplication of work and efforts.

Provisions common for Options above

1.[4][3] Each Party shall [take the necessary] measures[ to prevent] [not allow waste management practices [listed in part III of annex F] that may lead to the emissions and releases of hazardous substances, [based on strong scientific evidence,] [open dumping, ocean dumping,] littering [and open burning] of plastic waste[,] and shall regulate the other allowed waste management practices that may lead to the emissions and releases of the hazardous substances [listed in part IV of annex F].

2.[5][4] Each Party shall [take the necessary] measures to prevent [open dumping, ocean dumping,] littering [and open burning] of plastic waste.

3.[6][5] [It is recommended to] [Each][Parties][Party] [may, as per their national plan and based upon national circumstances and capabilities][shall][are][is] encouraged] [to] [take additional measures,]
according to their national capacities, related to waste management, with developing country parties being supported by international cooperation and, in particular, the cooperation mechanism referred to in [Part III, article number yet to be defined], which could include, inter alia, [Parties may, as per their national plan and based upon national circumstances and capabilities, take additional measures to:]

- adopt comprehensive economic-driven approaches such as establishing and operating Extended Producer Responsibility (EPR) scheme, including, where relevant, on a sectoral basis, to incentivize increased recyclability, promote higher recycling rates, and enhance the accountability of producers and importers for environmentally sound management, of plastics and plastic products throughout their life cycle, [Parties may, as per their national plan and based upon national circumstances and capabilities, take additional measures to:]

  a. [Invest in] Promote investment [and mobilization of resources from all sources for] in waste management systems and infrastructure, including through financial and technical support to subnational governments, that enable[s] environmentally sound management of plastic waste[and enhances waste management capacity];

  b. Promote investment and mobilize resources from all sources to cover financing gaps for waste management systems and infrastructure that enable environmentally sound management of plastic waste and enhance waste management capacity, in light of current and expected waste generation levels; and

  c. [Incentivize][Encourage] behavioural changes throughout the value chain[;] and [raise [consumer][public] awareness [on sustainable consumption][;] about plastic waste prevention and minimization[;] and production, as well as the critical roles of all stakeholders in reducing plastic litter[waste][and supporting recycling][;] taking into account the waste hierarchy].

OP [6][5] c bis. Develop, identify, and/or strengthen markets for secondary plastics.

[7][6] The measures taken to implement the provisions of this article shall be reflected in the national plan [communicated pursuant to [Part IV.1 on national plans]]. [Where appropriate, Parties are encouraged to cooperate internationally or regionally to implement the provisions of this article.]

[7][6] bis. Each Party is encouraged to adopt environmentally sound waste management practices.

10. Trade [in listed chemicals[, polymers] and products, and in plastic waste][related measures]

b. Transboundary movement of [non-hazardous] plastic waste

Sub-Option 0

No text.

Sub-Option 1

1. Each Party shall not allow transboundary movement of plastic waste, except for the purpose of its safe and environmentally sound management, with the prior informed consent of the importing State, and in a manner consistent with obligations under this instrument*, and relevant arrangements under other multilateral environmental agreements, inter alia, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, as appropriate.

2. Where transboundary movement of plastic waste is permitted pursuant to paragraph 1, each Party exporting plastic waste [pursuant to this provision] shall establish and implement an export permit requirement for such exports and track the types, volumes and destination of all its exports of plastic waste.

3. Where transboundary movement of plastic waste is permitted pursuant to paragraph 1, each exporting Party shall:

   a. not allow the transboundary movement to commence until it has received the written consent of the importing State, which shall include that State’s assurances that the exported plastic waste will be managed in an environmentally sound manner;

   b. require the exporter to:
i. Provide to the importing State and the importer complete information about the composition of the exported waste, including its contents in polymers, chemicals and plastics, and any associated hazards to human health or the environment, based on the relevant harmonized disclosure requirements contained in annex A, including safety data sheets, as relevant;

ii. Mark and label the exported waste in accordance with the relevant harmonized labelling requirements contained in annex A, as relevant; and

iii. Comply with generally accepted and recognized international rules, standards and practices for packaging, labelling and transport.

4. The governing body* shall, at its first session, adopt guidance for the [implementation of the][purpose of this] provision [set out in paragraph 3], taking into account as appropriate relevant arrangements under other multilateral environmental agreements [inter alia, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal].


6. Parties shall promote synergy and complementarity with relevant organizations and intergovernmental bodies and cooperate towards the adoption and implementation of effective measures to prevent and eliminate illegal [exports][trade] and dumping of plastic waste [pursuant to paragraph 5].

**Sub-Option 2**

1. Each Party shall take appropriate measures to ensure that transboundary movements of plastic waste, as defined by the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, is only allowed for the purpose of environmentally sound disposal. Parties to the Basel Convention shall take appropriate measures to ensure that transboundary movement of plastic waste is done in accordance with the obligations of that Convention. In circumstances where the Basel Convention does not apply, a Party shall ensure that transboundary movement of plastic waste is allowed only after taking into account relevant domestic and international rules, standards, and guidelines.

**Sub-Option 3**

1. Each Party shall prevent and eliminate illegal trade, traffic and dumping of plastic waste as set in the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, recognizing its respective mandates, avoiding duplication of efforts and works and promoting cooperation and coordination with relevant regional and international conventions.

**Sub-Option 4**

1. Parties shall cooperate towards the adoption and implementation of effective measures to prevent and eliminate illegal exports and dumping of plastic waste.

**Option 2**

Alt title: Trade-related measures

1. This instrument* applies insofar as its provisions do not contradict the provisions of the Marrakesh Agreement Establishing the World Trade Organization, and its Annexes.

2. Any measures established by the Parties for the implementation of this instrument* shall be in full conformity with the Marrakesh Agreement Establishing the World Trade Organization.

11. Existing plastic pollution, including in the marine environment

1. Parties [will take actions and] [shall] [are encouraged] [cooperate] [in accordance with the Common but Differentiated Responsibility to respective capabilities] [to] [mobilize resources from multi-stakeholders, including, intergovernmental organizations, non-governmental organizations, academic and scientific and research institutes, international financial institutions and multilateral
development banks, non-profit organizations and other relevant organizations or associations], including through the cooperation mechanism* referred to in Part III, article number yet to be defined], to:

a. [cooperate to] [assess] [evaluation, identification and prioritization of] [identify and prioritize] accumulation zones, [and] [hotspots] [critical points] [sectors]:
   i. most affected by existing plastic pollution, [including] in the [terrestrial, freshwater and the] marine environment [and areas beyond national jurisdiction]; and
   ii. [where] [that evaluations identify accumulation areas with] quantities and types of [litter] [plastic pollution] [garbage that represent] [pose] a threat to [human health,] species or habitats [taking into account the [full][complete] life cycle of plastics].

b. Take [adopt] [effective] mitigation and [remediation measures][removal actions], including clean-up activities [for the] [in identified] accumulation zones, [and] hotspots [and] [critical] [sectors] [identified], taking into account the provisions [in existing international agreements] [of international agreements in force], including those [relevant][relating] to the conservation and sustainable use of [terrestrial, freshwater and] marine [environment and] biological diversity, [including in areas [beyond][located outside] national jurisdiction;] [and manage and dispose of removed plastic pollution in an environmentally sound manner] [taking into account special circumstances of small island developing States;] [and the disproportionate impacts on small island developing States; and]

b. collect data and information on existing plastic pollution to support monitoring in accordance with [Part IV.4 on Periodic assessment and monitoring of the progress of implementation of the instrument* and effectiveness evaluation]

c. [promote engagement of] [all stakeholders, including,] [the] local [communities][population] [civil society,] and citizens, [a governmental organization as well as the private sector,] in [safe and] environmentally sound [removal] ** [remediation] [activities].

OP 1.b. bis. Promote safe and environmentally sound remediation activities, including through engagement with local population, communities, and citizens.

OP 1.c. Alt. Conducting investigations and distribution research on the current state of plastic pollution, including the marine environment, as well as developing technologies and establishing international standards for impact assessments, pollution removal and restoration.

2. [Each Party][Developing countries] [should][encourage] make publicly available information [collected] on common plastic pollution types and [trends, as well as on the] practices and behaviours that lead to plastic pollution [, to raise awareness and prevent further plastic pollution, including littering in [floodplains,] coastal and freshwater areas].

OP2 bis. Each Party exporting chemicals, polymers and products shall establish and implement an export permit requirement for such exports and track the types, volumes and destinations of all its exports.

3. The measures taken to implement the provisions of this article [Part II. 11][shall][could] be reflected in the national plan communicated pursuant to [Part IV.1 on national plans].

OP3 Alt 1. No text.

4. The governing body* [shall][, at its first session,]

Option 1. should adopt guidance, as appropriate, to facilitate implementation of this article.

Option 2. get an assessment of the existing plastic pollution in respect of each country from an appropriate subsidiary body, the financial resources required to mitigate and remediate the existing plastic pollution due to legacy plastic waste.

Option 3. adopt:
   a. Indicators to identify accumulation zones, hotspots and sectors; and
b. Guidance on best available techniques and best environmental practices, developed on the basis of best available science, [[including the] traditional knowledge, knowledge of Indigenous Peoples ["accessed with their free, prior and informed consent,] and local knowledge systems,] to address existing plastic pollution, with a view to ensuring the [effective mitigation and remediation measures, including] clean-up activities do not have potential for [negative] impacts on the environment, biodiversity and human health.

**OP 4 bis.** Developed country Parties as the largest historical beneficiaries of plastic goods shall take the lead in tackling legacy and existing plastic pollution in the marine environment including beyond national jurisdiction.