

Plastic Products Proposal

Proposed by the United Kingdom, the Republic of Moldova, Norway, and Peru

We support the approach as set out in the Chair's third version of the non-paper and see it as a good basis for negotiations at INC-5.

On Article 3 related to plastic products and chemicals of concern as used in plastic products, we support the reflections and recommendations outlined in the Chair's third version of the non-paper, especially, the importance of 'avoid delaying initial action until after COP1'.

This proposal includes the following elements as set out in the non-paper.

- Initial list of plastic products to be controlled, to be contained in an annex
- Consideration for exclusions or exceptions.
- A list of measures that could be applied to plastic products.
- Criteria that could be applied to identify additional plastic products
- Process for the Conference of the Parties (COP) to identify further plastic products to be subject to control, including process to review the lists.
- Consideration of national circumstances and capabilities.

We remain open to views on how chemicals could be integrated into a products provision, but given the limited negotiating time, and to make progress on the more constructive discussions on products we will consider just products in this proposal

Rationale

We have provided an explanation of our understanding of some of the concepts contained in this proposal.

- We intend that the Conference of the Parties has the flexibility to direct a subsidiary body to provide information. This recognises that different products may require different inputs from a subsidiary body.
- We intend, through paragraph 5, to provide flexibility for countries by providing the alternative option that countries can implement measures other than a ban to reduce manufacture, import, and export to the lowest level possible. This, in conjunction with the exemptions article, recognises different national contexts.
- Annex for criteria – criterion a (Likelihood of product... causing harm to the environment and health). We understand 'health' as encompassing plant, animal, and human health. We understand the environment as encompassing biological diversity.
- Annex for criteria – criterion b (The product disrupts circularity). We understand this as encompassing concepts such as the product not being reusable or recyclable in practice at scale or disrupting the ability of other items to be recycled, including by negatively affecting the quality or safety of the end-product of the recycling process

Suggested text

1. The Conference of the Parties shall establish and maintain a programme for the identification of plastic products that meet the criteria in Annex [criteria]. The Conference of the Parties may direct a subsidiary body to review and provide relevant information, advice or recommendations and may, for this purpose, establish a new body.
2. Any Party may submit a proposal to the Secretariat for listing a plastic product in Annex [products]. Any such proposal shall include information on how it meets the criteria in Annex [criteria]. The Conference of the Parties must consider the proposal in accordance with paragraph 3.
3. The Conference of the Parties may, on its own initiative pursuant to the programme under paragraph 1, or in response to a proposal from a Party under paragraph 2, list a product in Annex [products] where it determines that the product meets the criteria in Annex [criteria]. When making this determination, the Conference of the Parties must consider, the best available science and, where relevant, traditional knowledge, Indigenous Peoples' knowledges, science and practices and local knowledge systems.
4. Each Party shall not allow the manufacture, import or export of a plastic product listed in Annex [products] after the phase-out date specified for that product, except pursuant to an exclusion specified in Annex [products] or the Party has a registered exemption pursuant to Article [x] [Article on Exemptions].
5. A Party that is unable to meet the requirement of paragraph 4 may, as an alternative to paragraph 4, implement measures to reduce, to the lowest level possible, the manufacture, import and export of a plastic product listed in Annex [products] by the phase-out date specified for that product provided that the Party assesses that it can reduce the risks to the environment and health to acceptable levels. The Party must notify the Secretariat of its decision to do so and share its risk reduction assessment. The Secretariat shall keep a public register of all notifications and assessments. A Party shall report, under Article [x] and in accordance with guidance (if any), on the measures implemented and reduction achieved, including how this has reduced risks to acceptable levels.
6. The Conference of the Parties shall adopt guidance for the implementation of this Article and to assist Parties to phase out products listed in Annex [products]. The Conference of the Parties shall adopt guidance with respect to the criteria in Annex [criteria].
7. Each Party shall, in its report under Article [x], provide to the Secretariat information on national, regional or other restrictions, including import restrictions, on plastic products not listed in Annex [products]. The Secretariat shall make such information publicly available.

Annex: Criteria for products

- a. Likelihood of product, by-products, or microplastic releases from the product causing harm to the environment or health.
- b. The product disrupts circularity.
- c. A safe, sustainable, technically and economically feasible alternative or alternative practice, including improved product design, is available.

Annex for products

Products (applications)	Date after which the manufacture, import, or export of the product shall not be allowed (phase-out date)
Single use plastic straws, except for use in medical and healthcare applications	203X
Single use plastic cutlery/ utensils (forks, knives, spoons, chopsticks, stirrers) , except for use in medical and healthcare applications	203X
Single use plastic-stemmed cotton bud sticks , except when supplied for scientific, medical, forensic or law enforcement purposes	203X
Single use lightweight plastic carrier bags	203X
Rinse-off cosmetics and personal care products containing intentionally added plastic microbeads	203X
Single-use plastic vapes	203X