5. Product design, composition and performance

5a. Product design

1. Each Party shall take measures to align the design of products with the objective of this Treaty. Products and packaging should be designed so that, in the aggregate:
   (a) Use of plastics and plastic products is reduced to a level necessary to fulfil the function of the product or package, including through delivering products through refill/reuse (see 5b);
   (b) Use of chemicals of concern is eliminated [in line with Measure 2];
   (c) Materials resulting from recycling can be integrated into products at minimal risk to human health and the environment;
   (d) The amount of plastic and plastic products, including packaging, that is not recycled at the end of their life is minimised, thereby supporting the expected development as per Measures 7 and 9;

2. For products set out at Part I-A of Annex C, each Party shall implement necessary policy and law to require those plastics and plastic products produced within its territory or imported for consumption within its territory, including through distant selling, to comply with the minimum design criteria contained in Part I-B of Annex C within the timeframe defined in that annex.

3. Beyond the applicable timeframe, those products in Part I-A of Annex C shall not be placed on the market of any Party.

4. The governing body* shall establish and maintain certification procedures and labelling requirements for plastics and plastic products to demonstrate compliance with the design and performance criteria and other related elements contained in part II of annex C.

5. For products not listed in Part I-A of Annex C, products that meet criteria set out in Part I-C of Annex C or include elements set out in Part I-D of Annex C, the governing body* shall establish rules regarding labelling and marketing in relation to these criteria and elements.

6. Parties are encouraged to recognise the varying implications of design for the objectives set out in Para 1 by recognising the following features for given product types, in the order of preference proposed, in their public procurement:
   (a) For durable products:
      (i) excluding chemicals of concern;
      (ii) longevity;
      (iii) ease of repair;
      (iv) ease with which parts can be reused;
      (v) ease of recycling entire product
   (b) For items where there are currently single-use alternatives:
      (i) excluding chemicals of concern;
      (ii) refillable / reusable items (design for multiple use, as well as recycling at end of life);
(iii) design for ease of recycling in closed loop applications;

(c) For packaging:
   (i) Design which excludes chemicals of concern;
   (ii) design for inclusion in reuse / refill (multiple use) systems;
   (iii) design for ease of recycling in closed loop applications;

7. Parties are also encouraged to consider measures to give incentives for improved design through using:
   (a) Taxes / levies on single-use (including non-plastic) items
   (b) Taxes / levies on specific product groups which incentivise higher recycling rates

8. The governing body shall work with relevant national, and international organizations towards the development of standards and guidelines, taking into account the nature of, and purpose served by, the product, to support the objective of this Treaty.

9. Parties deemed eligible for support for capacity building as per [Part III Financing Annex XXX] will receive support to prepare nationally relevant policy and law, and for appropriate communication of, and subsequent administration and enforcement, so as to ensure effective implementation of this Article.

10. Businesses acting in more than one Party and who are suspected to be breaching the terms of policy and law in the territory of a Party to the Treaty as regards the substance of this Article, may, without prejudice, be subject to sanctions under the terms of another Party where the business operates as if the activity leading to the suspected breach had taken place in the jurisdiction of that Party.

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Annex C

Part I-A

List of Products for which there are design criteria set

Part I-B

Design criteria for the products listed, and date by which they must be met

Part I-C

Criteria

Part I-D

Elements
**5b. Reduce, reuse, refill and repair 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 reduce the use of plastics through, as relevant, reuse, refill, repair, remanufacture, repurposing and refurbishment of products used within its territory. Systems for reuse, refill and remanufacture are required to meet the criteria set out in Part II-A of Annex C.

2) Each Party shall take measures, including the use of regulatory measures, and economic instruments (including levies and taxes, and use of public procurement), to support the activities mentioned in para 1.

3) For those products listed in Part II-B of Annex C, Parties shall meet the targets set out therein within the timeframe set out in Part II-C of Annex C, the timeframe reflecting the differentiated capabilities of the Parties.

4) Parties are encouraged to work with relevant international organizations at the multilateral level towards the development of standards and guidelines for reuse and refill systems.

5) The measures taken shall be reported in the national plan communicated pursuant to [Part IV.1 on national plans].

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**Annex C Part II-A**

Criteria to qualify as reuse, refill, remanufacture systems.

**Annex C Part II-B**

List of target products and performance targets.

**Annex C Part II-C**

Target dates for different products (varied by country grouping).