

Article 3 – Plastic Products

1. Each Party shall, in accordance with its national circumstances, capacities, and socio-economic considerations, take appropriate legislative, administrative, or market-driven measures to ~~address, prohibit or reduce the manufacture, import or export, reduce or~~ manage, ~~reduce, or prohibit~~, as appropriate, plastic products that meet any of the following criteria:

- a. are highly likely to be littered or to enter the environment;
- b. contain hazardous chemicals according to Annex Z, based on the UN GHS criteria, that pose ~~risks of~~ concern to human health or the environment⁷;
- c. are not capable of being reused, recycled, ~~or composted~~ in practice and at scale;
- d. may disrupt the circular economy on a large scale; including short-lived or single use or
- e. contain intentionally-added microplastics.

f. has a high likelihood to harm animals, e.g. through entanglement or ingestion.

2. Each Party shall, in accordance with the provisions of Article [X on Reporting], provide the Secretariat with a report detailing the measures adopted in implementing paragraph 1, the outcomes achieved, and any challenges encountered. The Secretariat shall make such reports publicly available.

NEW 2bis. For plastic products and chemicals not included in Annex Y [for Products], each Party shall provide to the Secretariat information on national, regional or other restrictions. The Secretariat shall maintain such information and make it publicly available. The Secretariat shall also make publicly available any other relevant information submitted by Parties.

3. The Conference of the Parties (COP) shall, at its first meeting, establish a subsidiary body to be called the Scientific-Technical-Economic-Social Review Committee (the "Review Committee").

4. The Review Committee shall, as appropriate, develop guidance and provide relevant information, advice, and recommendations to assist Parties in the implementation of the measures taken to implement paragraph 1. Such guidance, advice, or recommendations shall be submitted to the COP for adoption.

5. Any Party may submit a proposal to the Secretariat for the inclusion of a plastic product on a global list in annex Y [Annex on products]. Such a proposal shall include a detailed justification demonstrating how the product meets ~~the any of the~~ criteria set out in paragraph 1. The Review Committee shall evaluate the proposal in a transparent and scientifically sound manner. If the Review Committee determines that the criteria are met, it shall recommend to the COP whether the product should be added to the global list.

6. The Review Committee may develop recommendations on possible actions to be taken with respect to a plastic product included in the global list in annex Y [X] [~~annex on products~~]. Such recommendations shall take into account at least the following factors, where applicable:

- a. The necessity of the plastic product and its intended use;
- b. The performance, safety, environmental impact, technical feasibility, affordability, availability, and accessibility of alternative products or methods;
- c. **The risk posed** by chemicals of concern contained in the plastic product;
- NEW c.bis. The information related to the other criteria listed in paragraph 1;**
- d. The socio-economic impacts of any proposed control measures;
- e. Where relevant, the incorporation of traditional knowledge, indigenous knowledge systems, local practices, and scientific and technological advances

7. The recommendations of the Review Committee shall ~~be~~ submitted to the COP for adoption and for inclusion in Annex [Y].

NEW 7bis. The Conference of the Parties, taking due account of the recommendations of the Review Committee, including any scientific uncertainties, shall decide whether to initiate global action pertaining to nominated plastic products ~~and shall specify its related measures to be taken, including their~~ for listing in Annex [Y] [Annex for plastic products].

NEW 8 : Each Party shall not allow the manufacture, import or export of plastic products as listed in Annex [Y][Annex for plastic products] after the phase out date specified for that plastic product in Annex [Y], except where an exclusion is specified in that Annex or the Party has a registered exemption to this paragraph pursuant to Article [Article on Exemptions].

~~8. Any measures taken by a Party in the implementation of this Article shall not be applied in a manner that constitutes arbitrary or unjustifiable discrimination between Parties where similar conditions prevail, nor shall they serve as a disguised restriction on international trade.]~~

NEW 9. Each Party shall require producers, importers and exporters of plastic products to ensure adequate and reliable information on chemicals used in plastic products along the various value chains, in order to achieve safe and cost-efficient circularity of plastic products following recommendations from the Review Committee. and take appropriate measures to ensure the traceability of chemicals, including in plastic products and wastes, based on globally harmonized guidelines to be adopted by the Conference of parties at its [X] session.”

Annex Y

Annex on plastic Products (Art. New 8)

[NOTE: Time frames and specific exclusions to be decided]

The following products are excluded from this Annex:

Specific products essential for medical uses where no feasible alternative is available; and

Products essential for military uses where no feasible alternative is available

<u>[Part I] Products [or product group]</u>	<u>Phase out date</u>
<u>Single use plastic sticks to be attached to and to support balloons</u>	<u>203X</u>
<u>Single use plastic straws</u>	<u>203X</u>
<u>Single use plastic beverage stirrers</u>	<u>203X</u>
<u>Single use plastic cutlery/ utensils (forks, knives, spoons, chopsticks)</u>	<u>203X</u>
<u>Single use plastic-stemmed cotton bud sticks</u>	<u>203X</u>
<u>Single use plastic carrier bags</u>	<u>203X</u>
<u>Rinse-off cosmetics and personal care products containing intentionally added microbeads</u>	<u>203X</u>
<u>Single use plastic sticks to be attached to and to support balloons</u>	<u>203X</u>
<u>Single use plastic straws</u>	<u>203X</u>
<u>Single use plastic beverage stirrers</u>	<u>203X</u>
<u>Single use plastic cutlery/ utensils (forks, knives, spoons, chopsticks)</u>	<u>203X</u>
<u>[Part II] Products [or product group] [containing chemicals]</u>	
<u>Toys and children’s products and Food contact material containing:</u> <u>- DEHP (CAS number 117-81-7)</u> <u>- DBP (CAS number 84-74-2)</u> <u>- BBP (CAS number 85-68-7)</u> <u>- DIBP (CAS number 84-69-5)</u>	<u>[203X]</u>
<u>Toys and children’s products and Food contact material containing:</u> <u>- Lead and lead compounds</u> <u>- Cadmium and cadmium compounds</u>	<u>[203X]</u>
<u>Toys and children’s products; Food contact material intended for children under 3 years of age containig:</u> <u>- BPA (CAS number 80-05-7)</u>	<u>[203X]</u>

Annex Z

Annex on hazardous criteria for chemicals on concern in plastic products

- i. carcinogenic, mutagenic or reprotoxic (CMRs category 1A or 1B)
- ii. specific organ toxicity with chronic effects (STOT RE category 1)
- [iii. endocrine disrupting chemicals (EDCs HH and/or ENV)]
- iv. persistent, bioaccumulative and toxic (PBTs) or very persistent and very bioaccumulative (vPvBs)