Intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment

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Item 4 of the provisional agenda
Preparation of an international legally binding instrument on plastic pollution, including in the marine environment

Zero draft text of the international legally binding instrument on plastic pollution, including in the marine environment

Note by the secretariat

1. United Nations Environment Assembly (UNEA) resolution 5/14 requested the Executive Director of the United Nations Environment Programme (UNEP) to convene an intergovernmental negotiating committee, to begin its work during the second half of 2022, with the ambition of completing its work by the end of 2024. The intergovernmental negotiating committee is to develop an international legally binding instrument on plastic pollution, including in the marine environment, which could include both binding and voluntary approaches, based on a comprehensive approach that addresses the full life cycle of plastic, taking into account, among other things, the principles of the Rio Declaration on Environment and Development, as well as national circumstances and capabilities.

2. Furthermore, UNEA resolutions 1/6, 2/11, 3/7, 4/6, 4/7 and 4/9 have also affirmed the urgent need to strengthen global coordination, cooperation and governance to take immediate action towards the long-term elimination of plastic pollution in marine and other environments, and to avoid detriment from plastic pollution to ecosystems and the human activities dependent on them.

3. At its second session, the intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment, requested the Chair, with the support of the secretariat, to prepare a Zero Draft of the international legally binding instrument called for by UNEA resolution 5/14, for consideration at its third session. The draft would be guided by the views expressed at the committee’s first and second sessions. The full range of views could be indicated in the draft text through options.
4. In response to that request, the Chair has prepared, with the support of the secretariat, the Zero Draft set out in the annex to the present note for the consideration of the committee.

Annex

Zero draft text of the international legally binding instrument on plastic pollution, including in the marine environment

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Chair’s explanatory note

1. The Zero Draft text is proposed to facilitate and support the intergovernmental negotiating committee’s (hereafter referred to as the committee) work towards the development of the international legally binding instrument on plastic pollution, including in the marine environment, called for by United Nations Environment Assembly (UNEA) resolution 5/14. It does not prejudge the committee’s decisions on the content of the future instrument.

2. The elements presented reflect the objective and mandate of UNEA resolution 5/14, including the provisions required under paragraphs 3 and 4 and taking into account the principles of the Rio Declaration on Environment and Development. Furthermore, the text is guided, as per the mandate received from the committee, by the views expressed at the committee’s first and second sessions. The Zero Draft is developed based on the full range of views, including through the use of options, while ensuring coherence, logic and readability of the text.

3. The text considers the fact that not all matters to be covered in the legal instrument have yet been the subject of detailed submissions and discussion by Members. As mandated by the committee at its second session, certain sections are identified in the draft text as placeholders and will need to be elaborated in light of such submissions and discussions.

4. The order of the headings and sections in the Zero Draft does not indicate the final structure of the instrument and does not imply a particular order of priority in the discussions. It draws on the structure commonly found in multilateral environmental agreements.1

5. Throughout the Zero Draft, the legally binding instrument and its future governing body are referred to respectively as “instrument” and “governing body”, without prejudice to their final designation by the committee.

6. The Zero Draft text includes footnotes to provide the committee, where appropriate, with relevant background information to assist its consideration of the relevant text. The comments and notes in footnotes (introduced by the annotation “Note”) throughout the text are not intended to form part of the language proposed for the legal instrument.

7. Some of the options presented propose obligations whose key features are set out in the instrument whereas others propose for these commitments to be determined at the national level. A combination of nationally and internationally determined approaches may provide the necessary flexibility in implementation of the instrument, considering the complexity of addressing plastic pollution across the life cycle of plastic.

8. The options presented underscore the importance of complementarity, coordination and cooperation within the international context, in particular with existing efforts that may cover some aspects related to plastic pollution. In that regard, the Zero Draft text includes a general provision related to international cooperation in part IV. Reference is also made to selected instruments or initiatives, either in the text or in footnotes, where this appeared relevant to support the development of the text and achieving the objective of this instrument. Members may wish to elaborate further on this issue.

9. In accordance with the mandate given by the committee at the second session, the Zero Draft text is intended to reflect possible ways to address issues raised by Members, whether through a single option or several options, and without prejudice to whether and how the committee will ultimately decide to address them. Where appropriate, options are identified using headers (“Option 1”, “Option 2” and “Option 3”). Members may wish to choose between or combine different options. In some cases, additional provisions relevant to all of the identified options have also been included. Such provisions could be included in combination with the different options relating to the same matter. This is indicated through a header (“Provisions common for the Options above”). The Zero Draft does not include specific options where Members have expressed their wish not to integrate certain types of measures. The committee may decide to include new provisions or remove certain existing proposed measures. It may also wish to discuss and decide upon the appropriate operative verb that applies to the different measures.

10. In some instances, further elaboration of the detailed contents of the relevant obligations or commitments, or associated processes and procedures, would be required to make the provision fully operational, for example through annexes. Where this is the case, this is indicated. Furthermore, a number of placeholders for possible annexes are proposed in the Zero Draft. Any annexes that the committee might agree upon

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1 See UNEP/PP/INC.1/5 and UNEP/PP/INC.2/4 for further reference.
would need to be further developed. The committee may also wish to consider, as part of its deliberations on final provisions, the procedure for amendment of annexes, including to provide for periodic review of some or all of the annexes.

11. Part I of the text covers the objectives of the instrument and leaves placeholders, as requested at the second session of the committee, for elements that Members may wish to include but were not discussed at the second session. The list of elements in part I is indicative and does not prejudge the way Members may wish to address or structure them. In this regard, the committee, at its second session, requested the secretariat to invite written submissions on elements not discussed at its second session and prepare a synthesis report of the submissions for consideration at the preparatory one-day meeting and at the third session of the committee.

12. In part II of the text, the elements are broadly structured around the life cycle of plastics and plastic products with the aim of addressing plastic pollution. Consistent with paragraph 3(b) of UNEA resolution 5/14, the options in part II aim to collectively promote the sustainable production and consumption of plastics through, among other things, product design and environmentally sound waste management, including through resource efficiency and circular economy approaches.

13. Parts III and IV outline different options of measures aimed at collectively addressing the implementation of the instrument, consistent with paragraphs 3(c) through (p) of UNEA resolution 5/14.
Part I

1. Preamble (placeholder)

6. - It should be brief and concise;
7. - The language shall be very broad without going into details of obligations and of course in line with the objective and scope of the instrument;
8. - To consider assisting countries in developing their national legal and economic systems with a focus on regulating and preventing marine plastic pollution from land-based and sea-based sources;
9. - To include references to supporting the national initiatives, to incorporate national legal provisions for marine plastic litter into various sectors of legislation, such as legislation on fisheries, fresh water, protected areas, production and consumption and solid waste management;
10. - Elaborate the importance of improving economic mechanisms and sectoral legislation in the field of waste management;
11. - Development of cooperation, and coordination framework among relevant regional and international bodies on reduction of plastic pollution;
12. - Undertaking scientific and technical research and studies to address plastic pollution and plastic waste management.

2. Objective

Option 1

1. The objective of this instrument* is to end plastic pollution, including in the marine environment, and to protect human health and the environment.

Option 2

1.1 The objective of this instrument* is to protect human health and the environment from plastic pollution, including in the marine environment, [through, inter alia, managing both the utilization of plastics and plastic waste, while contributing to the achievement of sustainable development].

1. Option 2 sub-options that may be considered pertinent for the end of the paragraph: [ ]

1.1 by ending plastic pollution.
1.2 based on a comprehensive approach that addresses the full life cycle of plastic.
1.3 through the prevention, progressive reduction and elimination of plastic pollution throughout the life cycle of plastic by 2040.
2. Definitions (placeholder)²

13. This section and its elements should be developed in coordination with the outcomes of the discussions on other issues such as principles and scope of the instrument. However, some undisputed and agreed terms and definitions could be learned and adapted from other MEAs taking into account the new context in which they should be applied to

3. Principles (placeholder)

5. - The main approach of the instrument should be based on sustainable development;
6. - Considering flexibility for developing countries without imposing an unnecessary burden on the economic and social development of such countries;
7. - Following a bottom–up approach;
8. - Non-discrimination and unimpeded access of developing countries to technical, technological and financial assistances;
9. - The right to development of developing nations;
10. - The sovereign right of States to exploit their own resources pursuant to their own environmental and developmental policies;
11. - International actions in the field of environment and development should also address the interests and needs of all countries;
12. - In view of the different contributions to global environmental degradation, States have common but differentiated responsibilities and respective capabilities, in the light of different national circumstances;
13. - The responsibility of developed countries in the international pursuit of sustainable development in particular through transfer of technologies and mobilizing financial resources;
14. - Any decision, measure, policy and or legislation to address plastic pollution should be nationally determined;

*Note: Terms that may be relevant to the development of the international legally binding instrument on plastic pollution, including in the marine environment, are included in document UNEP/PP/INC.1/6, entitled 'Glossary of key terms' and document UNEP/PP/INC.1/7, entitled 'Plastics science'. While no specific language is proposed for definitions in the Zero Draft text, in some instances an indication of how specific terms are used is provided in a footnote to facilitate an understanding of the proposed text and of its potential scope.*
15. - Trade policy measures for environmental purposes should not constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade;
16. - Environmental measures addressing transboundary or global environmental problems should, as far as possible, be based on an international consensus;
17. - The need for international cooperation and partnership in good faith to address environmental challenges;
18. - Following a cooperative and facilitative approach;
19. - Capacity-building and awareness raising;
20. - Equity and just transition;
21. - Avoid duplicating other multilateral agreements and efforts.

4. - In designing the new instrument the adverse impacts of response measures of the countries on other countries and a mechanism to cover and compensate the possible losses of the affected countries should be adequately and properly addressed.

1. Scope (placeholder)

22. The scope of the future instrument shall strictly be in line with the mandate as defined in article 3 of the UNEA Resolution No. 5/14 paragraphs 3(b) and 3 (c) indicating that the instrument shall include the followings:
23. - To promote sustainable development production and consumption of plastics, with the use of the best available technologies, product design and environmentally sound waste management, including through resource efficiency and circular economy approaches;
24. - To promote national and international cooperative measures to reduce plastic pollution in the marine environment, including existing plastic pollution. Implementing efficient recycling systems and promoting economy, where plastic waste is reduced, reused and repurposed, can significantly decrease the environmental impact of plastics.
25. - The core of the plastic pollution crisis is "the resource-inefficient, linear, take-make-waste plastic economy," which should be replaced by a rational and environment friendly economy.
26. - Further, the scope of the future instrument should focus on development and promotion of sustainable alternatives to replace hazardous additives.
27. - Therefore, the scope of the instrument should exclude the stages of extraction and processing of primary raw materials as well as
the stages related to virgin polymer production, since no plastic pollution is generated at these stages of production and raw materials can be used for production of other non-plastic products.

28. - limitations should be put on unnecessary and problematic plastic applications, to make recycling techniques more efficient and environmentally sound, and biodegradable plastics to become a suitable alternative for single use applications of ordinary plastics.
Part II

1. Primary plastic polymers

2. Parties shall take the necessary measures to prevent and mitigate the potential for adverse impacts on human health or the environment from the production of primary plastic polymers, including their feedstocks and precursors, consumption and disposal of primary plastic polymers. Parties could develop nationally determined targets and take the necessary measures to achieve them.

Option 1

2. Each Party shall not allow its level of production and supply of primary plastic polymers to exceed the reduction target specified in part I of annex A.

Option 2

4. Parties shall, in order to achieve the target referred to in paragraph 2, develop nationally determined targets and take the necessary measures to achieve them.

Option 3

4. Parties shall take the necessary measures to manage and reduce the global production and supply of primary plastic polymers referred to in paragraph 1.

Provisions common for theOptions above

[3][4][5] Each Party shall take appropriate measures to reduce the demand for and production of primary plastic polymers, including:

market- and price-based measures;
removal of subsidies and other fiscal incentives to the production of primary plastic polymers; and
the establishment, as applicable, of regulatory requirements for primary plastic polymer producers.

Note: Under this option, part I of annex A would contain a baseline, timeframe(s) and the target referred to in this paragraph. The common reduction target would be defined as, for example, a reduction of production and supply by a given percentage compared to an established baseline year, to be achieved within a defined period. Members may also wish to consider specific provisions for the update of annexes as needed.

Note: Under this option, part I of annex A would contain a baseline, timeframe(s) and the target referred to in this paragraph. The global target would be defined as, for example, a reduction of global production and supply by a given percentage compared to an established baseline year, to be achieved within a defined period. Members may also wish to consider specific provisions for the update of annexes as needed.
The measures taken to implement this provision shall be reflected in the national plan communicated pursuant to [part IV.I on national plans].

2. Chemicals and polymers of concern

Option 1

1. Each Party shall take the necessary measures to not allow, or to eliminate, at the latest by the date provided in part II of annex A, the use of the chemicals, groups of chemicals and polymers listed in part II of annex A in the production of plastic polymers, plastics and plastic products, except as provided in that annex.

2. Each Party shall take the necessary measures to not allow, or to eliminate, at the latest by the date provided in part II of annex A, the production, sale, distribution, import or export of plastic polymers, plastics and plastic products containing a chemical, group of chemicals, or polymer listed in part II of annex A, except as provided in that annex.

Option 2

1. Parties shall take the necessary measures, including those referred to in paragraph 2, to minimize, and as appropriate eliminate, the use and presence in plastic polymers, plastics and plastic products of chemicals, groups of chemicals and plastic application polymers, with the potential for adverse impacts on human health or the environment at any stage of the plastic life cycle, or with properties that may hinder their safe and environmentally sound management, including their reusability, repairability, recyclability and disposal.

2. Each Party shall take the necessary measures to not allow, or to regulate, as appropriate, the use and presence in plastic polymers, plastics and plastic products of the chemicals, groups of chemicals and polymers identified in part II of annex A. 7 The measures taken to implement this provision shall be reflected in the national plan communicated pursuant to [part IV.I on national plans].

Option 3

3. Each Party shall take the necessary measures to not allow, or to regulate, the presence and use, in plastic, and plastic products, of chemicals, groups of chemicals and polymers with the potential for adverse impacts on human health or the environment at any stage of the plastic life cycle, or with properties that may hinder their safe and environmentally sound management, including their reusability, repairability, recyclability and disposal, based on the criteria contained in annex A. 8 The measures taken to implement this provision shall be reflected in the national plan communicated pursuant to [part IV.I on national plans].

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*Note: This language assumes that part II of annex A could contain (i) criteria to determine chemicals, groups of chemicals and polymers of concern; (ii) specific chemicals, groups of chemicals and polymers of concern; and (iii) associated control measures and potential exclusions, including phase-out periods or relevant. In developing this part of the proposed annex, Members may wish to consider existing multilateral environmental agreements (MEAs) in which certain chemicals or substances used in the production of plastics and plastic products are addressed, including the Stockholm Convention on Persistent Organic Pollutants (Stockholm Convention) and the Rotterdam Convention on the Prior-Informed Consent Procedure for certain Hazardous Chemicals and Pesticides in International Trade (Rotterdam Convention).*

*Note: This language assumes that specific chemicals, groups of chemicals and polymers would be identified in part II of annex A. In developing this part of the proposed annex, Members may wish to consider relevant existing MEAs in which certain chemicals or substances used in the production of plastics are addressed, including the Stockholm Convention and the Rotterdam Convention.*

*Note: This language assumes that modalities for the identification of chemicals and polymers of concern would be included in annex A. Chemicals in Plastics – A Technical Report UNEP/PP/INC.3/4 (August 2011), developed by UNEP and the Secretariat of the Basel Convention, the Rotterdam Convention and the Stockholm Convention, is available to Members as a reference.*
Provisions common for Options 1 and 2

Where production or use of a regulated chemical, group of chemicals or polymer listed in part II of annex A is permitted, each Party with such production or use shall:

b. Take appropriate measures to ensure that any such production or use is carried out in a manner that prevents and minimizes human exposure or release into the environment throughout the life cycle of the chemical, polymer or product concerned and fosters the safe and environmentally sound management, including the recyclability and disposal, of the polymers, plastics, and plastic products containing them;

e. Take appropriate measures to ensure that all such chemicals, groups of chemicals and polymers, and products containing them, are used in a manner consistent with part II of annex A and managed in a safe and environmentally sound manner throughout their life cycle, including for their final disposal;

d. Require producers and importers of such chemicals, groups of chemicals, polymers and products containing them to provide to government authorities, in addition to the information required under part II.14 on transparency, tracking, monitoring and labelling, complete information about the hazards to human health or the environment associated with the relevant chemical, polymer or product, and related implications for their safe use, recyclability and disposal, based on the harmonized requirements contained in part II of annex A,

e. Require producers and importers of the relevant chemicals, polymers or products to appropriately mark and label them based on the harmonized requirements contained in part II of annex A, to allow their safe and environmentally sound use and handling throughout their life cycle, including their final disposal.

4.4(3) Each Party is encouraged to include in its reporting pursuant to part II.15 on reporting on progress any measures it has taken to not allow, or to restrict, the use in plastics and plastic products of chemicals, groups of chemicals and polymers not included in part II of annex A that have the potential for adverse impacts on human health or the environment at any stage of the product life cycle, or to hinder the environmentally sound management, including recyclability and disposal, of the final product. (Revised & Preferred by MFA)

2. Problematic and avoidable plastic products, including short-lived and single-use plastic products and intentionally added microplastics

a. Problematic and avoidable plastic products, including short-lived and single-use plastic products

Option 1

1. Each Party shall not allow the production, sale, distribution, import or export of the plastic products, including short-lived and single-use plastic products, listed in part II of annex B after the dates specified...
for those products and identified based on criteria set out in part I of annex II, except where the Party has a registered exemption for the relevant product(s) under part II of annex II pursuant to (part II.1 on exemptions available to a Party upon request).

2. Each Party shall reduce the production, sale, distribution, import or export of the plastic products listed in part III of annex B identified based on the criteria which will be set out by governing body of the instrument after its enforcement and within the timeframe set out in the same annex.** Option 2**
   a. Each Party should take the necessary measures to regulate and reduce, and, as appropriate, reduce not allow the production, sale, distribution, import or export of problematic and avoidable plastic products, including short-lived and single-use plastic products, to be identified based on the criteria by the governing body after enforcement of the instrument contained in part I of annex II. The measures taken to implement this provision, including the appropriate nationally determined timeframes for regulation or reduction and or phase-out, shall be reflected in the national plan (commented pursuant to part IV.1 on national plans).
   b. Intentionally added microplastics

**Option 1**

1. Each Party shall not allow the production, use in manufacturing, sale, distribution, import or export of plastics and products containing intentionally added microplastics, except where an exception is specified in part IV of annex B.

**Option 2**

1. Each Party shall identify plastics and products containing intentionally added microplastics in accordance with the criteria contained in part V of annex B, and take the necessary measures to manage, restrict and, where appropriate, not allow, their production, use in manufacturing, sale, distribution, import or export.

4. Each Party shall share information on the measures taken pursuant to paragraph 1 through the online registry established under (part IV.6 on information exchange) with the aim of promoting transparency.**

**5.4 Exemptions available to a Party upon request**

1. Any Party may register, in accordance with the provisions of [part II.3 on problematic and avoidable plastic products, **including** short-lived and single-use plastic products and intentionally added microplastics, Option 1] an exemption from the phase-out dates listed in part II in annex B for specific products, hereafter referred to as an “exemption”, in accordance with the procedure [set out in …].**

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**Note:** Sectoral approaches, based on levels of contribution to plastic pollution, could be considered. For a list of specific sectors and products identified as Member submissions to the committee’s second session, see UNEP/PP/INC.3/4, section II.A.

**Note:** The annex proposed in this provision could identify: (i) criteria for the determination of problematic and avoidable plastic products, including short-lived and single-use plastic products, to be identified based on the criteria by the governing body after enforcement of the instrument contained in part I of annex II. The measures taken to implement this provision, including the appropriate nationally determined timeframes for regulation or reduction and or phase-out, shall be reflected in the national plan (commented pursuant to part IV.1 on national plans).

**Comment [A2]:** On criteria for such exemptions, among others, essential needs together with capacities and capabilities of countries could be taken into account.

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**Comment [A1]:** It is necessary to present a precise definition of polymer microplastics in regards intentionally added one. Because biodegradable microplastics are not harmful and there is some limitation on fossil based or biodegradable type plastics considered as intentionally added microplastics.
2. All exemptions referred to in paragraph 1 shall expire [X3] years after the relevant phase-out dates listed in part II of annex B, unless a Party, when registering an exemption, indicated a shorter expiration period, in which case the expiration date indicated by the Party shall apply.

3. The governing body* may decide to extend an exemption for a period requested by the Party but not exceeding [X] years, in accordance with the procedure [set out in …]21 An exemption may only be extended [X2] times per entry per phase-out date.

4. No Party may have an exemption in effect at any time after [X3] years after the phase-out date for a plastic product listed in part II of annex B.

6.5 Product design, composition and performance

a. Product design and performance

1. 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, with a view to:

   a. Reducing demand for and use of primary plastic polymers, plastics and plastic products;

   b. Increasing the safety, durability, reusability, refillability, repairability and refurbishability of plastics and plastic products, as relevant, and their capacity to be repurposed, recycled and disposed of in a safe and environmentally sound manner upon becoming waste; and

   d.h. Minimizing releases and emissions from plastics and plastic products, including microplastics.

Option 1

2. 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 criteria 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.22

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 criteria and other related elements contained in part I of annex C, including, where relevant, sector- or product-specific criteria and elements, and shall require plastics and plastic products to be appropriately labelled in accordance with these criteria and elements.

Option 2

2. Each Party should adopt design and performance criteria and regulatory schemes to:

   b. Reduce the use of plastics across the value chain, including in product packaging; and

   d. Increase the safety, durability, reusability, refillability, repairability and refurbishability of plastics and plastic products, as relevant, and their capacity to be repurposed, recycled and disposed of in a safe and environmentally sound manner upon becoming waste.

21 Note: The committee may wish to define where and how such procedure would be set out.

22 Note: This option assumes that general and/or sectoral design and performance criteria, and other related elements as relevant, would be included in part I of annex C. For a list of potential design and performance-related criteria and sectors and products identified in Member submissions to the committee’s second session, see UNEP/PP/INC.2/INF/4, section II.D. Members may wish to consider harmonization criteria among these elements. In the development of this part of the proposed annex, Members could work with relevant international organizations and standard-setting organizations, including on a sectoral basis. See, for example, the submission to the committee’s second session by the International Organization for Standardization (ISO) at https://resolutions.unep.org/resolutions/uploads/201106_international_organization_for_standardization_iso_0.pdf
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. The measures adopted pursuant to this provision shall be reflected in the national plan communicated pursuant to [part IV.1 on national plans].

Each Party should establish, in accordance with the elements contained in part I of annex C, 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.

Provision common for Options above

4.3 Parties are encouraged to work with relevant international organizations towards the development of standards and guidelines at the multilateral level, including on a sectoral basis as relevant, to reduce the use of plastics and plastic products across the value chain—including in product packaging, and improve the design of plastic products to increase their safety, durability, reusability, refillability, repairability and refurbishability, and their capacity to be repurposed, recycled and disposed of in a safe and environmentally sound manner upon becoming waste.

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

Option 1

1. Each Party shall, based on guidance to be adopted by the governing body* at its first session, take effective measures to promote the reduction, reuse, refill, repair, repurposing and refurbishment, as relevant, of plastics and plastic products produced within its territory and those available on its market, in particular through the implementation of reuse, refill and repair systems.

2. Each Party shall take the necessary measures to achieve the minimum reduction, reuse, refill and repair targets contained in part II of annex C within the timeframe identified in that annex, for plastics and plastic products produced within its territory and those available on its market.

Option 2

1. Each Party shall, based on guidance to be provided by the governing body* at the latest by its second session, take effective measures to promote the reuse, refill, repair, repurposing and refurbishment, as relevant, of plastics and plastic products produced within its territory and those available on its market, in particular through the implementation of reuse, refill and repair systems.

2. Each Party should adopt timebound targets in support of this objective.

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23 Note: This option assumes that general and/or sectoral elements relating to the establishment of design and performance criteria would be included in part I of annex C. Members may wish to consider harmonization criteria among these elements. Members may also wish to consult Annex C at https://resolutions.unep.org/resolutions/uploads/230106_international_organization_for_standardization_iso_0.pdf.

24 Measures taken pursuant to this provision could also include one or more of the following:

- Product take-back and right-to-repair requirements;

- Product and service delivery systems;

- Deposit refund schemes;

- Economic instruments such as fees, tax incentives, subsidies and subsidy reform, as appropriate;

- Leveraging public procurement;

- Actions to raise consumer awareness and incentivize changes in consumer behaviour.

25 Note: See the submission to the committee’s second session by the International Organization for Standardization (ISO) at https://resolutions.unep.org/resolutions/uploads/230106_international_organization_for_standardization_iso_0.pdf.

26 Measures taken pursuant to this provision could also include one or more of the following:

- Product take-back and right-to-repair requirements;

- Product and service delivery systems;

- Deposit refund schemes;

- Supporting the development of skills and infrastructure for repair, repurposing and refurbishment of plastic products;

- Economic instruments such as fees, tax incentives, subsidies and subsidy reform, as appropriate;

- Leveraging public procurement;

- Actions to raise consumer awareness and incentivize changes in consumer behaviour.
UNEP/PP/INC.3/4

Provision common for Options above

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].

c. Use of recycled plastic contents

Option 1

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.

Option 2

1. Each Party should take the necessary measures for plastics and plastic products produced within its territory and those available on its market to achieve minimum percentages of safe and environmentally sound post-consumer recycled plastic content. The measures taken to implement this provision shall be reflected in the national plan communicated pursuant to [part IV.1 on national plans].

Provision common for Options above

2. Each Party shall take measures to ensure that, where needed, primary plastic 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, or incentivizing changes in the supply chain and in consumer behaviour and shall be reflected in the national plan communicated pursuant to [part IV.1 on national plans].

d. Alternative plastics and plastic products

Option 1

1. Parties shall ensure that alternative plastics and plastic products are safe, environmentally sound and sustainable, taking into account their potential for environmental, economic, social and human health impacts, including food security.

Option 2

1. Parties should encourage the development and use of safe, environmentally sound and sustainable alternative plastics and plastic products, including through regulatory measures and economic instruments.

2. Parties, in implementing the above provision, shall ensure that alternative plastics and plastic products are safe, environmentally sound and sustainable, taking into account their potential for environmental, economic, social and human health impacts, including food security.

27 Note: The term “safe and environmentally sound post-consumer recycled plastic” may require a definition.
28 Note: Part III of annex C could contain general and sectoral targets, as needed.
29 This may include fees, tax incentives or subsidies, as appropriate.
30 Note: The term “plastic alternatives” as used in this proposed test refers to plastics and plastic products with lower greenhouse gas (GHG) life cycle emissions and not hazardous for human, animal or plant life. This could include bioplastics or biodegradable plastics. See Plastic Pollution – The pressing case for natural and environmentally friendly substitutes to plastics, UNCTAD, 2023, accessible at https://wedocs.unep.org/bitstream/handle/20.500.11822/42529/UNCTAD.pdf. These definitions are without prejudice to how Members may ultimately choose to define these terms in the instrument, as needed.
31 Note: As plastics and plastic products, under the proposed definition, alternative plastics and plastic products would fall within the scope of other provisions in the instrument applicable to plastics and plastic products respectively.
32 Note: Parties may wish to consider the establishment of a process to assess the safety and sustainability of potential plastic alternatives, including potential alternatives to chemicals and polymers addressed in part II.2.
33 Measured taken pursuant to this provision could include, for example, fees, reduced tariffs, taxes or subsidies, including repurposed subsidies, as appropriate.
2.6 Non-plastic substitutes

Each Party shall take measures to foster innovation and incentivize and promote the development and use of safe, environmentally sound and sustainable non-plastic substitutes, including products, technologies and services, taking into account their potential for environmental, economic, social and human health impacts.

2.7 Parties are encouraged to use regulatory and economic instruments, public procurement and incentives to promote the development and use of safe, environmentally sound and sustainable non-plastic substitutes.

7. Extended producer responsibility

Parties are encouraged to consider establish and operate fiscal and/or non-fiscal Extended Producer Responsibility (EPR) systems as appropriate and based on national circumstances and capability, including, where relevant, to incentivize increased recyclability, support higher recycling rates, and enhance the accountability of producers and importers for safe and environmentally sound management of plastic and plastic products throughout their life cycle and across international supply chains.

Parties, in implementing this provision, may advise guidelines on the establishment of national EPR systems and define their essential features, and in support thereof, harmonization, taking into account the objective of ensuring a just transition.

Option 1

Each Party shall establish and operate Extended Producer Responsibility (EPR) systems, including based on the modalities contained in annex D, to incentivize increased recyclability, promote higher recycling rates, and enhance the accountability of producers and importers for safe and environmentally sound management of plastic and plastic products throughout their life cycle and across international supply chains.

Parties shall, in implementing this provision, take into account how the measures taken would contribute to a just transition. These measures shall be reflected in the national plan communicated pursuant to part II.4 on national plans.

Option 2

Each Party is encouraged to establish and operate Extended Producer Responsibility (EPR) systems, including, where relevant, on a sectoral basis, to incentivize increased recyclability, promote higher recycling rates, and enhance the accountability of producers and importers for safe and environmentally sound management of plastic and plastic products throughout their life cycle and across international supply chains.

The governing body shall, at its first session, adopt modalities to inform and advise guidelines on the establishment of national EPR systems and define their essential features, and to support their harmonization, taking into account the objective of ensuring a just transition.

34 Note: Parties may wish to consider the establishment of a process to assess the safety and sustainability of potential plastic alternatives, including potential alternatives to chemicals and polymers addressed in part II.2.

35 Note: The term “substitutes” is used here with the meaning given to it in UNEP/PP/INC.2/INF9, accessible at https://wedocs.unep.org/bitstream/handle/20.500.11822/43526/UNEP-PP-INC.2-INF9.pdf.

36 Note: Members may wish to consider the establishment of a process for the assessment of the safety and sustainability of potential substitutes to plastic and their suitability as substitutes, considering their potential impacts on human health and the environment, the waste hierarchy, and “reduce, reuse and recycle” approaches.

37 Such instruments could include, for example, fees, reduced tariffs, taxes or subsidies, including repurposed subsidies, as appropriate.

38 Note: The modalities in annex D would include elements for the establishment and operation of EPR systems based on common principles, including for sectoral approaches as relevant. For potential elements relating to modalities for EPR systems, as identified in Members’ submissions to the committee’s second session, see UNEP/PP/INC.2/INF4, section III.A.

39 Note: For potential elements relating to modalities for EPR systems, as identified in Members’ submissions to the committee’s second session, see UNEP/PP/INC.2/INF4, section III.A.
12.8 Emissions and releases of plastic throughout its life cycle

1. Each Party shall prevent and eliminate the emissions and releases of plastic polymers, plastics, including microplastics, and plastic products across their life cycle, to the environment from the various sources identified in annex E by the dates identified therein. The emissions and releases covered under this provision should include:
   a. Emissions of hazardous substances, including microplastics, to air;
   b. Releases to soil and water from the production, transportation and use of chemicals and polymers of concern, plastics and plastic products; and
   c. Releases of chemicals and polymers of concern, plastics and plastic products, including microplastics, to air, soil, and water, and ecosystems.

2. Each Party shall is encouraged to prevent and eliminate 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 international organizations such as the International Maritime Organization.

3. The measures taken to implement the provisions of this Article shall are encouraged to be reflected in the national plan communicated pursuant to part IV.1 on national plans.

4. The governing body, at its first session, shall may adopt guidelines, including where relevant, sectoral guidelines, to facilitate implementation of the obligations set out in paragraph 1, including emission and effluent standards, sector-specific best available techniques and best environmental practices on preventing emissions and releases, and 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.

13.9 Waste management

   a. Waste management

Option 1

1. Each Party shall take effective measures to ensure that plastic waste is managed in a safe and environmentally sound manner throughout its different stages, including handling, collection, transportation, storage, recycling and final disposal, taking into account the waste hierarchy.

2. Each Party shall meet the requirements, including where relevant through a sectoral approach, for minimum safe and environmentally sound collection, recycling and disposal rates, set out in part IV.1 of annex F, taking into account relevant provisions, guidance and guidelines in other international agreements, including those developed under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal.

Note: For the purposes of this text, the terms “waste”, “waste management” and “environmentally sound management” of plastic waste are used with the same meanings as under the Basel Convention, without prejudice to how Members may ultimately choose to define these terms as needed in the instrument.

Note: This obligation could cover plastic waste generated at the production, distribution, use and end-of-life stages.
3. The governing body shall, may where necessary, adopt requirements, 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.

Option 2

1. Each Party shall take effective measures on safe and environmentally sound waste management at different stages, including handling, collection, transportation, storage, recycling and final disposal of plastic waste. The measures taken to implement this provision shall be reflected in the national plan communicated pursuant to [part IV.1 on national plans], with an aim to achieving nationally determined targets and minimum requirements developed based on the harmonized indicators set out in part II of annex F.

2. The governing body shall may adopt at its first session, and subsequently update as needed, guidelines on safe and environmentally sound management of plastic waste, taking into account the waste hierarchy and other relevant international guidelines and guidance.

Provisions common for Options above

[4][3] Each Party shall not allow waste management practices listed in part III of annex F that may lead to the emissions and releases of hazardous substances, 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.

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

[6][5] Parties shall take additional measures to:

a. invest in waste management systems and infrastructure that enable environmentally sound management of plastic waste;

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 behavioural changes throughout the value chain and raise consumer awareness on sustainable consumption.

[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].

b. Fishing gear

1. Each Party shall cooperate and take effective measures, including appropriate marking, tracing and reporting requirements, to prevent, reduce and eliminate, abandoned, lost or otherwise discarded fishing gear containing plastic, taking into account internationally agreed rules, standards and recommended practices and procedures. The measures taken to implement this provision shall be reflected in the national plan communicated pursuant to [part IV.1 on national plans].

[42] Note: The term “waste hierarchy” may require a definition.

[43] Note: The terms “open dumping”, “ocean dumping” and “littering” may require a definition.

[44] Note: Members may wish to include measures on other specific sectors as deemed necessary.

[45] Note: For the purposes of this text, the terms “fishing gear” and “abandoned”, “lost” and “discarded” fishing gear are used with the same meaning as under Article 16 of the 2019 Food and Agriculture Organization of the United Nations (FAO) Voluntary Guidelines on the Marking of Fishing Gear (accessible at https://www.fao.org/3/ca3544e/ca3544e.pdf), without prejudice to how Members may ultimately define these terms as needed in the instrument.

[46] Note: This might include rules, standards and recommended practices and procedures developed under the FAO (see the submission by FAO to the committee’s second session, accessible at https://resolutions.unep.org/resolutions/uploads/230106_food_and_agriculture_organization_of_the_united_nations_0.pdf).
2. Parties shall be encouraged to promote synergy and complementarity with relevant initiatives and organizations in their respective actions towards safe disposal of fishing gear.

14.10. Trade in listed chemicals, polymers and products, and in plastic waste

a. Trade in listed chemicals, polymers and products

1. Each Party shall not export:

a. a chemical or polymer referred to in [part II.2 on chemicals and polymers of concern], for use in plastic production or incorporation into a plastic product;

b. a plastic containing any such chemical or polymer as

c. a microplastic or product addressed in [part II.3 on problematic and avoidable plastic products, including short-lived and single-use product, and intentionally added microplastics];

except where the production and use of such chemical, polymer or product is permitted under this instrument and with the prior informed consent of the importing State.

2. Each Party exporting a chemical, polymer or product referred to in paragraph 1 pursuant to this provision shall establish an export permit requirement for such exports and obtain the prior informed consent of the importing State in writing, together with its assurance that the chemical, polymer, microplastic or product, once imported, will be used in a manner consistent with the conditions contained in part II of annex A or in annex B, as relevant, and managed in a safe and environmentally sound manner throughout its life cycle, including for final disposal.

3. Each Party exporting pursuant to this provision a chemical or a product containing any of these, or a microplastic or product listed in annex B, shall require the exporter to:

a. provide to the importing State and the importer complete harmonized information about the composition of the exported polymer, chemical or product and the associated hazards to human health or the environment, based on the harmonized disclosure requirements contained in annex A, including safety data sheets, as relevant;

b. mark and label the exported chemical, polymer or product in accordance with relevant harmonized labelling requirements contained in annex A, as relevant; and

c. comply with the relevant generally accepted and recognized international rules, standards and practices for packaging, labelling and transport.


Commented [A6]: This delegation does not accept any binding agreements regarding trade in polymers. Just regarding chemicals it would be acceptable in line with Stockholm convention.

Note: This section is intended to be read in conjunction with those options in which a list of substances or products subject to control measures would be contained in an annex, under parts II.2 and II.3. References to annexes A and B in this section are to the annexes proposed under those options.

Note: This language assumes that under the relevant annex, some uses may be permitted, for example during a phase-out period or for specific purposes. Where relevant, permitted use might also arise from an exemption. The language in this provision may need to be adapted to the nature and extent of the specific control measures associated with listed substances or products under the relevant annex.

Note: The prior informed consent procedure proposed pursuant to this provision could be facilitated and made operational through the establishment of detailed harmonized procedures, and through the online registry proposed to be established under “information exchange” (see part IV.6).

Note: Additional language may be required with a view to promoting coherence and avoiding duplication of procedures if a chemical or polymer listed in part II of annex A is also subject to requirements under another MEA, such as the Stockholm Convention or the Rotterdam Convention.

Note: The committee may wish to develop, or provide for the governing body to develop, standardized processes and documentation to facilitate the operation of this procedure.

Note: Adapted from the Rotterdam Convention, Article 13.2.

Note: Adapted from the Minamata Convention, Article 11.
4. Where a customs code under the Harmonized Commodity Description and Coding System is available for a chemical, polymer, microplastic or product listed in annex A or B, each Party shall require its shipping document to bear that code when exported.\textsuperscript{54}\footnote{Note: Adapted from the Rotterdam Convention, Article 13.1. The committee may wish to consider establishing a framework for cooperation with the World Customs Organization as appropriate to facilitate the monitoring of plastic trade flows under the instrument, including for the assignment, as relevant, of specific Harmonized Commodity System codes to chemicals, polymers or products listed in annexes and subject to control measures under the instrument.}

5. Each Party shall not import:

a. a chemical, group of chemicals or polymer referred to in part II.2 on chemicals and polymers of concern;\textsuperscript{55}\footnote{Note: For the purposes of this text, the term “transboundary movement of plastic waste” is used to refer to any movement of plastic waste from an area under the national jurisdiction of one Party to or through an area not under the national jurisdiction of any State, provided at least two States are involved in the movement (adapted from Article 3.3 of the Basel Convention). This definition is used without prejudice to how Members may define this term as needed in the instrument.}

b. a plastic product containing any such chemical or polymer; or

c. a microplastic or product addressed in part II.2 on problematic and avoidable plastic products, including short-lived and single-use product, and intentionally added microplastics;\textsuperscript{56}\footnote{The reference to “environmentally sound management” of plastic waste in this provision shall be understood to refer to plastic waste management, including final disposal, consistent with the requirements of part II.9 on waste management. Note: This language assumes that under the relevant annex, some uses may be permitted, for example during a phase-out period or for specific purposes. Where relevant, permitted use might also arise from an exemption. The language in this provision may need to be adapted to the nature and extent of the specific control measures associated with listed substances or products under the relevant annex. Adapted from Stockholm Convention, Article 3.2.b.}

except for the purposes of use permitted under this instrument\textsuperscript{57}, or for the purpose of their safe and environmentally sound disposal in accordance with the requirements of part II.9 on waste management.\textsuperscript{58}\footnote{Note: This language assumes that under the relevant annex, some uses may be permitted, for example during a phase-out period or for specific purposes. Where relevant, permitted use might also arise from an exemption. The language in this provision may need to be adapted to the nature and extent of the specific control measures associated with listed substances or products under the relevant annex. Adapted from Stockholm Convention, Article 3.2.b.}

b. Transboundary movement of plastic waste

- Each Party shall not allow transboundary movement of plastic waste,\textsuperscript{59} except for the purpose of its safe and environmentally sound management,\textsuperscript{60} with the prior informed consent of the importing State, and in a manner consistent with obligations under this instrument.\textsuperscript{61}\footnote{Commented [A7]: It is under implementation in Basel convention and every transboundary movement should be based on this convention.}

- Each Party exporting plastic waste pursuant to this provision shall establish and implement an export permit requirement for each export and track the type, volume and destination of all its exports of plastic waste.

- Where transboundary movement of plastic waste is permitted pursuant to paragraph 1, each exporting Party shall:
  - not allow the transboundary movement to commence until it has received the written consent of the importing State, which shall include that State’s assurance that the exported plastic waste will be managed in an environmentally sound manner;\textsuperscript{62}\footnote{Note: For the purpose of this text, the term “environmentally sound disposal” of plastic waste is used to refer to plastic waste management, including final disposal, consistent with the requirements of part II.9 on waste management. Note: The language of this provision may need to be adapted to the exact scope and content of the relevant requirements to be adopted in respect of plastic waste management under part II.9.}
  - require the exporter to:
  - 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 chemicals, polymers or products listed in annexes and subject to control measures under the instrument; and
  - ensure that the exported waste, including its contents, is labelled with a Harmonized Commodity Description and Coding System code. Where available, each Party shall ensure that the exporter to:
  - provide a customs code under the Harmonized Commodity Description and Coding System, including final disposal, consistent with the requirements of part II.9 on waste management. Note: This language assumes that under the relevant annex, some uses may be permitted, for example during a phase-out period or for specific purposes. Where relevant, permitted use might also arise from an exemption. The language in this provision may need to be adapted to the nature and extent of the specific control measures associated with listed substances or products under the relevant annex. Adapted from Stockholm Convention, Article 3.2.b.}

- Where a customs code under the Harmonized Commodity Description and Coding System is available for a chemical, polymer, microplastic or product listed in annex A or B, each Party shall require its shipping document to bear that code when exported.\textsuperscript{54}\footnote{Note: Adapted from the Rotterdam Convention, Article 13.1. The committee may wish to consider establishing a framework for cooperation with the World Customs Organization as appropriate to facilitate the monitoring of plastic trade flows under the instrument, including for the assignment, as relevant, of specific Harmonized Commodity System codes to chemicals, polymers or products listed in annexes and subject to control measures under the instrument.}

- Each Party shall not import:

a. a chemical, group of chemicals or polymer referred to in part II.2 on chemicals and polymers of concern;\textsuperscript{55}\footnote{Note: For the purposes of this text, the term “transboundary movement of plastic waste” is used to refer to any movement of plastic waste from an area under the national jurisdiction of one Party to or through an area not under the national jurisdiction of any State, provided at least two States are involved in the movement (adapted from Article 3.3 of the Basel Convention). This definition is used without prejudice to how Members may define this term as needed in the instrument.}

b. a plastic product containing any such chemical or polymer; or

c. a microplastic or product addressed in part II.2 on problematic and avoidable plastic products, including short-lived and single-use product, and intentionally added microplastics;\textsuperscript{56}\footnote{The reference to “environmentally sound management” of plastic waste in this provision shall be understood to refer to plastic waste management, including final disposal, consistent with the requirements of part II.9 on waste management. Note: This language assumes that under the relevant annex, some uses may be permitted, for example during a phase-out period or for specific purposes. Where relevant, permitted use might also arise from an exemption. The language in this provision may need to be adapted to the nature and extent of the specific control measures associated with listed substances or products under the relevant annex. Adapted from Stockholm Convention, Article 3.2.b.}

except for the purposes of use permitted under this instrument\textsuperscript{57}, or for the purpose of their safe and environmentally sound disposal in accordance with the requirements of part II.9 on waste management.\textsuperscript{58}\footnote{Note: This language assumes that under the relevant annex, some uses may be permitted, for example during a phase-out period or for specific purposes. Where relevant, permitted use might also arise from an exemption. The language in this provision may need to be adapted to the nature and extent of the specific control measures associated with listed substances or products under the relevant annex. Adapted from Stockholm Convention, Article 3.2.b.}

- Each Party shall not allow transboundary movement of plastic waste

\textsuperscript{55}Note: Adapted from the Rotterdam Convention, Article 13.1. The committee may wish to consider establishing a framework for cooperation with the World Customs Organization as appropriate to facilitate the monitoring of plastic trade flows under the instrument, including for the assignment, as relevant, of specific Harmonized Commodity System codes to chemicals, polymers or products listed in annexes and subject to control measures under the instrument.

\textsuperscript{56}Note: For the purpose of this text, the term “transboundary movement of plastic waste” is used to refer to any movement of plastic waste from an area under the national jurisdiction of one Party to or through an area not under the national jurisdiction of any State, provided at least two States are involved in the movement (adapted from Article 3.3 of the Basel Convention). This definition is used without prejudice to how Members may define this term as needed in the instrument.

\textsuperscript{57}Commented [A7]: It is under implementation in Basel convention and every transboundary movement should be based on this convention.
hazards to human health or the environment, based on the relevant harmonized disclosure requirements contained in annex A, including safety data sheets, as relevant.\(^{60}\)

- mark and label the exported waste, in accordance with the relevant harmonized labelling requirements contained in annex A, as relevant; and

5. The governing body,\(^{61}\) at its first session, adopt guidance for the implementation of the provision set out in paragraph 1, taking into account as appropriate relevant arrangements under other multilateral environmental agreements.\(^{64}\)

15. Each Party shall prevent and eliminate illegal trade\(^{66}\) in plastic waste.

17. Parties shall promote, support and complementarity, with relevant organizations and intergovernmental bodies, and cooperate towards the adoption and implementation of effective measures to prevent and eliminate illegal exports and dumping of plastic waste.

45.1. Existing plastic pollution, including in the marine environment

1. Parties shall cooperate to:

a. assess, identify and prioritize accumulation zones,\(^{67}\) hotspots\(^{68}\) and sectors:

   i. most affected by existing plastic pollution,\(^{69}\) including in the marine environment; and

   ii. where quantities and types of litter pose a threat to species or habitats taking into account the full life cycle of plastics.

b. take effective mitigation and remediation measures, including clean-up activities for the accumulation zones, hotspots and sectors identified, taking into account the provisions in existing international agreements including those relevant to the conservation and sustainable use of marine biological diversity, including in areas beyond national jurisdiction,\(^{70}\) and

c. promote engagement of the local population and citizens in safe and environmentally sound remediation activities.

2. Each Party must ensure that publicly available information on common plastic pollution types and practices and behaviours that lead to plastic pollution, to raise awareness and prevent further plastic pollution, including littering in coastal and freshwater areas.

3. The measures taken to implement the provisions of this Article shall be reflected in the national plan communicated pursuant to [part II.1. on national plans].

\(^{60}\) Note: Adapted from the Rotterdam Convention, Article 13.

\(^{61}\) Note: Adapted from Minamata Convention, Article 11.

\(^{62}\) Note: The specific modalities for the application of this provision, including the operation of the prior informed consent (PIC) procedure, could be further elaborated in an annex or the governing body, taking into account in particular relevant provisions under the Basel Convention. See, for example, Article 11.3.e. of the Minamata Convention, addressing transboundary movement of mercury waste for Parties to the Basel Convention. On the treatment of plastic waste under the Basel Convention, see: https://www.basel.int/Implementation/Plasticwaste/PlasticWasteAmendments/FAQs/tabid/8427/Default.aspx.

\(^{63}\) Note: The term “illegal trade” used in this text to refer to importation or exportation that would violate domestic legislation of the exporting Party or of the importing State. This is without prejudice to how Members may define this term or make reference in this section.

\(^{64}\) Note: On the issue of existing plastic pollution, it is necessary to consider the role of developed countries and their historical responsibility in existing plastic pollution. Developing countries in their strive to mitigate, remediate and clean up activities are fully dependent on having non-discriminatory and unimpeded access to adequate finance, capacity building and technical and technological support. Therefore in any such activities and actions, they should not be left alone. On areas beyond national jurisdiction, due to the legal and political repercussions for countries, we prefer to include no reference in this section. And last but not the least, on mentioning of information on measures in this respect in the national plans should be optional and to be addressed and decided in nationally determined manner.

\(^{65}\) Note: Definitions of the terms “accumulation zones” and “hotspots” may be required.

\(^{66}\) Note: A definition of the term “existing plastic waste and pollution” may be required.

\(^{67}\) Commented [A8]: We believe that plastic should not consider as chemical in BRS conventions.

\(^{68}\) Commented [A9]: On the issue of existing plastic pollution, it is necessary to consider the role of developed countries and their historical responsibility in existing plastic pollution. Developing countries in their strive to mitigate, remediate and clean up activities are fully dependent on having non-discriminatory and unimpeded access to adequate finance, capacity building and technical and technological support. Therefore in any such activities and actions, they should not be left alone. On areas beyond national jurisdiction, due to the legal and political repercussions for countries, we prefer to include no reference in this section. And last but not the least, on mentioning of information on measures in this respect in the national plans should be optional and to be addressed and decided in nationally determined manner.
4. The governing body* shall, at its first session, 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, to address existing plastic pollution, with a view to ensuring the clean-up activities do not have potential for negative impacts on the environment, biodiversity and human health.

16.12. Just transition

1. Each Party shall promote and facilitate a fair, equitable and inclusive transition for affected populations, with special consideration for women and vulnerable groups, including children and youth, in the implementation of this instrument*. This may include:
   a. Designating a national coordinating body for engagement with relevant stakeholders, including public authorities, non-governmental organizations and local communities, according to national regulations;
   b. Enabling policies and conditions to improve as appropriate income, opportunities and livelihoods for impacted communities, including workforce training, development and social programmes, according to their needs and priorities;
   c. Incentivizing the development of skills and job opportunities across the plastic value chain, including for the development of reuse, repair, waste collection and sorting;
   d. Promoting a clean, healthy and sustainable environment for communities and workers across the value chain, including workers in the waste management sector;
   e. Improving working conditions for workers in the waste management sector, including by providing legal recognition and protection to workers in informal and cooperative settings and facilitating the formalization of their associations or cooperatives;
   f. Integrating workers in informal and cooperative settings into a safe plastics value chain, including by requiring plastic product producers, recycling and waste management companies to integrate plastics collected and sorted by them into their operation schemes; and
   g. Requiring a portion of the fees collected through national EPR schemes to be used to improve domestic infrastructure and improve the livelihoods and opportunities for, and develop the skills of, workers in the waste sector, including waste workers in informal and cooperative settings.

10. The measures taken to implement this provision shall be reflected in the national plan communicated pursuant to [part IV.I on national plans].

20.13. Transparency, tracking, monitoring and labelling

1. Each Party shall:
   a. require producers and importers to disclose harmonized information on the chemical composition of all plastics and plastic products throughout their life cycle;
   b. take appropriate measures to ensure the traceability of chemicals, polymers and the plastic contents of products throughout the life cycle of plastics and plastic products, based on guidelines to be adopted by the governing body* at its first session, in particular for the purposes of their safe and environmentally sound use, recycling and disposal; and upon availability and accessibility of required technologies, for the developing countries.

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*This provision complements, and contains requirements additional to, specific requirements relating to transparency, tracking, monitoring and labelling contained in other provisions of this instrument*.
d.h. establish marking and labelling requirements based on guidance to be adopted by the governing body* at its first session, in particular for the purposes of the safe and environmentally sound use, recycling and disposal of plastics and plastic products.

2. Each Party shall monitor and track the types and volumes of its production, imports and exports of chemicals and polymers used in the production of plastic polymers, plastics and plastic products, and regulated plastic products across their life cycles. 68

3. Each Party shall report the information collected pursuant to paragraph 2, together with information on the recycling facilities functioning within its territory, in a standardized format to the governing body*.

68 Note: The term “regulated plastic products” in this provision refers to products subject to control measures, including prohibitions or restrictions under part II.3 (chemicals and polymers of concern) or part II.5 (problematic and avoidable products, including microplastics and short-lived and single-use plastic products).