Possible mergers for Members proposals

Part II

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

<table>
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<tr>
<th>Option 0</th>
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<th>Option 1</th>
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<tr>
<td>a. Trade in listed chemicals, polymers and products</td>
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<th>Sub-Option 1</th>
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<tr>
<td>1. Each Party shall not export:</td>
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<td>a. [a chemical, group of chemicals 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;]</td>
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<td>b. a plastic product containing any such chemical or polymer [as outlined in a) above]; or]</td>
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<td>c. a microplastic [or][,] product [addressed in [part II.3 on problematic][or problematic] and avoidable plastic products, including short-lived and single-use product, and intentionally added microplastics];</td>
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<td>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.</td>
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| 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 track the types, volumes and destinations of all its exports], and obtain the prior informed consent of the importing State in writing, together with its assurances 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 [polymer listed in part II of annex A,] 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.

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.

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];
   b. a plastic product containing any such chemical [or polymer]; or
   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 for the purposes of use permitted under this instrument*, or for the purpose of their safe and environmentally sound disposal [in accordance with the requirements of [part II.9 on waste management]].

   Bis. In case of export to, or import from a non-Party to this instrument, each Party shall apply the provisions of this article, on a non-discriminatory basis.

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**Sub-Option 2**

Each Party should cooperate to promote a supportive and open international economic system that would lead to sustainable economic growth and development in all Parties, particularly developing country Parties, thus enabling them better to address the problems of plastic pollution.

**Sub-Option 3**

Each Party shall regulate trade in listed chemicals, polymers and products as per relevant national regulations and in accordance with the principles of the internationally binding multilateral trading system enshrined in the WTO law.
b. Transboundary movement of plastic waste

Sub-Option 0

No text in sub-section

Sub-Option 1

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

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

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

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

   b. require the exporter to:

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

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

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

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


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

Sub-Option 2
Each Party shall take appropriate measures to ensure that transboundary movements of plastic waste, as defined by the Basel Convention, is only allowed for the purpose of environmentally sound disposal. Parties to the Basel Convention shall take appropriate measures to ensure that transboundary movements of plastic waste is done in accordance with the obligations of that Convention. In circumstances where the Basel Convention does not apply, a Party shall ensure that transboundary movements of plastic waste is allowed only after taking into account relevant domestic and international rules, standards, and guidelines.

**Sub-Option 3**

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

**Sub-Option 4**

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

**Sub-option 5 (THA)**

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

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

3. Where transboundary movement of plastic waste is permitted pursuant to paragraph 1, each exporting Party shall:
   a. not allow the transboundary movement to commence until it has received the written consent of the importing State, which shall include that State’s assurances that the exported plastic waste will be managed in an environmentally sound manner;
   b. require the exporter to:
      i. provide to the importing State and the importer complete information about the composition of the exported waste, including its contents in polymers, chemicals and plastics, and any associated hazards to human health or the environment, based on the relevant harmonized disclosure requirements contained in annex A, including safety data sheets, as relevant;

1 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 under the national jurisdiction of another State or 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.

2 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].

3 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].

4 Note: Adapted from the Rotterdam Convention, Article 13.
ii. mark and label the exported waste in accordance with the relevant harmonized labelling requirements contained in annex A, as relevant; and
iii. comply with generally accepted and recognized international rules, standards and practices for packaging, labelling and transport.5

4. The governing body* shall, at its first session, adopt guidance for the purpose of this provision, taking into account as appropriate relevant arrangements under other multilateral environmental agreements,6 inter alia, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal.

5. Each Party shall take effective measures to prevent and eliminate illegal trade7 and dumping of plastic waste.

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

### Sub-Option 3 Trade related measures

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

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

   c. **Non-Party Provision**

### Sub-Option 0

No text in sub-provision

### Sub-Option 1

1. Each Party shall apply any export, re-export, or import measures relating to chemicals, polymers, products and plastic waste covered by the present Instrument to Parties and non-Parties on a non-discriminatory basis. Where export or re-export is to, or import is from, a State not a Party to the present Instrument, comparable documentation issued by the competent authorities in that State shall be provided which substantially conforms with the requirements of the present Instrument for permits and certificates and which may be accepted in lieu thereof by any Party, provided such non-Party State has adopted and implemented measures in conformity with the Annexes A and B such chemicals, polymers, products and plastic waste covered by the present Instrument.

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5 **Note:** Adapted from Minamata Convention, Article 11.

6 **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.c. 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.

7 **Note:** The term “illegal trade” is 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 as needed in the instrument.