Possible mergers for Members proposals

Part II

5. Product design, composition and performance

a. [Product [design and] performance]

1. [Subject to their national plan and based upon national circumstances and capabilities] [and available scientific results,] each Party [shall][are encouraged to] take measures [as appropriate, and in accordance to national priorities,][, 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 [and associated chemicals]] [and should always be followed by the availability of alternative material for plastic and/or non-plastic substitutes that are affordable] [Improve the circular economy of plastic products and minimize releases of plastic waste, including microplastic];

[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;]

[c. Minimizing releases and [emissions][leakages] from [and environmental and safety impacts from] plastics and plastic products, including [intentionally] microplastics [considering technical feasibility and accessibility of potential microplastic alternatives and socio-economic impacts]]

[c-bis Improving the capacity of plastics and plastic products to be repurposed, recycled and disposed of in an environmentally sound manner upon becoming waste;]

[c-ter Taking into account the relevant international standards and guidelines, including any relevant sector- or product-specific standards and guidelines, and assure compliance with sector requirements. The measures adopted pursuant to this provision may be reflected in the national plan communicated]]

Option 1

1. 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. [The criteria should be harmonized distinguishing between design for reduction, reuse, recycling of plastic products and packaging.]

2. [Each Party][The COP] 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 [recommendations from the STEPs, and] 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.

**OP3 Bis.** For II.5 d. The criteria that will be established should also take into consideration avoidance of undesirable substitution and problem shifting.

---

**Option 2**

2. Each Party [should][shall] adopt design and performance criteria and [regulatory schemes][take the necessary measures] to:
   a. Reduce the use of plastics across the value chain, including in product packaging; and
   b. Increase the safety, durability, reusability, [recyclability], refillability, repairability and refurbishability of plastics and plastic products, as relevant, and their capacity to be [reused] repurposed, recycled and disposed of in a safe and environmentally sound manner upon becoming waste;

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] [The criteria should be harmonized distinguishing between design for reduction, reuse, recycling of plastic products and packaging].

**OP2 Alt.** Each Party shall consider including the following actions as part of its measures laid out in paragraph 1:

a. Adopting public procurement policies or guidelines for plastic products to enhance circularity of plastic products,

b. Promoting the use of environmental performance standards for plastic products,

c. Supporting efforts to establish or augment voluntary certification schemes for environmentally preferable products or packaging to encourage sustainable choices,

d. Parties should take into account relevant international standards and guidelines, including any relevant sector- or product-specific standards and guidelines.

3. Each Party should establish, in accordance with the elements contained in part I of annex C, [to the extent possible], 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, [taking into account CBI (Confidential Business Information)].

**OP3. Alt 1.** No text
No text in options.

**Provision common for Options above**

4. Parties [are encouraged to][shall] work with relevant [national, and] 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 in products across the value chain, including in product packaging, and][optimize and] improve the design of plastic products to increase their [safety,] durability, reusability, [refillability,] [and] repairability [and refurbishability,] [and] their capacity to be [reused], repurposed, recycled and disposed of in [a safe and] environmentally sound manner upon becoming waste [; and minimize the environmental and safety impacts of plastics and plastic products][, and assure compliance with sector requirements].

**Option 4**

1. Subject to their national plan and based upon national circumstances and capabilities, each party should take measures to: increase the safety, durability, reusability, refillability, repairability and refurbishability and recyclability of plastics and plastic products, as relevant, taking into account relevant international standards, including any relevant sector- or product-specific standards and guidelines. The measures adopted pursuant to this provision shall be reflected in the national action plan communicated pursuant to [part IV.1 on national plans].

2. Subject to their national plan and based upon national circumstances and capabilities, each party should take measures for plastics and plastic products that conform to the paragraph 1.

3. There shall be an assessment of the need as well as mobilization of financial resources and technology transfer for each country in order to nationally driven commitments under this provision.

**Option 5**

2. Each Party are encouraged to take measures as appropriate, and in accordance to national priorities, to enhance the design of plastic products, including packaging, and improve the composition of plastic products, with a view to:
   a. Increasing the safety, repurposability durability, reusability, and repairability of 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
   b. Minimizing releases and leakage from plastic products, including microplastics.

Taking into account the relevant international standards and guidelines, including any relevant sector- or product-specific standards and guidelines, and assure compliance with sector requirements. The measures adopted pursuant to this provision may be reflected in the national plan communicated.

   a. [Reduce, [reuse], [recycling,] refill and repair of plastics and][Circularity approaches for plastic products] 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, [recycling,] 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, [recycling,] refill and repair systems. [The Governing body shall issue harmonized standards for product reuse, recycling, repair and refurbishment.]

2. Each Party shall take the necessary measures[, covering at the distribution, sales, and consumption stages,] to achieve the minimum [recycling targets, and, as appropriate,] [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][first] session,] take [effective] measures[, covering at the distribution, sales, and consumption stages] to [promote][enable] the [reduction,] reuse, [recycling,] 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, [recycling,] refill and repair systems][, according to national circumstances and capacities; as well as access to technologies and availability of financial resources from developing countries].

2. Each Party [should][shall][, as appropriate,] adopt [nationally determined] timebound targets in support of this [objective][Article][, reflecting national circumstances and capabilities.]

**Option 3**

1. Each Party shall, based on guidance to be provided by the governing body* at the latest by its third session, take effective measures to promote the Circularity approaches as relevant and taking into account national circumstances and capabilities, plastic products produced within its territory and those introduced to its market, in particular through the implementation of Circularity approaches

2. Parties are encouraged to adopt timebound targets in support of this objective.

**Provision common for Options above**

[3. The measures taken to implement the provisions of this Article [may include the use of regulatory and economic instruments, public procurement, or incentivizing changes in the supply chain by investing in reuse, recycling, refill and repair system and infrastructure, and in consumer behaviour through raising consumer awareness on sustainable consumption] [shall][may] be reflected in the national plan communicated [pursuant to [part IV.1 on national [action] plan[s]]]].

**Option 4**

1. Subject to their national plan and based upon national circumstances and capabilities each party subject to shall, 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. Subject to their national plan and based upon national circumstances and capabilities, each party should take measures as deemed appropriate to support this objective.

3. There shall be an assessment of the need as well as mobilization of financial resources and technology transfer for each country in order to nationally driven commitments under this provision.

**Option 5**

1. Each Party shall take effective and environmentally beneficial measures to ensure the reduction in the use of plastics and plastic products through, as relevant, reuse, refill, repair, repurposing and refurbishment of those products produced or used within its territory and those available on its market, in particular through the implementation of reuse, refill and repair systems.

2. Each Party shall by taking the necessary measures including those referred to in paragraph 1, 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 or used within its territory and those available on its market. This should be based, where relevant, on a sectorial approach.

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

4. The measures taken to implement this provision may include the use of regulatory and economic instruments, public procurements, the establishment of EPR schemes, as set out in part VII 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].

   **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. [Subject to their national plan and based upon national circumstances and capabilities,][E][e]ach Party [as per national action plan][should][shall] [take [the necessary] measures [for [appropriate] plastics and][promote that] plastic products produced within its territory and those available on its market][ to increase the share of secondary plastic that is used in plastic products][[to] achieve minimum percentages][and to adopt timebound targets on the use] of safe and [environmentally sound] post-consumer recycled plastic contents, [when it is technologically feasible and] based on the elements contained in part III of annex C. [The measures taken to implement this provision shall be reflected in the national plan communicated pursuant to [part IV.1 on national plans]][consistent with national laws of post-consumer recycled plastic contents].

   [Note: The targets for minimum recycled plastic content in specific applications and product categories, to create the right enabling conditions for the sectors to meet this target, especially for food-related applications. Bearing in mind that all elements contained in part III of annex C should assist each Party to]
be able to setup its own requirements or targets of recyclable plastic contents in its certain prioritized products.]

[**OP1 Bis** - There shall be an assessment of the need as well as mobilization of financial resources and technology transfer for each country in order to nationally driven commitments under this provision.]

**Option 3**

1. ‘The governing body shall provide a timeframe in the annex towards transitioning all plastics in the market to be recyclable and this may entail gradual, incremental minimum percentage of safe and environmentally sound post-consumer recycled’. [Standards for recycled plastics should be harmonized globally.]

**Option 4**

1. Each Party should take the necessary measures for plastic products produced within its territory and those introduced to its market to achieve minimum percentages of safe and environmentally sound post-consumer recycled plastic contents, as appropriate taking into account national circumstances and capabilities. The measures taken to implement this provision may be reflected in the national plan communicated pursuant to [part IV.1 on national plans].

**Provision common for Options above**

[2. Each Party [shall][should][based on national circumstances is encouraged to] take measures [to ensure that, where [needed][possible], [primary plastic][plastics used in products is [replaced]][complemented] by safe and environmentally sound recycled plastic content[, as applicable][, depending on the availability of technological solutions and means of implementation for developing countries]][, as appropriate to promote design, composition and performance of products that enable maximum recycled plastic content in the broadest number of applications possible in order to replace primary plastic in products, while addressing any safety concerns related to the recycled plastic content]. The measures taken to implement [this][the] provision[s of this Article] may include the use of [regulatory [and economic] instruments][, public procurement, [the establishment of EPR schemes, as set out in part VII] or incentivizing changes in the supply chain [by investing in recycling system and infrastructure,] and in consumer behaviour[, among other measures,][ through raising consumer awareness on sustainable consumption. The measures taken to implement this provision] [and] shall[ may] be reflected in the national plan communicated [[pursuant to [part IV.1 on national plans]][, according to national circumstances].]

d. Alternative plastics and plastic products

**Option 1**

[Parties shall ensure that ['']alternative plastics and plastic products[''] are safe, environmentally sound and sustainable[, in accordance with standards to be decided by the COP, based on recommendations from the STEPs] taking into account their potential for [waste reduction and reuse, as well as any] environmental, [climate,] economic, social and human health impacts[, including food security][ in accordance with criteria set out in part IV of Annex C].]
**Bis.** 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.

**Option 2**

[1. [Subject to their national plan and based upon national circumstances and capabilities,] Parties should encourage the development and use of safe [, environmentally sound] and sustainable alternative plastics and plastic products [[, including through]]. The measures taken to implement this provision may include the use of] regulatory [measures] and economic instrument[s][ , as per the national regulation].]

**OP1 Bis.** We propose an additional provision, calling for the governing body to adopt a comprehensive set of criteria that encompasses safety, environmental soundness, and sustainability for these alternative plastics and plastic products.

[2. Parties, in implementing the above provision, [shall][should endeavor to] ensure that alternative plastics and plastic products are safe[, environmentally sound] and sustainable, [based on life cycle assessments], [taking into account][including] their potential for environmental, economic, social and human health impacts[, including food security].]

**OP2 Bis.** There shall be an assessment of the need as well as mobilization of financial resources and technology transfer for each country in order to nationally driven commitments under this provision.

**OP2 Ter.** Refer to capacity building and technology transfer, for innovation and alternative products.

**Option 3**

1. This treaty shall apply to alternative plastics and plastic products which include bio-based, biodegradable and compostable plastics.

2. Parties shall be guided by the waste hierarchy and ensure that reduction in the use of all plastics and prevention of plastic waste, including from non-fossil feedstocks, will prevail when considering the development and use of alternative plastics and plastic products.

3. Each party shall ensure that alternative plastics and plastic products are safe, environmentally sound and sustainable, based on the minimum design and performance criteria and other related elements contained in Part I of Annex C, including distinct sustainability criteria for (i) bio-based plastics, (ii) biodegradable plastics and (iii) compostable plastics. The criteria shall build on a full lifecycle analysis and take into account their potential for environmental, economic, social and human health impacts, including food security.

4. Parties may consider economic instruments to incentivize alternative plastics and plastic products.

5. Each Party shall take the necessary measures to ensure that environmental claims on (i) bio-based, (ii) biodegradable and (iii) compostable plastics are substantiated. Those measures may include labelling requirements, as set out in Part II.13, to comply with.
6. Parties are encouraged to work with relevant international organizations towards the development of standards and guidelines at the multilateral level to ensure that (i) bio-based, (ii) biodegradable and (iii) compostable plastics are safe, environmentally sound and sustainable.

**Option 4**

No text in sub-provision.

**Option 5**

Merge with II.6.