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

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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. In its resolution 5/14, the United Nations Environment Assembly of the United Nations Environment Programme (UNEP) requested the Executive Director of 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 was 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 would address 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, in resolution 5/14, the Environment Assembly recalled its resolutions 1/6, 2/11, 3/7, 4/6, 4/7 and 4/9 and 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 of the committee, with the support of the secretariat, to prepare a “zero draft” of the international legally binding instrument called for by 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.

* UNEP/PP/INC.3/1.

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 intended to facilitate and support the work of the intergovernmental negotiating committee (hereafter referred to as the committee) towards the development of the international legally binding instrument on plastic pollution, including in the marine environment, called for by United Nations Environment Assembly resolution 5/14. It does not prejudice the committee's decisions on the content of the future instrument.
2. The elements presented reflect the objective and mandate of resolution 5/14, including the provisions and considerations called for in paragraphs 3 and 4 and taking into account the principles of the Rio Declaration on Environment and Development. Furthermore, as per the committee's request, the text is guided by the views expressed at the committee's first and second sessions. The zero draft has been developed based on the full range of views, including through the use of options, while attempting to ensure coherence, logic and readability of the text.
3. The text reflects 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.¹ As was provided for by the committee at its second session, certain sections are identified in the draft text as placeholders and will need to be elaborated in the 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.²
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 obligations to be determined at the national level. A combination of nationally and internationally determined approaches may provide the necessary flexibility for the implementation of the instrument, given 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 aspects of plastic pollution. In that regard, the zero-draft text includes a general provision on international cooperation in part IV. Reference is also made to certain instruments or initiatives, either in the text or in a footnote, where this was thought to support development of the text and achievement of the objective of the instrument.
9. In accordance with the committee's request at its 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 as to whether and how the committee will ultimately decide to address those issues. Where appropriate, options are identified using headers ("option 1", "option 2", etc.). Members may wish to choose one option or combine options. In some cases, additional provisions relevant to multiple options are also presented, indicated by a header (for example, "provisions common to the above options"). The zero draft does not include specific options where members have expressed their wish not to include 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, the details of the relevant obligations or commitments or the associated processes and procedures will need to be elaborated to make a provision fully operational, such as through annexes. Such instances are indicated. Furthermore, the zero draft includes a number of placeholders for possible annexes. Any annexes that the committee might agree upon would need to be further developed. The committee may also wish to specify a procedure for amending annexes or provide for periodic review of annexes.
11. Part I of the text covers the objectives of the instrument and, as requested at the second session of the committee, leaves placeholders for elements that members may wish to include but that were not discussed at the second session. The list of elements in part I is indicative and does not prejudice how members may wish to address or structure them. In that regard, the committee, at its second session, requested the secretariat to invite written

¹ The term *member* as used throughout the present document refers to members of the intergovernmental negotiating committee.

² See documents UNEP/PP/INC.1/5 and UNEP/PP/INC.2/4 for further reference.

submissions on elements not discussed at its second session and to prepare a synthesis report on the submissions.

12. The elements in part II of the text 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 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 various options for measures aimed at collectively supporting the implementation of the instrument, consistent with paragraphs 3 (c) through (p) of resolution 5/14.

Part I

1. Preamble (placeholder)

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

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.
- 1.4 through, among other things, managing the utilization of plastics and plastic waste while contributing to the achievement of sustainable development].

3. Definitions (placeholder)¹

4. Principles (placeholder)

5. Scope (placeholder)

¹ Note: Terms that may be relevant to the development of the international legally binding instrument on plastic pollution, including in the marine environment, are set out 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, 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 its potential scope.

Part II

1. Primary plastic polymers

1. 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.

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.²

Option 2

2. Parties shall manage and reduce the global production and supply of primary plastic polymers to achieve the global target specified in part I of annex A.³
3. To achieve the target referred to in paragraph 2, Parties shall develop nationally determined targets and take the necessary measures to achieve them.
4. Parties shall reflect the measures taken to implement this provision in their respective national plans communicated pursuant to *[part IV.1, on national plans]*, including their intended level of domestic supply of primary plastic polymers, including, as relevant, domestic production, expressed in percentage terms in relation to the baseline set out in part I of annex A, for each reporting period specified in *[part IV.3, on reporting on progress]*.

Option 3

2. Parties shall take the necessary measures to manage and reduce global production and supply of the primary plastic polymers referred to in paragraph 1.
3. Parties shall reflect the measures taken to implement this provision in their respective national plans communicated pursuant to *[part IV.1, on national plans]* and shall include their intended level of domestic supply of primary plastic polymers, including, as relevant, domestic production and the measures taken to manage and reduce it.

Provision common to the above options

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

- (a) Market- and price-based measures;
- (b) Removal of subsidies and other fiscal incentives for the production of primary plastic polymers;
- (c) The establishment, as applicable, of regulatory requirements for primary plastic polymer producers.

The measures taken to implement this provision shall be reflected in the national plan communicated pursuant to *[part IV.1, on national plans]*.

² Note: Under this option, part I of annex A would contain a baseline, a time frame or time frames, 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 the production and supply for a baseline year, to be achieved within a specified period. Members may also wish to consider specific provisions for the updating of annexes.

³ Note: Under this option, part I of annex A would contain a baseline, a time frame or time frames, 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 global production and supply for a baseline year, to be achieved within a specified period. Members may also wish to consider specific provisions for the updating of annexes.

2. Chemicals and polymers of concern

Option 1

1. Each Party shall take the necessary measures to not allow and to eliminate, at the latest by the dates provided in part II of annex A, the use of the chemicals, groups of chemicals and polymers listed in part II of annex A⁴ in the production of plastic polymers, plastics and plastic products,⁵ except as provided in that annex.
2. Each Party shall take the necessary measures to not allow and to eliminate, at the latest by the dates 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 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 the 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 listed in part II of annex A.⁶ The measures taken to implement this provision shall be reflected in the national plan communicated pursuant to [part IV.1, on national plans].

Option 3

1. Each Party shall take the necessary measures to not allow or to regulate the presence and use, in plastics 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 product life cycle, or with properties that may hinder the safe and environmentally sound management, including their reusability, repairability, recyclability and disposal, based on the criteria set out in annex A.⁷ The measures taken to implement this provision shall be reflected in the national plan communicated pursuant to [part IV.1, on national plans].

Provisions common to options 1 and 2

[3][2]. Where production or use of a chemical, group of chemicals or polymer listed in part II of annex A is permitted,⁸ each Party with such production or use shall:

- (a) 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 concerned⁹ and fosters the safe and environmentally sound management, including the recyclability and disposal, of the polymers, plastics, and plastic product containing them;

⁴ Note: This language reflects the assumption that part II of annex A would contain: (i) criteria for determining which chemicals, groups of chemicals and polymers qualify as being of concern; (ii) specific chemicals and polymers of concern; and (iii) associated control measures and potential exclusions, including phase-out periods as relevant. In developing this part of the proposed annex, members may wish to consider existing multilateral environmental agreements 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 and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade.

⁵ Note: The term “plastic products” is used throughout this text to refer to products, including packaging, made entirely of plastic or containing plastic.

⁶ Note: This language reflects the assumption that specific chemicals and polymers would be listed in part II of annex A. In developing this part of the proposed annex, members may wish to consider relevant existing multilateral environmental agreements in which certain chemicals or substances used in the production of plastics are addressed, including the Stockholm and Rotterdam conventions.

⁷ Note: This language reflects the assumption that criteria for the identification of chemicals and polymers of concern would be included in annex A. “Chemicals in Plastics – A Technical Report” (UNEP/PP/INC.2/INF/5), a joint report by UNEP and the secretariat of the Basel, Rotterdam and Stockholm conventions, is available to members as a reference.

⁸ Note: This language reflects the assumption that the nature and extent of control measures might differ depending on the chemical or polymer at issue, such that some uses may be permitted (for example, during a phase-out period or for a specific purpose). The language in this provision may need to be adjusted in the light of the specific nature and extent of the control measures associated with listed chemicals and polymers.

⁹ Note: Adapted from the Stockholm Convention, article 3.6.

- (b) 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;
- (c) 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.13, 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 set out in part II of annex A;¹⁰
- (d) Require producers and importers of the relevant chemicals, polymers or products to mark and label them appropriately based on the harmonized requirements set out in part II of annex A, to allow their safe and environmentally sound use and handling throughout their life cycle, including during final disposal.¹¹

[4][3]. Each Party is encouraged to include in its reporting pursuant to [*part IV.3, 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 listed in part II of annex A with the potential for adverse impacts on human health or the environment at any stage of the product life cycle, or with properties that may hinder the environmentally sound management of such plastics and plastic products, including their recyclability and disposal.

3. Problematic and avoidable plastic products,¹² 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 allow¹³ the production, sale, distribution, import or export of plastic products, including short-lived and single-use plastic products, identified based on the criteria set out in part I of annex B¹⁴ and listed in part II of annex B¹⁵ after the dates specified for those products, except where the Party has a registered exemption for the relevant product under part II of annex B pursuant to [*part II.4, on exemptions available to a Party upon request*].
2. Each Party shall reduce the production, sale, distribution, import and export of the plastic products identified based on the criteria set out in part I of annex B and listed in part III of annex B, within the time frame set out in the same annex.¹⁶

Option 2

1. Each Party should take the necessary measures to regulate, reduce and, where appropriate, not allow the production, sale, distribution, import and export of problematic and avoidable plastic products, including short-lived and single-use plastic products, identified based on the criteria set out in part I of annex B. The measures taken to implement this provision, including the appropriate nationally determined time frames for reduction and phase-out, shall be reflected in the national plan communicated pursuant to [*part IV.1, on national plans*].

¹⁰ Note: Adapted from the Rotterdam Convention, article 13.2.

¹¹ Note: Adapted from the Rotterdam Convention, article 13.3. In developing information disclosure and labelling requirements for inclusion in part II of annex A, members may wish to consider the classification and labelling rules developed under the Globally Harmonized System of Classification and Labelling of Chemicals. See https://unece.org/sites/default/files/2021-09/GHS_Rev9E_0.pdf.

¹² Note: The term “problematic and avoidable plastic products” may need to be defined.

¹³ Note: Adapted from the Minamata Convention on Mercury.

¹⁴ Note: The annex proposed in this provision could identify: (i) criteria for the determination of problematic and avoidable products or groups of products; (ii) specific products or groups of products determined to be problematic and avoidable and time frames for their phase-down or phase-out; and (iii) potential exceptions as needed, for example for essential uses. The committee may also wish to consider an option under this paragraph for lists of products to be defined in future *governing body** decisions based on criteria set out in annex B. In such cases, a procedure for the *governing body** to develop and adopt such decisions may need to be established in the instrument.

¹⁵ Note: Sectoral approaches, based on levels of contribution to plastic pollution, could be considered. For a list of specific sectors and products identified in members’ submissions to the committee at its second session, see document UNEP/PP/INC.2/INF/4, annex, section II.A.

¹⁶ Note: For an example of phase-down measures see, for example, the [Kigali Amendment](#) to the Montreal Protocol on Substances that Deplete the Ozone Layer.

B. Intentionally added microplastics

Option 1

1. Each Party shall not allow the production, use in manufacturing, sale, distribution, import or export of plastics or 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 set out 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 and export.
2. 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.¹⁷

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 exemption¹⁸ 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 ...]*.¹⁹
2. All exemptions referred to in paragraph 1 shall expire [X] years after the relevant phase-out dates listed in part II of annex B unless a Party indicated a shorter expiration period when registering an exemption, 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 ...]*.²⁰ An exemption may only be extended [X] times per entry per phase-out date.
4. No Party may have an exemption in effect at any time after [X] years after the phase-out date for a plastic product listed in part II of annex B.

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 to 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;
 - (c) 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 set out in part I

¹⁷ Note: The sharing of lists of plastics and products containing intentionally added microplastics through the online registry would also over time promote harmonization across Parties.

¹⁸ Note: This proposed text is based on the experience of other multilateral environmental agreements. Members may wish to consider other alternatives as deemed necessary. This text is adapted from the Minamata Convention as a possible complement to the control measures on problematic and avoidable plastic products. The specific conditions, time frames and other details required for the registration of exemptions would need to be elaborated on by members.

¹⁹ Note: The committee may wish to define where and how such a procedure would be set out.

²⁰ Note: The committee may wish to define where and how such a procedure would be set out.

of annex C, including, where relevant, sector- or product-specific criteria and elements, within the time frame defined in that annex.²¹

3. Each Party shall establish and maintain certification procedures and labelling requirements for the 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 set out 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 those criteria and elements.

Option 2

2. Each Party should adopt design and performance criteria and regulatory schemes to:
 - (a) Reduce the use of plastics across the value chain, including in product packaging;
 - (b) 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;

in accordance with the elements set out in part I of annex C,²² 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].

3. Each Party should establish, in accordance with the elements set out 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 to the above options

4. 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 in products across the value chain, including in product packaging, and to 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.²³

B. Reduction, reuse, refilling 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, refilling, repair, repurposing and refurbishment, as relevant, of the 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.²⁴

²¹ 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 criteria and related sectors and products identified in members' submissions to the committee at its second session, see document UNEP/PP/INC.2/INF/4, annex, 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 at its second session by the International Organization for Standardization at

https://resolutions.unep.org/resolutions/uploads/230106_international_organization_for_standardization_iso_0.pdf.

²² 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.

²³ Note: See the International Organization for Standardization's submission to the committee at its second session, 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:

- (i) Product take-back and right-to-repair requirements;
- (ii) Product and service delivery systems;
- (iii) Deposit refund schemes;
- (iv) Support for the development of skills and infrastructure for the repair, repurposing and refurbishment of plastic products;
- (v) Economic instruments such as fees, tax incentives, subsidies and subsidy reform, as appropriate;

2. Each Party shall take the necessary measures to achieve the minimum reduction, reuse, refill and repair targets set out in part II of annex C within the time frame 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, refilling, repair, repurposing and refurbishment, as relevant, of the 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.²⁵
2. Each Party should adopt time-bound targets in support of this objective.

Provision common to the above options

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 content

Option 1

1. Each Party shall require the 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 content,²⁶ as set out in part III of annex C,²⁷ within the time frame specified in that annex.

Option 2

1. Each Party should take the necessary measures to ensure that the plastics and plastic products produced within its territory and those available on its market achieve minimum percentages of safe and environmentally sound post-consumer recycled plastic content, based on the elements set out 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].

Provision common to the above options

2. Each Party shall take measures to ensure that, where needed, primary plastic in products is replaced by safe and environmentally sound recycled plastic. The measures taken to implement this provision may include the use of regulatory and economic instruments,²⁸ public procurement or incentives for change 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].

(vi) Leveraging of public procurement;

(vii) Actions to raise consumer awareness and incentivize changes in consumer behaviour.

²⁵ Measures taken pursuant to this provision could also include one or more of the following:

(i) Product take-back and right-to-repair requirements;

(ii) Product and service delivery systems;

(iii) Deposit refund schemes;

(iv) Support for the development of skills and infrastructure for repair, repurposing and refurbishment of plastic products;

(v) Economic instruments such as fees, tax incentives, subsidies and subsidy reform, as appropriate;

(vi) Leveraging of public procurement;

(vii) Actions to raise consumer awareness and incentivize changes in consumer behaviour.

²⁶ Note: The term “safe and environmentally sound post-consumer recycled plastic” may need to be defined.

²⁷ Note: Part III of annex C could contain general and sectoral targets, as needed.

²⁸ Such as fees, tax incentives and subsidies, as appropriate.

D. Alternative plastics and plastic products^{29,30}

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 their potential impact on food security.³¹

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.³²
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 their potential impact on food security.³³

6. Non-plastic substitutes

1. Each Party shall take measures to foster innovation and incentivize and promote the development and use at scale of safe, environmentally sound and sustainable non-plastic substitutes,³⁴ including products, technologies and services, taking into account their potential for environmental, economic, social and human health impacts.³⁵
2. Parties are encouraged to use regulatory and economic instruments, public procurement and incentives³⁶ to promote the development and use of safe, environmentally sound and sustainable non-plastic substitutes.

7. Extended producer responsibility

Option 1

1. Each Party shall establish and operate extended producer responsibility systems, including based on the modalities set out in annex D,³⁷ to incentivize increased recyclability, promote higher recycling rates and enhance the accountability of producers and importers for safe and environmentally sound management of plastics and plastic products throughout their life cycle and across international supply chains.
2. In implementing this provision, Parties shall take into account how the measures taken would contribute to a just transition. The measures shall be reflected in the national plans communicated pursuant to [part IV.I, on national plans].

Option 2

1. Each Party is encouraged to establish and operate extended producer responsibility systems, including, where relevant, on a sectoral basis, to incentivize increased recyclability, promote higher recycling rates and enhance

²⁹ Note: The term “alternative plastics” as used in this proposed text refers to plastics and plastic products that have lower life-cycle greenhouse gas emissions and are 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* (United Nations publication, 2023). This definition is without prejudice to how members may ultimately choose to define this term in the instrument, as needed.

³⁰ Note: Under the proposed definition, alternative plastics and plastic products, being plastics and plastic products, would fall within the scope of other provisions in the instrument applicable to plastics and plastic products.

³¹ Note: Parties may wish to consider the establishment of a process to assess the safety and sustainability of potential alternative plastics, including potential alternatives to the chemicals and polymers addressed in part II.2.

³² Such regulatory measures and economic instruments could include, for example, fees, reduced tariffs, taxes or subsidies, including repurposed subsidies, as appropriate.

³³ Note: Parties may wish to consider the establishment of a process to assess the safety and sustainability of potential alternative plastics, including potential alternatives to the chemicals and polymers addressed in part II.2.

³⁴ Note: The term “substitutes” is used here with the meaning given to it in *Plastic Pollution: The pressing case for natural and environmentally friendly substitutes to plastics* (United Nations publication, 2023).

³⁵ Note: Members may wish to consider the establishment of a process for the assessment of the safety and sustainability of potential substitutes to plastics and their suitability as substitutes, considering their potential impacts on human health and the environment, the waste hierarchy and “reduce, reuse and recycle” approaches.

³⁶ Such instruments could include, for example, fees, reduced tariffs, taxes and/or subsidies, including repurposed subsidies, as appropriate.

³⁷ Note: The modalities in annex D would include elements for the establishment and operation of extended producer responsibility systems based on common principles, including for sectoral approaches as relevant. For potential elements relating to modalities for extended producer responsibility systems, as identified in members’ submissions to the committee at its second session, see document UNEP/PP/INC.2/INF/4, annex, section III.A.

the accountability of producers and importers for safe and environmentally sound management of plastics and plastic products throughout their life cycle and across international supply chains.

2. The *governing body** shall, at its first session, adopt modalities that inform the establishment of national extended producer responsibility systems, define their essential features, and support their harmonization, taking into account the objective of ensuring a just transition.³⁸

8. Emissions and releases of plastic throughout its life cycle

1. Each Party shall prevent and eliminate the emissions and releases to the environment from the sources identified in annex E, by the dates identified therein, of plastic polymers, plastics, including microplastics, and plastic products across their life cycle. 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;
 - (c) Releases of chemicals and polymers of concern, plastics and plastic products, including microplastics, to air, soil, water and ecosystems.
2. Each Party shall prevent and eliminate emissions and releases of plastic pellets, flakes and powder from plastic production, storage, handling and transport, taking into account, as appropriate, the relevant provisions and guidance agreed within the framework of international organizations such as the International Maritime Organization.
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].
4. The *governing body**, at its first session, shall adopt guidelines, including sectoral guidelines where relevant, to facilitate the 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 for capture and removal of plastic pollution, including microplastics, from freshwater bodies, the marine environment and ecosystems.
5. Parties are encouraged to promote scientific and technical innovation to prevent the release of plastics and plastic products, including microplastics, into the marine environment and to capture any plastics and plastic products, including microplastics, released into the marine environment.

9. Waste management³⁹

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 for plastic waste, as set out in part I of annex F,⁴⁰ 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.
3. The *governing body** shall, where necessary, adopt requirements, guidance and guidelines for the implementation of the provisions in paragraph 2, additional or complementary to the relevant provisions, guidance and guidelines developed under other international agreements mentioned above.

³⁸ Note: For potential elements relating to modalities for extended producer responsibility systems, as identified in members' submissions to the committee at its second session, see document UNEP/PP/INC.2/INF/4, annex, section III.A.

³⁹ 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 those terms as needed in the instrument.

⁴⁰ Note: This obligation could cover plastic waste generated at the production, distribution, use and end-of-life stages.

Option 2

1. Each Party shall take effective measures to ensure safe and environmentally sound waste management of plastic waste at the various stages of the process, including handling, collection, transportation, storage, recycling and final disposal. The measures taken to implement this provision shall be reflected in the national plan communicated pursuant to [part IV.1, on national plans], with a view 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 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 hierarchy⁴¹ and other relevant international guidelines and guidance.

Provisions common to the above options

[4][3]. Each Party shall not allow the waste management practices listed in part III of annex F that could lead to the emissions and releases of hazardous substances, and shall regulate other waste management practices that, while allowed, could 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 of plastic waste.⁴²

[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 the light of current and expected waste generation levels;
- (c) Incentivize behavioural change 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 plans communicated pursuant to [part IV.1, on national plans].

B. Fishing gear⁴³

1. Each Party shall cooperate and take effective measures, including introducing appropriate marking, tracing and reporting requirements, to prevent, reduce and eliminate, abandoned, lost or otherwise discarded fishing gear⁴⁴ containing plastic, taking into account internationally agreed rules and standards and recommended practices and procedures.⁴⁵ The measures taken to implement this provision shall be reflected in the national plan communicated pursuant to [part IV.1, on national plans].
2. Parties shall promote synergy and complementarity with relevant initiatives and organizations in their respective actions towards safe disposal of fishing gear.

⁴¹ Note: The term “waste hierarchy” may need to be defined.

⁴² Note: The terms “open dumping”, “ocean dumping” and “littering” may need to be defined.

⁴³ Note: Members may wish to include measures on other specific sectors as deemed necessary.

⁴⁴ 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 in paragraph 16 of the *Voluntary Guidelines on the Marking of Fishing Gear*, without prejudice to how members may ultimately define those terms as needed in the instrument.

⁴⁵ Note: This might include rules, standards and recommended practices and procedures developed under the Food and Agriculture Organization of the United Nations (FAO) (see the FAO submission to the committee at its second session, available at <https://www.unep.org/inc-plastic-pollution/session-2/submissions#Stakeholders>), the International Maritime Organization, regional fisheries management organizations and other relevant bodies (<https://www.fao.org/fishery/en/rfb>).

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

A. Trade in listed chemicals, polymers and products⁴⁶

1. Each Party shall not export:
 - (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;
 - (b) A plastic product containing any such chemical or polymer;
 - (c) A microplastic or product addressed in [part II.3, on problematic and avoidable plastic products, including short-lived and single-use plastic products, and intentionally added microplastics];

except where the production and use of such chemical, polymer or product is permitted under this instrument⁴⁷ and with the prior informed consent⁴⁸ of the importing State.⁴⁹
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 assurances that the chemical, polymer, microplastic or product, once imported, will be used in a manner consistent with the conditions set out 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 during final disposal.⁵⁰
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 chemical, polymer or product and the associated hazards to human health or the environment, based on the harmonized disclosure requirements set out in annex A, including safety data sheets, as relevant;⁵¹
 - (b) Mark and label the exported chemical, polymer or product in accordance with the harmonized labelling requirements set out in annex A, as relevant;
 - (c) Comply with the relevant generally accepted and recognized international rules, standards and practices for packaging, labelling and transport.⁵²
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 exporting Party shall require the relevant shipping document to bear that code.⁵³
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];

⁴⁶ Note: This section is intended to be read in conjunction with the options in parts II.2 and II.3 for which a list of substances or products subject to control measures would be contained in an annex. References to annexes A and B in this section are to the annexes proposed under those options.

⁴⁷ 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.

⁴⁸ 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 the proposed establishment of an online registry (see part IV.6, on information exchange).

⁴⁹ 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 multilateral environmental agreement, such as the Stockholm Convention or the Rotterdam Convention.

⁵⁰ 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.

⁵¹ Note: Adapted from the Rotterdam Convention, article 13.2.

⁵² Note: Adapted from the Minamata Convention, article 11.

⁵³ 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 System customs codes to chemicals, polymers or products listed in annexes and subject to control measures under the instrument.

- (b) A plastic product containing any such chemical or polymer;
 - (c) A microplastic or product addressed in [*part II.3, on problematic and avoidable plastic products, including short-lived and single-use plastic products, and intentionally added microplastics*];
- except for the purposes of a use permitted under this *instrument** or for the purpose of its safe and environmentally sound disposal in accordance with the requirements of [*part II.9, on waste management*].⁵⁴

B. Transboundary movement of plastic waste

1. Each Party shall not allow transboundary movement of plastic waste,⁵⁵ except for the purpose of its safe and environmentally sound management,⁵⁶ with the prior informed consent of the importing State and in a manner consistent with the obligations under this *instrument**.
2. 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 destinations 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 content in polymers, chemicals and plastics, and any associated hazards to human health or the environment, based on the relevant harmonized information disclosure requirements set out in annex A, including safety data sheets, as relevant;⁵⁷
 - (ii) Mark and label the exported waste in accordance with the relevant harmonized labelling requirements set out in annex A, as relevant;
 - (iii) Comply with generally accepted and recognized international rules, standards and practices for packaging, labelling and transport.⁵⁸
4. The *governing body** shall, at its first session, adopt guidance for the implementation of the provision set out in paragraph 3, taking into account as appropriate relevant arrangements under other multilateral environmental agreements.⁵⁹
5. Each Party shall prevent and eliminate illegal trade⁶⁰ in plastic waste.

⁵⁴ *Note*: This language assumes that some uses may be permitted under the relevant annex (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 the Stockholm Convention, article 3.2 (a).

⁵⁵ *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 2.3 of the Basel Convention). This definition is used without prejudice to how members may define this term as needed in the instrument.

⁵⁶ 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*: 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.

⁵⁷ *Note*: Adapted from the Rotterdam Convention, article 13.

⁵⁸ *Note*: Adapted from the Minamata Convention, article 11.

⁵⁹ *Note*: The specific modalities for the application of this provision, including the operation of the prior informed consent procedure, could be further elaborated in an annex or by 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>.

⁶⁰ *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 the importing State. This use of the term is without prejudice to how members may define the term as needed in the instrument.

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 and dumping of plastic waste.

11. Existing plastic pollution, including in the marine environment

1. Parties shall cooperate to:
 - (a) Assess, identify and prioritize accumulation zones, hotspots⁶¹ and sectors:
 - (i) Most affected by existing plastic pollution,⁶² including in the marine environment;
 - (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;⁶³
 - (c) Promote engagement of the local population and citizens in safe and environmentally sound remediation activities.
2. Each Party should make information on the common types of plastic pollution and practices and behaviours that lead to plastic pollution publicly available, in order 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 IV.1 on national plans]*.
4. The *governing body** shall, at its first session, adopt:
 - (a) Indicators for the identification of accumulation zones, hotspots and sectors;
 - (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 that clean-up activities do not have potential for adverse impacts on the environment, biodiversity and human health.

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 young people, 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;
 - (b) Enabling policies and conditions to improve income opportunities for and livelihoods of affected communities, including workforce training and 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 reuse, repair and 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, recyclers and waste management companies to incorporate the plastics collected and sorted by such workers into their operations;

⁶¹ Note: The terms “accumulation zones” and “hotspots” may need to be defined.

⁶² Note: The term “existing plastic waste and pollution” may need to be defined.

⁶³ Note: The text of the Agreement under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction is available as document [A/CONF.232/2023/4](#).

- (g) Requiring a portion of the fees collected through extended producer responsibility systems to be used to improve infrastructure, and to improve the livelihoods of and opportunities for, and develop the skills of, workers in the waste sector, including waste workers in informal and cooperative settings.
2. The measures taken to implement this provision shall be reflected in the national plan communicated pursuant to [part IV.1 on national plans].

13. Transparency, tracking, monitoring and labelling⁶⁴

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 and polymers and the plastic content of plastics and plastic products throughout their life cycle, 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;
 - (c) 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 cycle.⁶⁵
3. Each Party shall report the information collected pursuant to paragraph 2, together with information on the recycling facilities operating within its territory, to the *governing body** in a standardized format.

⁶⁴ This provision complements, and contains requirements additional to, specific requirements relating to transparency, tracking, monitoring and labelling contained in other provisions of this *instrument**.

⁶⁵ **Note:** The term “regulated plastic products” in this provision refers to products subject to control measures, including prohibitions or restrictions, under part II.2 (chemicals and polymers of concern) or part II.3 (problematic and avoidable plastic products, including short-lived and single-use plastic products, and intentionally added microplastics).

Part III

1. Financing

1. Parties shall provide the necessary resources for national activities intended to implement this *instrument**. Such resources may include domestic and international funding, as well as facilitation of private sector financing, including voluntary contributions.⁶⁶
2. Parties should, and multilateral organizations, agencies and funds are encouraged to, increase their support, including through finance, capacity-building and technology transfer, for the implementation of this *instrument** by developing-country Parties.
3. Parties shall, and other stakeholders are encouraged to, in implementing paragraph 2 of this Article, take into account the specific needs and special circumstances of Parties that are small island developing States or least developed countries.
4. A mechanism for the provision of predictable, sustainable, adequate, accessible and timely financial resources is hereby established to support the implementation of this *instrument** by developing-country Parties, particularly small island developing States and least developed countries. The mechanism shall include financial resources from all sources, domestic and international, public and private.
5. The mechanism shall operate under the guidance of and be accountable to the *governing body**.⁶⁷

Option 1

6. The mechanism shall consist of a *newly established dedicated fund(s)**.⁶⁸
7. The *governing body** shall, at its first session, adopt the arrangements for the operation of the *newly established dedicated fund**.

Option 2

8. The mechanism shall consist of a *dedicated fund within an existing financial arrangement**.⁶⁹
9. The *governing body** shall, at the latest at its first session, conclude arrangements with the governing body of the *existing financial arrangement** for the operation of the mechanism.

Provisions common to the above options

10. The *governing body** shall review, on a regular basis, the level of funding, the guidance it has provided for the operationalization of the mechanism established under this article and the mechanism's effectiveness, as well as its ability to address the changing needs of developing-country Parties. Based on such review, the *governing body** shall take appropriate action to improve the effectiveness of the mechanism.⁷⁰
11. Each Party shall establish a plastic pollution fee to be paid by plastic polymer producers within its jurisdiction and adopt the necessary legislative, regulatory and administrative measures for its collection. The *governing body**, at its first session, shall adopt modalities and procedures for the implementation of a global plastic pollution fee, including with respect to the fee's contribution to the financial mechanism established in paragraph 4.⁷¹
12. Each Party shall take measures to:
 - (a) Decrease financial flows from all domestic and international public and private sources towards projects that result in emissions and releases to the environment from plastics and plastic products across the life cycle, including microplastics;
 - (b) Increase financial flows from all domestic and international public and private sources towards projects that prevent or reduce emissions and releases to the environment from plastics and plastic products across

⁶⁶ Note: For a list of possible sources of financing beyond traditional sources, see paragraph 24 (e) of document UNEP/PP/INC.2/4.

⁶⁷ Note: The two options below paragraph 5 could be considered individually or together.

⁶⁸ Note: The fund (or funds) could be dedicated to specific purposes, such as addressing legacy plastic waste or innovation.

⁶⁹ Note: The fund could be established within an existing entity such as the Global Environment Facility.

⁷⁰ Note: Adapted from the Minamata Convention, article 13.11.

⁷¹ Note: Modalities for the global plastic pollution fee could be established by the *governing body**. The fee could hold polymer producers accountable for the pollution costs of all of their plastics, irrespective of the country in which they end their useful life or whether they are ultimately destined for recycling or disposal. The revenue generated by the fee could be used to finance environmentally sound waste management and clean-up initiatives.

the life cycle, including microplastics, including for the development of adequate waste management infrastructure.

2. Capacity-building, technical assistance and technology transfer

1. Parties shall cooperate to enable, within their respective capabilities, the provision of timely, sustainable, comprehensive and adequate capacity-building and technical assistance^{72,73} to developing countries, in particular to least developed countries and small island developing States, to assist them in implementing their obligations under this *instrument** and in retaining such capacity once built.
2. The *governing body** shall keep the capacity-building and technical assistance provided to support the implementation of this *instrument** under review and promote cooperation and coordination with other multilateral environmental agreements and other relevant initiatives to increase the effectiveness of capacity-building and technical assistance.
3. Parties shall promote and facilitate the development, transfer on mutually agreed terms and diffusion of, and access to, up-to-date environmentally sound technologies to address plastic pollution, including through safe and sustainable alternatives and non-plastic substitutes. In implementing this provision, Parties shall promote and facilitate innovation and investment in pursuit of new technologies and innovative solutions, and shall facilitate access to essential technologies, including with respect to financial resources and proprietary rights.

⁷² *Note:* Members may wish to include a definition of “technology transfer on mutually agreed terms” either in a provision on “definitions” or in the relevant provision on technology transfer. In the glossary of terms prepared for the committee’s first session (UNEP/PP/INC.1/6), “technology transfer” is defined as follows: “Technology transfer means the transmission of know-how, equipment and products to governments, organizations or other stakeholders. It usually also implies adaptation for use in a specific cultural, social, economic and environmental context.” (United Nations Environment Programme, *Glossary of Terms for Negotiators of Multilateral Environmental Agreements* (Nairobi, 2007), p. 91.)

⁷³ *Note:* Particular focus areas for capacity-building, technical assistance or technology transfer may need to be further defined and elaborated once there is a better understanding of the substantive obligations under this *instrument**.

Part IV

1. National plans

1. Each Party shall develop and implement a national plan⁷⁴ for fulfilling its obligations under this *instrument** and achieving the objective of the instrument. The national plans shall be based on the format in annex G and shall include at least relevant elements related to:⁷⁵
 - (a) Primary plastic polymers;
 - (b) Chemicals and polymers of concern;
 - (c) Problematic and avoidable plastic products;
 - (d) Product design and performance;
 - (e) Reduction, reuse, refilling and repair of plastics and plastic products;
 - (f) Use of recycled plastic;
 - (g) Extended producer responsibility;
 - (h) Emissions and releases from plastic throughout its life cycle;
 - (i) Waste management;
 - (j) Fishing gear;
 - (k) Existing plastic pollution, including in the marine environment;
 - (l) Just transition.
2. Each Party shall communicate its initial national plan to the *governing body**, through the secretariat, within [X] year[s] of the date on which this *instrument** enters into force for it.
3. Each Party shall be guided by the modalities referred to in paragraph 1 when preparing and submitting its national plan.
4. A Party may at any time adjust its national plan with a view to enhancing its level of ambition, in accordance with guidance adopted by the *governing body**.
5. Parties are encouraged to coordinate on the establishment and implementation of regional plans to facilitate the implementation of this *instrument**, as appropriate.
6. Parties shall review, update and communicate to the *governing body** their national plans every [X] year[s] in a manner to be specified by a decision of the *governing body**, with each update representing a progression compared to the Party's previous national plan.
7. Each Party shall include in its national reports information on the implementation of its national plan towards achieving the objective of this *instrument**, pursuant to [part IV.3 on reporting on progress].

2. Implementation and compliance

1. A mechanism to facilitate implementation of, and promote compliance with, the provisions of this *instrument**, including a committee, is hereby established.
2. The mechanism referred to in paragraph 1 shall be facilitative in nature and shall pay particular attention to the respective national capabilities and circumstances of Parties.⁷⁶
3. The mechanism shall operate under the modalities and procedures adopted by the *governing body** at its first session and shall report to the *governing body**.
4. The committee referred to in paragraph 1 shall examine both individual and systemic implementation and compliance issues and make recommendations to the *governing body** as appropriate.⁷⁷ The committee shall

⁷⁴ Note: The term “national plan” is used without prejudging how members may ultimately choose to refer to such plans. Other options include “national action plan” and “national implementation plan”.

⁷⁵ Note: This potential list of actions to be included in the national plans reflects references to such plans in the options presented. It is presented for ease of reference and without prejudice to how members may choose to address this item in the *instrument**. The exact contents of any national plans will depend on the contents and structure of commitments and obligations under the *instrument**.

⁷⁶ Note: Adapted from the Minamata Convention, article 15.

⁷⁷ Note: Adapted from the Minamata Convention, article 15.

consist of 17 members with recognized competence in fields relevant to this *instrument**, to be elected by the *governing body** on the basis of equitable geographical representation, with three members each from the five regional groups of the United Nations and two members from the small island developing States, striving to reflect a balance of expertise and taking into account the goal of gender balance.

5. Members shall be elected to the committee to serve for a period of [X] years and for a maximum of two consecutive terms. The *governing body**, at its first session, shall elect nine members to the committee for an initial term of [X] years and eight members for a term of [half of X] years. Thereafter, the *governing body** shall elect, at its relevant regular sessions, eight or nine members, as appropriate, for a term of [X] years. Members shall remain in office until their successors are elected.
6. The committee may consider issues on the basis of:
 - (a) Written submissions from any Party with respect to its own compliance;

Additional options

- (b) Written submission from any Party regarding another Party's compliance;
 - (c) Requests from the *governing body**;
 - (d) Information provided by the secretariat with respect to the status of submission by Parties of information under [part IV.3, on reporting on progress].
7. The committee referred to in this article shall elaborate its rules of procedure,⁷⁸ which shall be subject to endorsement by the *governing body** at its second session. The *governing body** may adopt further terms of reference for the committee.

3. Reporting on progress

Option 1

1. Each Party shall report to the *governing body** on the measures taken to implement the provisions of this *instrument** and on the effectiveness of such measures and the possible challenges in meeting the objective of the *instrument**, according to the timeline to be agreed by the *governing body** at its first session.
2. Each Party shall submit its report referred to in paragraph 1 of this article to the secretariat,⁷⁹ on the measures it has taken to implement the provisions of this *instrument** and on the effectiveness of such measures and the possible challenges in meeting the objective of the *instrument**. The secretariat shall make national reports submitted by the Parties under this article publicly available.
3. Each Party shall include, in its reporting, information provided in accordance with [part II.13, on transparency, tracking, monitoring and labelling, paragraphs 2 and 3], including statistical data on types and volumes of its production, imports and exports of plastic polymers, plastics and plastic products.⁸⁰
4. The *governing body** shall, at its first session, adopt the modalities and format for the reporting referred to in paragraph 1 of this article, which shall take into consideration the full life cycle of plastics and plastic products while ensuring complementarity with relevant international instruments and organizations, as appropriate.
5. The *governing body** shall, at its first session, adopt the modalities and procedures for review of information communicated in accordance with this article. The secretariat shall keep under review and regularly communicate to the *governing body** the status of submissions by Parties of information in accordance with paragraphs 1, 2 and 3 of this article.
6. Each Party shall take measures to ensure mandatory disclosures by businesses, including those in the financial sector, on their activities and financial flows from all sources related to plastic pollution and related sustainable finance practices.

Option 2

1. Each Party shall report to the *governing body**, through the secretariat, on the measures it has taken to implement the provisions of this *instrument** and on the effectiveness of such measures and the possible challenges in meeting the objective of the *instrument**.

⁷⁸ Note: The rules of procedure may include provisions for non-compliance.

⁷⁹ Note: The secretariat could be mandated to maintain a registry (a central data exchange where information reported by the parties is made available).

⁸⁰ Note: Adapted from the Minamata Convention, article 21.2.

2. Each Party shall include in its reporting the information called for in articles [X,X]⁸¹ of this *instrument*.*
3. The *governing body** shall, at its first session, decide upon the timing and format of the reporting to be followed by the Parties, taking into account the desirability of coordinating reporting with relevant international instruments and organizations, as appropriate.

4. Periodic assessment and monitoring of progress in the implementation of the *instrument and effectiveness evaluation**

A. Effectiveness evaluation

1. The *governing body** shall periodically evaluate the effectiveness of this *instrument** and determine any measures required to advance in achieving its objective. The *governing body** shall undertake its first evaluation of effectiveness of the *instrument** no later than [X] years after the date of entry into force of the *instrument** and at least every [X] years thereafter.
2. The *governing body** shall, at its first session, adopt the modalities for the evaluation of effectiveness of the *instrument** in accordance with the provisions of this article.
3. The evaluation shall be conducted on the basis of available scientific, environmental, technical, financial and economic information, including:
 - (a) National reporting pursuant to [part IV.3, on reporting on progress];
 - (b) National plans submitted by Parties pursuant to [part IV.1, on national plans];
 - (c) Scientific and socioeconomic assessments pursuant to [part V.2, on subsidiary bodies];⁸²
 - (d) Best available scientific and technical knowledge, including from scientific literature and other relevant sources;
 - (e) Information and recommendations provided by the committee referred to in [part IV.2, on implementation and compliance];
 - (f) Reports and other relevant information on the alignment of financial flows from all sources with the objective and targets of the *instrument**, operation of the financial mechanism and technology transfer and capacity-building arrangements put in place under this *instrument**;
 - (g) Any other information that the *governing body** deems relevant.
4. The *governing body** shall take into account the outcomes of the evaluation of the effectiveness of the *instrument** when determining measures required to enhance the effectiveness of the *instrument**.

B. Review of chemicals and polymers of concern, microplastics and problematic and avoidable plastic products

1. Commencing [X] years after entry into force and at least every [X] years thereafter, the *governing body** shall conduct a review of chemicals and polymers of concern used in plastic production, intentionally added microplastics and avoidable plastic products,⁸³ with a view to assessing the state of knowledge with respect to their identification, production and use by Parties and their impact on human health and the environment.
2. The review referred to in paragraph 1 shall be based on a report by [the expert review body or panel].⁸⁴ The report may contain recommendations to the *governing body**, including with respect to possible amendments to annexes A and B.
3. In the conduct of its work under this provision, the [the expert review body or panel] may prioritize substances, products or sectors with high volumes or the greatest likelihood of giving rise to plastic pollution.
4. Based on the report provided by [the expert review body or panel] pursuant to paragraph 2, the *governing body** shall consider whether amendments to annexes A and B are warranted.

⁸¹ **Note:** The list of relevant articles to be defined.

⁸² **Note:** This language assumes that a scientific and/or technical body or review mechanism would be mandated to carry out scientific and socioeconomic assessments.

⁸³ **Note:** This proposed text assumes the adoption of annexes A and B as set out in some of the options under part II.2 (chemicals and polymers of concern) and part II.3 (problematic and avoidable plastic products, including short-lived and single-use plastic products, and intentionally added microplastics).

⁸⁴ **Note:** This language assumes that a scientific and/or technical body or review mechanism would be mandated to carry out this function and any related functions.

5. International cooperation

1. Parties shall cooperate with each other on a global basis and, as appropriate, on a regional basis, and with relevant intergovernmental organizations and other entities, including relevant scientific organizations and bodies, to support the effective implementation of this *instrument** and the achievement of its objective, including through strengthening and enhancing cooperation with and among relevant legal instruments and frameworks, as well as global, regional, subregional and sectoral bodies.
2. Parties shall promote the objective of this *instrument** when participating in decision-making under other relevant legal instruments, frameworks or global, regional, subregional or sectoral bodies.⁸⁵
3. Parties shall promote international cooperation in support of the objective of this *instrument** through:
 - (a) Development, transfer on mutually agreed terms and diffusion of, and access to, technology and technical innovation, consistent with [*part III.2, on capacity-building, technical assistance and technology transfer*];
 - (b) Relevant research, development and exchange of information to improve the understanding of plastic pollution and advance technological innovation, consistent with [*part IV.6, on information exchange and part IV.7, on awareness-raising, education and research*];
 - (c) Promotion of technical and scientific cooperation, including through regional platforms and databases, technical-scientific cooperation projects and networks of technical centres;
 - (d) Implementation of monitoring obligations;
 - (e) Use of existing information exchange mechanisms to promote knowledge, best environmental practices and alternative technologies that are environmentally, technically, socially and economically viable.
4. The *governing body** will invite, as appropriate, input from relevant scientific and technical bodies, including the science-policy panel to be established in accordance with Environment Assembly resolution 5/8, the Intergovernmental Panel on Climate Change and the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services, and from other relevant bodies on matters relevant to the fulfilment of its mandate.⁸⁶ The *governing body** may also consider relevant outcomes from the work of the above-mentioned scientific and technical bodies.
5. The *governing body** shall cooperate and collaborate with relevant international instruments and organizations, as appropriate, including with a view to ensuring the greatest level of consistency among relevant international instruments and organizations.⁸⁷

6. Information exchange

1. Each Party shall facilitate and undertake exchange of information relevant to the implementation of the *instrument**, including on:
 - (a) Best practices and policies on sustainable consumption and production;
 - (b) Research and technologies;
 - (c) Knowledge, including Indigenous knowledge, on, among other things, environmentally sound waste management, sources of plastic pollution and human, fauna and flora exposure to plastic pollution and the associated risk management and reduction options.
2. Parties may exchange the information referred to in paragraph 1 directly, through an online registry to be maintained by the secretariat or in cooperation with other relevant international instruments and organizations, as appropriate.

⁸⁵ Note: Adapted from the Agreement under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, article 8.

⁸⁶ Note: Pursuant to Environment Assembly resolution 5/8, the science-policy panel could support “relevant multilateral agreements, other international instruments and intergovernmental bodies, the private sector and other relevant stakeholders in their work”. The exact wording of the proposed language would need to be finalized in the light of the outcomes of the work of the ad hoc open-ended working group convened in resolution 5/8 to prepare for the establishment of the future science-policy panel.

⁸⁷ Note: Adapted from General Assembly resolution 73/333, annex, recommendation 10. The relevant international instruments and organizations would include the Basel Convention, the Rotterdam Convention, the Stockholm Convention, the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter and the 1996 Protocol thereto, the International Convention for the Prevention of Pollution from Ships, 1973, the World Customs Organization, the Food and Agriculture Organization of the United Nations and the International Labour Organization.

3. Each Party shall designate a national focal point for the exchange of information under this *instrument**, including with regard to the prior informed consent of importing States under [part II.10, on trade in listed chemicals, polymers and products and in plastic waste].
4. Parties are encouraged to learn from and build on existing ongoing processes, initiatives and networks to share knowledge, highlight successes and replicate and scale sustainable solutions.
5. Parties exchanging information pursuant to this *instrument** shall protect any confidential information as mutually agreed.

7. Awareness-raising, education and research

1. Parties, whether individually, jointly or through relevant regional or international bodies or networks, should cooperate to promote awareness of plastic pollution and the objective of this *instrument** and to incentivize behavioural change, capacity-building and the sharing of information, including on Indigenous, traditional and local knowledge systems.
2. Each Party shall take relevant measures to raise awareness of plastic pollution and the objective of this *instrument**. This may include measures such as:
 - (a) Developing a communication and education strategy on the objective of the *instrument** involving all stakeholders, including educational and awareness-raising programmes and citizen campaigns;
 - (b) Promoting public participation and public access to information;
 - (c) Providing training at the national, regional and international levels, including exchange visits and specific dedicated training;
 - (d) Including issues related to plastic pollution across curricula and practices in educational institutions at all levels and in all forms of education;
 - (e) Developing communication materials regarding the health risks of plastic pollution, potential alternatives and the importance of behavioural change.
3. Parties shall, within their capabilities, at the national, regional and international levels, cooperate in promoting and/or undertaking relevant research, development, exchange of information and cooperation to improve understanding of the impacts of plastic pollution, advance scientific knowledge and promote technological innovation to reduce plastic pollution, including in the marine environment.

8. Stakeholder engagement

1. A multi-stakeholder action agenda⁸⁸ that promotes inclusive, representative and transparent actions and leverages efforts through existing bodies, partnerships and other initiatives is hereby established. The *governing body**, at its first session, shall adopt the modalities for the action agenda.⁸⁹
2. The purpose of the multi-stakeholder action agenda is, among other things:
 - (a) To promote active and meaningful participation of all relevant stakeholders in the development and implementation of the *instrument** and to accelerate ambitious action;
 - (b) To provide a space for relevant stakeholders who wish to do so to report on action taken in support of the achievement of the objective of this *instrument**;
 - (c) To promote ambitious action and cooperation at the local, national, regional and global levels;
 - (d) In coordination with Parties in their implementation of the *instrument**, to mobilize financial and technical resources from stakeholders, including public and private finance stakeholders;
 - (e) To share knowledge and highlight successes in order to replicate and scale sustainable solutions, including in high-impact sectors and key thematic areas.
3. Each Party shall incentivize an all-of-society approach to reporting through the multi-stakeholder action agenda on measures taken towards the achievement of the objective and targets of the *instrument**.

⁸⁸ Note: The multi-stakeholder agenda could alternatively be launched outside of this *instrument** through a decision taken by the committee as early as its third session.

⁸⁹ Note: Modalities of the agenda could be established by the *governing body** at its first session or alternatively be included in an annex to this *instrument**.

Part V [Institutional arrangements (placeholder)]

- 1. Governing body (placeholder)**
- 2. Subsidiary bodies (placeholder)**
- 3. Secretariat (placeholder)**

Part VI [Final provisions (placeholder)]

Appendix: Possible annexes to the instrument¹

Annex A – Primary plastic polymers, and chemicals and polymers of concern

Part I. Primary plastic polymers

Option 1

Global baseline, time frame(s) and reduction target

Option 2

Global baseline, time frame(s) and global target

Part II. Chemicals and polymers of concern

Option 1

Criteria for the determination of chemicals and polymers of concern²

List of chemicals and polymers subject to prohibition or restrictions and applicable control measures (including exclusions and phase-out dates as relevant)

Harmonized information disclosure, marking and labelling requirements

Option 2

List of chemicals and polymers to be prohibited or restricted

Harmonized information disclosure, marking and labelling requirements

Option 3

Criteria for the determination of chemicals and polymers with potential for adverse impacts on human health or the environment

Annex B – 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

Part I. Criteria for the determination of plastic products

Part II. List of plastic products subject to phase-out measures (including a time frame)³

Part III. List of plastic products subject to reduction measures (including a time frame)

Option 2

Part I. Criteria for the determination of plastic products

B. Intentionally added microplastics

Option 1

Part IV. List of allowed uses of microplastics

¹ This is an indicative list of annexes and is intended to guide the reader.

² See document UNEP/PP/INC.2/INF/4, annex, section II.B, for potential criteria for the determination of polymers and chemicals of concern identified in members' submissions to the committee at its second session.

³ See document UNEP/PP/INC.2/INF/4, annex, section II.A, for potential criteria for the determination of problematic and avoidable plastic products identified in members' submissions to the committee at its second session.

Option 2

Part V. Global criteria for the national determination of the list of plastics and products containing intentionally added microplastics

Annex C – Product design, composition and performance**Part I. Design and performance criteria****Option 1**

Minimum design and performance criteria for plastics and plastic products

General design and performance criteria⁴

Sectoral design and performance criteria⁵

Other related elements, including in relation to certification and labelling as relevant

Option 2

General and/or sectoral elements relating to the establishment of design and performance criteria, including in relation to certification and labelling, as relevant

Part II. Targets for reduction, reuse, refilling and repair**Option 1**

Minimum targets for reduction, reuse, refilling and repair of plastics and plastic products

General targets

Sectoral targets

Part III. Use of safe post-consumer recycled plastic**Option 1**

Minimum percentages of safe and environmentally sound post-consumer recycled plastic

General targets, including time frame for their achievement

Sectoral targets, including time frame for their achievement

Option 2

General and/or sectoral elements relating to the establishment of minimum recycled content requirements and targets

Annex D – Modalities for the establishment and operation of extended producer responsibility systems based on common principles

For option 1 only.⁶

Annex E – Emissions and releases of plastic throughout its life cycle

Sources of emissions and releases of plastic polymers, plastics, including microplastics, and plastic products, including a timeline⁷

⁴ See document UNEP/PP/INC.2/INF/4, annex, section II.D (i), for potential general sustainability and circularity criteria for design and production of plastic products and packaging across the life cycle identified in member' submissions to the committee at its second session.

⁵ See document UNEP/PP/INC.2/INF/4, annex, section II.D (ii), for potential products or sectors in respect of which specific circularity criteria could be developed identified in members' submissions to the committee at its second session.

⁶ See document UNEP/PP/INC.2/INF/4, annex, section III.A, for potential elements of guidelines for extended producer responsibility systems identified in members' submissions to the committee at its second session.

⁷ See document UNEP/PP/INC.2/INF/4, annex, section II.F (i), for potential measures to reduce and, where feasible, eliminate releases of plastics to water, soil and air through general and sectoral measures, including from the sources listed, identified in members' submissions to the committee at its second session.

Annex F – Waste management

Option 1

Part I: Minimum safe and environmentally sound collection, recycling and disposal rates for plastic waste

Option 2

Part II: Harmonized indicators for development of nationally determined targets and minimum requirements

Measures common to options 1 and 2

Part III: List of waste management practices that could lead to the emissions and releases of hazardous substances

Part IV: List of hazardous emissions and releases from plastic waste management to be regulated

Annex G – Format for national plans

Content of the national plan, including suggested steps and suggested table of contents

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