

Contact Group 2 - Co-facilitators proposal to streamline compilation of revised zero draft text¹

This document captures the co-facilitators' suggestions to streamline the compilation of the contact group's revised zero draft text, following discussions of contact group 2 during INC3.²

Part IV

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

a. [Assessment and monitoring]

[OPI] –Parties shall, within their capabilities, individually and/or in collaboration with other Parties or competent organisations, establish programmes to assess and monitor emissions and releases of plastic into the environment, including in the marine environment. This should include:

- a. Establishment of baseline information on the types and volumes of existing plastic pollution in the environment.
 - b. Periodically collect data and information on the types and levels of plastic pollution in the environment.
 - c. Modelling to understand the movement of plastics in air, soil, water, and ecosystems.
 - d. The effects of plastic pollution on the environment.
2. 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] and monitoring information should be reported to the *governing body**, pursuant to [part IV.3 on reporting on progress].
 3. The *governing body** at its first session, shall adopt guidelines to facilitate implementation of the obligations set out in paragraph 1, including best available practices and harmonised monitoring methodologies, including low technology options.]

b.] Effectiveness [Effectiveness evaluation][Progress assessment]

OP2 The *governing body** shall [entrust a subsidiary body to] periodically evaluate [in a comprehensive and facilitative manner,] the [implementation][progress][effectiveness] of [this][the] *instrument* [to assess collective progress in achieving the objective of the *instrument*][considering commitments and support provided in light of equity]*[and [based upon this evaluation] determine [if necessary] [any] measures required to advance in achieving the objective [including measures to support developing countries overcome challenges related to the implementation of the *instrument*]]. The [*governing body** shall [begin][undertake] its] first [evaluation][assessment] of [effectiveness][progress] of the *instrument** [shall be undertaken] no later than [X][4][5][6][8] years after the date of entry into force of the *instrument** and [periodically] thereafter at [intervals to be decided by the *governing body* but no later than at] least every [X][4][5] years.

OP2 and 3 Alt. The *governing body* shall establish an Effectiveness Evaluation and Review Committee to evaluate the effectiveness of the Convention and make recommendations accordingly. The terms of reference for the Committee and the modalities for effectiveness evaluation will be determined by the *governing body* at its [] session.

¹ Note: Due to the significant number of submissions received, there may be some missing submissions in this version.

² Note: The proposals are not listed in any order of priority.

OP3 The *governing body** shall, at its first session, [[initiate the establishment of] [arrangements for providing itself with relevant data and information on plastic pollution]] [adopt] [[the modalities] for the [evaluation][assessment] of [effectiveness][the implementation][progress] of the *instrument**] in accordance with the provisions of [Part IV.4a][this Article].

OP4 The [evaluation][assessment] shall be conducted on the basis of [best] 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 s][S]ocioeconomic assessments [pursuant to [part V.2 on subsidiary body];³]
- d. [[Scientific assessments and the use of] Best available scientific and technical knowledge [, including scientific literature [the traditional knowledge of Indigenous Peoples obtained with their free, prior and informed consent,] and other relevant sources;]]
- e. [Results of assessment and monitoring conducted pursuant to [part IV.4.a. on assessment and monitoring] ;]
- f. [[Relevant i][I]nformation and recommendations provided by the committee referred to in [part IV.2 on implementation and compliance mechanism];]
- g. [Reports and other relevant information on the [alignment of financial flows [and alignment with the life cycle stages] from all sources with the *instrument**'s objective [and targets,]] operation of the financial [[resources and] [mechanism][assistance]], [technical assistance] technology transfer [on voluntary and mutually agreed terms] and capacity-building arrangements put in place under this *instrument**; and]
- h. [Relevant reports from the chemicals-related agreements, multilateral environmental agreements that deal with climate change, biodiversity, law of the sea as well as multilateral organizations, including the WTO, WCO, WHO, and ILO.]
- i. [Other information the *governing body** deems relevant.]

OP 4 Alt. The evaluation shall be conducted as per guidance adopted by *Governing Body*.

OP5 The *governing body** [shall][may] take into account the outcomes of the [evaluation][assessment] of [effectiveness][progress] of the *instrument** [when determining measures required to enhance the effectiveness of the *instrument**].

³ Note: This language assumes that a scientific and/or technical body or review mechanism would be mandated to carry out scientific and socioeconomic assessments.

[b.][c.] Review of [hazardous] chemicals [and polymers] of concern, microplastics and problematic and avoidable products[, and non-plastic substitutes]

OP6 The *governing body** shall conduct, [based on the request of the parties or relevant research associations,] commencing [X] years after entry into force and at least every [X] years thereafter, a review of chemicals [and polymers] of concern used in plastic production, intentionally added microplastics and avoidable plastic products⁴, [and non-plastic substitutes,] 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.

OP7 The review referred to in paragraph 1 shall be based on a report by [*the expert review body or panel*].⁵ This report may contain [optional advices][recommendations] to the *governing body**[, including with respect to possible amendments to annexes A and B].⁶

OP8 In the conduct of its work under this provision, the [*the expert review body or panel*]⁷ may [prioritize substances][study], products or sectors with high volumes or the greatest likelihood of giving rise to plastic pollution.

OP9 The *governing body** shall consider, in light of the report provided by [*the expert review body or panel*]⁸ pursuant to paragraph 2, whether amendments to annexes A and B are warranted.

Part IV.c Alt. [No text]

⁴ **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 (avoidable plastic products, including short-lived and single-use products, and intentionally added microplastics).

⁵ **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.

⁶ **Co-facilitators' note:** Members may wish to consider the addition of a provision on the process for amendment of these modalities.

⁷ **Note:** This language assumes that a scientific and/or technical body or review mechanism would be mandated to carry out this function.

⁸ **Note:** This language assumes that a scientific and/or technical body or review mechanism would be mandated to carry out this function.

Appendix 1

Contact Group 2 - Co-facilitators proposal to streamline compilation of revised zero draft text⁹ - with changes tracked

To aid transparency, this appendix shows the co-facilitators' suggestions to streamline the compilation of the contact group's revised zero draft text. Suggestions are shown as tracked changes, against the most recent compilation text published on the INC3 webpage on 18 November 2023.

Part IV

5. Periodic assessment and monitoring of the progress of implementation of the instrument* [and effectiveness evaluation]

[a. Assessment and monitoring]

~~1.~~ Parties shall, within their capabilities, individually and/or in collaboration with other Parties or competent organisations, establish programmes to assess and monitor emissions and releases of plastic into the environment, including in the marine environment. This should include:

- a. Establishment of baseline information on the types and volumes of existing plastic pollution in the environment.
- b. Periodically collect data and information on the types and levels of plastic pollution in the environment.
- b. Modelling to understand the movement of plastics in air, soil, water, and ecosystems.
- c. The effects of plastic pollution on the environment.

2. 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] and monitoring information should be reported to the governing body*, pursuant to [part IV.3 on reporting on progress].
3. The governing body* at its first session, shall adopt guidelines to facilitate implementation of the obligations set out in paragraph 1, including best available practices and harmonised monitoring methodologies, including low technology options.]

a. [Effectiveness evaluation][Progress assessment]

1. The governing body* shall ~~[entrust a subsidiary body to]~~ periodically evaluate ~~[in a comprehensive and facilitative manner,]~~ the ~~[implementation][progress][effectiveness]~~ of this instrument ~~[to assess collective progress in achieving the objective of the instrument][considering commitments and support provided in light of equity]*[and [based upon this evaluation]~~ determine any measures required to advance in achieving the objective ~~[including measures to support developing countries overcome challenges related to the implementation of the instrument]].~~ The ~~[governing body* shall [begin][undertake]~~ its] first ~~[evaluation][assessment]~~ of ~~[effectiveness][progress]~~ of the instrument* ~~[shall be undertaken]~~ no later than [X][4][5][6][8] years after the date of entry into force of the instrument* and thereafter at least every [X][4][5] years.

~~OPI Alt. The governing body shall entrust a subsidiary body to periodically evaluate the effectiveness of this instrument* and based upon this evaluation, determine any measures required to advance in achieving the objective. The governing body* shall undertake its first evaluation of effectiveness of the instrument* shall be undertaken no later than [X] 4 years after the date of entry into force of the instrument* and thereafter at least every [X] years.~~*

Commented [A1]: *Co-fac comment* – this was previously presented as a 'package proposal' further down the document, however, we believe is better placed here.

⁹ **Note:** Due to the significant number of submissions received, there may be some missing submissions in this version.

~~*OP1-Alt2.* The governing body* shall periodically evaluate the effectiveness of this instrument* and determine any measures required to advance in achieving the objective, including measures to support developing countries overcome challenges related to the implementation of the instrument*. 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 thereafter at least every [X] years.~~

~~*OP1-Alt3.* The governing body* shall periodically evaluate the effectiveness of this instrument* and determine any measures required to advance in achieving the objective. The governing body* shall undertake begin its first evaluation of effectiveness of the instrument* no later than [X] years after the date of entry into force of the instrument* and thereafter at least every [X] years.~~

~~*OP1-Alt4.* The governing body* shall periodically evaluate the effectiveness of this instrument* in achieving the objective. The governing body* shall undertake its first evaluation of effectiveness of the instrument* no later than [5] [6] years after the date of entry into force of the instrument* and periodically thereafter at intervals to be decided by the governing body but no later than at least every five years.~~

~~1. The governing body* shall periodically evaluate in a comprehensive and facilitative manner, the implementation of the instrument to assess collective progress in achieving the objective of the instrument considering commitments and support provided in light of equity. The governing body* shall undertake its first assessment of the instrument* no later than [X] years after the date of entry into force of the instrument* and thereafter at least every [X] years.~~

~~*OP1-Alt6.* The governing body* shall periodically assess the effectiveness progress of this instrument* and determine if necessary any measures required to advance in achieving the objective. The governing body* shall undertake its first assessment of effectiveness progress of the instrument* no later than [8] years after the date of entry into force of the instrument* and thereafter at least every [4] years.~~

2. The governing body* shall, at its first session, ~~[[initiate the establishment of] arrangements for providing itself with relevant data and information on plastic pollution]]~~ [adopt] the modalities for the [evaluation][assessment] of [effectiveness][the implementation][progress] of the instrument* in accordance with the provisions of [Part IV.4a][this Article].

~~*OP2-Alt.* The governing body* shall, at its first session, initiate the establishment of adopt the modalities for the evaluation of effectiveness of the instrument* in accordance with the provisions of this Article.~~

~~*OP2-Alt2.* 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 Part IV.4a.~~

- ~~*OP2-Alt3.* The governing body* shall, at its first session, initiate the establishment of arrangements for providing itself with relevant data and information on plastic pollution for the evaluation of effectiveness of the instrument* in accordance with the provisions of this Article. 2. The governing body* shall, at its first session, adopt the modalities for the evaluation of the implementation of the instrument in accordance with the provisions of this Article.~~

~~*OP2-Alt5.* The governing body* shall, at its first session, adopt the modalities for the evaluation assessment of effectiveness progress of the instrument* in accordance with the provisions of this Article.~~

OP1 and 2 Alt. The governing body shall establish an Effectiveness Evaluation and Review Committee to evaluate the effectiveness of the Convention and make recommendations accordingly. The terms of reference for the Committee and the modalities for effectiveness evaluation will be determined by the governing body at its [] session.

3. The [evaluation][assessment] shall be conducted on the basis of [the best] 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 body];¹⁰]~~

~~**OP3.e Alt. e.** Scientific and socioeconomic assessments pursuant to [part V.2 on subsidiary body];~~

- ~~d. [[Scientific assessments and the use of] Best available scientific and technical knowledge [, including scientific literature [the traditional knowledge of Indigenous Peoples obtained with their free, prior and informed consent,] and other relevant sources;-]]~~

~~[Results of assessment and monitoring conducted pursuant to [part IV.4.a. on assessment and monitoring] ;]~~

~~**OP3.d Alt. Scientific assessments and the use of best available scientific and technical knowledge, including scientific literature and other relevant sources;**~~

~~**OP3.d Alt2.** Best available scientific and technical knowledge, including scientific literature, the traditional knowledge of Indigenous Peoples obtained with their free, prior and informed consent, and other relevant sources;~~

~~**OP3.d Alt3.** Best available scientific and technical knowledge, including scientific literature and other relevant sources;~~

- ~~e. [[Relevant] Information and recommendations provided by the committee referred to in [part IV.2 on implementation and compliance mechanism];]~~

~~**OP3.e Alt.** Relevant information and recommendations provided by the committee referred to in [part IV.2 on implementation and compliance mechanism];~~

- ~~h-f. [Reports and other relevant information on [the alignment of financial flows [and alignment with the life cycle stages] from all sources with the instrument*'s objective [and targets,] operation of the financial [[resources] [and-mechanism][assistance]], [technical assistance] technology transfer [on voluntary and mutually agreed terms] and capacity-building arrangements put in place under this instrument*; and]~~

~~**OP3.f Alt.** Reports and other relevant information on the alignment of financial flows from all sources with the instrument*'s objective and targets, operation of the financial resources and mechanism assistance, technical assistance, technology transfer and capacity-building arrangements put in place under this instrument*; and~~

~~**OP3.f Alt2.** Reports and other relevant information on the alignment of financial flows and alignment with the life cycle stages from all sources with the instrument*'s objective and targets, operation of the financial assistance, technology transfer and capacity-building arrangements put in place under this instrument*; and~~

~~**OP3.f Alt3.** Reports and other relevant information on the alignment of financial flows and alignment with the life cycle stages from all sources with the instrument*'s objective and targets, operation of the financial assistance, technology transfer and capacity-building arrangements put in place under this instrument*; and~~

~~**OP3.f Alt4.** Reports and other relevant information on the alignment of financial flows from all sources with the instrument*'s objective and targets, operation of the financial assistance, technology transfer and capacity-building arrangements put in place under this instrument*; and~~

- ~~k.g. Other information the governing body* deems relevant.~~

~~**OP3.g Bis.** Relevant reports from the chemicals-related agreements, multilateral environmental agreements that deal with climate change, biodiversity, law of the sea as well as multilateral organizations, including the WTO, WCO, WHO, and ILO.~~

¹⁰ Note: This language assumes that a scientific and/or technical body or review mechanism would be mandated to carry out scientific and socioeconomic assessments.

~~**OP3-Alt1.** 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 body];¹¹]~~
- ~~d. Best available scientific and technical knowledge, including scientific literature and other relevant sources;~~
- ~~e. [Information and recommendations provided by the committee referred to in [part IV.2 on implementation and compliance mechanism].;]~~
- ~~f. Reports and other relevant information on the alignment of financial flows from all sources with the instrument²'s objective and targets, operation of the financial assistance, technology transfer and capacity-building arrangements put in place under this instrument²; and~~
- ~~g. Other information the governing body² deems relevant.~~

OP 3 Alt2. The evaluation shall be conducted as per guidance adopted by Governing Body.

~~**OP3-Alt3.** 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 body];¹⁷~~
- ~~d. Best available scientific and technical knowledge, including scientific literature and other relevant sources;~~
- ~~e. Information and recommendations provided by the committee referred to in [part IV.2 on implementation and compliance mechanism];~~
- ~~f. Reports and other relevant information on the alignment of financial flows from all sources with the instrument²'s objective and targets, operation of the financial assistance, technology transfer and capacity-building arrangements put in place under this instrument²; and~~
- ~~g. Other information the governing body² deems relevant.~~

~~**OP3-Alt4.** The evaluation shall be conducted on the basis of available scientific, environmental, technical, financial and economic information, including:~~

- ~~n. National reporting pursuant to [part IV.3 on reporting on progress];~~
- ~~o. National plans submitted by Parties pursuant to [part IV.1 on national plans];~~
- ~~p. Scientific and socioeconomic assessments pursuant to [part V.2 on subsidiary body];¹¹~~

¹¹ Note: This language assumes that a scientific and/or technical body or review mechanism would be mandated to carry out scientific and socioeconomic assessments.