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

1. National [Action][Implementation]Plans

[*OP0* For enabling collective assessment of progress of the measures under the *instrument*, common modalities and guidelines, in addition to the format, are needed.]

OP1 Each Party [shall][is encouraged to] develop and implement a national [action] plan³ [through domestic consultations, with binding actions, including quantitative and measurable targets, where appropriate] to [pursue its nationally determined objective of ending plastic pollution][fulfil its obligations] under this *instrument** [and to achieve its objective(s)][in accordance with its capacities and as appropriate]. [Such plans should be prepared in light of different national circumstances and may follow a guidance to be adopted by the [governing body]][The national [action] plans [shall][should][might] be based on the [modalities, guidelines and] format in annex G [which shall be flexible for adjustments to national realities and circumstances[the impacts of plastic pollution on socio-economic, human health and environment]] and [to the extent possible] [shall][should][could] include [but not be limited to] [at least] [relevant] [elements [necessary measures] related to⁴[, which are not exhaustive]:]

- a. [Primary plastic polymers;]
- b. [Chemicals [and polymers] of concern;]
- c. [Problematic and avoidable plastic products;]
- d. [Product design and performance;]
- e. [Reduce, reuse, refill and repair of plastics and plastic products;]
- f. [Use of recycled plastic contents;]
- g. [Extended Producer Responsibility;]
- h. [Emissions and releases of plastic through its life cycle;]
- i. [Waste management [including by the informal sector];]
- j. [Fishing gear;]
- k. [Existing plastic pollution, including in the marine environment; and]
- l. [Just transition.]

¹ <u>Note:</u> 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.

³ Note: The term 'national plans' is used without prejudging how Members may ultimately choose to refer to the plans. Other options include 'national action plans' or 'national implementation plans'.

⁴ Note: This potential list of actions to be included in 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**.

- m. [Monitoring and reporting framework for the implementation of the National Plan.]
- n. [Educational and awareness raising programmes on plastic pollution, including those aimed at behavioural change and developing capacity;]
- o. [Assessment and monitoring;]
- p. [Promoting research, development and innovation;]
- q. [Commitments from developed countries in relation to financial support, capacity building and technology transfer for developing countries, especially SIDS;]
- r. [Promoting, encouraging and incorporating action by all stakeholders to address plastic
 pollution, including the private sector, informal plastics waste sector, waste pickers,
 Indigenous peoples and local communities;]
- s. [Legislative, policy and regulatory arrangements for compliance with obligations under this *instrument*; and]
- t. [Actions to support compliance with reporting requirements under this *instrument*.]
- u. [Transparency monitoring and tracking and labelling]
- v. [Trade in listed chemicals polymers and products in plastic waste]
- w. [Domestic Financing]
- x. [Non-plastic substitutes]
- y. [Capacity Building and Technology Transfer]
- z. [Public Awareness]
- aa. [Information Exchange]
- bb. [Quantification of emissions of greenhouse gases and method of measurement of emission and releases of plastic through its life cycle.]
- cc. [Means of implementation, including those provided to developing countries, in particular, the least developed countries, small island developing states, and environmentally and ecologically vulnerable developing countries.]

[OP1 CHAPEAU BIS. The national plan should be [according to the national capacity and circumstances][inclusive and based on best available knowledge and data][developed in accordance with: (a) existing national laws and regulations and (b) domestic circumstances and capabilities].]

[OP1 CHAPEAU TER Parties may add elements in its national plans, in accordance with national circumstances, capacities, and capabilities.]

OP1 ALT. Each Party shall develop and implement a nationally determined action plan that best fit their national circumstances to meet the objective of this *instrument** while recognizing developed countries take the lead in action and the need to support developing country Parties for the effective implementation of the objective of the *instrument*.

OPI ALT2. Each Party shall develop a national action plan to describe the measures it intends to take to implement the obligations under this *instrument** in accordance with the format provided in annex G.

OP1 ALT3. Each party shall prepare national plans, based upon national circumstances and capabilities, in order to comply with obligations created under the *instrument*. The *Governing Body* shall provide guidance and format for preparation and submission of national plans. The national plans will be country driven and the parties shall decide the activities to be undertaken in the national plans based upon national circumstances and capabilities.

Commented [A1]: *Co-fuc comment* – this proposal was made under Op3, but has been moved to OP1 as an alternative, as it relates to the preparation of national plans in addition to their content and format.

OP1 ALT4. [No text]

OP2 Each [developed country] Party shall communicate its initial national [action] plan to the *governing body** within [X][2][5] year[s] of the date on which this *instrument** enters into force for it through the secretariat.

OP2 Alt. Each Party shall submit a national action plan to the secretariat no later than [X] years after entry into force of the *instrument** for that Party.

OP2 BIS. Each developing country party could voluntarily communicate its national plan to the *governing body* upon availability of and its accessibility to financial and technical support for this purpose.

OP3 Each Party [shall][should] be guided by the [format][modalities] referred to in paragraph 1 when preparing and submitting their national [action] plans [as appropriate]. [National action plans shall include targets and actions in the medium term as well as long term strategies towards achieving the objective and targets of the *instrument*.]

OP3 Alt. [No text]

OP3 Bis. The measures in the National Plan will not be limited to obligations, but also cover ambitious "actions", including development of mid and long-term strategy, towards the objective of the *instrument*.

OP3 Bis Alt. Each Party shall update its national action plan every [X] [5] years or earlier if determined by the Party, with a view to showing progress in its implementation.

OP4 A Party may [incorporate] at any time [new measures into] [adjust] its national [action] plan [[with a view to][possible enhancement] [enhancing][in order to enhance] its level of ambition][based upon national circumstances and capabilities], in accordance with guidance adopted by the *governing body**.

OP4 Alt. [No text]

OP5 Parties [are encouraged to][may] coordinate on the [development][establishment] and implementation of [sub-regional and] regional plans to facilitate implementation of this *instrument**, as appropriate.

OP5 Alt. [No text]

OP6 [Developed country] Parties shall review, update and communicate to the *governing body** their national [action] plans [while developed country parties shall report every [5] year[s], and developing country parties shall report] every [X][4][5][10] year[s], and in a manner to be specified by a decision of the *governing body**, [[with each update representing a progression][indicating any progress made and/or challenges faced] compared to the Party's previous national [action] plan] [considering different national circumstances].

OP6 Alt. Parties shall review, update national plans, based upon national circumstances and capabilities, and communicate to the *governing body* every five years in a manner prescribed by *Governing Body*.

OP6 Alt2. [No text]

OP7 Each [developed country] Party shall include information on the implementation of its national [action] plan towards achieving the objective of this *instrument** in its national reports pursuant to [part IV.3 on reporting on progress].[In order to assess the progress made in the achievement of the objective, the Parties shall establish a baseline, i.e. a year of reference, to assess the starting situation with regards to plastic pollution.]

OP7 Alt. [No text]

OP7 Bis. The Secretariat shall establish and maintain a public registry to record national plans communicated by Parties, with a view to facilitating information exchange.

OP7 Bis Alt. The secretariat shall make national action plans submitted by the Parties under this Article publicly available.

OP7 TER. Support shall be provided to developing country Parties for the implementation of this Article, recognizing that enhanced support for developing country Parties will effectively facilitate their actions both in preparing national plans and implementing this [instrument] at large.

Commented [A2]: *Co-fac comment* — we note that this is akin to the statements included in relation to financing (specifically *OP 3 BIS*, and *0 BIS*), and may be able to be further streamlined

Appendix 1

Contact Group 2 - Co-facilitators proposal to streamline compilation of revised zero draft text⁵ - 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

2. National [Action] [Implementation] Plans

OPO BIS. For enabling collective assessment of progress of the measures under the instrument, common modalities and guidelines, in addition to the format, are needed.

1. Each Party shall develop and implement a national [action] plan⁶ [through domestic consultations, with binding actions, including quantitative and measurable targets, where appropriate] to fulfil its obligations under this instrument* and to achieve its objective(s). [Such plans should be prepared in light of different national circumstances and may follow a guidance to be adopted by the [governing body]][The national [action] plans [shall][should] be based on the [modalities, guidelines and] format in annex G [which shall be flexible for adjustments to national realities and circumstances] and [to the extent possible] shall include [but not be limited to] [at least] relevant [elements [necessary measures] related to⁷:]

OP1 CHAPEAU ALT. Each Party shall develop and implement a national plan to fulfil its obligations under this instrument* and to achieve its objective(s). The national plans shall be based on the format in annex G and shall include at least relevant elements necessary measures related to:

OP1 CHAPEAU ALT2. Each Party shall develop and implement a national plan to fulfil its obligations under this instrument* and to achieve its objective(s). The national plans shall be based on the format in annex G and shall include at least relevant elements related to:

OP1 CHAPEAU ALT3. Each Party shall develop and implement a national plan through domestic consultations, with binding actions, including quantitative and measurable targets, where appropriate, to fulfil its obligations under this *instrument** and to achieve its objective(s). The national plans shall be based on the format in annex 6 and shall include at least relevant elements related to:

OP1 CHAPEAU ALT4. Each Party shall develop and implement a national plan to fulfil its obligations under this instrument* and to achieve its objective(s). The national plans shall be based on the format in annex G which shall be flexible for adjustments to national realities and circumstances, and shall include at least relevant elements related to:

OP1 CHAPEAU ALT5. Each Party shall develop and implement a national plan to fulfil its obligations under this instrument* and to achieve its objective(s). The national plans shall be based on the format in annex G which shall be flexible for adjustments to national realities and circumstances, the impacts of plastic pollution on socio-economic, human health and environment and shall include at least relevant elements related to:

⁵ <u>Note:</u> Due to the significant number of submissions received, there may be some missing submissions in this

⁶ <u>Note:</u> The term 'national plans' is used without prejudging how Members may ultimately choose to refer to the plans. Other options include 'national action plans' or 'national implementation plans'.

⁷ <u>Note</u>: This potential list of actions to be included in 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**.

OP1 CHAPEAU ALT6. Each Party shall develop and implement a national plan to fulfil its obligations under this *instrument** and to achieve its objective(s), in accordance with its capacities and as appropriate. The national plans shall be based on the format in annex G and shall should include at least relevant elements related to:

OP1 ALT. Each Party shall develop and implement a nationally determined action plan that best fit their national circumstances to meet the objective of this instrument* while recognizing developed countries take the lead in action and the need to support developing country Parties for the effective implementation of the objective of the instrument.

OP1 ALT2. Each Party shall develop and implement a national plan to fulfil its obligations under this *instrument** and to achieve its objective(s). The national plans shall be based on the format in annex G and shall include at least relevant elements related to: Such plans should be prepared in light of different national circumstances and may follow a guidance to be adopted by the [governing body].

OP1 ALT3. Each Party shall develop and implement a national action plan to fulfil its obligations under this instrument* and to achieve its objective(s). The national action plans shall be based on the modalities, guidelines and format in annex G and shall include at least relevant elements related to, which are not exhaustive:

OP1 ALT4. Each Party shall develop and implement a national plan to fulfil its obligations under this instrument* and to achieve its objective(s). The national plans shall should be based on the format in annex G and, to the extent possible, shall include at least but not be limited to the following relevant elements related to:

OP1 CHAPEAU BIS. The national plan should be according to the national capacity and circumstances.

OP1 CHAPEAU BIS ALT. The National Plan should be developed in accordance with (a) existing national laws and regulations and (b) domestic circumstances and capabilities.

OP1 CHAPEAU TER. The national plans should be inclusive and based on best available knowledge and data.

OP1 CHAPEAU QUATER. Parties may add elements in its national plans, in accordance with national circumstances, capacities, and capabilities.

a. [Primary plastic polymers;]

OPa ALT. Primary plastic polymers;

b. [Chemicals [and polymers] of concern;]

OPb ALT. Chemicals and polymers of concern;

OPb ALT2. Chemicals and polymers of concern;

c. [Problematic and avoidable plastic products;]

OPc ALT. Problematic and avoidable plastic products;

d. [Product design and performance;]

OPd ALT. Product design and performance;

e. [Reduce, reuse, refill and repair of plastics and plastic products;]

OPe ALT. Reduce, reuse, refill and repair of plastics and plastic products;

f. [Use of recycled plastic contents;]

OPf ALT. Use of recycled plastic contents;

g. [Extended Producer Responsibility;]

OPg ALT. Extended Producer Responsibility;

h. [Emissions and releases of plastic through its life cycle;]

OPh ALT. Emissions and releases of plastic through its life cycle;

i. [Waste management;]

OPi ALT. Waste management;

j. [Fishing gear;]

OPj ALT. Fishing gear;

k. [Existing plastic pollution, including in the marine environment; and]

OPk ALT. Existing plastic pollution, including in the marine environment; and

1. [Just transition.]

OPI ALT. Just transition.

m.bis. Monitoring and reporting framework for the implementation of the National Plan.

m.ter. Educational and awareness raising programmes on plastic pollution, including those aimed at behavioural change and developing capacity;

m.quater. Assessment and monitoring;

n.bis. Promoting research, development and innovation;

o.bis. Commitments from developed countries in relation to financial support, capacity building and technology transfer for developing countries, especially SIDS;

p.bis. Promoting, encouraging and incorporating action by all stakeholders to address plastic pollution, including the private sector, informal plastics waste sector, waste pickers, Indigenous peoples and local communities;

q.bis. Legislative, policy and regulatory arrangements for compliance with obligations under this instrument; and

r.bis. Actions to support compliance with reporting requirements under this instrument.

s.bis. Transparency monitoring and tracking and labelling

t.bis. Trade in listed chemicals polymers and products in plastic waste

u.bis. Domestic Financing

v.bis. Non-plastic substitutes

w.bis. Capacity Building and Technology Transfer

x.bis. Public Awareness

y.bis. Information Exchange

z.bis. Quantification of emissions of greenhouse gases and method of measurement of emission and releases of plastic through its life cycle. [

aa.bis. Means of implementation, including those provided to developing countries, in particular, the least developed countries, small island developing states, and environmentally and ecologically vulnerable developing countries.

a. Primary plastic polymers;



OP1 ALT5. Each Party shall develop and implement a national action plan to fulfil its describe the measures it intends to take to implement the obligations under this instrument* and to achieve its objective(s). The national plans shall be based on in accordance with the format provided in annex G and shall include at least relevant elements related to:

OP1 ALT6. Each Party shall is encouraged to develop and implement a national plan to fulfil <u>pursue</u> its obligations under this *instrument** and to achieve its <u>nationally determined</u> objective(s) of ending plastic pollution <u>under this instrument</u>. The national plans shall <u>might</u> be based on the format in annex G and shall <u>could</u> include at least relevant elements related to:

OP3 ALT2. Each party shall prepare national plans, based upon national circumstances and capabilities, in order to comply with obligations created under the instrument. The Governing Body shall provide guidance and format for preparation and submission of national plans. The national plans will be country driven and the parties shall decide the activities to be undertaken in the national plans based upon national circumstances and capabilities.

Commented [A3]: Co-fac comment – this proposal was made under OP3, but has been moved to OP1 as an alternative, as it relates to the preparation of national plans in addition to their content and format.

- OP1 CHAPEAU BIS. The national plan should be [according to the national capacity and circumstances][inclusive and based on best available knowledge and data][developed in accordance with (a) existing national laws and regulations and (b) domestic circumstances and capabilities].
- 2. Each Party shall communicate its initial national [action] plan to the governing body* within [X][2][5] year[$\frac{1}{3}$] of the date on which this instrument* enters into force for it through the secretariat.
- OP2 ALT. Each Party shall communicate its initial national plan to the governing body* within [X] 2 year[s] of the date on which this instrument* enters into force for it through the secretariat.
- OP2 ALT2. Each Party shall communicate its initial national action plan to the governing body* within [X] year[s] of the date on which this instrument* enters into force for it through the secretariat.
- **OP2 ALT3.** Each Party shall communicate its initial national plan to the *governing body** within [X] 5 years of the date on which this *instrument** enters into force for it through the secretariat.
- **OP2 ALT4.** Each Party shall <u>submit a national action</u> plan to the <u>secretariat no later than [X] years after entry into force of the instrument* for that Party.</u>
- OP2 ALT5. Each developed country Party shall communicate its initial national plan to the governing body within [X] year[s] of the date on which this instrument* enters into force for it through the secretariat.
- **OP2 BIS.** Each developing country party could voluntarily communicate its national plan to the governing body upon availability of and its accessibility to financial and technical support for this purpose.
- 3. Each Party [shall][should] be guided by the [format][modalities] referred to in paragraph 1 when preparing and submitting their national [action] plans. [National action plans shall include targets and actions in the medium term as well as long term strategies towards achieving the objective and targets of the instrument.]
- OP3 ALT. Each Party shall be guided by the modalities referred to in paragraph 1 when preparing and submitting their national plans.
- OP3 ALT3. Each Party shall be guided by the modalities referred to in paragraph 1 when preparing and submitting their national action plans. National action plans shall include targets and actions in the medium term as well as long term strategies towards achieving the objective and targets of the instrument.
- OP3 ALT4. Each Party shall should be guided by the modalities format referred to in paragraph 1 when preparing and submitting their national plans.
- **OP3** ALT5. Each Party shall be guided by the modalities referred to in paragraph 1 when preparing and submitting their national plans, as appropriate.
- **OP3 BIS.** The measures in the National Plan will not be limited to obligations, but also cover ambitious "actions", including development of mid and long-term strategy, towards the objective of the instrument.
- **OP3 BIS ALT.** Each Party shall update its national action plan every [X] [5] years or earlier if determined by the Party, with a view to showing progress in its implementation.
- 4. A Party may [incorporate] at any time [new measures into] [adjust] its national [action] plan [[with a view to enhancing] [in order to enhance] its level of ambition] [based upon national circumstances and capabilities], in accordance with guidance adopted by the governing body*.
- **OP4 ALT.** A Party may at any time adjust its national plan with a view <u>in order</u> to enhancing<u>e</u> its level of ambition, in accordance with guidance adopted by the *governing body**.
- OP4 ALT2. A Party may incorporate at any time new measures adjust into its national plan with a view tenhancing its level of ambition, in accordance with guidance adopted by the governing body*.
- OP4 ALT3. A Party may at any time adjust its national plan based upon national circumstances and capabilities with a view to enhancing its level of ambition, in accordance with guidance adopted by the governing body*.

OP4 ALT4. A Party may at any time adjust its national <u>action</u> plan with a view to enhancing its level of ambition, in accordance with guidance adopted by the governing body*.

OP4 ALT5. 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*.

OP4 ALT6. A Party may at any time adjust its national plan with a view to <u>possible</u> enhancing<u>ement of</u> its level of ambition, in accordance with guidance adopted by the *governing body**.

5. Parties [are encouraged to][may] coordinate on the [development][establishment] and implementation of [subregional and] regional plans to facilitate implementation of this instrument*, as appropriate.

OP5 ALT. Parties are encouraged to coordinate on the establishment and implementation of regional plans to facilitate implementation of this *instrument**, as appropriate.

OP5 ALT2. Parties are encouraged to coordinate on the establishment and implementation of <u>sub-regional and</u> regional plans to facilitate implementation of this *instrument**, as appropriate.

OP5 ALT3. Parties are encouraged to <u>may</u> coordinate on the establishment <u>development</u> and implementation of regional plans to facilitate implementation of this *instrument**, as appropriate.

6. Parties shall review, update and communicate to the *governing body** their national <u>[action]</u> plans <u>[while developed country parties shall report every [5] year[s], and developing country parties shall report every [X][4][5][10] year[s], and in a manner to be specified by a decision of the governing body*, [[with each update representing a progression][indicating any progress made and/or challenges faced] compared to the Party's previous national <u>[action]</u> plan] <u>[considering different national circumstances]</u>.</u>

OP6 ALT. Parties shall review, update and communicate to the governing body* their national plans every [X] 4 years, and 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.

OP6 ALT2. Parties shall review, update and communicate to the *governing body** their national plans <u>while</u> developed country parties shall report every [5] year[s], and developing country parties shall report every [10] and 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.

OP6 ALT3. Parties shall review, update and communicate to the *governing body** their national plans every [X] year[s], and in a manner to be specified by a decision of the governing body*, with each update representing a progression indicating any progress made and/or challenges faced compared to the Party's previous national plan.

OP6 ALT4. Parties shall review, update and communicate to the *governing body** their national plans every [X] year[s], and 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, considering different national circumstances.

OP6 ALT5. Parties shall review, update and communicate to the governing body* their national plans, every [X] year[s], and 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 based upon national circumstances and capabilities, and communicate to the governing body every five years in a manner prescribed by Governing Body.

OP6 ALT6. Parties shall review, update and communicate to the *governing body** their national <u>action</u> plans every [X] year[s], and 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 <u>action</u> plan.

OP6 ALT7. Parties shall review, update and communicate to the *governing body** their national plans every [X] 5_years, and 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.

OP6 ALT8. Parties shall review, update and communicate to the *governing body** their national plans every [X] year[s], and 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.

OP6 ALT9. Developed country Parties shall review, update and communicate to the governing body* their national plans every [X] year[s], and 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 [developed country] Party shall include information on the implementation of its national [action] plan towards achieving the objective of this *instrument** in its national reports pursuant to [part IV.3 on reporting on progress]. In order to assess the progress made in the achievement of the objective, the Parties shall establish a baseline, i.e. a year of reference, to assess the starting situation with regards to plastic pollution.]

OP7 ALT. Each Party shall include information on the implementation of its national plan towards achieving the objective of this *instrument** in its national reports pursuant to [part IV.3 on reporting on progress]. In order the assess the progress made in the achievement of the objective, the Parties shall establish a baseline, i.e. a year of reference, to assess the starting situation with regards to plastic pollution.

OP7 ALT2. Each Party shall include information on the implementation of its national action plan toward achieving the objective of this *instrument** in its national reports pursuant to [part IV.3 on reporting on progress]

OP7 ALT3. Each Party shall include information on the implementation of its national plan towards achieving the objective of this *instrument** in its national reports pursuant to [part IV.3 on reporting on progress].

OP7 ALT4. Each Party shall include information on the implementation of its national plan towards achieving the objective of this *instrument** in its national reports pursuant to [part IV.3 on reporting on progress].

OP7 ALT4. Each developed country Party shall include information on the implementation of its national plan towards achieving the objective of this *instrument** in its national reports pursuant to [part IV.3 on reporting on progress].

OP78 BIS. The Secretariat shall establish and maintain a public registry to record national plans communicated by Parties, with a view to facilitating information exchange.

OP78 BIS ALT. The secretariat shall make national action plans submitted by the Parties under this Article publicly available.

OP79 TERBIS. Support shall be provided to developing country Parties for the implementation of this Article, recognizing that enhanced support for developing country Parties will effectively facilitate their actions both in preparing national plans and implementing this [instrument] at large.

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Commented [A4]: *Co-fac comment* – we note that this is akin to the statements incldued in relation to financing (specifically *OP 3BIS*, and *0 BIS*)