

## INC-4 Contact Group 1 – Co-chairs’ technical streamline

24 April 2024

### Part I

#### 1. Preamble<sup>1</sup>

**No technical streamlining has been done to section 1**

#### 2. Objective

##### Option 1

1. — The objective of this *instrument*\* is to end plastic pollution, including in the marine environment [and other aquatic as well as terrestrial ecosystems], [based on a comprehensive approach that addresses the full life cycle of plastic] [through the prevention, progressive reduction and elimination of [additional]\*\* plastic pollution] [by 2040] [and enhanced efforts thereafter], [in order] to protect human health and the environment [from its adverse effects] [and to achieve sustainable development].

##### Option 2

1. — The objective of this *instrument*\* is to [protect human health and the environment from] [the adverse effects of] [end] plastic pollution, including in the marine environment [and other aquatic as well as terrestrial ecosystems], [by ending plastic pollution] [based on a comprehensive approach that addresses the full life cycle of plastic] [through the prevention, progressive reduction and [elimination] [remediation] of [additional]\*\* plastic pollution] [management] [and utilization of plastic and plastic waste] [according to national priorities] [by 2040] [and enhanced efforts thereafter], [in order] [to protect human health and the environment] [from its adverse effects] [and to achieve sustainable development], [poverty eradication and just transition,] [considering the principle of common but differentiated responsibilities and respective capabilities] [as well as financial and technical support].

---

<sup>1</sup> The elements described in this provision are a non-exhaustive compilation of elements from the synthesis report and submissions and statements by members of the committee and are subject to further negotiation. The text is based on the preambular text of UNEA resolution 5/14. It is proposed as a starting point with a view to its further development taking into account the inputs from Members during INC-3. See the compilation of written submissions by members during the third session of the intergovernmental negotiating committee, available at <https://www.unep.org/inc-plastic-pollution/session-3/documents/in-session#ContactGroups>. See also contact group 3 outcome document, p. 1.

<sup>2</sup> Note: The sign \*\* throughout this document indicates text or bracketing added to reflect member input that had been omitted from the final merger compilation issued on 19 November 2023 at the third session.

### 3. Definitions<sup>3</sup>

No technical streamlining has been done to section 3

### 4. Principles<sup>4</sup>

No technical streamlining has been done to section 4

### 5. Scope<sup>5</sup>

#### Option 0

No standalone provision.

#### Option 1

The scope should clearly reflect (material and territorial) the provisions of resolution 5/14 of the United Nations Environment Assembly, to end plastic pollution across the full life cycle of all plastics and addresses its effects on human health and the environment, including the marine environment. To ensure the longevity of the instrument the timebound provision may not be included in the scope but could be incorporated in other provisions of the instrument where applicable.

[This instrument\*] [is based on a comprehensive approach that] addresses the full [whole] life cycle of plastic [pollution] [including in the marine environment] [from the design of plastic products to the environmentally sound management of plastic waste] [from extraction to production, design, use, consumption, disposal and remediation and] [based on comprehensive regulations and collaborative measures based on a hierarchy between avoidance, reduction, reuse, recycling, and elimination], [taking into account, among other things, the principles of the Rio Declaration on Environment and Development, as well as national circumstances and capabilities]. [It addresses all sources of plastic pollution [and leakage, including legacy plastic pollution] and, [It covers plastic materials and products, as well as plastic related chemicals and microplastics. It recognizes [and addresses] the risk of plastic pollution to human health and the environment and the impact on climate change and biodiversity. [It also prioritizes and addresses the elimination of problematic, harmful and high-risk plastic categories and sustainable production and consumption of plastics, including environmentally sound management, resource efficiency and circular economy.]

[The instrument\* does not apply to the following applications and/or substances:

- a. Medical and health use;
- b. Emergency response to public health incidents and natural disasters;
- c. Scientific and experimental research
- d. Raw materials, such as hydrocarbons and their derivatives;

Commented [A1]: From option 4 and 11

Commented [A2]: From option 5

Commented [A3]: Text from UNEA resolution 5/14 as called for in option 1, 3, 8, 9, 10, 11, 12, 14, 15

Commented [A4]: From option 15

Commented [A5]: From option 3 and option 13

Commented [A6]: From option 3

Commented [A7]: From option 5

Commented [A8]: From option 2

Commented [A9]: Text from UNEA resolution 5/14 as called for in option 1, 3, 8, 9, 10, 11, 12, 14, 15

Commented [A10]: From option 11 and 12

Commented [A11]: From option 11

Commented [A12]: From option 1 and option 5

Commented [A13]: From option 11

<sup>3</sup> The placement of definitions could be in a standalone article (option 1) or integrated into the substantive provisions of the instrument, or a combination of the two. See contact group 3 outcome document, p. 3. See also the compilation of written submissions by members during the third session of the intergovernmental negotiating committee (available at <https://www.unep.org/inc-plastic-pollution/session-3/documents/in-session#ContactGroups>).

<sup>4</sup> The options identified for the consideration of the committee are intended to reflect the three possible approaches identified on the basis of members' inputs which could be used, in isolation or in combination, to reflect principles relevant to the instrument, i.e., references to the relevant principles in preambular language, a dedicated provision identifying principles to guide the instrument, and/or incorporation of the relevant principles in relevant substantive provisions. The options are presented with a view to their further elaboration through draft text as appropriate. The elements described in this provision (option 1) are a non-exhaustive compilation of elements from the synthesis report and submissions and statements by members and are subject to further negotiation. Specific principles could be identified in subparagraphs. This could include, for example, one or more of the principles identified in part I, section 3(a) of the synthesis report, also taking into consideration the inputs of members made in the preparatory meeting and as identified in the compilation of written submissions by members at the third session of the committee (available at <https://www.unep.org/inc-plastic-pollution/session-3/documents/in-session#ContactGroups>). See contact group 3 outcome document, p. 4.

<sup>5</sup> The options reproduce text from the compilation of written inputs received from members at the third session of the committee concerning the possible scope of the instrument ((available at <https://www.unep.org/inc-plastic-pollution/session-3/documents/in-session#ContactGroups>)). See contact group 3 outcome document, p. 5.

e. Intermediate products, such as virgin polymers, which have to be further processed for serving end uses, and any dual-use items.

Commented [A14]: From option 3

Commented [A15]: From option 13

#### Option 2

This *instrument*\* addresses the full life cycle of plastics, based on comprehensive regulations and collaborative measures based on a hierarchy between avoidance, reduction, reuse, recycling, and elimination.

#### Option 3

The *instrument*\* applies to plastic pollution, including in the marine environment, throughout the full life cycle from the design of plastic products to the environmentally sound management of plastic waste. The *instrument*\* does not apply to the following applications:

Medical and health use;

Emergency response to public health incidents and natural disasters, etc.;

Scientific and experimental research.

#### Option 4

Resolution 5/14 should be the basis of the scope of the instrument. We emphasize the focus on a comprehensive approach that addresses the full lifecycle of plastics.

#### Option 5

This legally binding *instrument*\* covers the whole life cycle of plastics, from extraction to production, design, use, consumption, disposal and remediation, and addresses all sources of plastic pollution. It covers plastic materials and products, as well as plastic related chemicals and microplastics. It recognizes the risk of plastic pollution to human health and the environment and the impact on climate change and biodiversity.

#### Option 2 6

The production, consumption, treatment and final disposal of plastics through the circular economy approach, prioritizing product design and environmentally sound waste management. It is proposed to create an instrument to promote and evaluate best practices in the management of the complete life cycle of different types of plastics, including measures to address their demand and production at the commercial level. It reinforces the importance of considering the establishment of deadlines in accordance with the national reality of the States Parties through their implementation plans that define the possible routes in accordance with the legal framework, circumstances (technical, economic, social, cultural and geographical) and other important aspects, in order to rationally reduce plastic pollution.

#### Option 3 7

The scope of the *instrument*\* is to end plastic pollution through a full life-cycle approach, taking into account national circumstances and capabilities through nationally determined action plans reflecting country-driven approaches, while ensuring sufficient flexibility to accommodate the different capacities and circumstances of developing countries especially least developed countries, while still being effective in addressing plastic pollution.

#### Option 8

UNEA resolution 5/14 should be basis of scope of the proposed instrument. Scope needs to be stated in an objective and clear manner in order to leave no room for interpretation, as it may impact the implementation of the instrument.

#### Option 9

The scope already decided in UNEA Resolutions 5/14 could be our guiding principle during the negotiation process. We should apply a circumspect approach to entering into a debate about the definition of "the full life cycle of plastics" at this time since the definition of the full life cycle of plastics could only be defined clearly after we agree upon the core obligations of this treaty. Additionally, the deliberation on the full life cycle of plastic would shape up more constructively if it is discussed under the core obligations by accommodating different viewpoints both from member states and observers, and also considering the scientific evidence available in a more comprehensive

~~manner. We should prevent ourselves from jumping into an avoidable debate that could delay the substantive discussion of this instrument.~~

#### **Option 4 10**

The scope of the future instrument shall strictly be in line with the mandate as defined in article 3 of the UNEA Resolution No. 5/14 paragraphs 3(b) and 3 (c) indicating that the instrument shall include the following:

- To promote sustainable development production and consumption of plastics, with the use of the best available technologies, product design and environmentally sound waste management, including through resource efficiency and circular economy approaches;
- To promote national and international cooperative measures to reduce plastic pollution in the marine environment, including existing plastic pollution. Implementing efficient recycling systems and promoting economy, where plastic waste is reduced, reused and repurposed, can significantly decrease the environmental impact of plastics;
- The core of the plastic pollution crisis is "the resource-inefficient, linear, take-make-waste plastic economy," which should be replaced by a rational and environment friendly economy;
- Further, the scope of the future instrument should focus on development and promotion of sustainable alternatives to replace hazardous additives;
- The scope of the instrument should exclude the stages of extraction and processing of primary raw materials as well as the stages related to virgin polymer production, since no plastic pollution is generated at these stages of production and raw materials can be used for production of other non-plastic products;
- Limitations should be put on unnecessary and problematic plastic applications, to make recycling techniques more efficient and environmentally sound, and biodegradable plastics to become a suitable alternative for single use applications of ordinary plastics.

#### **Option 11**

~~The Chair's submission is comprehensive enough and could be used to develop a shorter sharper scope. Some of the areas to be prioritized include:~~

- ~~—— Clearly reflect the provisions of UNEA resolution 5/14;~~
- ~~—— Emphasize a comprehensive approach that addresses the full life cycle of plastics;~~
- ~~—— Address all sources of plastic pollution and leakage, including legacy plastic pollution;~~
- ~~—— Prioritize sustainable production and consumption of plastics, including environmentally sound management, resource efficiency and circular economy;~~
- ~~—— Address effects of plastic on human health and the environment;~~
- ~~—— Elimination of problematic, harmful and high risk plastic categories.~~

#### **Option 12**

~~UNEA resolution 5/14 has the elements for the scope, which is based on a comprehensive approach that addresses the full lifecycle of plastic, including legacy plastic, to protect the environment and human health.~~

#### **Option 13**

~~The future instrument shall apply to plastic pollution, including in the marine environment, throughout the full life cycle from the design of plastic products to the environmentally sound management of plastic waste. The future instrument shall not apply to the following substances:~~

~~Raw materials, such as hydrocarbons and their derivatives;~~

~~Intermediate products, such as virgin polymers, which have to be further processed for serving end uses, any dual use items.~~

#### **Option 14 5**

There appears to be convergence on the notion that UNEA Resolution 5/14 should provide the basis for the scope. Importance of "long-term elimination of plastic pollution", to "avoid detriment from plastic pollution to ecosystems and the human activities dependent on them" through "a comprehensive approach that addresses the full life cycle of plastic". Thus, the scope should include

recycling, which should be better elaborated on in the operational provisions discussed in contact group 1 by providing for guidelines and safeguards, which is a critical component of the full life cycle approach. The scope should also include the broader maritime sources of pollution to reflect the mandate under UNEA Resolution 5/14 of including plastic pollution in the marine environment. In the operational provisions, this should be reflected in having broader reference to maritime sources other than fishing gear. Taking the example of the Basel Convention, the scope can take the form, and thus overlap, with definitions.

**Option 15**

~~Regarding the scope of the instrument, we echo views from other member states that it should be in line with UNEA Resolution 5/14 and be focused on plastic pollution.~~

**Option 6 16**

1. The following shall be included as the plastic pollutions for the purposes of this *instrument*\*:
  - a. Any pollutions generated or arisen or released from all stages of entire life cycle of plastics as set out in annex [A, B and ...], except for any pollutions caused by secondary pollutants;
  - b. Any unintentional leakages that are not covered under paragraph (a) but are potentially released from anthropogenic activities, in particular, post consumption of plastics as set out in annex [..];
  - c. Microplastics including nanoplastics intentionally added into any, inter alia, cosmetic products as set out in part I of Annex [..] and occurred from unintentional degradation of plastic wastes, plastic products, plastics as set out part II of annex [..];
  - d. Any hazardous chemicals of concern, that are not covered under the existing multilateral environmental agreements, emitted or released from each stage of full[entire] plastic life cycle as set out in annex [..];
2. All stages of cradle to cradle of products that are made of[from] any plastics including plastic polymer shall be included as “the full [entire] life cycle of plastics” for the purposes of this *instrument*\*.

**Placement to be determined**

*[Placeholder to consider exemptions or exclusions for national security and certain public health issues.]*