

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

24 April 2024

### Part II

#### 7. Extended producer responsibility

##### Option 0

*No provision on this matter.*

##### Option 1

###### *[Introduction]*

1. [Each Party][who does not yet have its EPR system/scheme][shall][is encouraged to consider to][establish][, regulate,] [implement] [and operate][, as appropriate] [within its jurisdiction][as per its national plan and based upon][taking into account][their national circumstances and capabilities] [according to its specific conditions] a[n] [mandatory] [national] [fiscal and/or non-fiscal] extended producer responsibility (EPR) [system][scheme][or any systems or mechanisms serving the same purpose] [most appropriate to a specific region or country, taking into account market conditions, national capabilities and circumstances,] [including based on the modalities [covering the products] contained in annex D][with flexibility in the scope of the application-of the [national] EPR [system] [scheme];] [including, where relevant, on a sectoral [or product] basis,]...

###### *[Objectives]*

...to incentivize [plastic reduction, [increased] reuse,] increased recyclability, promote [high quality recycling and]\*\* higher recycling rates, [just transition with special consideration of waste pickers,] and [increasing public awareness] [enhance the accountability of producers and importers for safe and environmentally sound management, of plastics [and for littering,] and plastic products throughout their life cycle [and across international supply chains][promoting [plastic reuse,] increased recyclability, and higher recycling rates for plastics and plastic products].

###### *[Implementation]*

2.1 [Parties shall, in implementing this provision, take into account how the measures taken would contribute to a just transition.]

2.2. The *governing body*\* shall,[ at its first session,] [adopt] [develop] [implementable] [modalities] [guidance] [guidelines] [as outlined in Annex D] [to inform the establishment] [for design and implementation] of national EPR [systems][schemes] [or any systems or mechanisms that serve the same purpose as EPR systems,] and [identify][define] their essential features, and to [encourage] [support] their [alignment] [harmonization], taking into account [how the measures taken would contribute to][how EPR systems can support] [the objective of] [ensuring] a just transition.

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

##### Option 2

1. — [Parties who do not yet have their] [Each Party] [according to its specific conditions] is encouraged to establish and [operate] [implement] [national] Extended Producer Responsibility [(EPR) [systems] [schemes],] [or any systems or mechanisms that serve the same purpose of EPR [systems][schemes],] [that are the most appropriate to a specific region or country, taking into consideration market condition, national capabilities and circumstances,] [are encouraged to consider establishing and operating [fiscal and/or non-fiscal [national] EPR [systems] [schemes] as appropriate] and based on their national circumstances and capability,] [as per their national plans and based upon

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national circumstances and capabilities, [within its jurisdiction] including [where relevant, on a sectoral basis,] [systems, in accordance with national legislation and taking into account, as appropriate, the modalities contained in annex D,] to incentivize [just transition with special consideration of waste pickers] increased [reuse,] 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, [and increase public awareness.].

2. The governing body\* shall [at its first session,] [adopt] [develop] [[implementable] modalities] [guidance] [guidelines] [as outlined in Annex D] [to inform the establishment] [for design and implementation] [of [national] EPR [systems] [schemes]] [for any systems or mechanisms that serve the same purpose as EPR systems,] and [identify] [define] their essential features, and to [encourage] [support] their [alignment] [harmonization,] taking into account [the objective of] [how EPR systems can support] [ensuring] a just transition.

*OP2 bis.* [Parties shall, in implementing this provision, take into account how the measures taken would contribute to a just transition.] [The measures adopted pursuant to this provision shall be reflected in the national plan communicated pursuant to [Part IV.1 on national plans].]

#### Option 23

1. Parties shall ensure that all plastic producers operating in their jurisdiction are part of mandatory Extended Producer Responsibility (EPR) schemes and multinational corporations who introduce plastic products especially in developing countries through franchise, subsidiaries, agents or any other arrangements, shall minimize their plastic pollution footprint through EPR schemes.
2. Parties shall ensure that EPR schemes have efficient and effective traceability and accountability mechanisms.
3. Parties may consider cooperating at regional and global level, in the implementation of EPR schemes.

#### Option 4

1. Parties are encouraged to consider establishing and operate [fiscal and/or non-fiscal] Extended Producer Responsibility (EPR) systems as appropriate and based on national circumstances and capability, including, where relevant, to incentivize increased recyclability, support higher recycling rates, and enhance the accountability of producers and importers for safe and environmentally sound management of plastic products and increase public awareness.

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## 8. Emissions and releases of plastic throughout its life cycle

**Alt title:** [Emissions and] [Leakage and] releases of plastic [products and products waste] [waste and microplastics] [throughout [the entire] [its] life cycle [of plastics]]

#### Option 1

1. Each Party[, based on studies of initial studies, vulnerability studies and assessment of levels of contamination of ecosystems,] shall [take measures to] [prevent] [or reduce,] [with a view toward elimination] and [where feasible] eliminate the emissions and [to protect human health and the environment] [take measures to control] releases of [plastic polymers,] [chemical pollutants] plastics, including microplastics, and plastic products [across their life cycle], [including from extraction and production,] to the environment from [the] [from various] sources [that should be nationally determined] [identified in annex E][, with assessment of trends of the emissions and releases, taking into consideration technical feasibility and accessibility of alternative plastics and plastic products, and socio-economic impacts] [according to the national circumstances and capacities of developing countries] [by the dates identified therein]. The emissions and releases covered under this provision should include:

a. [Emissions] [Releases] [of any plastic pollution] [of hazardous substances], including microplastics, to air [and in workplaces throughout the value chain of plastics];

[b. Releases to soil and water from the production, transportation and use of chemicals [and polymers] of concern, plastics and plastic products [listed in part II of Annex A]; and]

*OP1b. bis.* Spills of chemicals and other toxic exposures during extraction and production of plastics, as well as during production of chemicals used in plastics;

Commented [A21]: From OP1 Alt1 in revised draft text

**OP1b. ter.** Minimization of microplastics generation and the generation of hazardous chemicals during the use and waste phases.

**OP1b. Alt. merge b and c.**

[[b][c]. Releases of [chemicals and [monomers and] polymers of concern,] [of any plastic pollution] [plastics and plastic products] [listed in part II of Annex A], including microplastics, to air, soil, and water, [including the marine environment] and ecosystems.]

OP1 Alt 1. Each Party shall take measures to prevent or reduce, with a view toward elimination, the release of plastic polymers, plastics and plastic products across their life cycle, to the environment.

Commented [A22]: Integrated into option 1 para 1

**OP1 bis.** Parties are encouraged to organize appropriate systems of environmental regulation and to establish systems of control over permissible environmental impact where they do not exist.

**OP1 ter.** Each Party should endeavor to adopt, as appropriate, and maintain national laws, regulations, or policies to address, within its national jurisdiction, adverse impacts on the environment or potential risks to human health linked to or caused by plastic pollution, taking into consideration any disproportionate impacts on persons in vulnerable situations. Each Party should endeavor to implement and enforce the national laws, regulations, or policies it adopts or maintains in accordance with this provision.

OP1 Alt. Each Party shall prevent and control the emissions and releases of plastic waste, and microplastics to the environment from the sources identified in annex E. The emissions and releases covered under this provision should include:

- a. Emissions and releases of microplastics during production of plastics and recycling of plastic waste to air and water;
- b. Leakages of waste plastic products to land and waterbody; and
- c. Releases of microplastics during use of products containing intentionally added microplastics to water.

2. Each Party [shall] [take [effective] [any necessary] measures to]] [is encouraged to] prevent [or reduce, with a view toward elimination] [and where [possible] [feasible],] [and eliminate] [emissions and] releases of [plastic pellets, flakes and powder] [plastic pollution] [from the full supply chain, including] [from] production, storage, handling and transport, taking into account, as appropriate, [the] relevant [provisions and guidance agreed in] [efforts undertaken within] the framework of international organizations such as the International Maritime Organization.

**OP2 Alt 1. No text.**

**OP 2 Alt 2. Move text to annex B.**

**OP2 bis.** In relation to the provision in Part II.8.2 and the reference to the International Maritime Organisation and hence reference to the MARPOL Convention, due consideration should be given to provisions as set out within other agreements such as the Cartagena, London, and OSPAR Conventions.

**OP2 ter.** Each Party shall take actions to prevent fishing gear composed of plastic from becoming abandoned, lost, or otherwise discarded in the marine environment, taking into account, as appropriate, internationally agreed rules, standards and recommended practices and procedures.

OP2 quart. Each Party shall cooperate and take effective measures across the whole lifecycle of fishing and aquaculture gear to prevent, reduce and eliminate, abandoned, lost or otherwise discarded fishing and aquaculture gear and promote circularity, taking into account internationally agreed rules, standards and recommended practices and procedures. In particular, Parties shall take measures to:

- a. Enhance the design of fishing and aquaculture gear, with a view to increasing durability, reusability, repairability and refurbishability and their capacity to be repurposed, recycled, and disposed of in a safe and environmentally sound manner at end-of-life, and minimising releases and emissions of or from fishing and aquaculture gears, including microplastics, to the environment;
- b. Implement effective marking of gears and require reporting of lost gears, taking into account other relevant regional and international regulations, including MARPOL Annex V;

- c. Facilitate the collection and environmentally sound waste management of gear, including the reuse, repair and recycling of gear; and
- d. Promote and facilitate training, education and awareness-raising.

3. The measures taken to implement the provisions of this article [are encouraged to][shall] be reflected in the national plan [communicated pursuant to *[Part IV.1 on national plans]*], with necessary means of implementation taking into account the special circumstances of small island developing States]].

**OP3 Alt.** No text.

4. The *governing body*\*[, at its first session, shall][may] adopt [guidelines] [guidance], including where relevant, sectoral guidelines, to facilitate implementation of [the obligations set out in paragraph 1 [and 2][and *OP2 quart*][this article], including [emission and effluent standards,][on] sector-specific best available techniques and best environmental practices on preventing emissions and releases [of plastic into the environment][, and best available techniques and best environmental practices to capture and remove plastic pollution, including microplastics from freshwater bodies, the marine environment and [any other] ecosystems]. [The guidelines shall be coordinated with other relevant bodies.]

5. [Parties are encouraged to][Each Party shall] promote scientific and technical innovation[, including through the *cooperation mechanism*\* referred to in *[Part III, article number yet to be defined]*, ] to prevent and capture [the] [any] releases of [plastics [and][,] plastic products [and their alternatives]] [plastic pollution], including [plastics waste and] microplastics, into [waterways and] [including in] the [marine][and other] environment-[including in the marine environment][], particularly through strengthening cooperation among members, a commitment of sharing knowledge and transfer of technology, based on good faith and common understanding, from developed to developing countries.

~~**OP5 Alt.** Each Party shall promote scientific and technical innovation to prevent the release of plastic into waterways and the marine environment. to developing countries.~~

#### **Option 2**

1. ~~Each Party shall prevent and eliminate the emissions and releases of plastic polymers, plastics, including microplastics, and plastic products across their life cycle, to the environment from the sources identified in annex E by the dates identified therein. 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; and~~
- e. ~~Releases of chemicals and polymers of concern, plastics and plastic products, including microplastics, to air, soil, and water, [including the marine environment] and ecosystems.~~

~~2. Each Party shall prevent and eliminate emissions and releases of plastic pellets, flakes and powder from the full supply chain, including production, storage, handling and transport, taking into account, as appropriate, the relevant provisions and guidance agreed in the framework of international organizations such as the International Maritime Organization.~~

3. ~~Each Party shall cooperate and take effective measures across the whole lifecycle of fishing and aquaculture gear to prevent, reduce and eliminate, abandoned, lost or otherwise discarded fishing and aquaculture gear and promote circularity, taking into account internationally agreed rules, standards and recommended practices and procedures. In particular, Parties shall take measures to:~~

~~Enhance the design of fishing and aquaculture gear, with a view to increasing durability, reusability, reparability and refurbishability and their capacity to be repurposed, recycled, and disposed of in a safe and environmentally sound manner at end-of-life, and minimising releases and emissions of or from fishing and aquaculture gears, including microplastics, to the environment;~~

~~Implement effective marking of gears and require reporting of lost gears, taking into account other relevant regional and international regulations, including MARPOL Annex V;~~

**Commented [A23]:** From OP5 Alt

**Commented [A24]:** From OP5 Alt

**Commented [A25]:** Integrated into option 1 para 5

**Commented [A26]:** Covered in option 1 para 1

**Commented [A27]:** Covered in option 1 para 1b

**Commented [A28]:** Covered in option 1 para 1[b][c]

**Commented [A29]:** Integrated into option 1 para 2

Facilitate the collection and environmentally sound waste management of gear, including the reuse, repair and recycling of gear; and

Promote and facilitate training, education and awareness-raising;

4. 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] [with necessary means of implementation taking into account the special circumstances of small island developing States];

5. The governing body\*, at its first session, shall adopt guidelines, including where relevant, sectoral guidelines, to facilitate implementation of the obligations set out in paragraphs 1, 2 and 3 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 to capture and remove plastic pollution, including microplastics from freshwater, the marine environment and ecosystems];

6. Parties are encouraged to promote scientific and technical innovation to prevent and capture the releases of plastics and plastic products, including microplastics, into the [marine] environment;

Commented [A30]: became option 1 OP2 quart

Commented [A31]: Covered by option 1 para 3

Commented [A32]: Covered by option 1 para 4

Commented [A33]: Covered by option 1 para 5

#### Option 23

1. Each Party, subject to its national plan and based upon national circumstances and capabilities and relevant national environmental regulations, should take necessary measures to regulate the emissions and releases of plastics, including microplastics, across their life cycle, to the environment.

2. Each Party, subject to its national plan and in accordance with its national circumstances and capabilities and relevant national environmental regulations, should take necessary measures to regulate and reduce emissions and releases of plastic pellets, flakes and powder from production, storage, handling and transport, taking into account, as appropriate, the relevant provisions and guidance agreed in the framework of relevant international organizations.

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, to facilitate implementation of the obligations set out in paragraph 1 based on best available techniques and best environmental practices to capture and remove plastic pollution, including microplastics from freshwater bodies, the marine environment and ecosystems.

5. Parties are encouraged to promote scientific and technical innovation to prevent and capture the releases of plastics and plastic products, including microplastics, into the marine environment.

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

#### Option 4

1. Each Party shall prevent and control the emissions and releases of plastic waste, and microplastics to the environment from the sources identified in annex E. The emissions and releases covered under this provision should include:

- a. Emissions and releases of microplastics during production of plastics and recycling of plastic waste to air and water;
- b. Leakages of waste plastic products to land and waterbody; and
- c. Releases of microplastics during use of products containing intentionally added microplastics to water;

2. Each Party shall prevent and control the emissions and releases of plastic pellets, flakes and powder from production, storage, handling and transport;

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 where relevant, sectoral guidelines, to facilitate 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 and controlling emissions and releases, and best available techniques and best environmental practices to capture and remove plastic waste, including microplastics from freshwater bodies, the marine environment and ecosystems;

Commented [A34]: Became option 1 OPI Alt

Commented [A35]: Covered in option 1 para 2

Commented [A36]: Covered in option 1 para 3

Commented [A37]: Covered in option 1 para 4

5. Parties are encouraged to promote scientific and technical innovation to prevent the releases of plastics waste and microplastics, into environment including marine environment.

Commented [A38]: Integrated into option 1 para 5

**Option 35\*\***

1. Each Party should manage and eliminate the leakages and releases of plastic products and product waste, including microplastics waste, to the environment.
2. The leakage and releases covered under this provision should include:
  - a. Leakage/ Releases of hazardous substances, including microplastics waste to all environments;
  - b. Releases to all environments from the production, transportation and use of plastic products, and chemicals of concern as per the agreed list for chemicals and polymers of concern from other multilateral environmental agreements.

## 9. Waste management

### a. [[Plastic] Waste management]

**Option 1**

1. Each Party[, as per its national plans and based upon national circumstances and capabilities and relevant national regulations,] shall take [effective] measures [to ensure that [producers manage] plastic waste [is managed] in a [safe and] environmentally sound manner [throughout its [different stages][life-cycle]][[on safe and environmentally sound waste management [.] [at its different stages]][[to ensure] environmentally sound [waste] management [of plastic waste.]], [including] handling, [collection,] [sorting,] transportation, storage, recycling[treatment]], other recovery including energy recovery] and final disposal[of plastic waste].][taking into account [recognizing that] the waste hierarchy][establishes that greater environmental and social benefit occurs when actions at the top of the hierarchy are prioritized.][[.] and the special circumstances of small island developing States.][~~Each Party shall take effective measures on safe and environmentally sound waste management at its different stages, including handling, collection, transportation, storage, recycling and final disposal of plastic waste.~~] The measures taken to implement this provision [shall] [are encouraged to] be reflected in the national plan communicated pursuant to [*Part IV.1 on national plans*], with an aim [of][to] achieving nationally determined targets and [minimum requirements developed].][based on the harmonized [indicators][elements] set out in [part II of annex F]].

*OPI bis.* To implement the obligation pursuant to paragraph 1, each Party shall give priority/duo consideration to establishing a basic effective social system at local level for handling, sorting, collection, transportation, storage, recycling and treatment of plastic wastes, which is indispensable to a safe and environmentally sound waste management and just transition.

2. [Each Party shall meet the requirements, [including]\*\* where relevant through a sectoral approach, for [minimum] [safe and] environmentally sound [management of plastic waste, including through] [collection,] recycling and disposal rates[, set out in part I of annex F,] [taking into account][respecting][the waste hierarchy and other] relevant provisions[.][and taking into account] guidance and guidelines in [accordance with relevant arrangements under] other international agreements, [including those developed under][inter alia] the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal[, as appropriate][, the London Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter and its Protocol on the International Convention for the Prevention of Pollution from Ships][the International Convention for the Prevention of Pollution from Ships (MARPOL) Annex V of the International Maritime Organization and the Bamako Convention on Hazardous Wastes].]

3. The governing body\* [shall][may][, where necessary,] adopt [at its first session,] [requirements, [best practice] guidance and guidelines] [for the implementation of the provisions in paragraph 2, additional or complementary to the relevant guidance and guidelines developed under other international agreements mentioned above][[and subsequently update as needed,] guidelines on [safe and] environmentally sound management of plastic waste, taking into account [the waste hierarchy and][and the] other relevant international guidelines and guidance].][, developed under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal and other international agreements].][as appropriate, as well as the need for a just transition.

including for waste pickers.]. [A mechanism needs to be established to assess the infrastructural requirements and financial resources required for safe and environmentally sound management of plastic waste]

### **Option 2**

1. Each Party shall take [effective] measures [on safe and][to ensure] environmentally sound [waste] management [of plastic waste.] [[at] [its different stages,] including handling, [sorting], collection, transportation, storage, recycling, [recovery], and final disposal of plastic waste. The measures taken to implement this provision [shall][are encouraged to] be reflected in the national plan communicated pursuant to [Part IV.1 on national plans], [with an aim to achieving][to achieve] nationally determined targets [and minimum requirements developed][.] [based on the harmonized [indicators] [elements] set out in part II of annex F.]

**Commented [A39]:** Integrated into option 1, para 1

*OPT bis.* To implement the obligation pursuant to paragraph 1, each Party shall give priority/ due consideration to establishing a basic effective social system at local level for handling, sorting, collection, transportation, storage, recycling and treatment of plastic wastes, which is indispensable to a safe and environmentally sound waste management and just transition.

**Commented [A40]:** Moved to option 1

2. [The governing body\* [shall][may], where necessary] adopt [at its first session,] [requirements, best practice guidance and guidelines] [and subsequently update as needed,] guidelines on [safe and] environmentally sound management of plastic waste, taking into account the waste hierarchy and other relevant international guidelines and guidance[-], developed under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal and other international agreements.], as appropriate, as well as the need for a just transition, including for waste pickers.]

**Commented [A41]:** Integrated into option 1 para 3

### **Option 23**

1. Each Party should take effective measures to meet best available practices, for minimum safe and environmentally sound collection, recycling and disposal taking into account relevant guidelines, available waste management infrastructure, and national priorities.

2. The governing body\* shall, where necessary, utilize the technical guidelines on the environmentally sound management of plastic wastes recently updated and adopted by parties at COP16 of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, avoiding duplication of work and efforts.

### **Provisions common for Options above**

[4][3] Each Party shall [not allow waste management practices [listed in part III of annex F] that may lead to the emissions and releases of hazardous substances, [based on strong scientific evidence,] and shall regulate the other allowed waste management practices that may lead to the emissions and releases of the hazardous substances [listed in part IV of annex F.][take measures to prevent open dumping and open burning of plastic waste.]

**Commented [A42]:** Same as para [5][4] below

[5][4] Each Party shall take [the necessary] measures to prevent [open dumping, ocean dumping,] littering [and open burning][of plastic waste].

[6][5] [It is recommended to] [Each][Parties][Party] [shall][are][is] encouraged [to] [take additional measures[, according to their national capacities,] [to][ related to waste management, with developing country parties being supported by international cooperation and, in particular, the cooperation mechanism referred to in [Part III, article number yet to be defined], which could include, inter alia]:] to adopt comprehensive economic-driven approaches such as establishing and operating Extended Producer Responsibility (EPR) scheme, including, where relevant, on a sectoral basis, to incentivize increased recyclability, promote higher recycling rates, and enhance the accountability of producers and importers for environmentally sound management, of plastics and plastic products throughout their life cycle.][Parties may, as per their national plan and based upon national circumstances and capabilities, take additional measures to:]

[a. [Invest in][ Promote investment [and mobilization of resources from all sources for]] [in] waste management systems and infrastructure[, including through financial and technical support to subnational governments,] that enable[s] environmentally sound management of plastic waste[and enhances waste management capacity];]

[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 light of current and expected waste generation levels; and]

[c. [Incentivize][Encourage] behavioural changes throughout the value chain[;] and [raise [consumer][public] awareness [on sustainable consumption][ about plastic waste prevention and minimization][ and production, as well as the critical roles of all stakeholders in reducing plastic litter[waste] and supporting recycling][, taking into account the waste hierarchy].]

**OP [6][5] c bis.** Develop, identify, and/or strengthen markets for secondary plastics.

[7][6] 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]]. [Where appropriate, Parties are encouraged to cooperate internationally or regionally to implement the provisions of this article.]

[7][6] *bis.* Each Party is encouraged to adopt environmentally sound waste management practices.

#### **Provisions common for Options above Alt**

3. [Each Party is encouraged to adopt environmentally sound waste management practices.]

**Commented [A43]:** Became [7][6]bis

4. [Each Party shall take the necessary measures to prevent open dumping, ocean dumping, littering and open burning.]

**Commented [A44]:** Covered in [5][4] above

5. [Parties are encouraged to take additional measures to:]

**Commented [A45]:** Covered in [6][5] above

a. [Promote investment in waste management systems and infrastructure that enable environmentally sound management of plastic waste;]

**Commented [A46]:** Integrated into [6][5] a above

[Encourage behavioural changes and raise consumer awareness.]

**Commented [A47]:** Integrated into [6][5]c

6. [The measures taken to implement the provisions of this article may be reflected in the national plan communicated.]

**Commented [A48]:** Covered in [7][6] above

#### **Option 4**

1. [Each Party, as per its national plans and based upon national circumstances and capabilities and relevant national regulations, shall take measures on safe and environmentally sound waste management. The measures taken to implement this provision shall be reflected in the national plan communicated pursuant to [Part IV.1 on national plans].]

**Commented [A49]:** Integrated into option 1 para 1

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 other relevant international guidelines and guidance. A mechanism needs to be established to assess the infrastructural requirements and financial resources required for safe and environmentally sound management of plastic waste.]

**Commented [A50]:** Integrated into option 1 para 3

3. [Parties may, as per their national plan and based upon national circumstances and capabilities, take additional measures to:]

**Commented [A51]:** Merged with para [6][5] above

a. [invest in waste management systems and infrastructure that enable environmentally sound management of plastic waste;]

**Commented [A52]:** Integrated into [6][5]a

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 light of current and expected waste generation levels; and]

**Commented [A53]:** Covered by [6][5]b above

e. [incentivize behavioural changes throughout the value chain and raise consumer awareness on sustainable consumption.]

**Commented [A54]:** Covered by [6][5]c

4. [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].]

**Commented [A55]:** Covered by [7][6] above



## 10. Trade [in listed chemicals[, polymers] and products, and in plastic waste][related measures]

### b. Transboundary movement of [non-hazardous] plastic waste

#### Sub-Option 0

No text.

#### Sub-Option 1

1. Each Party shall not allow transboundary movement of plastic waste, except for the purpose of its safe and environmentally sound management, with the prior informed consent of the importing State, and in a manner consistent with obligations under this *instrument*\*[, and relevant arrangements under other multilateral environmental agreements, inter alia, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, as appropriate] .
2. [Where transboundary movement of plastic waste is permitted pursuant to paragraph 1,] 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 destination 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 contents in polymers, chemicals and plastics, and any associated hazards to human health or the environment, based on the relevant harmonized disclosure requirements contained in annex A, including safety data sheets, as relevant;
    - ii. Mark and label the exported waste in accordance with the relevant harmonized labelling requirements contained in annex A, as relevant; and
    - iii. Comply with generally accepted and recognized international rules, standards and practices for packaging, labelling and transport.
4. The *governing body*\* shall, at its first session, adopt guidance for the [implementation of the][purpose of this] provision [set out in paragraph 3], taking into account as appropriate relevant arrangements under other multilateral environmental agreements [*inter alia*, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal].
5. Each Party shall [take effective measures to] prevent and eliminate illegal trade [and dumping of] [in] plastic waste.
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][trade] and dumping of plastic waste [pursuant to paragraph 5].

#### Sub-Option 2

1. Each Party shall take appropriate measures to ensure that transboundary movements of plastic waste, as defined by the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, is only allowed for the purpose of environmentally sound disposal. Parties to the Basel Convention shall take appropriate measures to ensure that transboundary movement of plastic waste is done in accordance with the obligations of that Convention. In circumstances where the Basel Convention does not apply, a Party shall ensure that transboundary movement of plastic waste is allowed only after taking into account relevant domestic and international rules, standards, and guidelines.

**Sub-Option 3**

1. Each Party shall prevent and eliminate illegal trade, traffic and dumping of plastic waste as set in the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, recognizing its respective mandates, avoiding duplication of efforts and works and promoting cooperation and coordination with relevant regional and international conventions.

**Sub-Option 4**

1. Parties shall cooperate towards the adoption and implementation of effective measures to prevent and eliminate illegal exports and dumping of plastic waste.

**Option 2*****Alt title: Trade-related measures***

1. This *instrument*\* applies insofar as its provisions do not contradict the provisions of the Marrakesh Agreement Establishing the World Trade Organization, and its Annexes.
2. Any measures established by the Parties for the implementation of this *instrument*\* shall be in full conformity with the Marrakesh Agreement Establishing the World Trade Organization.

**11. Existing plastic pollution, including in the marine environment**

1. Parties [*will take actions and*] [shall] [are encouraged] [*will take actions and shall*] [cooperate] [in accordance with the Common but Differentiated Responsibility to respective capabilities] [to] [mobilize resources from multi-stakeholders, including, intergovernmental organizations, non-governmental organizations, academic and scientific and research institutes, international financial institutions and multilateral development banks, non-profit organizations and other relevant organizations or associations] [, including through the *cooperation mechanism*\* referred to in Part III, *article number yet to be defined*]], to:

- a. [cooperate to] [assess] [evaluation, identification and prioritization of][, identify and prioritize] accumulation zones, [and] [hotspots] [critical points] [and sectors]:
  - i. most affected by existing plastic pollution, [including] in the [terrestrial, freshwater and the] marine environment [and areas beyond national jurisdiction]; and
  - ii. [where] [that evaluations identify accumulation areas with] quantities and types of [litter] [plastic pollution] [garbage that represent] [pose] a threat to [human health,] species or habitats [taking into account the [full][complete] life cycle of plastics].
- b. Take [adopt] [effective] mitigation and [remediation measures][removal actions], including clean-up activities [for the] [in identified] accumulation zones, [and] hotspots [and [critical] sectors] identified, [taking into account the provisions [in existing international agreements] [of international agreements in force,] including those [relevant][relating] to the conservation and sustainable use of [terrestrial, freshwater and] marine [environment and] biological diversity, [including in areas [beyond][located outside] national jurisdiction;]] [and manage and dispose of removed plastic pollution in an environmentally sound manner] [taking into account special circumstances of small island developing States,] [and the disproportionate impacts on small island developing States; and

***OP 1.b. bis.*** collect data and information on existing plastic pollution to support monitoring in accordance with [*Part IV.4 on Periodic assessment and monitoring of the progress of implementation of the instrument\* and effectiveness evaluation*]

- c. [promote engagement of [all stakeholders, including,] [the] local [communities][population] [civil society,] and citizens][, non-governmental organization as well as the private sector,] in [safe and] environmentally sound [removal] \*\* [remediation] [ activities].

***OP 1.c. Alt.*** Promote safe and environmentally sound remediation activities, including through engagement with local population, communities, and citizens.

***OP 1.c. bis.*** Conducting investigations and distribution research on the current state of plastic pollution, including the marine environment, as well as developing technologies

and establishing international standards for impact assessments, pollution removal and restoration.

2. [Each Party][Developing countries] [should][encourage] make publicly available information [collected] on common plastic pollution types and [trends, as well as on the] practices and behaviours that lead to plastic pollution [, to raise awareness and prevent further plastic pollution, including littering in [floodplains,] coastal and freshwater areas].

**OP2 bis.** Each Party exporting chemicals, polymers and products shall establish and implement an export permit requirement for such exports and track the types, volumes and destinations of all its exports.

3. The measures taken to implement the provisions of this article [Part II. 11] [shall][could] be reflected in the national plan communicated pursuant to [Part IV.1 on national plans].

**OP3 Alt 1.** No text.

4. The governing body\* [shall][, at its first session,]...

Option 1. should adopt guidance, as appropriate, to facilitate implementation of this article.

Option 2. get an assessment of the existing plastic pollution in respect of each country from an appropriate subsidiary body, the financial resources required to mitigate and remediate the existing plastic pollution due to legacy plastic waste.

Option 3. adopt:

- a. Indicators to identify accumulation zones, hotspots and sectors; and
- b. Guidance on best available techniques and best environmental practices, developed on the basis of best available science, [[including the] traditional knowledge, knowledge of Indigenous Peoples [’ accessed with their free, prior and informed consent,] and local knowledge systems,] to address existing plastic pollution, with a view to ensuring the [effective mitigation and remediation measures, including] clean-up activities do not have potential for [negative] impacts on the environment, biodiversity and human health.

~~OP 4 Alt 1. The governing body\* should adopt guidance, as appropriate, to facilitate implementation of this article.~~

~~OP 4 Alt 2. The governing body\* shall get an assessment of the existing plastic pollution in respect of each country from an appropriate subsidiary body, the financial resources required to mitigate and remediate the existing plastic pollution due to legacy plastic waste.~~

**OP 4 bis.** Developed country Parties as the largest historical beneficiaries of plastic goods shall take the lead in tackling legacy and existing plastic pollution in the marine environment including beyond national jurisdiction.

**Commented [A56]:** Moved up as Option 1.

**Commented [A57]:** Moved up as Option 2.