

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

24 April 2024

Part II

4. Exemptions available to a Party upon request

No technical streamlining has been done to section 4

4bis. Dedicated programmes of work

No technical streamlining has been done to section 4bis

5. Product design, composition and performance

a. [Product [design and] performance]

Option 0

No text.

Option 1

1. [Subject to their national plan and based upon national circumstances and capabilities] [and available scientific results,] each Party [shall][is encouraged to] take measures [as appropriate, and in accordance to national priorities,], including those referred to in paragraphs 2 and 3,] to [promote product performance to] enhance the [design] [circularity] of plastic products, including packaging, and improve the composition [of plastics and] plastic products, [according to national capacity of developing countries and available resources] with a view to:

a. [Reducing [demand] for [and use] of [primary plastic polymers, plastics and plastic products] [of plastics across the value chain, including in product packaging] [and associated chemicals]] and should always be followed by the availability of alternative material for plastic and/or non-plastic substitutes that are affordable]] [Improving the circular economy of plastic products and minimizing releases of plastic waste, including microplastic];

[b. [Increasing the [safety,] durability, reusability, refillability, reparability [in practice], [repurposability], [recyclability]-and refurbishability of plastics and plastic products, as relevant], and [improving] their capacity [of plastics and plastic products] to be [reused], repurposed, recycled [at scale and in practice] and disposed of in a safe and environmentally sound manner upon becoming waste;]

[c. Minimizing releases and [emissions][leakages] from [and environmental and safety impacts from] plastics and plastic products, including [intentionally added] microplastics [considering technical feasibility and accessibility of potential microplastic alternatives and socio-economic impacts;]]

~~[OPI.c. alt. Minimizing environmental and safety impacts of plastics and plastic products, including intentionally added microplastics.]~~

Commented [MI1]: OPI.c alt is reflected in OPI c

~~[OPI.c. bis. Improving the capacity of plastics and plastic products to be repurposed, recycled and disposed of in an environmentally sound manner upon becoming waste:]~~

Commented [MI2]: OPI.c. bis is reflected in OPI b

~~[OPI.c. ter. Taking into account the relevant international standards and guidelines, including any relevant sector- or product-specific standards and guidelines, and assure compliance with sectoral~~

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requirements. The measures adopted pursuant to this provision may be reflected in the national plan communicated.]]

Sub-Option 1

2. Each Party shall require plastics and plastic products produced within its territory and those available on its market to comply with the minimum design and performance criteria [and other related elements contained in part I of annex C], including, where relevant, sector- or product-specific criteria and elements, within the timeframe defined in that annex. [The criteria should be harmonized distinguishing between design for reduction, reuse, recycling of plastic products and packaging.]

3. [Each Party][The *governing body**] shall establish and maintain certification procedures and labelling requirements for plastics and plastic products [produced within its territory and those available on its market,] based on [recommendations from the STEPs, and] the design and performance criteria and other related elements contained in part I of annex C, including, where relevant, sector- or product-specific criteria and elements, and shall require plastics and plastic products to be appropriately labelled in accordance with these criteria and elements.

Sub-Option 2

~~1. 2.~~ [Each Party [should][shall] adopt [sustainable product]** design and performance criteria and [regulatory schemes][take [the][any]** necessary measures] [to] [is encouraged to take measures as appropriate, and in accordance with national priorities, to enhance the design of plastic products, including packaging, and improve the composition of plastic products, [with a view to]]:

- a. ~~Reduce the use of plastics across the value chain, including in product packaging; and~~
- a. ~~Increase the safety, durability, reusability, [recyclability,] refillability, repairability and refurbishability of plastics and plastic products, as relevant, and their capacity to be [reused] repurposed, recycled and disposed of in a safe and environmentally sound manner upon becoming waste;~~

[in accordance with the elements contained in part I of annex C,] and taking into account relevant international standards and guidelines, including any relevant sector- or product-specific standards and guidelines[, and assuring compliance with sectoral requirements]. The measures adopted pursuant to this provision shall be reflected in the national plan communicated pursuant to [Part IV.1 on national plans][The criteria should be harmonized distinguishing between [sustainable products] design [and performance] for reduction, reuse, recycling of plastic products and packaging].

OP2 Alt. Each Party shall consider including the following actions as part of its measures laid out in paragraph 1:

- a. Adopting public procurement policies or guidelines for plastic products to enhance circularity of plastic products;
- b. Promoting the use of environmental performance standards for plastic products;
- c. Supporting efforts to establish or augment voluntary certification schemes for environmentally preferable products or packaging to encourage sustainable choices;
- d. Parties should take into account relevant international standards and guidelines, including any relevant sector- or product-specific standards and guidelines.

3. Each Party should establish, in accordance with the elements contained in part I of annex C, [to the extent possible], transparency, labelling and certification procedures and requirements for plastics and plastic products that conform to the design and performance criteria established pursuant to paragraph 1 [, taking into account Confidential Business Information (CBI)].

OP3 Alt. No text.

Provision common for Sub-Options 1 and 2 above

4. Parties [are encouraged to][shall] work with relevant [national, and] international organizations towards the development of standards and guidelines [at the multilateral level], including on a sectoral basis as relevant, to [reduce the use of plastics in products across the value chain, including in product packaging, and][optimize and] improve the design of plastic products to increase their [safety,] durability, reusability, [refillability,][and] repairability [recyclability in practice]** [and refurbishability,] [and] their capacity to be [reused], repurposed, recycled and disposed of in [a safe and] environmentally sound manner upon becoming waste; and minimize the environmental and safety impacts of plastics and plastic products][, and assure compliance with sectoral requirements].

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Sub-Option 3

2. Each Party is encouraged to take measures as appropriate, and in accordance with national priorities, to enhance the design of plastic products, including packaging, and improve the composition of plastic products, with a view to:

- a. Increasing the safety, repurposability, durability, reusability, and repairability of plastic products, as relevant, and their capacity to be repurposed, recycled and disposed of in a safe and environmentally sound manner upon becoming waste; and
- b. _____

taking into account the relevant international standards and guidelines, including any relevant sector- or product-specific standards and guidelines, and assure compliance with sectoral requirements. The measures adopted pursuant to this provision may be reflected in the national plan communicated.

Option 2

1. Subject to its national plan and based upon national circumstances and capabilities, each Party shall take measures, including those referred to in paragraphs 2 and 3, to enhance the design of plastic products, including packaging, and improve the composition of plastics and plastic products.
2. Subject to its national plan and based upon national circumstances and capabilities, each Party should take measures to: increase the safety, durability, reusability, refillability, repairability and refurbishability and recyclability of plastics and plastic products, as relevant, taking into account relevant international standards, including any relevant sector- or product-specific standards and guidelines. The measures adopted pursuant to this provision shall be reflected in the national action plan communicated pursuant to [Part IV.1 on national plans].
3. Subject to its national plan and based upon national circumstances and capabilities, each Party should take measures for plastics and plastic products that conform to paragraph 1.
4. 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.

b. [[Reduce,] [reuse], [recycling,] refill and repair of plastics and][Circularity approaches for] plastic products**

Option 1

1] _____ [Subject to its national plan and based upon national circumstances and capabilities.] Each Party shall, based on guidance to be adopted by the governing body* [at its first session] [at the latest by its [first][second][third] session,], take [effective] [and environmentally beneficial] measures [as deemed appropriate], covering the distribution, sales, and consumption stages] to [promote]-[ensure] [enable] the reduction [in the use,] reuse, [recycling,] refill, repair, repurposing and refurbishment [circularity approaches], as relevant, of [plastics and] plastic products [produced within its territory and those available on its market, in particular through the implementation of reuse, [recycling,] refill and repair systems]] [. [according to] [taking into account] national circumstances and [capabilities][capacities]; as well as access to technologies and availability of financial resources from developing countries]. [The governing body* shall issue harmonized standards for product reuse, recycling, repair and refurbishment.]

2] _____ Each Party shall [take] [by taking] the necessary measures]] [. including those referred to in paragraph 1,], covering the distribution, sales, and consumption stages,] to achieve the minimum [recycling targets, and, as appropriate,] [reduction,] reuse, refill and repair targets contained in part II of annex C within the timeframe identified in that annex, for plastics and plastic products produced within its territory and those available on its market. [This should be based, where relevant, on a sectoral approach.]

OP2 alt. [Each Party [should][shall], as appropriate,] [Parties are encouraged to] adopt [nationally determined] [timebound] targets in [the implementation] [support] of this [objective][article], reflecting national circumstances and capabilities.]

Option 2

]] _____ Each Party shall, based on guidance to be provided by the governing body* at the latest by its [second][first] session,] take [effective] measures[, covering the distribution, sales, and consumption stages] to [promote][enable] the [reduction,] reuse, [recycling,] refill, repair, repurposing and

Commented [MI5]: Incorporated in Sub-Option 2

Commented [MI6]: Because of the many common elements in the different options, paragraphs were streamlined and options are reflected in brackets rather than separate texts.

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refurbishment, as relevant, of ~~plastics and~~ plastic products ~~produced within its territory and those available on its market, in particular through the implementation of reuse, [recycling,] refill and repair systems~~, according to national circumstances and capacities; as well as access to technologies and availability of financial resources from developing countries].

2. Each Party ~~[should][shall]~~, as appropriate, adopt ~~[nationally determined] [timebound] targets in [the implementation] [support] of this [objective][article]~~, reflecting national circumstances and capabilities.

Option 3

~~1] Each Party shall, based on guidance to be provided by the governing body* at the latest by its third session, take effective measures to promote circularity approaches as relevant and taking into account national circumstances and capabilities, plastic products produced within its territory and those introduced to its market, in particular through the implementation of circularity approaches.~~

Commented [MI11]: Incorporated in OP1

~~2] Parties are encouraged to adopt timebound targets in support of this objective.~~

Commented [MI12]: Incorporated in OP2 alt

Provision common for Options 1 to 3 above

[3. The measures taken to implement the provisions of this article [may include the use of regulatory and economic instruments, public procurement, ~~the establishment of extended producer responsibility schemes, as set out in part VII~~, or incentivizing changes in the supply chain by investing in reuse, recycling, refill and repair system and infrastructure, and in consumer behaviour [through raising consumer awareness on sustainable consumption] ~~and~~ [shall][may] be reflected in the national plan communicated [pursuant to [Part IV.1 on national (action) plan[s]]].

Option 4

~~1] Subject to its national plan and based upon national circumstances and capabilities, each Party shall take effective measures to promote the reuse, refill, repair, repurposing and refurbishment, as relevant, of plastics and plastic products produced within its territory and those available on its market, in particular through the implementation of reuse, refill and repair systems.~~

Commented [MI13]: Incorporated in OP1

~~2] Subject to its national plan and based upon national circumstances and capabilities, each Party should take measures as deemed appropriate to support this objective.~~

Commented [MI14]: Incorporated in OP1

43. 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 5

~~1] Each Party shall take effective and environmentally beneficial measures to ensure the reduction in the use of plastics and plastic products through, as relevant, reuse, refill, repair, repurposing and refurbishment of those products produced or used within its territory and those available on its market, in particular through the implementation of reuse, refill and repair systems.~~

Commented [MI15]: Incorporated in OP1

~~2] Each Party shall by taking the necessary measures including those referred to in paragraph 1, to achieve the minimum reduction, reuse, refill and repair targets contained in part II of annex C within the timeframe identified in that annex, for plastics and plastic products produced or used within its territory and those available on its market. This should be based, where relevant, on a sectoral approach.~~

Commented [MI16]: Incorporated in OP2

53. Parties are encouraged to work with relevant international organizations at the multilateral level towards the development of standards and guidelines for reuse and refill systems.

~~4] The measures taken to implement this provision may include the use of regulatory and economic instruments, public procurements, the establishment of extended producer responsibility schemes, as set out in part VII or incentivizing changes in the supply chain and in consumer behaviour and shall be reflected in the national plan communicated pursuant to [Part IV.1 on national plans].~~

Commented [MI17]: Incorporated in the new OP3

c. Use of recycled plastic contents

Option 1

1. Each Party shall require plastics and plastic products produced within its territory and those available on its market to contain minimum percentages of safe and environmentally sound post-consumer recycled plastic, as set out in [part III of annex C], within the timeframe specified in that annex.

Commented [MI18]: Because of the many common elements in the different options, paragraphs were streamlined and options are reflected in brackets rather than separate texts.

Option 2

1. [Subject to its national plan and based upon national circumstances and capabilities,][E][e]ach Party [as per its national action plan][should][shall] [take [nationally determined][the necessary] measures [for [appropriate] plastics and][promote that] **[require plastics and]** plastic products produced within its territory and those available on its market][to increase the share of secondary plastic that is used in plastic products][[to] [achieve] **[contain]** minimum percentages][and to adopt time-bound targets][[to promote recycling** and to adopt time-bound targets on the use] of safe and [environmentally sound] post-consumer recycled plastic [contents], **[. as appropriate taking into account national circumstances and capabilities.]** [when it is technologically feasible and] based on the elements contained in **[as set out in]** [part III of annex C] **[. within the timeframe specified in that annex]**. [The measures taken to implement this provision [shall][may] be reflected in the national plan communicated pursuant to *[Part IV.1 on national plans]*][consistent with national laws on post-consumer recycled plastic contents].

[Note: The targets for minimum recycled plastic content in specific applications and product categories, to create the right enabling conditions for the sectors to meet this target, especially for food-related applications. Bearing in mind that all [elements contained in part III of annex C] should assist each Party to be able to setup its own requirements or targets of recyclable plastic contents in its certain prioritized products.]

[OP1-bis-2. 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 3

34. The governing body* shall provide a timeframe in the annex towards transitioning all plastics in the market to be recyclable and this may entail gradual, incremental minimum percentage of safe and environmentally sound post-consumer recycled. [Standards for recycled plastics should be harmonized globally.]

Option 4

~~1. — Each Party should take the necessary measures for plastic products produced within its territory and those introduced to its market to achieve minimum percentages of safe and environmentally sound post-consumer recycled plastic contents, as appropriate taking into account national circumstances and capabilities. The measures taken to implement this provision may be reflected in the national plan communicated pursuant to *[Part IV.1 on national plans]*.~~

Provision common for Options 1 to 4 above

[42. Each Party [shall][should][based on national circumstances is encouraged to] take measures [to ensure that, where [needed][possible], [primary plastic][plastics used] in products is [replaced][complemented] by safe and environmentally sound recycled plastic content[, as applicable][, depending on the availability of technological solutions and means of implementation for developing countries]][, as appropriate to promote design, composition and performance of products that enable maximum recycled plastic content in the broadest number of applications possible in order to replace primary plastic in products, while addressing any safety concerns related to the recycled plastic content]. The measures taken to implement [this][the] provision[s] of this article] may include the use of [regulatory [and economic] instruments][, public procurement, [the establishment of extended producer responsibility schemes, as set out in part VII] or incentivizing changes in the supply chain [by investing in recycling system and infrastructure,]] and in consumer behaviour[, among other measures,][through raising consumer awareness on sustainable consumption. The measures taken to implement this provision][and shall][may] be reflected in the national plan communicated][pursuant to *[Part IV.1 on national plans]*][, according to national circumstances].]

d. Alternative plastics and plastic products**Option 0**

No text.

Option 1

[1.] — [Parties] **[Each Party]** shall **[endeavour to]** ensure that [“]alternative plastics and plastic products[“] **[which include bio-based, biodegradable and compostable plastics]** are safe[r], environmentally sound and sustainable, **[based on life cycle assessments]**. [, in accordance with standards to be decided by the governing body*, based on recommendations from the STEPs]

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Commented [MI21]: Incorporated in OP1 of Option 2

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[compared to the plastic product] taking into account [including] their [negative] potential for [waste reduction and reuse, as well as any] environmental, [climate,] economic, social[,cultural] and human health impacts[, including food [and water]** security][in accordance with criteria [set out in part IV of Annex C] [adopted by the governing body* that encompasses safety, environmental soundness, and sustainability][, based on the minimum design and performance criteria and other related elements contained in part I of Annex C, including distinct sustainability criteria for: (i) bio-based plastics, (ii) biodegradable plastics and (iii) compostable plastics, built on a full life cycle analysis] [as well as the national circumstances and capacities].

Commented [MI23]: This if from OP1 bis of Option 2, whose intention we tried to capture.

2. The criteria that will be established should also take into consideration avoidance of undesirable substitution and problem-shifting.

Commented [MI24]: OP3 bis of Option 3 was moved here (same subject - criteria - in previous paragraph)

~~OP1 bis. Parties, in implementing the above provision, shall ensure that alternative plastics and plastic products are safe, environmentally sound and sustainable, taking into account their potential for environmental, economic, social and human health impacts, including food security.~~

Commented [MI25]: Incorporated in OP1 of Option 1

Option 2

[3+. [Subject to their national plan and based upon national circumstances and capabilities,] Parties should encourage the development and use of safe[, environmentally sound] and sustainable alternative plastics and plastic products [[, including through][. The measures [and incentives] taken to implement this provision may include the use of] regulatory [measures] and economic instrument[s][[, as per national regulation].]

Commented [MI26]: From OP4 of Option 3, which was incorporated here.

4]. Parties shall be guided by the waste hierarchy and ensure that reduction in the use of all plastics and prevention of plastic waste, including from non-fossil feedstocks, will prevail when considering the development and use of alternative plastics and plastic products.

Commented [MI27]: OP2 of Option 3 was moved here (similar subject to previous paragraph)

~~OP1 bis. We propose an additional provision, calling for the governing body* to adopt a comprehensive set of criteria that encompasses safety, environmental soundness, and sustainability for these alternative plastics and plastic products.~~

Commented [MI28]: Incorporated in OP1 of Option 1

~~[2. Parties, in implementing the above provision, [shall][should endeavour to] ensure that alternative plastics and plastic products are safe[, environmentally sound] and sustainable, [based on life cycle assessments], [taking into account][including] their potential for environmental, economic, social and human health impacts[, including food security].]~~

Commented [MI29]: Incorporated in OP1 of Option 1

~~OP2 bis. There shall be an assessment of the need as well as mobilization of financial resources, capacity building and technology transfer for each country for innovation and for their in-order to nationally driven commitments under this provision.~~

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~~OP2 ter. Refer to capacity building and technology transfer, for innovation and alternative products.~~

Commented [MI31]: Incorporated in OP2 bis of new Option 1

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

Option 3

~~1]. This instrument* shall apply to alternative plastics and plastic products which include bio-based, biodegradable and compostable plastics.~~

Commented [MI32]: Incorporated in OP1 of Option 1

~~2. Parties shall be guided by the waste hierarchy and ensure that reduction in the use of all plastics and prevention of plastic waste, including from non-fossil feedstocks, will prevail when considering the development and use of alternative plastics and plastic products.~~

~~3]. Each Party shall ensure that alternative plastics and plastic products are safe, environmentally sound and sustainable, based on the minimum design and performance criteria and other related elements contained in part I of Annex C, including distinct sustainability criteria for: (i) bio-based plastics, (ii) biodegradable plastics and (iii) compostable plastics. The criteria shall build on a full life cycle analysis and take into account their potential for environmental, economic, social and human health impacts, including food security.~~

Commented [MI33]: Incorporated in OP1 of Option 1

~~OP3 bis. The criteria that will be established should also take into consideration avoidance of undesirable substitution and problem-shifting.~~

75. Each Party shall take the necessary measures to ensure that environmental claims on (i) bio-based, (ii) biodegradable and (iii) compostable plastics are substantiated. Those measures may include labelling requirements, as set out in [Part II.13], to comply with.

86. Parties are encouraged to work with relevant international organizations towards the development of standards and guidelines at the multilateral level to ensure that (i) bio-based, (ii) biodegradable and (iii) compostable plastics are safe, environmentally sound and sustainable.

Option 4

Merge with II.6 (“Non-plastic substitutes”).

6. Non-plastic substitutes

Option 0

No provision on this matter.

Option 1

1. ~~1.~~ ~~1.~~ [Subject to its national plan and based upon national circumstances and capabilities, each][Each] Party shall [Parties should] take measures to foster [research and] innovation[, including through the cooperation mechanism referred to in [Part III. ...]] [and incentivize and promote [the research,] [to assess] the development and use at scale of] safe[, environmentally sound,] and sustainable non-plastic substitutes, including products, technologies and services, taking into account their potential for [waste reduction and reuse, as well as] environmental, economic, social[, cultural] and human health impacts [across their lifecycle][, including food and water security, and land loss] [, based on life cycle assessments] [waste hierarchy] [and considering possible unintended consequences and trade-offs] [as well as the developing countries’ access to the transfer of necessary technologies and financial resources].

Commented [MI34]: OP2 of Option 2, OP1 of Option 3, OP1 of Option 4, OP1 of Option 5 were incorporated here. OP1 of Option 2 seems to be already reflected here (“safe, environmentally sound and sustainable”).

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2. Parties [are encouraged][shall ensure] to use regulatory and economic instruments, public procurement and incentives¹ to promote the development and use of safe, environmentally sound and sustainable non-plastic substitutes, products, technologies and services [, taking into account national circumstances and capacities].

Commented [MI36]: Incorporated from OP3 of Option 2 and OP4 of Option 3.

Commented [MI37]: Incorporated from OP3 of Option 2

OP2-bis 1.3. The financial mechanism established by the *governing body** shall ensure technology transfer to developing country Parties, in order to facilitate adoption and use of at scale safe, environmentally sound, and sustainable non plastic polymers.

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OP2-bis 2.4. This provision would entail the adoption of a holistic set of criteria encompassing safety, environmental viability, and sustainability for non-plastic substitutes. Such criteria would incorporate a comprehensive life cycle assessment, ensuring a thorough evaluation of the environmental impact across the entire product life cycle.

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OP2-bis 3.5. The measures taken to implement this provision shall be reflected in the national plan communicated pursuant to [Part IV.1 on national plans].

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OP2-bis 4.6. Parties are encouraged to use the best available science, traditional knowledge, knowledge of Indigenous peoples and local knowledge systems [in the development of safe, environmentally sound, and sustainable non-plastic substitutes].

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OP2-ter.7. Parties are encouraged to establish a process for the assessment of the safety and sustainability of potential substitutes to plastics and their suitability as substitutes, considering their potential impacts on human health and the environment, the waste hierarchy, and “reduce, reuse and recycle” approaches.

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Option 2

1. ~~1.~~ Parties shall seek to ensure that non-plastic substitutes, products, technologies and services are safe, environmentally sound and sustainable, taking into account their potential for environmental, economic, social and human health impacts, including food security, across their lifecycle.

¹ Such instruments could include, for example, fees, reduced tariffs, taxes or subsidies, including repurposed subsidies, as appropriate.

~~2. — Each Party shall take measures to foster innovation and incentivize and promote the development and use at scale of safe, environmentally sound, and sustainable non-plastic substitutes, including products, technologies and services, taking into account their potential for environmental, economic, social and human health impacts, across their lifecycle.~~

~~3. — Parties are encouraged to use regulatory and economic instruments, public procurement and incentives to promote the development and use of safe, environmentally sound and sustainable non-plastic substitutes, products, technologies and services.~~

Option 3

~~1. — Each Party shall take measures to foster innovation and research, and incentivize and promote the development and use at scale of safe and sustainable non-plastic substitutes, taking into account their potential impact on environmental, economic, and social systems and human health, and considering possible unintended consequences and trade-offs.~~

~~2. — Each Party shall take measures to assess the development and use of safe and sustainable non-plastic substitutes, taking into account the considerations described in paragraph 1.~~

~~3. — Each Party shall promote efforts to establish or augment voluntary certification schemes for sustainable products or packaging to encourage sustainable substitutes, with better overall impacts in areas listed in paragraph 1.~~

~~4. — Parties are encouraged to use regulatory and economic instruments, public procurement and incentives to promote the development and use of safe, environmentally sound and sustainable non-plastic substitutes, taking into account the considerations described in paragraph 1 above.~~

Option 4

~~1. — Parties should foster research and innovation on safe, environmentally sound, and sustainable non-plastic substitutes and shall ensure that the application of the waste hierarchy and comparative life cycle analysis prevail over the use and promotion of non-plastics substitutes.~~

Option 5

~~1. —~~

Option 6

Merge into Part II.5: Product design, composition, and performance.