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**Intergovernmental negotiating committee to develop
an international legally binding instrument on plastic
pollution, including in the marine environment
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Item 4 of the provisional agenda

**Preparation of an international legally binding instrument on
plastic pollution, including in the marine environment**

**Additional information linked to potential options for elements
towards an international legally binding instrument**

Note by the secretariat

1. This information document was prepared by the secretariat, in consultation with the chair, to complement the document ‘Potential options for elements towards an international legally binding instrument, based on a comprehensive approach that addresses the full life cycle of plastics as called for by United Nations Environment Assembly resolution 5/14’ (UNEP/PP/INC.2/4).
2. In their submissions which served as basis for the preparation of document UNEP/PP/INC.2/4, Member States provided further information linked to some of the potential options for elements.¹ This document compiles proposals contained in Member State submissions on the possible contents of potential annexes to the instrument, and other information detailing some of the potential options for elements contained in document UNEP/PP/INC.2/4, as indicated in that document. The document also identifies related information that may inform the work of the intergovernmental negotiating committee.
3. This document and its contents are intended to facilitate and inform the committee’s deliberations and is in no way intended to prejudge any decision by the committee regarding the structure or content of the future instrument. This document has not been formally edited.

¹ The submissions of Member States and stakeholders prior to INC-2 are available on the INC-2 webpage at <https://www.unep.org/events/conference/second-session-intergovernmental-negotiating-committee-develop-international/submissions>.

Annex

Additional information linked to the potential options for elements towards an international legally binding instrument

I. Introduction

1. This information document was prepared by the secretariat, in consultation with the chair, to complement the document ‘Potential options for elements towards an international legally binding instrument, based on a comprehensive approach that addresses the full life cycle of plastics as called for by United Nations Environment Assembly resolution 5/14’ (UNEP/PP/INC.2/4).
2. In their submissions which served as the basis for the preparation of document UNEP/PP/INC.2/4, Member States provided detailed information linked to some of the potential options for elements contained in document UNEP/PP/INC.2/4.²
3. Section II of this document compiles proposals contained in the submissions of Member States on the possible contents of potential annexes to the instrument. These are presented below in the same order as in Section II.B of document UNEP/PP/INC.2/4, namely as follows:
 - a. List of problematic and avoidable plastic products; criteria for determining problematic and avoidable plastic products; and possible dates for banning, phase-out, reduction or control;
 - b. List of polymers and chemicals of concern; criteria for determining polymers and chemicals of concern; and possible dates for banning, phase-out, reduction or control;
 - c. List of sources to limit the release of intentionally added microplastics;
 - d. Circularity criteria and guidance for design and production of plastic products and packaging;
 - e. Criteria for determining the availability of safe alternatives and substitutes;
 - f. Categories of policy measures to reduce and, where feasible, eliminate releases of plastics to water, land and air;
 - g. List of common elements and minimum content of national action plans (NAPs).
4. In addition, section III of this document compiles proposals relating to the following other specific aspects of the potential options contained in document UNEP/PP/INC.2/4:
 - a. Additional information on potential elements relating to guidelines for Extended Producer Responsibility (EPR) systems;³
 - b. Additional information on potential elements for inclusion in national reporting.⁴
5. When relevant, the secretariat has also provided additional background information on provisions in existing multilateral environmental agreements (MEAs) addressing similar issues. This additional information is provided for illustrative purposes only, to facilitate and inform the committee’s deliberations. It is in no way intended to prejudice any decision by the committee regarding the structure or contents of the future instrument.

² The submissions of Member States and stakeholders prior to INC-2 are available on the INC-2 webpage at <https://www.unep.org/events/conference/second-session-interopmental-negotiating-committee-develop-international/submissions>.

³ See footnote 10 of document UNEP/PP/INC.2/4, at paragraph 14(d)(iii).

⁴ See footnote 22 of document UNEP/PP/INC.2/4, at paragraph 31(c)(iii).

II. Additional information in relation to the contents of potential annexes to the future instrument

A. Potential annex: List of problematic and avoidable plastic products, criteria for determining problematic and avoidable plastic products, and possible dates for banning, phase-out, reduction or control⁵

6. This potential annex is related to possible core obligation 2: banning, phasing out and/or reducing the use of problematic and avoidable plastic products.
7. Three potential areas are identified for consideration in this Annex: (i) potential list of problematic and avoidable plastic products; (ii) potential criteria for the identification of problematic and avoidable plastic products; and (iii) possible dates for banning, phase-out, reduction or control of problematic and avoidable plastic products.⁶

(i) Potential list of problematic and avoidable plastic products:

8. Member State submissions to INC-2 did not contain specific proposed lists of problematic and avoidable plastic products for inclusion in a potential Annex. However, several products were identified in Member State submissions as examples linked to specific criteria (see below).

(ii) Potential criteria for the identification of problematic and avoidable plastic products:

- a. **Propensity of the plastic material to become litter, and/or plastic products that are most frequently found in the environment** due to mismanagement, inappropriate use, disposal etc. (including for example cigarette filters, cutlery, plates, cotton bud sticks);
- b. **Risk of release to the environment due to slow or non-degradation** in the environment;
- c. **Harmfulness to the environment and/or human health**, including by leading to bioaccumulation and toxic long-term effects, applying the precautionary principle (including for example carrier bags);
- d. Existence of **factors impeding circularity** such as lack of recyclability or reusability;
- e. **Unnecessary plastic products that can be avoided or replaced**, because their use does not represent an essential functionality, including unnecessary single use plastics which are prone to becoming litter (including for example straws, stirrers, sticks for balloons, expanded polystyrene (EPS) food and beverage containers);
- f. Importance of the plastic application in the value chain (**redundancy**).

(iii) Possible dates for banning, phase-out, reduction or control of problematic and avoidable plastic products. No specific potential phase-out dates were identified in Member State submissions to INC-2.

B. Potential annex: List of polymers, chemicals of concern; criteria for determining polymers and chemicals of concern; and possible dates for banning, phase-out, reduction or control⁷

9. This potential annex is related to possible core obligation 3: banning, phasing out and/or reducing the production, consumption and use of chemicals and polymers of concern. Specifically, it relates to Options for regulating chemicals and polymers of concern, through “ban, phase out, reduce or control specific polymers and chemicals of concern, or groups of chemicals, based on criteria identified to determine polymers and chemicals of concern.”⁸
10. Member State submissions to INC-2 did not contain specific proposed **lists of polymers and chemicals** of concern for inclusion in a potential Annex, taking due account the interconnectedness with relevant existing

⁵ See paragraphs 11 (b) and (c) of document UNEP/PP/INC.2/4.

⁶ Examples of definitions of some of the terms used in this section are provided in document UNEP/PP/INC.1/7, Appendix 1. See also Global governance of Plastics and associated chemicals, Secretariat of the Basel, Rotterdam and Stockholm conventions, 2023, Appendix 7 (referred to in document UNEP/PP/INC.2/INF/7).

⁷ See paragraph 12(a) of document UNEP/PP/INC.2/4.

⁸ See paragraph 12(a)(i) of document UNEP/PP/INC.2/4.

Multilateral Environment Agreements. However, some polymers, chemicals and groups of chemicals were identified in Member State submissions as examples linked to specific criteria (see below).

(i) Potential criteria to determine polymers and chemicals of concern:

- a. **Harmfulness** to the environment and/or human health, including chemicals or groups of chemicals with the following properties:
 - (a) Carcinogenicity, mutagenicity, reproductive toxicity (including for example Tris(2-chloroethyl) phosphate (TCEP) which can be used as a flame retardant in polyurethane (PUR) and Lead and Cadmium which are used as stabilizers in PVC);
 - (b) Endocrine disruptors (including for example phthalates which are often used as plasticizers, including DEHP, DBP, BBP and DIBP);
 - (c) Substances of equivalent concern to the above, e.g., that affect the immune system, neurological system, a specific organ (immunotoxicant or neurotoxic and STOT RE);
 - (d) Persistent, bioaccumulative and toxic in the environment (PBT);
 - (e) Very persistent and very bioaccumulative (vPvB) (including for example brominated flame retardants as additives in plastics);
 - (f) Persistent, mobile and toxic substances (PMT);
 - (g) Very persistent and very mobile substances (vPvM) (including for example PFAS that have been found as a contaminant in plastic packaging or brominated flame retardants as additives).
- b. **Impeding recyclability or circularity for safe and high-quality secondary materials**, including:
 - (a) Polymers that cannot readily be recycled;
 - (b) Use of certain chemicals, groups of chemicals, polymers and polymer mixes (to simplify product composition for enhanced reuse recyclability and develop non-toxic secondary markets);
 - (c) Brominated flame retardants.
- c. **Risk of release**, including due to slow or non-degradation in the environment, such as:
 - (a) Oxo-degradable plastic products;
 - (b) Certain single-use plastic products;
 - (c) Intentionally added microplastics.
- d. Substances having **ozone depleting effects** and substances with **global warming potential**;
- e. **Polymers of high concern**;
- f. Potential migration/release from plastic products.

(ii) Possible phase-out dates may be included in an Annex. No specific potential phase-out dates were identified in Member State submissions to INC-2.

11. **There is experience from existing MEAs relating to the identification of chemicals and other substances of concern.** The secretariat has compiled information on relevant provisions in such MEAs for ease of reference and illustrative purposes in Box 1 below.

Box 1: Examples of provisions relating to the identification of chemicals and other substances of concern in existing MEAs or instruments

This information is provided for illustrative purposes only and is not intended to prejudge in any way whether or how the committee may wish to address this issue in the context of the future instrument.

Stockholm Convention on Persistent Organic Pollutants (POPs)

<http://chm.pops.int/TheConvention/Overview/TextoftheConvention/tabid/2232/Default.aspx>

The Stockholm Convention currently covers 34 POPs, which are pesticides, industrial chemicals and/or byproducts, and include some that are used in plastic products (see <http://chm.pops.int/TheConvention/ThePOPs/AllPOPs/tabid/2509/Default.aspx>).

Any Party may submit a proposal for listing a new chemical to be listed in Annexes A, B and/or C to the Convention. A scientific subsidiary body, the POPs Review Committee, evaluates the proposals and makes recommendations to the Conference of the Parties on such listing.

Annex D of the Convention provides information requirements and screening criteria, and requires identification of chemicals based on the following screening criteria:

- Chemical identity
- Persistence
- Bio-accumulation
- Potential for long-range environmental transport
- Adverse effects.

Annex E defines information requirements for the purposes of evaluating whether the chemical is likely, as a result of its long-range environmental transport, to lead to significant adverse human health and/or environmental effects, such that global action is warranted. It requires a risk profile to be developed that further elaborates on, and evaluates, the information referred to in Annex D and includes, as far as possible, information on:

- sources
- hazard assessment
- environmental fate
- monitoring data
- exposure in local areas
- national and international risk evaluations, and
- status of the chemical under international conventions.

Annex F further provides that for the purposes of evaluating possible control measures, relevant information should be provided relating to socio-economic considerations associated with possible control measures to enable a decision to be taken by the Conference of the Parties. Such information should reflect due regard for the differing capabilities and conditions among the Parties and should include consideration of the following indicative list of items:

- efficacy and efficiency of possible control measures in meeting risk reduction goals
- alternatives
- positive and/or negative impacts on society of implementing possible control measures
- Waste and disposal implications
- Access to information and public education
- Status of control and monitoring capacity
- And national or regional control actions taken.

Montreal Protocol on Substances that Deplete the Ozone Layer

<https://ozone.unep.org/sites/default/files/Handbooks/MP-Handbook-2020-English.pdf>

Articles 2A-2J of the Montreal Protocol include control measures for a list of Ozone Depleting Substances, with list of corresponding substances specified in Annexes A-F, and Article 6 provides for assessment and review of control measures for Parties to assess the control measures provided for in Article 2 and Articles 2A to 2J based on available scientific, environmental, technical, and economic information.

Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal

<http://www.basel.int/TheConvention/Overview/TextoftheConvention/tabid/1275/Default.aspx>

Under the Basel Convention, the following plastic waste is subject to a prior informed consent procedure and Parties to the Convention are to ensure that the wastes can be disposed in an environmentally sound manner in the country of import:

- Plastic waste classified as hazardous waste: entry A3210 reads “Plastic waste, including mixtures of such waste, containing or contaminated with Annex I constituents, to an extent that it exhibits an Annex III characteristic (note the related entries Y48 in Annex II and on list B B3011)”; examples of hazardous constituents that may be found in plastic waste due to their use as additives in various applications are lead compounds (used as heat or light stabilisers) and organohalogen compounds (e.g. halogenated organic compounds used as flame retardants)
- Plastic waste requiring special consideration: entry Y48 covers plastic waste, including mixtures of such wastes except for those falling under entries A3210 or B3011

As specified in entry B3011, the following plastic waste is not subject to the PIC procedure, provided it is destined for recycling in an environmentally sound manner and almost free from contamination and other types of wastes:

- Plastic waste almost exclusively consisting of one non-halogenated polymer. Such polymers include commonly used ones like polyethylene, polypropylene and polyethylene terephthalate (PET)
- Plastic waste almost exclusively consisting of one cured resin or condensation product. Such resins include urea formaldehyde resins and epoxy resins
- Plastic waste almost exclusively consisting of one of the following fluorinated polymers:
 - Perfluoroethylene/propylene (FEP)
 - Perfluoroalkoxy alkanes
 - Tetrafluoroethylene/perfluoroalkyl vinyl ether (PFA)
 - Tetrafluoroethylene/perfluoromethyl vinyl ether (MFA)
 - Polyvinylfluoride (PVF)
 - Polyvinylidene fluoride (PVDF).

The following mixtures of plastic waste are also not subject to the PIC procedure: Mixtures of plastic waste, consisting of polyethylene (PE), polypropylene (PP) and/or polyethylene terephthalate (PET), provided they are destined for separate recycling of each material and in an environmentally sound manner, and almost free from contamination and other types of wastes.

Strategic Approach to International Chemicals Management (SAICM)

<http://saicm.org/>

The Strategic Approach to International Chemicals Management (SAICM) is a policy framework to promote chemical safety around the world. SAICM's overall objective is the achievement of the sound management of chemicals throughout their life cycle so that by the year 2020, chemicals are produced and used in ways that minimize significant adverse impacts on the environment and human health.

SAICM comprises the Dubai Declaration on International Chemicals Management, expressing high-level political commitment to SAICM, and an Overarching Policy Strategy which sets out its scope, needs, objectives, financial considerations underlying principles and approaches, and implementation and review arrangements. The Declaration and Strategy are accompanied by a Global Plan of Action that serves as a working tool and guidance document to support implementation of SAICM and other relevant international instruments and initiatives. Activities in the plan are to be implemented, as appropriate, by stakeholders, according to their applicability.

The fourth session of the International Conference on Chemicals Management (ICCM4), through resolution IV/4, initiated an intersessional process to prepare recommendations regarding the Strategic Approach and the sound

management of chemicals and waste beyond 2020. Recommendations will be considered at the fifth session of the ICCM in Bonn, Germany from 25-29 September 2023.

C. Potential annex: List of sources to limit the release of intentionally added microplastics⁹

12. This potential annex is related to possible core obligation 4: reducing microplastics. Specifically, it relates to potential options for addressing intentional use, through ban, phase out, reduce or control the use of intentionally added microplastics to avoid the potential release of microplastics into the environment from certain sources.
13. This section also includes information contained in Member State submissions concerning potential sources of unintentional releases of microplastics.¹⁰

(i) Potential sources of release of **intentionally added** microplastics:

- a. Cosmetics;
- b. Cleaning agents/detergents;
- c. Fertilizers;
- d. Hygiene products;
- e. Personal care products.

(ii) Potential sources of **unintentional releases** of microplastics:

- a. Roads;
- b. Tyres and tyre dust;
- c. Synthetic textiles;
- d. Paint, Antifoul paint;
- e. Marine coatings;
- f. Fishing gear;
- g. Handling, storage, transport and processing of plastic pellets, flakes and powders;
- h. Legacy waste;
- i. Wastewater treatment facilities;
- j. Industrial facilities.

D. Potential annex: Circularity criteria and guidance for design and production of plastic products and packaging¹¹

14. This potential annex is related to possible core obligation 6: fostering design for circularity. Specifically, it relates to the option on establishing sustainability and circularity criteria and guidance for design and production of plastics products and packaging across the life cycle to encourage, enhance and enable value recovery processes and systems.

(i) Potential general sustainability and circularity criteria for design and production of plastic products and packaging across the life cycle

15. The elements identified in Member State submissions are grouped below under headers and sub-headers for clarity of presentation and ease of reference only. These groupings and headers are not intended for negotiation.
- a. *Composition and material use*
 - (a) Chemical composition, including absence of substance of concern, such as problematic monomers, polymers, additives and constituents, and use of mono-materials;
 - (b) Microplastics contents and potential for release into the environment by abrasion or other forms of fragmentation;

⁹ See paragraph 13(a) of document UNEP/PP/INC.2/4.

¹⁰ See paragraph 13(b) of document UNEP/PP/INC.2/4.

¹¹ See paragraph 17(b) of document UNEP/PP/INC.2/4.

- (c) Incorporation of recycled contents;
 - (d) Resource efficiency;
 - (e) Avoidance of excessive use of material and of void space in packaging.
- b. *Product performance and durability*
- (a) Safety;
 - (b) Reliability;
 - (c) Product lifespan and durability;
 - (d) Repairability;
 - (e) Reusability; reusability of parts and refillability;
 - (f) Upgradability;
 - (g) Possibility and availability of maintenance and refurbishment;
 - (h) Possibility of remanufacturing;
 - (i) Recyclability.
- c. *Facilitating end-of-life management*
- (a) Compostability;
 - (b) Biodegradability;
 - (c) Possibility of collecting, sorting and recycling, including ease of disassembly at end of use;
 - (d) Expected generation of waste and loss or leakage into the environment.

(ii) Potential products or sectors in respect of which specific circularity criteria and guidance could be developed ¹²

- a. Bio-based, biodegradable and compostable plastics;
- b. Agriculture and agri-plastics;
- c. Aquaculture and fisheries;
- d. Fishing gear;
- e. Packaging;
- f. Textiles;
- g. Construction;
- h. Transportation;
- i. Medical and healthcare;
- j. Electronic and electric equipment.

¹² Some of the products and sectors listed were identified as sectors in which a sectoral strategy could be developed, without specific reference to circularity design criteria and guidance. They are included here for completeness.

Box 2. Examples of existing guidelines and initiatives relating to product design and production for circularity

*This information is provided for illustrative purposes only and is not intended to prejudice in any way whether or how the committee may wish to address this issue in the context of the future instrument.*¹³

- **APR Design Guide** (Association of Plastic Recyclers)
<https://plasticsrecycling.org/apr-design-guide>
- **European Committee for Standardization**, CEN/TC 466 – Circularity and recyclability of fishing gear and aquaculture equipment (under development):
https://standards.cencenelec.eu/dyn/www/f?p=205:7:0:::FSP_ORG_ID:2847769&cs=171A30C6D989D69E2BF919F3E71B9F02E
- **Golden Design Rules** (Consumer Goods Forum)
<https://www.theconsumergoodsforum.com/environmental-sustainability/plastic-waste/key-%20projects/packaging-design/>
- **New Plastics Economy Global Commitment** (Ellen MacArthur Foundation with UNEP)
<https://emf.thirdlight.com/link/pq2alvgv1n-uitck8/@/preview/1?o>
- **Pathway to Circularity for Packaging** (Recycling Partnership)
<https://recyclingpartnership.org/circular-economy/> - Circular Packaging Assessment Tool:
<https://recyclingpartnership.org/framework/>
- **Plastic pacts network** (Ellen McArthur Foundation)
<https://ellenmacarthurfoundation.org/the-plastics-pact-network>
- **RecyClass Design for Recycling Guidelines** (Plastics Recyclers Europe)
<https://recyclclass.eu/recyclability/design-for-recycling-guidelines/>

E. Potential annex: Criteria for determining the availability of safe alternatives and substitutes¹⁴

16. This potential annex is related to possible core obligation 8: promoting the use of safe, sustainable alternatives and substitutes. Specifically, it relates to potential options for reviewing and enabling the sustainable production and use of safe, sustainable alternatives and substitutes.
17. Potential elements relevant to assessing alternatives or substitutes could include:
- (i) Safety;
 - (ii) Sustainability;
 - (iii) Availability;
 - (iv) Affordability;
 - (v) Accessibility;
- (iv) Comprehensive review of use scenarios across the life cycle to avoid unintended consequences, including an assessment of the environmental, economic, social and health impacts of their use.
18. **There is experience from existing MEAs relating to the identification of potential alternatives and substitutes to substances of concern.** The secretariat has compiled information on relevant provisions in such MEAs for ease of reference and illustrative purposes in Box 3 below.

Box 3: Examples of provisions in relation to the availability of alternatives and substitutes in existing MEAs

¹³ The examples presented in this box were identified based on information contained in or referred to in Member States and stakeholder submissions to INC-2.

¹⁴ See paragraph 17(b) of document UNEP/PP/INC.2/4.

This information is provided for illustrative purposes only and is not intended to prejudice in any way whether or how the committee may wish to address this issue in the context of the future instrument.

Stockholm Convention on Persistent Organic Pollutants (POPs)

<http://chm.pops.int/TheConvention/Overview/TextoftheConvention/tabid/2232/Default.aspx>

One of the aims of the Stockholm Convention is to support the transition to safer alternatives. Ideally, alternatives to POPs should be quantitatively assessed, including human health and environmental risks, using hazard data and an estimate of exposure, including a comparison of toxicity or ecotoxicity data with detected or predicted levels of a chemical resulting or anticipated to result from its long-range environmental transport, as stated in paragraph 2 of Annex D to the Convention. Where such a full risk assessment may be impossible, efforts should be made to collect information to ensure that the alternative chemical does not have hazardous properties that raise serious concern, such as mutagenicity, carcinogenicity or adverse effects on the reproductive, developmental, endocrine, immune or nervous systems.

Several alternatives to POPs have been mentioned by Parties and observers. A screening assessment has been undertaken by the intersessional working group according to the guidance on considerations related to alternatives and substitutes for listed persistent organic pollutants and candidate chemicals (UNEP/POPS/POPRC.5/10/Add.1).

<http://chm.pops.int/Implementation/Alternatives/Overview/tabid/5834/Default.aspx>

Montreal Protocol on Substances that Deplete the Ozone Layer

<https://ozone.unep.org/sites/default/files/Handbooks/MP-Handbook-2020-English.pdf>

A Technology and Economic Assessment Panel (TEAP) was established as the technology and economics advisory body to the Montreal Protocol Parties. The TEAP provides, at the request of Parties, technical information related to the alternative technologies that have been investigated and employed to make it possible to virtually eliminate use of Ozone Depleting Substances (such as CFCs and halons), that harm the ozone layer. The TEAP analyses and presents technical information. It does not evaluate policy issues and does not recommend policy. The TEAP presents technical and economic information relevant to policy. Furthermore, the TEAP does not judge the merit or success of national plans, strategies or regulations.

<https://ozone.unep.org/science/assessment/teap>

Minamata Convention on Mercury

<https://mercuryconvention.org/en/resources/minamata-convention-mercury-text-and-annexes>

Pursuant to Article 4, paragraph 4, of the Minamata Convention on Mercury, the Secretariat shall, on the basis of information provided by Parties, collect and maintain information on mercury-added products and their alternatives, and shall make such information publicly available. The Secretariat shall also make publicly available any other relevant information submitted by Parties. Any Party may submit a proposal to the Secretariat for listing a mercury-added product in Annex C of the Convention, which shall include information related to the availability, technical and economic feasibility and environmental and health risks and benefits of the non-mercury alternatives to the product, taking into account information pursuant to paragraph 4.

Pursuant to Article 5, paragraph 4, the Secretariat shall, on the basis of information provided by Parties, collect and maintain information on processes that use mercury or mercury compounds and their alternatives, and shall make such information publicly available. Other relevant information may also be submitted by Parties and shall be made publicly available by the Secretariat. Each Party shall discourage the development of any facility using any other manufacturing process in which mercury or mercury compounds are intentionally used that did not exist prior to the date of entry into force of the Convention, except where the Party can demonstrate to the satisfaction of the Conference of the Parties that the manufacturing process provides significant environmental and health benefits and that there are no technically and economically feasible mercury-free alternatives available providing such benefits.

F. Potential annex: Categories of policy measures to reduce and, where feasible, eliminate releases of plastics to water, land and air¹⁵

19. This potential annex is related to possible core obligation 9: eliminating the release and emission of plastics to water, soil and air. Specifically, it relates to potential options to reduce, and where feasible, eliminate releases of plastic to water, soil and air.
20. This section also includes information contained in Member State submissions concerning potential measures to prohibit dangerous practices to prevent the production and release of toxic emissions from plastic waste management.¹⁶

(i) Potential measures to reduce and, where feasible, eliminate releases of plastics to water, soil and air through general and sectoral measures, including from the sources listed below:

- a. Point sources:
 - (a) industrial facilities;
 - (b) wastewater treatment plants.
- b. Potential measures to address point sources could include:
 - (a) filtration systems.
- c. Non-point sources:
 - (a) synthetic textiles;
 - (b) vehicle tyres;
 - (c) road markings;
 - (d) paint;
 - (e) marine coatings;
 - (f) personal care products and others.
- d. Potential measures to address non-point sources could include:
 - (a) enhanced maintenance;
 - (b) stormwater management;
 - (c) sedimentation and filtration systems;
 - (d) regulation for handling, use, storage and transportation or others.

(ii) Potential measures to prevent the production and releases of toxic emissions from plastic waste management, including from the practices listed below:

- a. open burning;
 - b. incineration;
 - c. co-firing in coal-fired power plants;
 - d. waste-to-energy processes;
 - e. co-processing in cement kilns.
- 21. Chemical recycling. There is experience from existing MEAs relating to emissions and releases to air, water and soil of substances of concern.** The secretariat has compiled information on relevant provisions in such MEAs for ease of reference and illustrative purposes in Box 4 below.

¹⁵ See paragraph 18 (a) of document UNEP/PP/INC.2/4.

¹⁶ See paragraph 18(d) of document UNEP/PP/INC.2/4.

Box 4: Examples of provisions in relation to emissions to air and releases to water and soil in existing MEAs

This information is provided for illustrative purposes only and is not intended to prejudge in any way whether or how the committee may wish to address this issue in the context of the future instrument.

Minamata Convention on Mercury

<https://mercuryconvention.org/en/resources/minamata-convention-mercury-text-and-annexes>

The Minamata Convention contains two provisions addressing emissions of mercury to air and releases to water and soil:

- Article 8 on Emissions concerns controlling and, where feasible, reducing emissions of mercury and mercury compounds, to the atmosphere through measures to control emissions from the point sources falling within the source categories listed in Annex D of the Convention, with different requirements and timelines for new vs. existing sources; Annex D provides the list of point source category of emissions, five categories are identified in that annex, including waste incineration facilities;
- Article 9 on Releases concerns controlling and, where feasible, reducing, releases of mercury and mercury compounds to land and water from the relevant point sources not addressed in other provisions of the Convention.

Annex C of the Convention requires countries subject to the provisions of paragraph 3 of Article 7 to include in their national action plans actions to eliminate whole ore amalgamation; open burning of amalgam or processed amalgam; burning of amalgam in residential areas; and cyanide leaching in sediment, ore or tailings to which mercury has been added without first removing the mercury.

Stockholm Convention on Persistent Organic Pollutants (POPs)

<http://chm.pops.int/TheConvention/Overview/TextoftheConvention/tabid/2232/Default.aspx>

Article 3 of the Stockholm Convention on POPs identifies measures to reduce or eliminate releases from intentional production and use. Annex A lists chemicals for elimination, and Annex B lists chemicals for restriction. Article 5 provides measures to reduce or eliminate releases from unintentional production, with Annex C listing chemicals subject to Article 5, and source categories, definitions, general guidance on best available technique and best environmental practices. Article 6 provides measures to reduce or eliminate releases from stockpiles and wastes.

G. Potential annex: List of common elements and minimum content of National Action Plans¹⁷

22. This potential annex is related to possible implementing measure: National action plans (NAPs). Specifically, it relates to potential options for generally applicable guidance on NAPs, through a set of common elements and minimum content of NAPs, to be specified in an annex to the instrument. This section also includes information contained in Member State submissions concerning potential main features of NAPs under the future instrument.

23. Potential main features of NAPs:

- (i) A minimum set of elements for inclusion in national action plans;
- (ii) Monitoring and reporting requirements;
- (iii) A common reporting format and methodologies;
- (iv) Indicators against which progress must be tracked and reported;

¹⁷ See paragraph 30(a) of document UNEP/PP/INC.2/4.

- (v) Adaptation to national circumstances and capabilities.

24. Potential common elements or minimum contents of NAPs:

- (i) **National implementation of control measures and obligations agreed at the global level** and implementation plan setting out the timelines for actions to achieve global objective(s)/targets and timelines, including development of appropriate policy, legislative frameworks and institutional infrastructure toward the achievement of the ultimate objective of the instrument;
- (ii) **National goals and targets** relating to the Party's contribution to the achievement of the objectives of the instrument. Such goals could be timebound and measurable, where feasible; and targets have a timeline;
- (iii) Description of **intended actions to achieve the goals and targets, and how the Party will assess progress** in implementing its national action plan;
- (iv) **Nationally determined actions**, including regulations, policies, programs, measures, and voluntary approaches, and relevant sub-national actions as appropriate; Descriptions of such actions to include, as appropriate, associated timelines, targets, and intended outcomes, that should facilitate the Party's estimation of how its actions contribute toward achieving the objective of the instrument;
- (v) **Complementary measures** deemed important at the national level, taking into account national circumstances, including additional policies and/or mechanisms that go beyond the core obligations/control measures agreed on at the international level;
- (vi) **Voluntary approaches**, including in respect of:
 - a. Design and implementation of regulatory, fiscal, and economic measures and eco-standards;
 - b. Awareness raising and outreach activities for behavior changes towards sustainable consumption and production;
 - c. Promotion/adaptation of circular measures (e.g. environmentally friendly alternatives, recycling, reuse, repair of plastics, green procurement);
 - d. Mobilization of the private sector engagement for innovation, finance, and technical assistance for product development, EPR, and waste management;
- (vii) Provisions on **regional and international cooperation** for achieving the set targets in the international instrument;
- (viii) **Sources and types of plastic pollution to be addressed** through the Party's national action plan;
- (ix) Actions to address adverse impacts from plastic pollution disproportionately borne by **marginalized or underrepresented communities**, through the Party's development, implementation, and enforcement, as appropriate, of laws, regulations, and policies;
- (x) Development of a comprehensive and environmentally sound and sustainable **waste management infrastructure**;
- (xi) Gender Action Plan.

25. **There is experience from existing MEAs relating to national action plans, adaptation plans and implementing plans.** The secretariat has compiled information on relevant provisions in such MEAs for ease of reference and illustrative purposes in Box 5 below.

Box 5: Examples of provisions in relation to national action plans, adaptation plans and implementing plans in existing MEAs

This information is provided for illustrative purposes only and is not intended to prejudice in any way whether or how the committee may wish to address this issue in the context of the future instrument.

Stockholm Convention on Persistent Organic Pollutants (POPs)

<http://chm.pops.int/TheConvention/Overview/TextoftheConvention/tabid/2232/Default.aspx>

Article 7 of the Stockholm Convention requires each Party to develop a plan for the implementation of its obligations under the Convention, which needs to be transmitted to the Conference of the Parties within two years of the date on which this Convention enters into force for it. Article 7 also calls for a review and update of the plan on a periodic basis and in a manner to be specified by the Conference of the Parties. All NIPs received by the Secretariat are then presented to the next Conference of the Parties.

<http://chm.pops.int/Implementation/NationalImplementationPlans/Overview/tabid/565/Default.aspx>

Minamata Convention on Mercury

<https://mercuryconvention.org/en/resources/minamata-convention-mercury-text-and-annexes>

Pursuant to Article 20 of the Minamata Convention, a Party may, following an initial assessment, develop and execute an implementation plan, taking into account its domestic circumstances, for meeting the obligations under the Convention. Any such plan should be transmitted to the Secretariat as soon as it has been developed.

<https://mercuryconvention.org/en/parties/national-implementation-plans>

United Nations Framework Convention on Climate Change (UNFCCC)

<https://unfccc.int>

Under the UNFCCC, a national adaptation plan (NAP) process was established under the Cancun Adaptation Framework (CAF). It enables Parties to formulate and implement national adaptation plans (NAPs) as a means of identifying medium- and long-term adaptation needs and developing and implementing strategies and programmes to address those needs. (<https://unfccc.int/topics/adaptation-and-resilience/workstreams/national-adaptation-plans>)

The Paris Agreement (Article 4, paragraph 2) requires each Party to prepare, communicate and maintain successive nationally determined contributions (NDCs) that it intends to achieve. Parties shall pursue domestic mitigation measures, with the aim of achieving the objectives of such contributions.

<https://unfccc.int/process/conferences/pastconferences/paris-climate-change-conference-november-2015/paris-agreement>

Convention on Biological Diversity (CBD)

<https://www.cbd.int>

Article 6 of the Convention on General Measures for Conservation and Sustainable Use Article 6 creates an obligation for national biodiversity planning. A national strategy will reflect how the country intends to fulfill the objectives of the Convention in light of specific national circumstances, and the related action plans will constitute the sequence of steps to be taken to meet these goals. It requires each Contracting Party, in accordance with its particular conditions and capabilities, to:

- (a) Develop national strategies, plans or programmes for the conservation and sustainable use of biological diversity or adapt for this purpose existing strategies, plans or programmes which shall reflect, inter alia, the measures set out in this Convention relevant to the Contracting Party concerned; and
- (b) Integrate, as far as possible and as appropriate, the conservation and sustainable use of biological diversity into relevant sectoral or cross-sectoral plans, programmes and policies.

Article 26 calls for Parties to present, through their national reports, information on measures which have been taken for the implementation of the provisions of the Convention and their effectiveness in meeting the objectives of the Convention. Article 10(a) encourages Parties to integrate consideration of the conservation and sustainable use of biological resources into national decision-making.

III. Additional information in relation to other issues identified in document UNEP/PP/INC.1/4

A. Additional information on potential elements relating to guidelines for EPR systems¹⁸

26. This information is related to possible core obligation 5: strengthening waste management. Specifically, it relates to options for promoting EPR and enabling a market for recycling, through a set of guidelines for EPR systems.¹⁹

(i) Potential elements of guidelines for EPR systems:

- a. Financial or/ and organizational responsibilities to encourage producers to design more sustainable products and take responsibility for their end-of-life management;
- b. Cost recovery mechanism and minimal cost to be covered by the producers (collection, transport, treatment, information, data gathering...) for each plastic product placed on the market;
- c. Obligation to define a series of targets for collection, reuse, recycling or recovery;
- d. Use of eco-modulated fees and others;
- e. Involvement of all stakeholders;
- f. Dedicating the use of collected fees to specific uses, such as funding upgrade of infrastructure and technology and management skills for waste pickers.

B. Additional information on potential elements for inclusion in national reporting²⁰

27. This information is related to possible implementation measure: National reporting. Specifically, it relates to the potential option for the governing body to provide guidelines on what is to be included in national reports. This section also includes information contained in Member State submissions concerning potential main features of national reporting requirements under the future instrument.

28. The elements identified in Member State submissions are grouped below under headers and sub-headers for clarity of presentation and ease of reference only. These groupings and headers are not intended for negotiation.

(i) Potential main features of national reporting requirements:

- a. Be binding on all parties;
- b. Be relevant to specific obligations of the instrument;
- c. Promote transparency;
- d. Promote accountability.

(ii) Potential elements for inclusion in national reporting:

- a. Information relating **to action for the implementation of the instrument**, including:
 - (a) National actions implemented as a means of achieving common objective(s) and measuring effectiveness, covering each phase of the life cycle;
 - (b) Progress achieved in the implementation of NAPs, including in relation to any goals and targets;
 - (c) Measures and steps taken to:
 - i. eliminate releases of plastics and related pollution to water, air and soil;
 - ii. Ensure environmentally safe and sound management and disposal of plastic waste; and
 - iii. Cooperate on remediation of plastic waste.

¹⁸ Paragraph 14(d)(iii), footnote 10 of document UNEP/PP/INC.2/4.

¹⁹ EPR schemes are also referred to in document UNEP/PP/INC.2/4 in relation to potential obligations 7 (paragraph 16 (b)(5)) and 11 (paragraph 20(e)).

²⁰ See paragraph 31(c)(iii), footnote 22 of UNEP/PP/INC.2/4.

- b. Key activities, initiatives, projects or programmes, relevant legislation, regulations and instruments to address plastic pollution;
- c. Commitments on the provision of means of implementation by developed countries;
- d. Support provided to developing countries for implementation, particularly Small Island Developing States;
- e. Challenges to implementation and needs;
- f. Information based on national or standardized reporting and monitoring frameworks and national inventories.

(iii) Information on **national sources and levels of plastics throughout their life cycle**, including:

- a. Quantities and types of polymers and chemicals produced and origins of raw materials;
- b. Quantities and types of products throughout the life cycle of plastics, including production, consumption, use, recycling, import, export, recovery;
- c. Consumption of virgin plastic polymers;
- d. Use of plastic by market segment;
- e. Waste trade flows, balance of plastics, material flows;
- f. Waste management.

(iv) Information on **sources, levels, and impacts of plastic pollution, including in the marine environment**, including:

- a. Impacts on the environment, including in the marine environment, considering the importance of regionally disaggregated data and information;
- b. Leakages into the environment and impact of plastic pollution, including plastic pollution emissions.

29. **There is experience from existing MEAs relating to national reporting requirements.** The secretariat has compiled information on relevant provisions in such MEAs for ease of reference and illustrative purposes in Box 5 below.

Box 5: Examples of provisions concerning the contents of national reporting in existing MEAs and instruments

This information is provided for illustrative purposes only and is not intended to prejudge in any way whether or how the committee may wish to address this issue in the context of the future instrument.

Stockholm Convention on Persistent Organic Pollutants (POPs)

<http://chm.pops.int/TheConvention/Overview/TextoftheConvention/tabid/2232/Default.aspx>

Article 15 of the Stockholm Convention requires each Party to report to the Conference of the Parties on the measures it has taken to implement the provisions of this Convention and on the effectiveness of such measures in meeting the objectives of the Convention, and to provide information on its total quantities of production, import and export of each of the chemicals listed in Annex A and Annex B and the States from which it has imported each such substance and the States to which it has exported each such substance.

Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal

<http://www.basel.int/TheConvention/Overview/TextoftheConvention/tabid/1275/Default.aspx>

Parties to the Basel Convention are required to transmit annual national reports to the Secretariat pursuant to article 13, paragraph 3. The Conference of the Parties to the Basel Convention at its sixth meeting (December

2002) adopted a format – revised questionnaire on “transmission of information” and a manual to further facilitate national reporting by Parties. See <http://www.basel.int/Procedures/NationalReporting/tabid/1332/Default.aspx>

Minamata Convention on Mercury

<https://mercuryconvention.org/en/resources/minamata-convention-mercury-text-and-annexes>

Article 21 of the Minamata Convention on Mercury requires each Party to the Convention to report to the Conference of the Parties (COP), through the Secretariat, on the measures it has taken to implement the provisions of the Convention and their effectiveness and on possible challenges in meeting the objective of the Convention. The COP adopted a format for reporting and decided that each Party shall report every four years using the full format (full reports) and report every two years on four questions marked by an asterisk in the full format (short reports) (see COP Decision MC-1/8 on Timing and format of reporting by Parties). In decision MC-3/13 on guidance for completing the national reporting format, the COP recognized the need for complete and consistent national reporting to provide information for the effectiveness evaluation and for supporting compliance and requested the Secretariat to prepare draft guidance for the full national reporting format to clarify the information being sought. The COP further encouraged Parties to use the [draft reporting guidance](#) on a provisional basis to assist with preparing the national reports.

Reports submitted pursuant to Article 21 are among the elements to be included in the effectiveness evaluation under Article 22 of the Convention.

Montreal Protocol on Substances that Deplete the Ozone Layer

<https://ozone.unep.org/sites/default/files/Handbooks/MP-Handbook-2020-English.pdf>

There are two principal data requirements under the Montreal Protocol. The two reporting mechanisms ask for different types of information overall. However, the quantitative data on ODS imports, exports and production is normally the same in both.

ODS data reporting to the Ozone Secretariat: Article 7 of the Montreal Protocol requires all Parties (both Article 5 and non-Article 5) to provide statistical data about ODS to the Ozone Secretariat every year. The Ozone Secretariat uses the data to calculate each Party’s official ODS consumption and production figures. In addition, several Meeting of the Parties (MOP) Decisions require Parties to submit other information which is incorporated in the official data reporting form.

Country Programme data to the Multilateral Fund Secretariat: Each Article 5 country that has a Country Programme supported by the Multilateral Fund (MLF) must provide information annually to the Fund Secretariat on progress in the implementation of its Programme. The Fund Secretariat uses the data submitted by Parties to track the progress in ODS phase-out and to identify areas where further support may be needed. See <https://www.unep.org/resources/report/handbook-data-reporting-under-montreal-protocol>.

United Nations Framework Convention on Climate Change (UNFCCC)

<https://unfccc.int>

Article 12 of the Convention²¹ provides provisions on communication of information related to implementation. The Bali Action Plan²² at COP13 further adopted decisions to enhance action on mitigation of climate change including consideration of

- measurable, reportable and verifiable nationally appropriate mitigation commitments or actions, including quantified emission limitation and reduction objectives, by all developed country Parties, while ensuring the comparability of efforts among them, taking into account differences in their national circumstances.

²¹ https://unfccc.int/files/essential_background/background_publications_htmlpdf/application/pdf/conveng.pdf

²² https://unfccc.int/files/meetings/cop_13/application/pdf/cp_bali_action.pdf

- Nationally appropriate mitigation actions by developing country Parties in the context of sustainable development, supported and enabled by technology, financing and capacity-building, in a measurable, reportable and verifiable manner.

The Paris Agreement establishes an Enhanced Transparency Framework (ETF) designed to build trust and confidence that all countries are contributing their share to the global effort. The Katowice conference (COP24, Dec. 2018) fleshed out a framework that is applicable to all countries by adopting a detailed set of modalities, procedures and guidelines (MPGs) that make it operational. MPGs are based on a set of guiding principles and define the reporting information to be provided, the technical expert review, transitional arrangements, and a facilitative multilateral consideration of progress.

To ensure that this exercise is as robust and accurate as possible, the Parties agreed to common reporting tables for national GHG inventories; common tabular formats (CTF) for tracking progress towards NDCs and climate finance, technology transfer and capacity building; outlines of the biennial transparency report (BTR), national inventory document and technical expert review report; and a training programme for the technical review experts at CMA 3.

Convention on Biological Diversity (CBD)

<https://www.cbd.int>

Article 26 of the Convention states that the objective of national reporting is to provide information on measures taken for the implementation of the Convention and the effectiveness of these measures. In accordance with Article 6, measures to be addressed, in light of specific national circumstances, are reflected in the national biodiversity strategy and action plan.

Strategic Approach to International Chemicals Management (SAICM)

www.saicm.org

The Overarching Policy Strategy, in paragraph 24, provides that the International Conference on Chemicals Management (ICCM) will undertake periodic reviews of SAICM. In doing so, it will receive reports from all relevant stakeholders on progress in SAICM implementation. The ICCM evaluates the implementation of SAICM with a view to reviewing progress against the 2020 target and taking strategic decisions, programming, prioritizing and updating the approach as necessary.

Paragraph 26 of the Overarching Policy Strategy also assigns to regional meetings a role in reviewing progress in SAICM implementation. The functions of the SAICM secretariat, which are set down in paragraph 28 of the Strategy, include reporting to the ICCM on implementation of SAICM by all participants.

Modalities for stakeholders to report on progress with respect to the implementation of SAICM were adopted at ICCM2. <http://saicm.org/Portals/12/Documents/SAICM-List%20of%20indicators%20for%20reporting%20progress.pdf>