

APRIL 2024

Revised draft text of the international legally binding instrument on plastic pollution, including in the marine environment



## Summary of text proposed

### 1. Preamble:

*"Recognize the fundamental conflict of interest between the tobacco industry and public health,"*

*"...Reaffirming the importance of cooperation, coordination and complementarity among relevant regional and international conventions and instruments... including the...Convention on Biological Diversity, WHO FCTC, and other international organizations, regional instruments and programmes, and recognizing efforts led by non-governmental organizations and the private sector (not affiliated with the tobacco industry)"*

### 2. Principles:

*"... public health policies shall be protected from commercial and vested interests of industries."*

### 3. Dedicated Program of Work (DPW) (Exemptions requested by Party)

e. "Tobacco\*" (including tobacco products and related electronic devices)

*\*In accordance with the WHO FCTC, the DPW shall ensure that tobacco-related environmental policies are protected from the commercial and vested interests of the tobacco industry"*

DPW's recommendations and proposals shall not be constrained by the limitations set forth in the plastics treaty itself. (OR)

DPW shall consider measures beyond those that are provided under the treaty.

### 4. EPR

The implementation of EPR systems should not undermine public health objectives.[1]

## 5. Overarching Provision in re Part 2

*"Parties shall take the necessary measures at..., to promote plastic circularity and prevent the leakage of plastics... and strengthen the measures over time towards achieving the objective of this instrument.*

*Measures relating to plastics in tobacco products and related electronic devices should be implemented in accordance with the public health objectives set out in the WHO FCTC." (OR)*

*"Parties shall prioritize public health in the implementation of environmental measures herein and shall protect these from vested interests of the industry."*

## 6. Stakeholder Engagement:

*"OP3 bis. "The multi-stakeholder action agenda shall include, inter alia, the informal recycling sector and waste pickers, local governments and all sectors of the plastic industry; excluding the tobacco industry in accordance with the WHO FCTC or the WHO FENSA."*

## 7. Health Aspects:

*"Taking into account evidence-based public health measures and the fundamental conflict of interest between the tobacco industry and public health; [2] Parties are encouraged to*

*a. Promote the development ...with the participation of public health and other involved sectors;*

*"2. The governing body\*, in considering health-related issues or activities, should, taking into consideration the WHO FENSA:...*

*Consult and collaborate with the World Health Organization, WHO FCTC Secretariat other..."*

## Comments by section/side by side

### REVISED DRAFT TEXT OF THE INTERNATIONAL LEGALLY BINDING INSTRUMENT ON PLASTIC POLLUTION, INCLUDING IN THE MARINE ENVIRONMENT

\*Use of ( ) parenthesis connotes OPTIONS and/or alternative language as provided in the Revised Draft.

Topic/section	Description/options/selected provisions	Comment
1. Preamble[3]	<p><i>"...Reaffirming the importance of cooperation, coordination and complementarity among relevant regional and international conventions and instruments, with due respect for their respective mandates, to prevent plastic pollution and its related risks to human health and adverse effects on human well-being and the environment, including the... Convention on Biological Diversity, and other international organizations, regional instruments and programmes, and recognizing efforts led by non-governmental organizations and the private sector..."</i></p>	<p>It is important to include World Health Organization Framework Convention on Tobacco Control (WHO FCTC) in the list of treaties where complementarity is sought. WHO FCTC was one of the treaties mentioned specifically for purposes of synergy during <u>INC2</u> and was specifically reported in the <u>CG report</u>.</p> <p>Given that the COP 10 decision recognized this INCs and called for coordination and collaboration etc.,it is clear that this treaty is expected to cover tobacco’s toxic plastics. Hence, the preamble of the UN Political Declaration in 2011 on the fundamental conflict of interest between tobacco and public health can be included in this preamble.</p> <p><b>Proposed Text</b></p> <p><i>"...Reaffirming the importance of cooperation, coordination and complementarity among relevant regional and international conventions and instruments... including the...Convention on Biological Diversity, WHO FCTC, and other international organizations, regional instruments and programmes, and recognizing efforts led by non-governmental organizations and the private sector (not affiliated with the tobacco industry)</i></p> <p><i>"Recognize the fundamental conflict of interest between the tobacco industry and public health;"</i></p>

Topic/section	Description/options/selected provisions	Comment
2. Objective[4]	<p><i>The protection of health and environment is highlighted in both options i.e.</i></p> <p><i>“...to end plastic pollution, including in the marine environment, and (Other aquatic as well as terrestrial ecosystems)” “(that addresses the full life cycle of plastic)” to protect human health and the environment (from its adverse effects and to achieve sustainable development.)”</i></p> <p><i>Option 2</i>  <i>“...to protect human health and the environment from (the adverse effects of) plastic pollution, ...thereafter, (and to achieve sustainable development)”</i></p>	<p>The “protection of health” should be emphasized but it is important to ensure that health treaties and norms are also recognized throughout the text such as the WHO Framework Convention on Tobacco Control (<a href="#">WHO FCTC</a>) and WHO Framework of Engagement with Non-State Actors (<a href="#">WHO FENSA</a>).</p> <p>If the protection of health is highlighted, there will be an opportunity to recommend language to this effect elsewhere in the treaty, e.g. principles:  <i>“protect public health policies from commercial and vested interests”.</i></p>
3. Definitions	N/A	N/A
4. Principles[5]	<p><i>Selected examples:</i>  <i>“the polluter pays principle”</i>  <i>“the precautionary approach”</i>  <i>“(the prevention principle”</i>  <i>“access to information and transparency”</i>  <i>“sustainable development”</i>  <i>“avoidance of creating new development and environmental problems”)</i></p> <p><i>“Extended Producer Responsibility”</i>  <i>“circular economy”</i>  <i>“Measures taken to address plastic pollution should not constitute a mean of arbitrary or unjustifiable discrimination or a disguised restriction on international trade”</i></p>	<p>Some of the principles listed are aligned with the WHO FCTC while some are incongruent. Principles like polluter pays, and the precautionary approach/prevention principle can support proposals to immediately ban cigarette filters. Disallowing alternatives to cigarette filters align with the principle of avoidance of creating new developmental and environmental problems. Access to information and transparency is aligned with WHO FCTC Art 5.3 which recommends transparency in dealing with the tobacco industry.</p> <p>Principles supporting EPR and circular economy will benefit the tobacco industry. The trade-related restrictions (e.g. unjustifiable discrimination or disguised restriction) tend to set barriers and additional challenges to a country’s capacity to impose a ban, Many LMICs could be unduly burdened by the requirement to seek further justifications prior to imposing a ban.</p>

Topic/section	Description/options/selected provisions	Comment
		<p>The COP 10 decisions note that the Tobacco Industry is using extended producer responsibility systems to promote itself,[6] and urges Parties to ensure policy coherence both at the national and global level to ensure tobacco control is not undermined.[7]</p> <p>It is important to include a clear principle that public health policies like tobacco control will be protected and not undermined.</p> <p>Proposed Text:  <i>"... public health policies shall be protected from commercial and vested interests of the tobacco industry."</i></p>
5. Scope[8]	<p>Options include: No standalone provision</p> <p>Or</p> <p><i>"The production, consumption, treatment and final disposal of plastics through the circular economy approach...importance of considering the establishment of deadlines in accordance with the national reality... reduce plastic pollution."</i></p> <p>Or</p> <p><i>"is to end plastic pollution through a full life-cycle approach... ensuring sufficient flexibility..."</i></p> <p>Or</p> <p><i>"strictly be in line with the mandate as defined in article 3 of the UNEA Resolution No. 5/14 paragraphs 3(b) and 3 (c)....;"</i></p> <p>...</p>	<p>The treaty need not expressly limit its scope through this section. If it retains this section, then references that limit the ambition to a "circular economy" or efficient recycling systems/ techniques' or "sustainable alternatives" should be removed since this is not applicable for tobacco products.</p> <p>If these elements are not removed, then additional text should be added to ensure that these do not undermine WHO FCTC.</p> <p>Proposed Text: To be added at the end of the scope adopted:  <i>"...but shall in no way undermine public health policies"</i></p>

Topic/section	Description/options/selected provisions	Comment
	<ul style="list-style-type: none"> <li>• <i>“To promote national and international cooperative measures to reduce plastic pollution...Implementing efficient recycling systems...”</i></li> <li>• <i>..“... the scope of the future instrument should focus on development and promotion of sustainable alternatives...”</i></li> </ul> <p>...</p> <ul style="list-style-type: none"> <li>• <i>Limitations should be put on unnecessary and problematic plastic applications, to make recycling techniques more efficient and environmentally sound...”</i>)</li> </ul> <p>...</p> <p><i>Prioritize sustainable production and consumption of plastics, including environmentally sound management, resource efficiency and circular economy;</i></p> <p>*Also provided for exceptions medical and health use, etc.</p>	
<p>Part II 1. Primary plastic polymers[9]/ <i>(Plastic Polymers)</i> (time frame to be listed in Annex)</p>	<p>(Limit levels...not to exceed)/ (manage) (reduce) the production or supply through a (global target) (reduction target)</p>	<p>Currently not applicable. There is no basis to conclude that cellulose acetate can be considered a “primary plastic polymer” for which timeframes and targets will apply. Furthermore, the culprit is not the cellulose acetate per se but the fact that cigarette filters are made of cellulose acetate plastics that turn extremely hazardous upon use and disposal.</p>

Topic/section	Description/options/selected provisions	Comment
<p>2. Chemicals and polymers of concern[10] (to be listed in Annex)</p>	<p>(Not allow) (eliminate) use or presence in the production of plastic polymers, plastics, plastic products; (not allow) (eliminate) production, sale, distribution, impex, by x date, of products containing... chemical...</p>	<p>Currently not applicable unless cigarettes can be considered “plastic products.” Hazardous chemicals that are retained in cigarette butts are not added into the plastic filters themselves; but are those added to the tobacco component/ cigarettes then remain when cigarette filters are disposed of. This section appears to focus strictly on chemicals of concern in “plastic products.” Since cigarettes are not “plastic products;” this provision may find no application.</p>
<p>3. Problematic and avoidable plastic products, including short-lived and single-use plastic products[11] and intentionally added microplastics[12]/ (Problematic plastic products and avoidable plastic products and groups of such products, [including short-lived and single-use plastic products] and [products containing intentionally added microplastics])</p>	<p>Reference documents: Criteria for identifying problematic and avoidable plastics include 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);[13]</p>	<p>The WHO FCTC COP, in its Decision, recognized that “<i>plastic cigarette filters are unnecessary, avoidable and problematic, single-use plastics that are widely spread in the environment, killing microorganisms and marine life, as well as polluting oceans;</i>” then urged Parties to explore regulatory options, including a ban on cigarette filters. The decision also took into account the work of the INC on Plastics Pollution and recalled that the WHO supported an immediate ban of cigarette filters and related electronic devices.</p> <p>In reference documents of INC3, cigarette filters are provided as example of:</p> <ul style="list-style-type: none"> <li>a. propensity to become litter; it can also fall under</li> <li>b. slow degradation,</li> <li>c. harmfulness, bioaccumulation and toxic long-term effects, and</li> <li>d. lack of recyclability,</li> <li>e. unnecessary plastic that can be avoided or replaced.</li> </ul> <p>If the approach of “listing a criteria (in an annex)” for being “problematic.”, is to be retained; cigarette filters will likely fall under several criteria. Hence, the text should provide for “immediate bans” e.g., of plastics that fall under more than 3 or 4 criteria especially c. harm/toxic long-term effects and d. lack of recyclability.</p>

Topic/section	Description/options/selected provisions	Comment
<p>a.Problematic (plastic products) and avoidable plastic products (and groups of such products), including short-lived and single-use plastic products[14] (to be listed in Annex)</p>	<p>(Ban) (Not allow) (reduce) (regulate) (gradually reduce) (phase out) production, impex, sale, distribution of plastic products.</p> <p>(This provision does not limit Parties' abilities to enact bans or adopt more ambitious criteria...)</p> <p>(..must promote the development of safe and cost-effective alternatives..)</p> <p>Note: An example provided by second session of the Intergovernmental Negotiating Committee (INC-2) <u>Information Document</u> shows a criteria under which filters fall: <i>"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);"</i> Notably, while filters will likely fit at least 3-4 parts of the criteria but they are mentioned only in this part.</p>	<p>Cigarette filters and related electronic devices are not mentioned in this section. The Annex refers to a list of criteria for the determination of plastic products, list of products to be phased out /reduced and the exemptions.</p> <p>It is unclear if cigarette filters will fall under plastic products under this approach since only a component of the tobacco product is made of plastic. <u>To ensure coherence with the WHO FCTC COP Decision, it is important for the main text to specifically mention or provide a category / sector for tobacco products (e.g. cigarette filters or vaporizers) instead of treating it like any other plastic to be subjected to further determination through a forthcoming criteria.</u></p> <p>Furthermore, while an immediate ban is the logical route for cigarette filters and related electronic devices, the options in the revised text do not include the term "ban," but included the term "not allow." "Not allow" may be deemed an alternative if it is timebound, i.e. immediately disallow. If possible, the term "immediate ban" should be included to recognize that this is an important regulatory option for tobacco products' toxic plastics.</p> <p>Terms like "reduce" may work well for other plastics but will not make sense for cigarette filters given the toxic nature of the cigarette butts.</p> <p>The option to promote "safe alternatives" is not feasible for cigarette <u>filters</u>.</p> <p>The dangers of relying on a criteria to determine if the plastic is problematic, is that even if filters fall under the criteria and are deemed problematic; there is no assurance that it will be immediately banned (especially if it is not an option in the main text).</p>



Topic/section	Description/options/selected provisions	Comment
		<p>Failing to explicitly include the term “tobacco products” or “cigarette filters” would lead to “business as usual” where single use plastic policies that ban certain products such as cutlery/ plates/ straws/ bags, would omit cigarette filters.</p> <p>Proposed Text:</p> <p>This section focuses on obligations not on products, it is important to keep words like “ban ” or “not allow.” In Annex B where a criterion for the determination of plastics will be made, it is important to have a provision regarding cigarette filters being problematic and avoidable single use plastics, consistent with the COP Decision.</p> <p>Tobacco products or sector must be added to the Dedicated Program of Work</p>
<p>b.(products containing) Intentionally added microplastics[15] (list to be set out in an Annex)</p>	<p>Not allow use in manufacturing, <u>production, distribution, impex</u> of plastics and <u>products containing intentionally added microplastics</u></p>	<p>Although it is arguable that the tobacco industry “intentionally added” plastic filters even though it is not necessary for cigarettes to function; cellulose acetate filters are not considered “microplastics” due to its size. The fact that the filters degrade to microplastic fibers when used justifies a careful study of the criteria to warrant an inclusion of tobacco products in the list.</p>
<p>3bis. Micro- and nano plastics[16]</p>	<p>N/A</p>	<p>N/A</p>
<p>4. Exemptions available to a Party upon request[17]</p>	<p>Parties may require exemptions through a registration process.</p> <p>Proposed exemptions are time bound, but extensions may be granted</p>	<p>Tobacco should not be included in any of the exemptions.</p> <p>Cigarette filters are one of the most significant and problematic sources of aquatic trash.</p>

Topic/section	Description/options/selected provisions	Comment
		<p>Any exemptions for tobacco would be a benefit to the industry. In the case of WHO FCTC Parties, any such benefit of an exemption for cigarette filters would undermine WHO FCTC Article 5.3, the Guidelines of which recommend not giving benefits to the tobacco industry. Recalling WHO FCTC Article 5.3, the COP Decision on Article 18 specifically urged <b><i>“Parties...to protect tobacco-related environmental policies from the commercial and vested interests of the tobacco industry and those working to further its interests”</i></b>.</p> <p>Nevertheless, this provision leaves a possibility for Parties (especially those with SOEs) to seek tobacco as an exemption. Safeguards provided in the Objectives, Principles, and Dedicated Programmes of Work (DPW), could prevent this from happening.</p>
<p>4bis. Dedicated programmes of work[18] (DPW)</p>	<p><i>“Support the implementation of the instrument* for the following sectors and/or product groups:</i></p> <ul style="list-style-type: none"> <li><i>a.Packaging;</i></li> <li><i>b.Fisheries and aquaculture;</i></li> <li><i>c.Agriculture;</i></li> <li><i>d.Textiles.”</i> <p>DPW shall <i>“prepare recommendations to the governing body* ... on...targets, criteria, measures and guidelines, ... and to further develop the relevant provisions in the instrument;”</i></p> <p><i>“Cooperate and coordinate with intergovernmental organizations and entities, as appropriate, and engage with relevant stakeholders through a multistakeholder action agenda;”</i></p> </li></ul>	<p><u>Specialized sectors for which special guidance, targets, and measures will be developed, are listed in the new section on DPW. The DPW can also further develop relevant provisions in the future instrument.</u></p> <p><u>A DPW for tobacco is crucial. Cigarettes and tobacco products occupy a unique classification, where numerous provisions of this instrument risk undermining the objectives of the WHO FCTC. Consequently, establishing specialized provisions for the tobacco sector is imperative and aligns with the rationale behind proposing DPWs. A DPW on Tobacco could be established to provide specific guidance. Notably, some of such guidance had been requested by the COP for presentation at COP 11. Hence it is important for the DPW to “collaborate and coordinate with the COP” and the Secretariat on this.</u></p>

Topic/section	Description/options/selected provisions	Comment
		<p><u>DPW is also expected to engage with relevant stakeholders. It is important to ensure that a DPW on Tobacco does not open itself to unnecessary interactions with the tobacco industry. Some language in the preamble regarding policy coherence and WHO FCTC synergy will help in this aspect.</u> Recalling WHO FCTC Article 5.3, the COP Decision on Article 18 specifically urged “Parties...<b>to protect tobacco-related environmental policies from the commercial and vested interests</b> of the tobacco industry and those working to further its interests”.</p> <p><u>The DPW will not start its work until the terms of reference (TOR) is set by the governing body, hence some delay will be expected. (undermining the intention to have an "immediate ban" pronounced in the treaty text).</u></p> <p>- <u>If the final treaty language will be weak or inappropriate for tobacco, the DPW should not be constrained by the limitations of the treaty. The revised draft has many provisions regarding incentivizing certain actions, this is not applicable to tobacco because It undermines Article 5.3. Hence, it is important to ensure that the DPW is not constrained to recommending applying these incentives to tobacco.</u></p> <p><u>Proposed Language:</u> <u>support the implementation of the instrument*</u> <u>for the following sectors and/or product groups...</u></p> <p><u>E. "Tobacco* (including tobacco products and related electronic devices).</u> <u>*In accordance with the WHO FCTC, the DPW shall ensure that tobacco-related environmental policies are protected from the commercial and vested interests of the tobacco industry"</u></p>

Topic/section	Description/options/selected provisions	Comment
		<p><u>DPW's recommendations and proposals shall not be constrained by the limitations set forth in the plastics treaty itself.</u></p> <p><u>Or</u></p> <p><u>DPW shall consider measures beyond those that are provided under the treaty.</u></p>
<p>5. Product design, composition and performance[19]</p>	<p><i>"...shall take measures ... to enhance the design of plastic products, including packaging, and improve the composition of plastics and plastic products... to increase safety... reduce demand... minimize emissions..."</i></p>	<p>This can apply to any product that has some economic or consumer benefit. But since tobacco products (e.g., cigarettes) have no benefit and the <b><u>tobacco industry is proscribed from innovating its product lest it becomes more attractive; tobacco should be exempted from this provision.</u></b></p>
<p>a. Product design and performance[21]</p>	<p>(Shall require plastics produced to comply with minimum design requirements and certification procedures)</p> <p>(Should establish design and performance criteria and regulatory schemes)</p>	<p>In a majority of countries where tobacco is poorly regulated,[20] adoption of this type of measure will legitimize modifications in cigarette filter design that could increase the product's attractiveness.</p> <p>Requiring the tobacco producers to comply with certain standards to improve the design of the plastic in its products can prove problematic:</p> <p>a.Changing the composition of cigarette filters will not increase the safety of the product, nor positively affect the propensity to improperly litter the same</p> <p>b.Due to the nature of the toxic residue that attaches to the filter, there is no assurance that emissions will be reduced.</p> <p>c.Design changes undertaken by the tobacco industry will be marketed in a manner that will have the effect of promoting tobacco product/ brand/ company, or tobacco use; undermining the treaty obligation to comprehensively ban tobacco advertising, promotion and sponsorship (TAPS) and tobacco <u>regulations.</u></p>

Topic/section	Description/options/selected provisions	Comment
		<p>Proposed Text: This section does not allow for exceptions. <b>The sections that would potentially contain exceptions include Scope, Exemptions requested by a Party, Annex B (Problematic plastics criteria and list of products), and DPW.</b></p> <p>DPW Section: <u>DPW's recommendations and proposals shall not be constrained by the limitations set forth in the plastics treaty itself.</u></p> <p>- <u>Or DPW shall consider measures beyond those that are provided under the treaty.</u></p>
<p>b. Reduce, reuse, (recycling) refill and repair of plastics and (circulatory approaches for) plastic products[22]</p>	<p>Shall take effective measures to promote the reduction, reuse, refill, repair, repurposing and refurbishment, ....</p> <p>(Shall take the necessary measures to achieve the minimum reduction, reuse, refill and repair targets)</p> <p>(Should adopt time bound targets...)</p>	<p><b><u>An exception for cigarette filters must be provided particularly in terms of use of recycled plastic contents (use of cigarette butts).</u></b></p> <p>Given the tobacco industry's track record regarding health and safety claims, is likely that misleading claims and studies of "safety" will be propagated by the industry.</p> <p>There is no existing guidance on the best way to dispose of/ recycle cigarette butts and this is primarily undertaken by commercial entities including those backed by tobacco companies.</p>
<p>c. Use of recycled plastic contents[23]</p>	<p>...shall take measures to ensure that... is replaced by safe <b>and environmentally sound recycled</b> plastic content... including regulatory and economic instruments, public procurement, or incentivizing changes in the supply chain and in consumer behavior</p> <p>(Shall require plastics... produced to contain... minimum percentage of safe... content"</p> <p>(Should... achieve minimum...)</p>	<p>What is known is that removal of toxins from disposed butts is extremely difficult. As to products made from cigarette butts, scientific evidence of safety is lacking.</p> <p>Proposed Text: N/A This section does not allow for exceptions. <b>The sections that would potentially contain exceptions include Scope, Exemptions requested by a Party, Annex B (Problematic plastics criteria and list of products), and DPW.</b></p>

Topic/section	Description/options/selected provisions	Comment
<p>d. Alternative plastics and plastic products[24]</p>	<p>(Shall ensure that alternative... plastics are)</p> <p><b>(Should encourage the development and safe use of) ...safe, environmentally sound &amp; sustainable...</b></p>	<p><b><u>Tobacco products/ industry should be excluded from the application of these provisions.</u></b> Cigarettes are unique in that no alternative to filters will make the cigarette or cigarette butts safe for people or the environment. Toxins will remain in any filter that is attached to the cigarette.</p> <p>a.WHO FCTC Art 5.3 Guidelines prohibits providing any benefits or incentives to the tobacco industry to run its business.</p> <p>b.Alternatives to plastic filters such as “biodegradable filters” are already being explored and exploited by tobacco companies. These could be marketed as eco-friendly, further adding to the “attractiveness” of the <u>cigarettes</u></p> <p>Proposed Text N/A</p>
<p>6. Non-plastic substitutes[25]</p>	<p>Shall take measures to foster innovation to Incentivize and promote the development and use of...</p> <p><i>“encouraged to user regulatory and economic instruments, public procurement and incentives...”</i></p>	<p>This section does not allow for exceptions. <b>The sections that would potentially contain exceptions include Scope, Exemptions requested by a Party, Annex B (Problematic plastics criteria and list of products), and DPW.</b></p>
<p>7. Extended Producer Responsibility[26] (EPR)</p>	<p>Each Party is encouraged to establish and operate Extended Producer Responsibility (EPR) systems, including, where relevant, on a sectoral basis, to <u>incentivize increased recyclability,</u> <u>promote higher recycling</u> 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.</p>	<p>COPI0 WHO FCTC Decision on Article 18 urged “Parties to counter the so-called corporate social responsibility activities of the tobacco industry, and to ensure that <b>WHO FCTC objectives are not undermined through the industry’s implementation of extended producer responsibility systems</b>” (EPR) .</p> <p>Country practices in the EU’s implementation of EPR has revealed that EPR has become a tool for the tobacco industry to <u>undermine</u> advertising laws, gain partnerships with governments and influence policy.</p>

Topic/section	Description/options/selected provisions	Comment
	<p>Provision common for Options 1 to 3 above</p> <p>[3. The measures taken to implement the provisions of this article [may include the use of regulatory and economic instruments, public procurement, or <u>incentivizing changes in the supply chain by investing in reuse, recycling, refill and repair system and infrastructure</u>, and in consumer behavior through raising consumer awareness on sustainable consumption] ... reflected in the national plan communicated ...</p>	<p>From the description of EPR systems in the Revised Draft, it is clear that EPR is intended to incentivize recycling in addition to enhancing producers/importers' accountability for the safe management of plastic /plastic products throughout its life cycle. This further validates that EPR could undermine tobacco control laws because there is no scalable or feasible means of safe recycling for cigarette filters. Incentivizing producers and relying on them for "safe and sound management of plastics" would contravene Article 5.3 Guidelines which recommend not giving any benefits or incentives for the tobacco industry to do its business and to deformalize tobacco CSR.</p> <p>The specificity of the COP 10 Decision regarding EPR calls for a specific provision to prevent implementation of EPR systems from contravening public health objectives.</p> <p>Proposed Text: The implementation of EPR systems should not undermine public health objectives.</p>
<p>8. Emissions and releases of plastic throughout its life cycle[27] / (Emissions and) (Leakage and) releases of plastic(products and products waste)(waste and microplastics) (throughout (the entire) (its) life cycle (of plastics)</p>	<p>N/A</p>	<p>No comment specific to tobacco</p>
<p>9. Waste management[28]</p>	<p>N/A</p>	<p>No comment specific to tobacco</p>
<p>a. (Plastic) Waste management[29]</p>	<p>N/A</p>	<p>No comment specific to tobacco</p>

Topic/section	Description/options/selected provisions	Comment
b. Fishing gear[30]	N/A	No comment specific to tobacco
10. Trade in listed chemicals, polymers and products, and in plastic waste[31]	Key elements adopted from Rotterdam/ Minamata Conventions.	No comment specific to tobacco
a. Trade in listed chemicals, polymers and products[32]		
b. Transboundary movement of non-hazardous plastic waste[33]	Key elements adopted from Rotterdam/ Minamata / Stockholm and Basel Conventions.	No comment specific to tobacco
11. Existing plastic pollution, including in the marine environment[34]	N/A	No comment specific to tobacco
12. Just Transition[35]	N/A	No comment specific to tobacco
13. Transparency, tracking, monitoring and labelling[36]	N/A	General support
13bis. Overarching provision related to PART II[37]	<p><i>13 bis. Overarching provision related to Part II</i></p> <p>1. "... shall establish an effective mechanism in society to promote plastic circularity and prevent the leakage of plastics into environment through a whole-of-society approach by adopting integrated and holistic national policies"</p>	<p>Promoting circularity and recycling for tobacco would undermine public health objectives, since there is no safe and feasible means to recycle cigarette butts due to its <u>toxic nature</u>.</p> <p>The overarching provision for problematic plastics is that public health should be a primordial concern. In order to ensure that the highest standard in health is reached, the policy should be protected from industry interests.</p>



Topic/section	Description/options/selected provisions	Comment
	<p>2. <i>“Parties shall take the necessary measures at all stages of plastic lifecycle, ..., to promote plastic circularity and prevent the leakage of plastics into the environment and strengthen the measures over time towards achieving the objective of this instrument.”</i></p>	<p>Proposed Text                      “Parties shall take the necessary measures at..., to promote plastic circularity and prevent the leakage of plastics... and strengthen the measures over time towards achieving the objective of this instrument. <i>Measures relating to plastics in tobacco products and related electronic devices should be implemented in accordance with the public health objectives set out in the WHO FCTC.</i>”</p> <p>OR</p> <p><i>“Parties shall prioritize public health in the implementation of environmental measures herein and shall protect these from vested interests of the industry.”</i></p>
<p>Part III                      1. Financing[38]  <i>(mechanism and resources)</i>  <i>/Financial resources and mechanism</i></p>	<p>N/A</p>	
<p>2. Capacity-building, technical assistance and technology transfer[39]  <i>/ Capacity-building, technical and scientific cooperation, technology transfer</i>  <i>/ Capacity-building and technical assistance</i></p>	<p>N/A</p>	<p>No comment specific to tobacco</p>
<p>Part IV                      1.National Plans[40]</p>	<p>N/A</p>	<p>No comment specific to tobacco</p>

Topic/section	Description/options/selected provisions	Comment
2. Implementation and compliance[41]	Some elements taken from Minamata Convention	No comment specific to tobacco
3. Reporting on progress[42]	Some elements taken from Minamata Convention.	No comment specific to tobacco
4. Periodic assessment and monitoring of the progress of implementation of the instrument* (and effectiveness evaluation)[43]	N/A	No comment specific to tobacco
a. Assessment and Monitoring[44]	N/A	No comment specific to tobacco
b. Effectiveness (Effective evaluation) (Progress Assessment)[45]	N/A	No comment specific to tobacco
c. Review of (hazardous) chemicals (and polymers) of concern, microplastics and problematic and avoidable products[, and non-plastic substitutes][46]	N/A	No comment specific to tobacco

Topic/section	Description/options/selected provisions	Comment
5. International cooperation[47]	Shall cooperate and collaborate with international instruments and organizations...to ensure greatest level of consistency. Footnote named specific MEAs.[48]	WHO FCTC is not mentioned in the footnote of the international treaties to which this treaty must be consistent with. Inclusion of WHO FCTC in the footnote can be proposed.
6. Information exchange[49]	N/A	No comment specific to tobacco
7. Awareness-raising, education and research (and development)[50]	Includes developing a communication strategy... involving all stakeholders. [51]	The “stakeholder” definition needs to be restricted to exclude tobacco industry. Safeguards throughout the treaty text will help. A specific provision in the Section 8 “Stakeholder Engagement” will be crucial otherwise, the awareness raising undertaken with all stakeholders could undermine advertising bans (WHO FCTC Article 13).
8. (Partner and) Stakeholder engagement[52]	A multistakeholder action agenda... hereby established. Shall incentivize an all of society approach...	Stakeholders must be defined as those excluding the tobacco industry. This section must include language to prevent conflicts of interest. Exceptions to tobacco engagement or mention of WHO FCTC and WHO FENSA must be included.  Proposed Text: <i>OP3 bis. “The multi-stakeholder action agenda shall include, inter alia, the informal recycling sector and waste pickers, local governments and all sectors of the plastic industry; excluding the tobacco industry in accordance with the WHO FCTC or the WHO FENSA.”</i>
8bis. Health aspects[53]	Parties are encouraged to... Promote the development and implementation of strategies and programmes to identify and protect populations at risk, ...science-based health guidelines relating to the exposure to plastic pollution, ... with the participation of public health and other involved sectors.	Tobacco is an important public health issue and is the single most <b>preventable cause of disease and death globally</b> . In any undertaking related to health, no action should be undertaken to undermine tobacco control measures. Given the numerous aspects where this treaty could open doors to tobacco industry interference, this section should be prefaced with.

Topic/section	Description/options/selected provisions	Comment
	<p>Promote...science-based educational and preventive programmes ...</p> <p>Promote... health-care services for prevention, treatment ...</p> <p>Establish and strengthen, ... the institutional and health professional capacities for the prevention, diagnosis, treatment and monitoring of health risks ...</p> <p>...</p> <p>The governing body*, ..., should: Consult and collaborate with/ Promote cooperation and exchange of information with ... the World Health Organization, or other relevant intergovernmental organizations, and other relevant [partners and] stakeholders ...</p>	<p>Safeguards to protect environment and public health from the vested interests of the tobacco industry and those furthering its interests.</p> <p><b>Proposed Text</b>  <i>“Taking into account evidence-based public health measures and the fundamental conflict of interest between the tobacco industry and public health;” [54]</i>  <i>Parties are encouraged to</i>  <i>a. Promote the development ...with the participation of public health and other involved sectors;</i></p> <p><i>2. The governing body*, in considering health-related issues or activities, should, taking into consideration the WHO FENSA:</i>  <i>a. Consult and collaborate with the World Health Organization, WHO FCTC Secretariat other relevant intergovernmental organizations, and other relevant [partners and] stakeholders as appropriate; and</i>  <i>b. Promote cooperation and exchange of information with the World Health Organization, WHO FCTC Secretariat, and other relevant intergovernmental organizations, and other relevant [partners and] stakeholders as appropriate.”</i></p>

## Sectoral approaches

The zero draft text allows for sectoral approaches from some of the recognized sectors, such as those mentioned in the Informal Document at the INC-2, such as:

*(ii) Potential products or sectors in respect of which specific circularity criteria and guidance could be developed:[55]*

- 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;[56]*
- j. Electronic and electric equipment.*

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- e. Packaging;*
- f. Textiles;*
- g. Construction;*
- h. Transportation;*
- i. Medical and healthcare;[56]*
- j. Electronic and electric equipment.*

A sectoral approach is also recommended for addressing the release of plastics to the environment from the following sources:

- 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 tires; (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[57]*

Notably, this list **does not include tobacco**.

Parts of the Revised Draft that will be affected by Sectoral Approaches include:

- a. Minimum design and performance criteria for plastics and plastic products OR General and/or sectoral elements relating to the establishment of design and performance criteria, including in relation to certification and labelling, as relevant
- b. Minimum targets for reduction, reuse, refill and repair of plastics and plastic products
- c. Minimum percentages of safe and environmentally sound post-consumer recycled plastic OR General and/or sectoral elements relating to the establishment of minimum recycled content requirements and targets

d. Extended Producer Responsibility

e. **Emissions and releases of plastic throughout its life cycle**[58]

f. **Waste Management**: for minimum safe and environmentally sound collection, recycling, and disposal rates.

## Proposed Annexes to the instrument

Annex A Primary plastic polymers, and chemicals and polymers of concern

Annex B Problematic and avoidable plastic products, including short-lived and single-use plastic products and intentionally added microplastics

Annex C Product design, composition and performance

Annex D Modalities for the establishment and operation of EPR systems based on common principles

Annex E Emissions and releases of plastic through its life cycle

Annex F Waste management

Annex G Format for national plans

Annex (X) Effective measures at each stage of plastic lifecycle

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## Acknowledgements and Authorship



This text proposed for the international legally binding instrument on plastic pollution, including in the marine environment has been prepared by Deborah Sy of the Global Center for Good Governance in Tobacco Control (GGTC) for the Stop Tobacco Pollution Alliance (STPA), with inputs from Emmanuelle Beguinot (Comité national contre le tabagisme), Daniel Dorado Torres (Corporate Accountability), Chris Bostic, and Laurent Huber (Action on Smoking and Health). Additional research and formatting support by Shivam Bose and Farah Niazi. Layout and coordination support by Rajika Mahajan and Alvin Escritor. STPA is a global coalition of over a hundred public health and environment groups that recognize the crucial intersection between tobacco control and environmental health.

## REFERENCES

1. *"...to ensure that WHO FCTC objectives are not undermined through the industry's implementation of extended producer responsibility systems;"* Source: WHO FCTC, 10th Conference of the Parties Decision FCTC/COP10(14), 'Implementation of Article 18 of the WHO FCTC' (Panama, 10 February 2024). Available at: <https://storage.googleapis.com/who-fctc-cop10-source/Decisions/fctc-cop-10-14-en.pdf>
2. United Nations General Assembly, 'Draft resolution submitted by the President of the General Assembly Political declaration of the High-level Meeting of the General Assembly on the Prevention and Control of Non-communicable Diseases' (2011). Available at: <https://digitallibrary.un.org/record/710899?ln=en&v=pdf>
3. *"Preamble*  
*("Noting with concern that the high and rapidly increasing levels of plastic pollution represent a serious environmental problem at a global scale, negatively impacting the environmental, social and economic dimensions of sustainable development,*  
*Recognizing that plastic pollution includes microplastics,*  
*Noting with concern the specific impact of plastic pollution on the marine environment,*  
*Noting that plastic pollution, in marine and other environments, can be of a transboundary nature and needs to be tackled, together with its impacts, through a full-life-cycle approach, taking into account national circumstances and capabilities,*  
*Recognizing the special circumstances of Small Island Developing States,*  
*Reaffirming General Assembly resolution 70/1 of 25 September 2015, by which the General Assembly adopted the 2030 Agenda for Sustainable Development,*  
*Reaffirming also the principles of the Rio Declaration on Environment and Development, adopted in Rio de Janeiro, Brazil, in 1992,*  
*Recalling General Assembly resolution 76/300 of 28 July 2022 which recognized the right to a clean, healthy and sustainable environment as a human right,*  
*Recalling the United Nations Declaration on the Rights of Indigenous Peoples,*  
*Recalling the Addis Ababa Action Agenda of the Third International Conference on Financing for development,*  
*Stressing the urgent need to strengthen the science-policy interface at all levels, improve understanding of the global impact of plastic pollution on the environment, and promote effective and progressive action at the local, regional and global levels, recognizing the important role played by plastics in society,*  
*Recalling United Nations Environment Assembly resolutions 1/6, 2/11, 3/7, 4/6, 4/7 and 4/91 and affirming the urgent need to strengthen global coordination, cooperation and governance to take immediate action towards the long-term elimination of plastic pollution in marine and other environments, and to avoid detriment from plastic pollution to ecosystems and the human activities dependent on them,*  
*Recognizing the wide range of approaches, sustainable alternatives and technologies available to address the full life cycle of plastics, further highlighting the need for enhanced international collaboration to facilitate access to technology, capacity-building, and scientific and technical cooperation, and stressing that there is no single approach, Underlining the importance of promoting sustainable design of products and materials so that they can be reused, remanufactured or recycled and therefore retained in the economy for as long as possible, along with the resources they are made of, and of minimizing the generation of waste, which can significantly contribute to sustainable production and consumption of plastics,*  
*Welcoming efforts made by Governments and international organizations, in particular through national, regional and international action plans, initiatives and instruments, including relevant multilateral agreements, and recognizing the need for complementary actions and a coherent and coordinated long-term global vision,*  
*Reaffirming the importance of cooperation, coordination and complementarity among relevant regional and international conventions and instruments, with due respect for their respective mandates, to prevent plastic pollution and its related risks to human health and adverse effects on human well-being and the environment, including the International Convention for the Prevention of Pollution from Ships of 1973, as modified by the Protocol of 1978 relating thereto and as further amended by the Protocol of 1997; the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal; the Rotterdam Convention on the Prior Informed Consent Procedure for certain Hazardous Chemicals and Pesticides in International Trade; the Stockholm Convention on Persistent Organic Pollutants; the United Nations Convention on the Law of the Sea; the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter of 1972 and the Protocol thereto; the Strategic Approach to International Chemicals Management; the United Nations Framework Convention on Climate Change; the Convention on Biological Diversity; and other international organizations, regional instruments and programmes, and recognizing efforts led by non-governmental organizations and the private sector*  
*Recognizing that each country is best positioned to understand its own national circumstances, including its stakeholder activities, related to addressing plastic pollution, including in the marine environment,*  
*Recognizing the importance of best available science, traditional knowledge, knowledge of Indigenous Peoples and local knowledge systems,*  
*Taking into account the imperatives of a just transition of the workforce,*  
*Recognizing also the significant contribution made by waste-pickers and other workers in informal and cooperative settings to the collecting, sorting and recycling of plastics in many countries,*  
*Considering the need to mobilize new and additional means of implementation, in particular for developing countries, to combat plastic pollution,*

Considering the need to mobilize new and additional means of implementation, in particular for developing countries, to combat plastic pollution, Have agreed as follows:)

Source: Revised draft text of the international legally binding instrument on plastic pollution, including in the marine environment, UNEP/PP/INC.4/3, Intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment, United Nations Environment Programme, 28 December 2023, available at: <https://wedocs.unep.org/bitstream/handle/20.500.11822/44526/RevisedZeroDraftText.pdf> [accessed 5 March 2024]

#### 4.

*“Objective*

*Option 1*

*“...to end plastic pollution, including in the marine environment, and (Other aquatic as well as terrestrial ecosystems)” “[that addresses the full life cycle of plastic] to protect human health and the environment (from its adverse effects and to achieve sustainable development.”)*

*Option 2*

*“...to protect human health and the environment from (the adverse effects of) plastic pollution, including in the marine environment, (and other aquatic and terrestrial system) (based on a comprehensive approach that addresses the full life cycle of plastic) (through the prevention, progressive reduction and remediation of additional) plastic pollution (management) (and utilization of plastic and plastic waste) (according to national priorities) (by 2040) and enhanced efforts thereafter, (and to achieve sustainable development) (poverty eradication and just transition,) (considering the principle of common but differentiated responsibilities and respective capabilities) (as well as financial and technical support)*

Source: Revised draft text of the international legally binding instrument on plastic pollution, including in the marine environment, UNEP/PP/INC.4/3, Intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment, United Nations Environment Programme, 28 December 2023, available at: <https://wedocs.unep.org/bitstream/handle/20.500.11822/44526/RevisedZeroDraftText.pdf> [accessed 5 March 2024]

#### 5.

*“Principles*

*(Option 0*

*“No standalone text)*

*(Option 1*

*“... Parties shall be guided by:*

- a. *“the principles set out in the Rio Declaration on Environment and Development (Rio Principles), as referred to in resolution UNEA 5/14, in general or with reference to specific principles”*
- b. *“common but differentiated responsibilities”*
- c. *“the polluter pays principle”*
- d. *“the precautionary approach”*
- e. *“[the prevention principle”*
- f. *“respect for sovereignty over the use of natural resources”*
- g. *“just transition”*
- h. *“the protection of vulnerable communities”*
- i. *“shared responsibility”*
- j. *“intergenerational equity”*
- k. *“non-regression”*
- l. *“ecosystems approach”*
- m. *“Extended Producer Responsibility”*

- n. *“transparency”*
- o. *“inclusiveness”*
- p. *“bottom-up approach”*
- q. *“a gender perspective”*
- r. *“general principles relating to marine pollution”*
- s. *“circular economy”*
- t. *“non-discrimination”*
- u. *“best available science”*
- v. *“local and Indigenous knowledge”*
- w. *“access to information and transparency”*
- x. *“equity”*
- y. *“sustainable development”*
- z. *“Measures taken to address plastic pollution should not constitute a mean of arbitrary or unjustifiable discrimination or a disguised restriction on international trade”*
- aa. *“Promotion of cooperation at regional and international level”*
- bb. *“the three Rs of waste management”*
- cc. *“the principle of sovereignty of States”*
- dd. *“the right to choose policy mixes”*
- ee. *“avoidance of creating new development and environmental problems”*). Source: Revised draft text of the international legally binding instrument on plastic pollution, including in the marine environment, UNEP/PP/INC.4/3, Intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment, United Nations Environment Programme, 28 December 2023, available at: <https://wedocs.unep.org/bitstream/handle/20.500.11822/44526/RevisedZeroDraftText.pdf> [accessed 5 March 2024]

#### 6.

*“Noting with concern that the tobacco industry is increasingly using actions related to environmental and sustainability claims to mask the damage it causes and to promote itself through extended producer responsibility systems”;* Source: WHO FCTC, 10th Conference of the Parties Decision FCTC/COP10(14), ‘Implementation of Article 18 of the WHO FCTC’ (Panama, 10 February 2024). Available at: <https://storage.googleapis.com/who-fctc-cop10-source/Decisions/fctc-cop-10-14-en.pdf>

#### 7.

*“(d) to establish and apply, in accordance with their national law, criminal, civil or administrative procedures and effective, proportionate and dissuasive sanctions in order to enforce the liability of the tobacco industry;...”*

*“(g) to call upon international and regional organizations in which Parties are represented to ensure that the work undertaken in these international fora, including in relation to the environment and regulation of business conduct, supports tobacco control and does not undermine it;”*

Source: WHO FCTC, 10th Conference of Parties Decision FCTC/COP10(13), ‘Implementation of Article 19 of the WHO FCTC: Liability’ (Panama, 10 February 2024), available at: <https://storage.googleapis.com/who-fctc-cop10-source/Decisions/fctc-cop-10-13-en.pdf>.

#### 8.

Scope

(Option 0

*“No standalone provision”*

(Option 1

*“The scope should clearly reflect (material and territorial) the provisions of resolution 5/14 of the United Nations Environment Assembly...timebound provision may not be included in the scope but could be incorporated in other provisions of the instrument where applicable.”*

(Option 2

*“...addresses the full life cycle of plastics...”)*



(Option 3

"...applies to plastic pollution, including in the marine environment... from the design of plastic products to the environmentally sound management of plastic waste... does not apply to the following applications:

- a. Medical and health use;
- b. Emergency response to public health incidents and natural disasters, etc.;
- c. Scientific and experimental research)"

(Option 4

"Resolution 5/14 should be the basis of the scope of the instrument..."

(Option 5

"This legally binding... covers the whole life cycle of plastics, from extraction to production,... It recognizes the risk of plastic pollution to human health and the environment and the impact on climate change and biodiversity.")

(Option 6

"The production, consumption, treatment and final disposal of plastics through the circular economy approach... importance of considering the establishment of deadlines in accordance with the national reality...reduce plastic pollution.")

(Option 7

"is to end plastic pollution through a full life-cycle approach... ensuring sufficient flexibility..."

(Option 8

"UNEA resolution 5/14 should be basis of scope of the proposed instrument..."

(Option 9

"The scope already decided in UNEA Resolutions 5/14 could be our guiding principle...definition of the full life cycle of plastics could only be defined clearly after we agree upon the core obligations of this treaty..."

(Option 10

"strictly be in line with the mandate as defined in article 3 of the UNEA Resolution No. 5/14 paragraphs 3(b) and 3 (c)....;

- "To promote sustainable development production and consumption of plastics..."
- "To promote national and international cooperative measures to reduce plastic pollution...Implementing efficient recycling systems..."
- "The core of the plastic pollution crisis is "the resource-inefficient, linear, take-make-waste plastic economy,"...."
- "... the scope of the future instrument should focus on development and promotion of sustainable alternatives..."
- "scope of the instrument should exclude the stages of extraction and processing of primary raw materials..."
- Limitations should be put on unnecessary and problematic plastic applications, to make recycling techniques more efficient and environmentally sound..."")

(Option 11

"The Chair's submission is comprehensive enough and could be used to develop a shorter sharper scope...;

- Clearly reflect the provisions of UNEA resolution 5/14;
- Emphasize a comprehensive approach that addresses the full life cycle of plastics;
- Address all sources of plastic pollution and leakage, including legacy plastic pollution;
- Address effects of plastic on human health and the environment;
- Elimination of problematic, harmful and high-risk plastic categories."

(Option 12

"UNEA resolution 5/14 has the elements for the scope, which is based on a comprehensive approach..."

(Option 13

"The future instrument shall apply to plastic pollution, including in the marine environment, throughout the full life cycle...shall not apply to the following substances:

- Raw materials, such as hydrocarbons and their derivatives;
- Intermediate products, such as virgin polymers, which have to be further processed for serving end uses, any dual-use items."

(Option 14

"... UNEA Resolution 5/14 should provide the basis for the scope. Importance of "long-term elimination of plastic pollution", to "avoid detriment from plastic pollution to ecosystems and the human activities dependent on them ... the scope should include recycling..."

(Option 15

"... should be in line with UNEA Resolution 5/14..."

(Option 16

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

Source: Revised draft text of the international legally binding instrument on plastic pollution, including in the marine environment, UNEP/PP/INC.4/3, Intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment, United Nations Environment Programme, 28 December 2023, available at: <https://wedocs.unep.org/bitstream/handle/20.500.11822/44526/RevisedZeroDraftText.pdf>[accessed 5 March 2024]

9.

1. Primary plastic polymers (Alt title: Plastic Polymers)

(Option 1

1. "...[talking into consideration their respective capabilities and national circumstances]" "...necessary measures to prevent and mitigate the potential for adverse impacts on human health [and][or] the environment from the production of primary plastic polymers [and secondary plastics]" "...[including through circular economy approaches]."

Sub-option 1

2. "...shall not allow its level of production and supply of primary plastic polymers to exceed the reduction target ..."

Sub-Option 2

2. "...shall [based on scientific evidence] manage and reduce the global production and supply of primary plastic polymers ...."

3. "shall... develop nationally determined targets [to reduce its level of production] and take the necessary measures to achieve them"

[OP3ter

"...take any necessary measures to increase the production, supply, utilization and demand of secondary plastics and circular polymers]"

4. "shall reflect the measures taken to implement this provision in their respective national plans .. supply of primary plastic polymers [and secondary plastics] ...."

Sub-Option 3

2. "...shall [...based on the principles of circular economy] take the necessary measures to manage and reduce the global production and supply of primary plastic polymers ...."

3. "...shall be reflected in the national plans communicated ... shall include the intended level of domestic supply including, ...."

Provisions common for the Options above

"...should take appropriate measures to reduce the demand for and production of primary plastic polymers, including:

a. market- and price-based measures;  
b. removal of subsidies and other fiscal incentives to the production of primary plastic polymers; and (increasing of subsidies and any other incentives to the production of secondary plastics; and)

c. the establishment, as applicable, of regulatory requirements for primary plastic polymer producers"

Source: Revised draft text of the international legally binding instrument on plastic pollution, including in the marine environment, UNEP/PP/INC.4/3, Intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment, United Nations Environment Programme, 28 December 2023, available at: <https://wedocs.unep.org/bitstream/handle/20.500.11822/44526/RevisedZeroDraftText.pdf> [accessed 5 March 2024]

10.

2. Chemicals and polymers of concern

Option 1

1. "...shall take the necessary measures to [prohibit or to regulate] to not allow and to [progressively] eliminate, at the latest by the dates provided in part II of annex A, ... chemicals, groups of chemicals and polymers ...."

2. "...shall take the necessary measures to not allow and to [progressively] eliminate, at the latest by the dates provided in part II of annex A, ... the production, sale, distribution, import or export of plastic polymers, ....")

(Option 2

1. "...shall take the necessary measures, ... to minimize, and as appropriate eliminate, the use and presence in (the production, sale, distribution, import and/or export of) plastic polymers, plastics and plastic products (of hazardous) chemicals, groups of (hazardous) chemicals and polymers... of the plastic life cycle, ....")

2. "...shall take the necessary measures to not allow, or to regulate, as appropriate..., the use and presence in plastic polymers,...(plastic (including plastic) products of (hazardous) chemicals, groups of (hazardous) chemicals (and polymers and any Persistent Organic Pollutants) ... shall be reflected in the national plan ...."

Provisions common for Options 1 and 2

Where production or use of a regulated (hazardous) chemical ... each Party with such ...."

a. Take appropriate measures to ensure that any such production ...(throughout the life cycle of the (concerned hazardous) chemical)... fosters the safe ...."

b. Take appropriate measures to ensure that all such (hazardous) chemicals ... (including plastic products containing them)... manner consistent with ...."

c. Require producers and importers of such (hazardous) chemicals ... complete information about .... (plastic polymer or plastic including plastic product)"

d. Require producers and importers of the relevant chemicals, (plastic) polymers ...(based on the harmonized requirements contained in part II)... environmentally sound ...."

"...encouraged to include in its reporting pursuant to any measures it has taken to not allow, or to restrict, the use in plastics [plastic polymers] and (plastics including) plastic products of (hazardous) ... the environment at any stage of the product life cycle, or to hinder the (safe and) ...."

(Option 3

1. "...shall take the necessary measures (to manage) to not allow, or to regulate, the presence and use, in plastics and plastic products, [the risk] of chemicals,... (based on agreed scientific data) ... safe and environmentally sound management, .... (provided alternatives or substitutes are available, accessible, affordable and environmental-friendly)"

Option 4:

Replace Part II, sections 2 and 3 with the following text:

Alt title: Control of Hazardous, Problematic and Avoidable Chemicals, Polymers, and Plastic Products, including single-use plastics and intentionally added microplastics."

1. "[shall eliminate or not allow..... hazardous to human health or the environment at any stage of the plastic lifecycle, as defined and listed in [annex].."

2. "[shall take measures.... to not allow, to phase down or to otherwise regulate the production, sale, use, distribution, import or export of chemicals.... "disproportionately contribute to plastic pollution, especially in the marine environment, or they have properties that may hinder their safe and environmentally sound management...."]

3. "[shall take measures.....plastic products that are avoidable because they can be easily substituted for more sustainable alternatives, as defined and listed in [annex]...."

4. "[shall eliminate or not allow the production, sale, use, distribution, import or export of plastics products containing intentionally added microplastics]...."

5. "[The Science, Technology and Economics Panels (STEPs) shall recommend to the Conference of the Parties by its first meeting, a list of the characteristics of hazardous, problematic, and avoidable chemicals, polymers or plastic products referred to in paragraphs 1 to 4 above]...."

(Option 5

Replace Part II, sections 2 and 3 with the following text:

1. "Parties shall decide.... on chemicals of concern used in the plastics industry, based on criteria defined in annex A, that should be regulated by the Stockholm or Rotterdam Conventions, according to their objectives..."

2. "Parties are encouraged to take measures to regulate polymers with potential adverse impacts on human health or the environment..."

3. "take measures to gradually reduce the use of problematic and avoidable plastic products, identified on the basis of relevant parameters, and based on the availability, accessibility and affordability of sustainable alternatives..."

4. "take the necessary measures to regulate the use of plastic products containing intentionally added microplastics except where an exception is specified..."

Source: Revised draft text of the international legally binding instrument on plastic pollution, including in the marine environment, UNEP/PP/INC.4/3, Intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment, United Nations Environment Programme, 28 December 2023, available at: <https://wedocs.unep.org/bitstream/handle/20.500.11822/44526/RevisedZeroDraftText.pdf> [5 March 2024]

**11.**

"(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)."

Source: Additional information linked to potential options for elements towards an international legally binding instrument, UNEP/PP/INC.2/INF/4, Intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment, United Nations Environment Programme, 23 May 2023, available at: <https://wedocs.unep.org/bitstream/handle/20.500.11822/42518/OptionElementsAdditionalInformation.pdf> [accessed 29 September 2023]

**12.**

"3. Problematic and avoidable plastic products, including short-lived and single-use plastic products and intentionally added microplastics"

("Alt title: Problematic plastic products and avoidable plastic products and groups of such products, ([including short-lived and single-use plastic product]) and ([products containin]) intentionally added microplastics")

Source: Revised draft text of the international legally binding instrument on plastic pollution, including in the marine environment, UNEP/PP/INC.4/3, Intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment, United Nations Environment Programme, 28 December 2023, available at: <https://wedocs.unep.org/bitstream/handle/20.500.11822/44526/RevisedZeroDraftText.pdf> [5 March 2024]

**13.**

Other criteria could also include cigarette butts such as b. slow degradation, c. harmfulness, bioaccumulation and toxic long term effects, d. lack of recyclability, e. unnecessary plastic that can be avoided or replaced.

**14.**

"a. Problematic [plastic products] and avoidable plastic products (and groups of such products), including short-lived and single-use plastic product"

(Option 1

1. "...shall not allow (reduce) the production, sale, distribution, import or export of the plastic products, ... identified based on criteria set out in part I of annex B, ...."

2. "...shall reduce (restrict) the production, sale, distribution, import or export of the plastic products listed in part III of annex B identified based on the criteria and within the timeframe set out in the same annex.")

(Option 1 Alt 2

"... must take the necessary measures to regulate and reduce and not allow the production, sale, distribution, import or export of the plastic products, including short-lived and single-use plastic products..."

(Option 2

1. "...should [shall] take the necessary measures to regulate and reduce and, as appropriate, [the use of problematic and avoidable plastic products, including short-lived and single use plastics].... not allow the production, sale, distribution, import or export of problematic and avoidable plastic products, ... [with high risk of environmental leakage .... including the appropriate nationally determined timeframes for reduction and phase-out, ....]"

(OPI Alt2

"... take the measures to regulate the production, sale, distribution, of problematic and avoidable plastic products, including short-lived and single-used plastic products, identified based on the science-based criteria ...")

(OPI bis Alt2

"... \* shall develop guidance on the regulation of problematic and avoidable plastics based on scientific criteria and take into account the availability, accessibility and affordability of sustainable alternatives."). Source: Revised draft text of the international legally binding instrument on plastic pollution, including in the marine environment, UNEP/PP/INC.4/3, Intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment, United Nations Environment Programme, 28 December 2023, available at: <https://wedocs.unep.org/bitstream/handle/20.500.11822/44526/RevisedZeroDraftText.pdf> [5 March 2024]

**15.**

*"b.[Products containing] Intentionally added microplastics (Option 1*

*"...shall not allow the production, use in manufacturing, sale, distribution, import or export of plastics and [take the necessary measures containing] products containing intentionally added microplastics, except where an exception is specified in part IV of annex B.)*

*(Option 2*

*1. "...shall identify plastics and products containing intentionally added microplastics in accordance with the criteria contained in part V of annex B, ... not allow, their production, ....(taking into consideration technical feasibility) ...")*

*(OP1 Alt*

*"...shall take measures, as appropriate and consistent with its national laws, to control the use or manufacture of products containing intentionally added microplastics ...."*

*2. "...[within its respective regulations] shall share information on the measures taken pursuant to paragraph 1 through the online registry ... with the aim of promoting transparency.")*

*(OP2 Alt2*

*"... each Party shall identify plastics and products containing intentionally added microplastics in accordance with the scientifically developed criteria ...")*

*(Option 3*

*1. "...take effective measures to identify goods and products that contain intentionally added microplastics, to establish the risks of their ingestion and their pollution of the environment and adverse effects on the human body, ... facilitate the transition to these alternatives.")*

*(Option 4*

*"... shall take the necessary measures to regulate the use of plastic products containing intentionally added microplastics ...")*

Source: Revised draft text of the international legally binding instrument on plastic pollution, including in the marine environment, UNEP/PP/INC.4/3, Intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment, United Nations Environment Programme, 28 December 2023, available at: <https://wedocs.unep.org/bitstream/handle/20.500.11822/44526/RevisedZeroDraftText.pdf> [5 March 2024]

**16.**

*3bis. Micro- and nano plastics*

*Option 1*

*("Placeholder pending further text.")*

Source: Revised draft text of the international legally binding instrument on plastic pollution, including in the marine environment, UNEP/PP/INC.4/3, Intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment, United Nations Environment Programme, 28 December 2023, available at: <https://wedocs.unep.org/bitstream/handle/20.500.11822/44526/RevisedZeroDraftText.pdf> [18 March 2024]

**17.**

*"4. Exemptions available to a Party upon request*

*1. "...may register, in accordance with the provisions of an exemption from the phase-out dates listed in part II in annex B ...."*

*2. "...shall expire [5] years after the relevant phase-out dates listed in part II of annex [A and] B, ...."*

*3. "...may decide to extend an exemption for a period requested by the Party but not exceeding [X] years, in accordance with the procedure.... [exemption may only be extended 2 times per entry per phase out date.]... [non-compliance mechanism to be further developed]."*

*4. "...may have an exemption in effect at any time after [3] years after the phase-out date for a plastic product listed in part II of annex B."*

*(OP4 bis 1*

*"Small island developing States, and other States ... may register extensions to exemptions without approval of the governing body until such a time as there are sufficient polymer and plastic product supplies....")*

*(OP4 bis 2*

*"Clear procedures on granting of exemptions and the implications on non-compliance must be further discussed and clearly outlined under this provision")*

Source: Revised draft text of the international legally binding instrument on plastic pollution, including in the marine environment, UNEP/PP/INC.4/3, Intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment, United Nations Environment Programme, 28 December 2023, available at:

<https://wedocs.unep.org/bitstream/handle/20.500.11822/44526/RevisedZeroDraftText.pdf> [accessed 5 March 2024]

**18.**

*"4bis. Dedicated programmes of work"*

*(Option 1*

*1. "Dedicated programmes of work are hereby established to support the implementation of the instrument\* for the following sectors and/or product groups:*

- a. Packaging;*
- b. Fisheries and aquaculture;*
- c. Agriculture;*
- d. Textiles."*

*2. "...shall, at its first session, adopt the arrangements and terms of reference for the operation of the dedicated programmes of work, and review them periodically thereafter. The dedicated programmes of work shall:*

- a. Prepare recommendations to the governing body\* for its consideration, on inter alia targets, criteria, measures and guidelines, to support implementation and to further develop the relevant provisions in the instrument\*;*
- b. Cooperate and coordinate with intergovernmental organizations and entities, as appropriate, and engage with relevant stakeholders through a multistakeholder action agenda;*
- c. Report regularly to the governing body\* on all aspects of its work."*

Source: Revised draft text of the international legally binding instrument on plastic pollution, including in the marine environment, UNEP/PP/INC.4/3, Intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment, United Nations Environment Programme, 28 December 2023, available at: <https://wedocs.unep.org/bitstream/handle/20.500.11822/44526/RevisedZeroDraftText.pdf> [accessed 5 March 2024]

**19.**

**5. Product design, composition and performance**

**20.**

According to COP10/x Article 9/10 WHO Report Article 9/10 is one of the least implemented provisions of the treaty "Since the entry into force of the Convention, an increasing number of Parties have made progress in implementing Articles 9 and 10; however, these articles have remained among the most challenging to implement."

Source: Implementation of Articles 9 and 10 of the WHO FCTC (Regulation of contents and disclosure of tobacco products), Conference of the parties to the WHO Framework Convention on Tobacco Control FCTC/COP/10/6, 19, May 2023, Available at:

<https://storage.googleapis.com/who-fctc-cop10-source/Main%20documents/fctc-cop10-6-en.pdf> [accessed 29 September 2023]

**21.**

**a. Product design and performance**

*(Option 1*

*"...shall (is encouraged to) take measures ... (in accordance with national priorities) ... 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 (and associated chemicals) ... (minimizing releases of plastic waste, including microplastic);*

*b. Increasing the safety, durability, reusability, refillability, repairability ... their capacity to ...."*

*c. Minimizing releases and emissions (leakages) from (and environmental and safety impacts from) plastics and plastic products, including (intentionally added) microplastics.."*

*(OPI c alt*

*"Minimizing environmental and safety impacts of plastics and plastic products, including intentionally added microplastics")*

*(Sub-Option 1*

*2. "...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, ...."*

*3. "...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] the design and performance criteria and other related elements contained in part I of annex C, ... shall require plastics and plastic products to be appropriately labelled in accordance with these criteria and elements."*

*(Sub-Option 2*

*2. "...should (shall) adopt (sustainable product) design and performance criteria and regulatory schemes to:*

*a. Reduce the use of plastics across the value chain, including in product packaging; and*

*b. Increase the safety, durability, reusability, (recyclability) refillability, repairability ... disposed of in ...." in accordance with the elements contained in part I of annex C ... this provision shall be reflected ...."*

*(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. ...establish or augment voluntary certification schemes....*

*d. ...take into account relevant international standards and guidelines, including any relevant sector- or product-specific standards and guidelines ")*

*3. "...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 ...."*

*Provision common for Sub-options 1 and 2*

*4. "...encouraged to 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, to increase their safety, durability, reusability, refillability, repairability (recyclability in practice) and refurbishability, ....(and assure compliance with sectoral requirements.)"*

*(Sub-Option 3*

*2. "... 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....*

*b. Minimizing releases and leakage from plastic products, including microplastics;"*

*"... the relevant international standards and guidelines, including any relevant sector- or product specific standards and guidelines..."*

*(Option 2*

*1. "...based upon national circumstances...take measures, ... to enhance the design of plastic products, including packaging, and improve the composition of plastics and plastic products.*

*2. "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...."*

*3. "...take measures for plastics and plastic products that conform to paragraph 1.")*

Source: Revised draft text of the international legally binding instrument on plastic pollution, including in the marine environment, UNEP/PP/INC.4/3, Intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment, United Nations Environment Programme, 28 December 2023, available at: <https://wedocs.unep.org/bitstream/handle/20.500.11822/44526/RevisedZeroDraftText.pdf>[5 March 2024]

**22.**

*"b. Reduce, reuse, (recycling) refill and repair of plastics and (circulatory approaches for) plastic product*

*(Option 1*

1. *"...shall ... take effective measures to promote the reduction, reuse, (recycle) refill, repair, repurposing and refurbishment, ... of reuse, refill and repair .... The governing body\* shall issue harmonized standards for product reuse, recycling, repair and refurbishment."*

2. *"...shall take the necessary measures [covering the distribution, sales, and consumption stages,] to achieve the minimum ... reduction, reuse, refill and repair targets contained in part II of annex C within the timeframe identified in that annex, ...."*

*(Option 2*

1. *"...shall, ... by its (first) second session, take effective measures to promote ...."*

2. *"...should (shall) adopt [nationally determined] timebound targets ...."*

*(Option 3*

1. *"shall... based on guidance ....by its third session, take effective measures to promote circularity approaches as relevant..."*

2. *"Parties are encouraged to adopt timebound targets in support of this objective."*

*Provision common for Options 1 to 3 above*

1. *"...(may include the use of regulatory and economic instruments, public procurement, or incentivizing changes in the supply chain) ...national plan .... (raising consumer awareness on sustainable consumption)"*

*(Option 4*

1. *"... national plan ... take effective measures to promote the reuse, refill, repair, repurposing and refurbishment, as relevant, ..."*

2. *"each Party should take measures as deemed appropriate to support this objective"*

3. *"...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. *"... take effective and environmentally beneficial measures to ensure the reduction in the use of plastics and plastic products..."*

2. *"... to achieve the minimum reduction, reuse, refill and repair targets contained in part II of annex C within the timeframe identified in that annex..."*

3. *"encouraged to work with relevant international organizations at the multilateral level towards the development of standards and guidelines for reuse and refill systems."*

4. *"... may include the use of regulatory and economic instruments, public procurements, the establishment of extended producer responsibility schemes, as set out in part VII..."*

Source: Revised draft text of the international legally binding instrument on plastic pollution, including in the marine environment, UNEP/PP/INC.4/3, Intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment, United Nations Environment Programme, 28 December 2023, available at: <https://wedocs.unep.org/bitstream/handle/20.500.11822/44526/RevisedZeroDraftText.pdf> [5 March 2024]

**23.**

*"c. Use of recycled plastic contents*

*(Option 1*

1. *"...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, ...."*

*(Option 2*

1. *"...(as per its national action plan) should take (nationally determined) the necessary measures for plastics and plastic products produced within its territory and those available on its market, (to increase the share of secondary plastic that is used) to achieve minimum percentages of safe and environmentally sound postconsumer recycled plastic contents, (when it is technologically feasible) ...."*

*(Option 3*

1. *"...provide a time frame 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"*

*(Option 4*

*"... 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..."*

*Provision common for Options 1 to 4 above*

1. *"...shall(should) take measures to ensure that, where needed(possible), primary plastic in products is replaced by safe and environmentally sound recycled plastic content. ....(by investing in recycling system and infrastructure, and in consumer behaviour, among other measures,)(through raising consumer awareness on sustainable consumption)"*

Source: Revised draft text of the international legally binding instrument on plastic pollution, including in the marine environment, UNEP/PP/INC.4/3, Intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment, United Nations Environment Programme, 28 December 2023, available at:

<https://wedocs.unep.org/bitstream/handle/20.500.11822/44526/RevisedZeroDraftText.pdf> [accessed 5 March 2024]

**24.**

*"d. Alternative plastics and plastic products*

*(Option 1*

1. *"...shall ensure that alternative plastics and plastic products are safe, environmentally sound and sustainable,(in accordance with standards to be decided...) taking into account their (negative) potential for ... environmental, (climate) economic, social and human health impacts, including food (and water) security..."*

*(OPI bis*

*"...shall ensure that alternative plastics and plastic products are safe, environmentally sound and sustainable..."*

*(Option 2*

1. *"...should encourage the development and use of safe, environmentally sound and sustainable alternative plastics and plastic products, ...."*

*(OPI 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."*

2. "...shall (should endeavor to) ensure that alternative plastics and plastic products are safe, environmentally sound and sustainable, (based on life cycle assessment) ...."
3. (... national plan...)

(Option 3)

1. "... shall apply to alternative plastics and plastic products which include bio-based, biodegradable and compostable plastics."
2. "....shall be guided by the waste hierarchy and ensure that reduction in the use of all plastics and prevention of plastic waste..."
3. "...ensure that alternative plastics and plastic products are safe, environmentally sound and sustainable, based on the minimum design and performance criteria ... the criteria should build a full life cycle analysis..."

(OP3 bis)

"... should also take into consideration avoidance of undesirable substitution and problem-shifting."

4. "... consider economic instruments to incentivize alternative plastics and plastic products."
5. "... e the necessary measures to ensure that environmental claims on (i) bio-based, (ii) biodegradable and (iii) compostable plastics are substantiated..."
6. "... encouraged to work with relevant international organizations towards the development of standards and guidelines... plastics are safe, environmentally sound and sustainable"

(Option 4)

Merge with II.6 ("Non-plastic substitutes").

Source: Revised draft text of the international legally binding instrument on plastic pollution, including in the marine environment, UNEP/PP/INC.4/3, Intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment, United Nations Environment Programme, 28 December 2023, available at: <https://wedocs.unep.org/bitstream/handle/20.500.11822/44526/RevisedZeroDraftText.pdf> [accessed 5 March 2024]

**25.**

"6. Non-plastic substitutes

Option 1

1. "...shall take measures to foster innovation ... and incentivize and promote [the research,] the development and use at scale of safe ...."
2. "...encouraged (shall ensure) to use regulatory and economic instruments, public procurement and incentives ...."

(OP2 bis 2)

"... entail the adoption of a holistic set of criteria encompassing safety, environmental viability, and sustainability for non-plastic substitutes..."

(OP2 ter)

"... for the assessment of the safety and sustainability of potential substitutes to plastics and their suitability as substitutes..."

Option 2

1. "... ensure that non-plastic substitutes, products, technologies and services are safe, environmentally sound and sustainable..."
2. "... take measures to foster innovation and incentivize and promote the development and use at scale of safe, environmentally sound, and sustainable non-plastic substitutes..."
3. "...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..."

(Option 3)

1. "... take measures to foster innovation and research, and incentivize and promote the development and use at scale of safe and sustainable non-plastic substitutes... impact on environmental, economic, and social systems and human health, and considering possible unintended consequences and trade-offs."
2. "... assess the development and use of safe and sustainable non-plastic substitutes..."
3. "... I promote efforts to establish or augment voluntary certification schemes for sustainable products or packaging..."
4. "use regulatory and economic instruments, public procurement and incentives to promote the development and use of safe, environmentally sound and sustainable non-plastic substitutes,..."

(Option 4)

1. "... foster research and innovation on safe, environmentally sound, and sustainable non-plastic substitutes ... waste hierarchy and comparative life cycle analysis..."

(Option 5)

1. "... ensure that non-plastic substitutes are safe, environmentally sound and sustainable, taking into account their potential for environmental, economic, social and human health impacts,..."

(Option 6)

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

Source: Revised draft text of the international legally binding instrument on plastic pollution, including in the marine environment, UNEP/PP/INC.4/3, Intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment, United Nations Environment Programme, 28 December 2024, available at:

<https://wedocs.unep.org/bitstream/handle/20.500.11822/44526/RevisedZeroDraftText.pdf> [accessed 5 March 2024]

**26.**

"7. Extended producer responsibility

(Option 1)

1. "...shall establish (and regulate) and operate (mandatory) Extended Producer Responsibility (EPR) systems (schemes), 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] .... to incentivize (plastic reduction, reuse) increased recyclability, promote (high quality) recycling , ... enhance the accountability of producers and importers for safe and environmentally sound management, of plastics [and for littering] ")
2. "shall, ... take into account how the measures taken would contribute to a just transition ...., adopt modalities to inform the establishment of national EPR (systems) (schemes) and define their essential features and to support their harmonization..."

*(Option 2*

1. "...encouraged to establish and operate (implement national) Extended Producer Responsibility (EPR) systems, or any systems or mechanisms that serve the same purpose of EPR ... (taking into consideration market condition, national capabilities and circumstances), including, where relevant, on a sectoral basis,... taking into account, as appropriate, the modalities contained in annex D .... (just transition with special consideration of waste pickers) ... promote higher recycling rates, and enhance the accountability of producers ... (and increase public awareness)."

2. "...\* shall, ... adopt (develop) (implementable) modalities... as outlined in Annex D to inform the establishment ... of national EPR systems ... and define their essential features, and to (encourage) (support) their (alignment)(harmonization) taking into account ... how EPR systems can support) (ensuring) a just transition."

*(OP2 bis*

"... take into account how the measures taken would contribute to a just transition."

*(Option 3*

1. "... 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 ... shall minimize their plastic pollution footprint through EPR schemes."

2. "... schemes have efficient and effective traceability and accountability mechanisms.

3. "... cooperating at regional and global level, in the implementation of EPR Schemes")

*(Option 4*

1. "... encouraged to consider establishing and operate fiscal and/or non-fiscal Extended Producer Responsibility (EPR) systems as appropriate... 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."

Source: Revised draft text of the international legally binding instrument on plastic pollution, including in the marine environment, UNEP/PP/INC.4/3, Intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment, United Nations Environment Programme, 28 December 2023, available at: <https://wedocs.unep.org/bitstream/handle/20.500.11822/44526/RevisedZeroDraftText.pdf> [accessed 5 March 2024]

**27.**

"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. "...shall (take measures to) prevent and (where feasible) eliminate the emissions and (to protect human health and the environment) ... releases of plastic polymers, (chemical pollutants) plastics, including microplastics,...(across their life cycle) ... The emissions and releases covered under this provision should include:

- a. Emissions of (any plastic pollution) of hazardous substances, including microplastics, to air [and in the workplaces];
- b. Releases to soil and water from the production ... of concern ...."
- c. Releases of chemicals and polymers ... microplastics, ..."

*(OP 1b ter.*

"Minimization of microplastics generation and the generation of hazardous chemicals..."

*(OP1b alt.*

"Merge b and 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."

2. "...shall(take effective) (any necessary) (measures to) prevent (or reduce with a view towards elimination) and (where possible) eliminate emissions and releases of plastic pellets, flakes and powder from production, storage, ...."

3. "... (are encouraged to) (shall) be reflected in the national plan communicated pursuant to [part IV.1 on national plans], (taking into account the special circumstances of small island developing States)"

4. "...shall (may) adopt guidelines, including where relevant, sectoral guidelines, to facilitate implementation of the obligations set out in paragraph 1(and 2),..."

5. "...encouraged to promote scientific and technical innovation (including through the cooperation mechanism)... to prevent and capture the (any) releases of plastics and plastic products(and their alternatives), including microplastics, into the marine (and other) environment ...."

*(OP5 Alt*

"... promote scientific and technical innovation to prevent the release of plastic into waterways and the marine environment. to developing countries.")

*(Option 2*

1. "...prevent and eliminate the emissions and releases of plastic polymers, plastics, including microplastics, and plastic products across their life cycle, to the environment... 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
- c. Releases of chemicals and polymers ... to air, soil, and water,[including the marine environment] and ecosystems."

2. "... shall prevent and eliminate emissions and releases of plastic pellets, flakes and powder from the full supply chain ... framework of international organizations such as the International Maritime Organization."

3. "...provisions of this article shall be reflected in the national plan..."

4. "The Governing Body ... adopt guidelines, to facilitate implementation of the obligations set out in paragraph 1...to capture and remove plastic pollution, including microplastics..."

5. "... encouraged to promote scientific and technical innovation to prevent and capture the releases... into the marine environment."

6. "... assessment of the need as well as mobilization of financial resources and technology transfer..."

*(Option 3*

1. "...should take necessary measures to regulate the emissions and releases of plastics, including microplastics..."

2. "...should take necessary measures to regulate and reduce emissions and releases of plastic pellets, flakes and powder..."

3. "The measures taken to implement the provisions of this article shall be reflected in the national plan..."



4. "...shall adopt guidelines, to facilitate implementation of the obligations set out in paragraph 1... from freshwater bodies, the marine environment and ecosystems."

5. "... encouraged to promote scientific and technical innovation to prevent and capture the releases of plastics and plastic products..."

6. "...assessment of the need as well as mobilization of financial resources..."

(Option 4

1. "... shall prevent and control the emissions and releases of plastic waste, ... 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. "... shall prevent and control the emissions and releases of plastic pellets, flakes and powder..."

3. "...provisions of this article shall be reflected in the national plan..."

4. "The Governing Body ... shall adopt guidelines ... including sectoral guidelines ... emission and effluent standards, sector-specific best available techniques and best environmental practices..."

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

(Option 5

1. "... manage and eliminate the leakages and releases of plastic products..."

2. "... this provision should include:

a. Leakage/ Releases of hazardous substances, including microplastics waste to all environments;

b. Releases to all environments ... plastic products, and chemicals of concern as per the agreed list ... from other multilateral environmental agreements.")

Source: Revised draft text of the international legally binding instrument on plastic pollution, including in the marine environment, UNEP/PP/INC.4/3, Intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment, United Nations Environment Programme, 28 December 2023, available at: <https://wedocs.unep.org/bitstream/handle/20.500.11822/44526/RevisedZeroDraftText.pdf> [accessed 5 March 2024]

**28.**

"9. Waste management"

**29.**

"a. [Plastic] Waste management

(Option 1

1. "...shall take effective measures to ensure that (producers manage) plastic waste is managed in a safe and environmentally sound manner throughout its different stages, .... establishes that greater environmental and social benefit occurs when actions at the top of the hierarchy are prioritized..."

2. "...shall meet the requirements, including where relevant through a sectoral approach, for minimum safe and environmentally sound (management of plastic waste) collection, recycling and disposal rates, .... taking into account ... the London Convention on the Prevention of Marine Pollution..."

3. "shall (may) ... adopt requirements (best practices), guidance and guidelines for the implementation of the provisions in paragraph 2, ....")

(Option 2

1. "...shall take effective measures on safe and (to ensure) environmentally sound waste management [of plastic waste] at its different stages, including handling, collection, transportation, storage, recycling ... harmonized indicators ....")

(OPI bis

"... each Party shall give priority/due consideration to establishing a basic effective social system at local level ... indispensable to a safe and environmentally sound waste management..."")

2. "...shall adopt at its first session, and subsequently update as needed, guidelines on safe and environmentally sound management of plastic waste ....(developed under the Basel Convention...)"

(Option 3

1. "... effective measures to meet best available practices, for minimum safe and environmentally sound collection..."

2. "... utilize the technical guidelines... adopted by parties at COP16 of the Basel Convention..."")

Provisions common for Options above

1. "...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 ...."

2. "...shall take the necessary measures to prevent open dumping, ocean dumping, littering and open burning (of plastic waste).

3. "... (to adopt comprehensive economic-driven approaches such as establishing and operating Extended Producer Responsibility (EPR) scheme ...) shall take additional measures to:

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

b. promote investment and mobilize resources from all sources ... light of current and expected ...."

c. incentivize behavioural changes throughout the value chain and raise consumer awareness on sustainable consumption about plastic waste prevention..."

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]"

(Option 4

1. "... shall take measures on safe and environmentally sound waste management..."

2. "...shall adopt... , guidelines on safe and environmentally sound management of plastic waste..."

3. "... take additional measures to:

a. invest in waste management systems and infrastructure..."

b. promote investment and mobilize resources from all sources to cover financing gaps for waste management system..."

c. incentivize behavioural changes throughout the value chain and raise consumer awareness on sustainable consumption."

4. "... reflected in the national plan...")

Source: Revised draft text of the international legally binding instrument on plastic pollution, including in the marine environment, UNEP/PP/INC.4/3, Intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment, United Nations Environment Programme, 28 December 2023, available at: <https://wedocs.unep.org/bitstream/handle/20.500.11822/44526/RevisedZeroDraftText.pdf> [accessed 6 March 2024]

**30.**

"b. Fishing Gear"

1. "...shall cooperate (is encouraged to) ... and take (any) effective measures, including appropriate... marking, tracing[tracking, retrieval] and reporting (and recovery) requirements, to prevent, reduce and eliminate, abandoned, ...."

(OP1 bis 1

"...take effective measures towards collection and environmentally sound waste management...")

(OP1 ter

"... take action to:

a. promote education and raise awareness with fishing industries and practitioners..."

b. promote collaboration between Parties and relevant industry sectors..."

2. "...shall (are encouraged to) promote synergy and complementarity with relevant initiatives and organizations in their respective actions towards safe disposal of (the prevention of plastic pollution from) fishing gear."

(Option 2

"Alternative placement suggested as Section 8bis instead of 9b"

1. "...require parties to take measures to:

a. "... Enhance the design of fishing and aquaculture gears ... durability, reusability, repairability and refurbishability...;

b. "... effective marking of gears and require reporting of lost gears..."

c. "... Improve the management of gear at the end of its usable life..."

d. "... training, education and awareness raising."

2. "... reflected in the national plan ..."

"... remediation of abandoned, lost and discarded fishing gear is important to protect the marine environment..."

(Option 3

Alternative placement suggested: as a new element 4bis instead of 9b.)

(Option 4

Alternative placement suggested: under element 11 instead of 9b.)

(Option 5

1. "Each party ... should cooperate in taking effective measures ... to tackle fishing gear."

2. "... promote synergy and complementarity with relevant initiatives..." Source: Revised draft text of the international legally binding instrument on plastic pollution, including in the marine environment, UNEP/PP/INC.4/3, Intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment, United Nations Environment Programme, 28 December 2023, available at: <https://wedocs.unep.org/bitstream/handle/20.500.11822/44526/RevisedZeroDraftText.pdf> [accessed 7 March 2024]

**31.**

"10. Trade in listed chemicals, polymers and products, and in plastic waste"

**32.**

a. Trade in listed chemicals, polymers and products

(Sub-Option 1

1. "...shall not export:

a. chemical, group of chemicals or polymer referred ... for use in plastic ...."

b. a plastic product containing any such chemical or polymer (as outlined in a. above); or

c. a microplastic or product addressed in ... including short-lived and single-use product ...."

except where the production and use of such ... " and with the prior informed consent ...."

2. "...shall establish an export permit requirement for such exports,... and obtain the prior informed consent of the

importing State in writing, together with its assurances that the chemical, polymer, microplastic or product,

3. "...shall require the exporter to:

a. provide to the importing State and the importer complete harmonized information about the composition of the exported (polymer), chemical or product and the associated hazards to human health or the environment, based on the harmonized disclosure requirements contained in annex A, including safety data sheets, as relevant;

b. mark and label the exported chemical, (polymer or) product in accordance with relevant harmonized labelling requirements contained in annex A, as relevant; and

c. comply with the relevant generally accepted and recognized international rules, standards and practices for packaging, labelling and transport.

4. "...shall require its shipping document to bear that code when exported.

5. "...shall not import:

a. a chemical, group of chemicals or polymer referred to in [part II.2 on chemicals and polymers of concern];

b. a plastic product containing any such chemical or polymer; or

c. a microplastic or product addressed in [part II.3 on problematic and avoidable plastic products, including short-lived and single-use product, and intentionally added microplastics];

(OP5.c. bis

"products not meeting standards established in article [5] [on product design];")

"except for the purposes of use permitted under this instrument\* ... environmentally ....")

(OP5 bis

"In case of export to, or import from, a non-Party to this instrument, each Party shall apply the provisions of this article, on a non-discriminatory basis.")

(Sub-Option 2

1. "... cooperate to promote a supportive and open international economic system ... better to address the problems of plastic pollution")

*(Sub-Option 3*

1. *"Each Party shall regulate trade in listed chemicals, polymers and products ... in accordance with the principles of the internationally binding multilateral trading system..."*

Source: Revised draft text of the international legally binding instrument on plastic pollution, including in the marine environment, UNEP/PP/INC.4.3, Intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment, United Nations Environment Programme, 28 December 2023, available at: <https://wedocs.unep.org/bitstream/handle/20.500.11822/44526/RevisedZeroDraftText.pdf> [accessed 6 March 2024]

**33.**

*"b. Transboundary movement of (non-hazardous) plastic waste*

*Sub-Option 1*

1. *"...shall not allow transboundary movement of plastic waste, 56 except for the purpose of its safe and environmentally sound management, ...."*

2. *"...shall establish and implement an export permit requirement for such exports and track the types, ...."*

3. *"...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, labeling and transport*

4. *"...shall, ... adopt guidance for the implementation of the (purpose of this) provision set out in paragraph 3, ...."*

5. *"...shall (take effective measures to) prevent and eliminate illegal trade (and dumping of) (in) plastic waste.*

6. *"...shall promote synergy and complementarity with relevant organizations and intergovernmental bodies and cooperate towards the adoption and implementation ...."*

*(Sub-Option 2*

1. *"... appropriate measures to ensure that transboundary movements of plastic waste ... is only allowed for the purpose of environmentally sound disposal"*

*(Sub-Option 3*

1. *"... shall prevent and eliminate illegal trade, traffic and dumping of plastic waste as set in the Basel Convention..."*

*(Sub-Option 4*

*"... shall cooperate towards the adoption and implementation of effective measures ... eliminate illegal exports and dumping of plastic waste."*

Source: Revised draft text of the international legally binding instrument on plastic pollution, including in the marine environment, UNEP/PP/INC.4.3, Intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment, United Nations Environment Programme, 28 December 2023, available at:

<https://wedocs.unep.org/bitstream/handle/20.500.11822/44526/RevisedZeroDraftText.pdf> [accessed 6 March 2024]

**34.**

*"1. Existing plastic pollution, including in the marine environment*

1. *"...shall (are encouraged)... cooperate (in accordance with the Common but Differentiated Responsibility)... (to mobilise resources from multi-stakeholders,) ...to:*

a. *assess, identify and prioritize accumulation zones, 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 ... quantities and types of litter (plastic pollution) 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 activities), including clean-up activities for the(in identified) accumulation zones, hotspots and (critical) sectors identified, taking into account the provisions in existing international agreements including those relevant to the conservation and sustainable use of (terrestrial, freshwater and) marine (environment and) biological diversity, including in areas beyond national jurisdiction...; and (OP 1b bis*

*"collect data and information on existing plastic pollution to support monitoring..."*

c. *promote engagement of (all stakeholders including) the local population and citizens, (non-governmental organisations...) in safe and environmentally sound remediation activities.*

*(OP1.c Alt*

*"Promote safe and environmentally sound remediation activities ..."*

*(OP1.c bis*

*"Conducting investigations and distribution research ... developing technologies and establishing international standards for impact assessments, pollution removal and restoration."*

2. *"...should (encourage) make publicly available information(collected) on common plastic pollution types ... and behaviours ...."*

*(OP2 bis*

*"... shall establish and implement an export permit requirement..."*

3. *"...shall (could) be reflected in the national plan communicated pursuant to [part IV.1 on national plans]."*

4. "...shall, at its first session, 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, ... to address existing plastic pollution, with a view to ensuring (the effective mitigation...) the cleanup activities do not have potential for negative impacts on the environment, biodiversity and human health."

(OP4 Alt 1  
"...should adopt guidance, as appropriate, to facilitate implementation of this article")  
(OP4 Alt 2  
"... shall get an assessment of the existing plastic pollution...")  
(OP 4 bis  
"Developed country Parties ... shall take the lead in tackling legacy and existing plastic pollution...")

Source: Revised draft text of the international legally binding instrument on plastic pollution, including in the marine environment, UNEP/PP/INC.4.3, Intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment, United Nations Environment Programme, 28 December 2023, available at: <https://wedocs.unep.org/bitstream/handle/20.500.11822/44526/RevisedZeroDraftText.pdf> [accessed 6 March 2024]

**35.**

"Just transition  
1 "...shall promote and facilitate (as per national circumstances...) a fair, equitable and inclusive transition for affected populations, with special consideration for (indigenous people and local communities)... women and vulnerable groups, ... (in line with the International Labour Organization...) This may include:  
(OPI Alt  
"...each Party shall promote an equitable and inclusive transition for affected populations ... within its national jurisdiction..."

- a. Designating a national coordinating body for engagement with relevant stakeholders, including public authorities,...
- b. Enabling policies and conditions to improve income, opportunities and livelihoods for impacted (affected workers and) communities, including workforce training, development and social programmes, according (considering) to their needs and priorities;
- c. Incentivizing the development of skills and job opportunities across the plastic value chain, including for the development of reuse, repair, waste collection and sorting;
- d. Promoting a clean, healthy and sustainable (safe working) environment (and a strong social safety net) for communities and workers across the value chain, including workers in the waste management sector (... promotion of fundamental human rights);
- e. Improving working conditions for (wastepickers and) workers in the waste management sector, including by providing legal recognition and protection to (wastepickers and other) workers in informal and cooperative settings and facilitating the formalization of their associations or cooperatives...;

- f. Integrating ... workers in informal and cooperative settings into a safe plastics value chain, including by requiring plastic product producers, recycling and waste management companies to integrate plastics collected and sorted by them into their operation schemes; and
- g. Requiring (encouraging) a portion of the fees collected through EPR schemes to be used to improve infrastructure and improve the livelihoods ... and opportunities for, and develop the skills of, workers in the waste sector, including waste (pickers and other) workers in informal and cooperative settings.

2. "...shall be reflected in the national plan communicated pursuant to [part IV.1 on national plans].  
(OP2 bis  
"... support policies to improve income, opportunities, and livelihoods for affected workers and communities...")  
(OP2 ter  
"...shall encourage the consideration of socio-economic ... with an aim of avoiding disproportionate and adverse impacts ...")  
(Option 2  
1. "... cooperate to promote and facilitate a fair ... special consideration to social and economic impacts..."  
2. "... promote and facilitate a fair, equitable and inclusive transitions ... special consideration for women and vulnerable groups, ...")  
(Option 3  
1. "... shall cooperate to promote and facilitate a fair, equitable and inclusive transition ... Developed country Parties shall provide sufficient finance..."  
2. "... could promote and facilitate a fair, equitable and inclusive transition..."  
3. "The measures taken to implement this provision might be reflected in the national plan.")

Source: Revised draft text of the international legally binding instrument on plastic pollution, including in the marine environment, UNEP/PP/INC.4/3, Intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment, United Nations Environment Programme, 28 December 2023, available at: <https://wedocs.unep.org/bitstream/handle/20.500.11822/44526/RevisedZeroDraftText.pdf> [accessed 7 March 2024]

**36.**

"13. Transparency, tracking, monitoring and labelling  
1. "... (in order to end plastic pollution) ... shall:  
a. require producers (of primary and secondary plastics) and importers (and exporters) to disclose harmonized information on the chemical composition of all plastics and plastic products ... throughout their life cycle;  
b. take appropriate measures to ensure the traceability of chemicals, polymers and the plastic contents of products throughout the life cycle of plastics and plastic products, based on (globally harmonized) guidelines to be adopted by the governing body\* at its first session, (Consistent with WTO regulations) in particular for the purposes of their safe and environmentally sound use, recycling, (recovery) and disposal...; and  
c. establish (digital tracking, traceability) marking and (eco) labelling requirements ... based on guidance to be adopted by the governing body\* at its first session, in particular (in accordance with measures that may be specified in an annex) for the purposes of the safe and environmentally sound use, recycling and disposal of plastics and plastic products.

(OP1.c Alt 1

Move to Part III, section 5.)

(OP1.c Alt 2

"Encourage marking and labelling practices for plastic products...")

2. "...shall (is mandated to) monitor ... and track ((and publish and update ...) the types and volumes of its production, imports and exports of chemicals and polymers used in the production of plastic polymers, ... (considering the implementation for those with limited capacity...)"

(OP2 bis

"... shall take legal, administrative or policy measures to ensure mandatory disclosures from large and transnational businesses ..."

3. "...shall (is encouraged to) report the information collected pursuant to paragraph 2, together with information on the recycling facilities functioning within its territory, ...."

(OP3 bis 1

"... implement the above provisions in accordance with national circumstances and capabilities...")

(OP3 bis 2

"... promote the databases needed to administer and implement the requirements of this article...")

(OP3 bis 3

"... Developing country Parties shall be provided necessary technical and financial assistance...")

(OP3 ter

"... shall conduct ... a review of the guidelines and any annexes developed under this article...")

Source: Revised draft text of the international legally binding instrument on plastic pollution, including in the marine environment, UNEP/PP/INC.4/3, Intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment, United Nations Environment Programme, 28 December 2023, available at: <https://wedocs.unep.org/bitstream/handle/20.500.11822/44526/RevisedZeroDraftText.pdf> [7 March 2024]

### 37.

13 bis. Overarching provision related to Part II

1. "... shall establish an effective mechanism in society to promote plastic circularity and prevent the leakage of plastics into environment through a whole-of-society approach by adopting integrated and holistic national policies"

2. "Parties shall take the necessary measures at all stages of plastic lifecycle, such as the production, distribution, sale, consumption, waste management and disposal, to promote plastic circularity and prevent the leakage of plastics into the environment and strengthen the measures over time towards achieving the objective of this instrument."

3. "...Parties shall take the effective measures at each stage of plastic lifecycle listed in Annex X... measures listed in annex X shall be reflected accordingly in the national action plan..."

### 38.

"Part III 1. Financing (mechanism and resources) Alt title:

Financial resources and mechanism(OP0

"... effectiveness of implementation of this instrument\* by developing country Parties will be related to the effectiveness of this article.")

1. "...shall (should undertake to) provide the necessary resources for national activities intended to implement this instrument\* ... include domestic ((funding through relevant policies...) and (bilateral and multilateral) international funding, ...."

(OP1 alt.

"...shall provide the necessary resources for national activities intended to implement this instrument ... all sources, domestic and international, public and private, in line with the Addis Ababa Action Agenda and the Polluter Pays Principle..."

2. "...should, and multilateral organizations, agencies and funds ... (should) are encouraged to ..., increase their support, including through finance, ....(Parties with limited domestic resources and significant capacity challenges)"

(OP2 Alt

"... shall provide new and additional financial resources to enable developing country Parties ... from other sources, including multilateral organizations, agencies and funds..."

3. "...shall, and other stakeholders are encouraged to, in implementing paragraph 2 (and 3) of this Article, take into account of the specific needs and special circumstances ...."

(OP3 bis

"... developing country Parties will effectively implement their commitments under this instrument\* will depend on the effective implementation by developed country Parties of their commitments under this instrument..."

4. A Mechanism for the provision of predictable, sustainable, adequate, accessible and timely financial resources is hereby established to (prioritise) support the implementation of this instrument\* ... by developing country Parties, particularly SIDS and least developed countries. ... The Mechanism shall include financial resources from all sources, domestic and international, public, and private (including the establishment of a global plastic pollution fee to be paid by international plastic polymer producers ...")

(OP4 Alt

"... particularly prioritizing parties that have the largest capacity and governance gaps, ... include financial resources from all sources..."

(OP4 Alt2

"... establish a mechanism for the purposes of providing financial and technical assistance..."

(OP4 Alt 3

"...shall be a mechanism for the provision of predictable, sustainable, adequate, and timely financial resources..."

(OP4 bis

"All Parties are expected to contribute to the mechanism..."

5. "... The Mechanism shall operate under the guidance of and be accountable to the governing body\* ...."

(OP5 Alt

"... shall establish an Executive Committee, operating under the authority of the governing body\*, to develop and monitor the implementation of operational policies..."

(OP5 bis

"... shall determine no later than at its [ ] meeting an initial resource mobilization goal..."

(OP5 ter

"... \* shall periodically report and make recommendations on the Identification and mobilization of funds..."

a. The assessment of the needs of developing country Parties;

b. The availability and timely disbursement of funds;

c. The transparency of decision-making and management processes concerning fundraising and allocations."

(Option 1

6. "...shall consist of newly established dedicated Fund(s)\*

(OP6 Alt

"A dedicated Multilateral Fund is hereby established..."

(OP6 Alt2

"...mechanism shall include:

a. "... Dedicated and independent multilateral fund..."

b. "[A timebound international financing programme..."

c. "A Multilateral Fund, financed by contributions from non-developing country Parties...for:

i. Enabling activities;

ii. Agreed incremental and other costs of compliance;

iii. Technical assistance and capacity-building and training;

iv. Technology transfer and development on mutually agreed terms;

v. Secretarial services of the Multilateral Fund and related support costs

"...shall be utilized to mobilize financial flows from the private sector which shall be used to support projects..."

"...the duplication is avoided, and complementarity and coherence promoted..."

(OP6 bis

"For support of early action and implementation, the mechanism shall also consist of dedicated Fund(s) within an existing financial arrangement..."

(OP6 ter

"The contributions from the dedicated fund to the developing country Parties and countries with economies in transition shall be additional and distinct from other financial transfers received by such Parties."

7. "...shall, ... (agree upon) adopt the arrangements for the operation of the newly established dedicated fund(s)... (including an indicative list of enabling activities and agreed incremental and other costs that could receive support.")

(OP7 Alt

"... \* shall establish a permanent body to govern the financial mechanism ... to comply with each of the agreed control measures..."

(OP7 Alt2

"... shall decide on activities to be funded in developing country Parties ... comply with agreed control measures.)

(OP7 bis

"... the mechanism should take into account the additionality and complementarity of support for that activity with respect to all financial flows..."

(OP7 ter

"... provision of transparent information on all financial flows in furtherance of the instrument..."

(Option 2

6. "...shall consist of dedicated Fund within an existing financial arrangement\* (to fostering synergies with other environmental issues).

(OP6 Alt

"A dedicated Multilateral Fund is hereby established to provide financial resources to eligible developing countries..."

(OP6 Alt2

"Shall include

a. "an existing fund e.g., the Global Environment Facility Trust Fund

b. "A Plastics Implementation Fund to support the implementation of national action plans..."

c. "A Remediation Fund to support remediation of legacy plastics..."

7. "...\* shall ... conclude arrangements with the governing body\* of the existing financial arrangement\* ...."

(OP7 bis

"In providing resources for an activity, the mechanism should take into account the additionality and complementarity of support..."

(OP7 ter

"...the provision of transparent information on all financial flows in furtherance of the instrument\*'s objectives..."

Provisions common for Options above

8. "...\* shall review... on a regular basis the level of funding, (from all sources) ...."

9. "...shall(is encouraged to) establish (where appropriate) a plastic pollution fee, to be paid by plastic polymer producers within its jurisdiction, ...."

(OP9 bis

"The global plastic pollution fee will provide ample funding ... including:

a. "The high capital costs of investing in infrastructure essential for managing plastic waste..."

b. "The remediation of legacy plastic pollution..."

c. "Other aspects of implementation of the future treaty..."

d. "Aiding the establishment, operationalization and scaling up of national EPR schemes..."

e. "...sufficient funding for a just transition for vulnerable groups..."

(OP9 ter

"...shall compel extended producer responsibility schemes to provide technology for processing and recovery of plastic products."

10. "...shall (aim to) take measures to...:

a. Decrease(phasing out) financial flows from all domestic and international, public, and private sources, towards projects that result in emissions and releases to the environment from plastics and plastic products across the life cycle, including microplastics; and

b. increase financial flows from all domestic and international, public, and private sources, towards projects that prevent or reduce emissions and releases to the environment of plastics and plastic products across the life cycle, including microplastics, including for the development of (effective reuse and recycling system, and) adequate waste management infrastructure."

*OP10 Alt*

*"... encouraged to increase financial flows from all domestic and international, public, and private sources..."*

*(OP10 bis*

*The financial mechanism set out in this article is without prejudice to any future arrangements that may be developed with respect to other environmental issues."*

Source: Revised draft text of the international legally binding instrument on plastic pollution, including in the marine environment, UNEP/PP/INC.4/3, Intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment, United Nations Environment Programme, 28 December 2023, available at: <https://wedocs.unep.org/bitstream/handle/20.500.11822/44526/RevisedZeroDraftText.pdf> [accessed 7 March 2024]

**39.**

*"2. Capacity-building, technical assistance and technology transfer*

*Alt title: Capacity-building, technical and scientific cooperation, technology transfer*

*Alt title 2: Capacity-building and technical assistance*

1. *"...shall (and stakeholders are encouraged to) cooperate to enable, within their respective capabilities, the provision of (new and additional) timely, sustainable, comprehensive and adequate capacity-building and technical assistance .... to least developed countries and small island developing States... place emphasis on supporting partners and stakeholders, in particular women, youth, workers of the informal..."*

2. *"...shall ... keep under review ... capacity-building and technical assistance to support the implementation of this instrument\* ...."*

*(OP2 bis*

*"Technical assistance and capacity building pursuant to paragraph 1 ... may be delivered through regional, subregional and national arrangements..."*

3. *"...shall promote and facilitate(supported by the private sector...) the development, transfer on(fair and most favourable...) mutually agreed terms, diffusion of and access to up-to-date environmentally sound ... technologies to address plastic pollution, ...."*

*(OP3 Alt 2" Technology Transfer"*

1. *"...parties should cooperate to facilitate and enhance technology transfer..."*

2. *"...shall promote and facilitate the development, transfer [on mutually agreed terms], diffusion of and access to up to date [environmentally sound] technologies... shall promote and facilitate innovation and [inclusive] investment in pursuit of new technologies..."*

3. *"...ensure freedom of trade and technology transfer in the areas related to the implementation of the instrument..."*

4. *"Support... shall be provided to developing country Parties for the implementation of this article..."*

*(OP3 bis*

*"Each Party shall compel extended producer responsibility schemes to provide technology..."*

*(OP3 ter*

*"Developed country Parties should cooperate to enhance the capacity of developing country..."*

*(OP3 quarter*

4. *"A cooperation mechanism\* is hereby established...;"*

a. *"A clearing-house platform to enable Parties to access, provide and disseminate information..."*

b. *"Assist Parties to identify their needs for cooperation in science..."*

c. *"Facilitate the matching of capacity building needs with the support available..."*

d. *"Facilitate scientific, technical and technological cooperation..."*

e. *"Promote training activities for the benefits of Parties that are developing countries;"*

f. *"...monitor other multilateral, regional and bilateral cooperation available to Parties that are developing countries;"*

g. *"functions as may be determined by the governing body\* ..."*

5. *"A cooperation mechanism\* committee is hereby established"*

6. *"... coordinate the functioning and supervise the efficiency and effectiveness of the cooperation mechanism\* ..."*

7. *"consist of members to serve objectively in the best interest of this instrument\* ..."*

Source: Revised draft text of the international legally binding instrument on plastic pollution, including in the marine environment, UNEP/PP/INC.4/3, Intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment, United Nations Environment Programme, 28 December 2023, available at: <https://wedocs.unep.org/bitstream/handle/20.500.11822/44526/RevisedZeroDraftText.pdf> [accessed 7 March 2024]

**40.**

Part IV 1.National plans

1. *"...shall (is encouraged to) develop and implement a national (action) plan ... (pursue its nationally determined objective of ending plastic pollution...) shall (should) include at least relevant elements related to (which are not exhaustive):*

- a. Primary plastic polymers;
- b. Chemicals and polymers of concern;
- c. Problematic and avoidable plastic products;
- d. Product design and performance;
- e. Reduce, reuse, refill and repair of plastics and plastic products;
- f. Use of recycled plastic contents;
- g. Extended Producer Responsibility;
- h. Emissions and releases of plastic through its life cycle;
- i. Waste management (including by the informal sector);
- j. Fishing gear;
- k. Existing plastic pollution, including in the marine environment; and
- l. Just transition.
- m. (Monitoring and reporting framework for the implementation of the National Plan);
- n. (Educational and awareness raising programmes on plastic pollution, including those aimed at behavioural change and developing capacity);
- o. (Assessment and monitoring);
- p. (Promoting research, development and innovation);

q. (Commitments from developed countries in relation to financial support, capacity building and technology transfer for developing countries, especially small island developing States);

r. (Promoting, encouraging and incorporating action by all stakeholders to address plastic pollution...)

s. (Legislative, policy and regulatory arrangements for compliance with obligations under this instrument\*);

t. (Actions to support compliance with reporting requirements under this instrument\*);

u. (Transparency monitoring and tracking and labelling);

v. (Trade in listed chemicals polymers and products in plastic waste);

w. (Domestic financing);

x. (Non-plastic substitutes);

y. (Capacity building and technology transfer);

z. (Public awareness);

aa. (Information exchange);

bb. (Quantification of emissions of greenhouse gases and method of measurement of emission and releases of plastic through its life cycle);

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

(OP1 chapeau bis  
“...national plan should be ... based on best available knowledge and data...”  
(OP1 chapeau ter.  
“... add elements in their national plans, in accordance with national circumstances...”  
(OP1 Alt  
“... shall develop and implement a nationally determined action plan that best fits its national circumstances...”  
(OP1 Alt2  
“...develop a national action plan to describe the measures it intends to take...”  
(OP1 Alt3  
Prepare national plans, based upon national circumstances and capabilities...”  
2. “...shall communicate its initial national (action) plan to the governing body\* within [X](2)(5) year[s] of the date on which this instrument\* ....”  
(OP2 Alt  
“...submit a national action plan to the secretariat no later than [X] years...”  
(OP2 bis  
“Each developing country Party could voluntarily communicate its national plan to the governing body\*...”  
3. “...shall(should) be guided by the modalities referred to in paragraph 1 when preparing and submitting their national (action) plans... include targets and actions in the medium term as well as long term strategies...”  
(OP3 bis  
“The measures in the national plan will not be limited to obligations, but also cover ambitious “actions”...”

(OP3 bis Alt  
“shall update its national action plan every (X) (5) years or earlier...”  
4. “...may(incorporate) at any time (new measures into) adjust its national (action) plan with a view to enhancing its level of ambition, in accordance with guidance adopted by the governing body\*.  
5. “...encouraged to (may) coordinate on the establishment and implementation of (sub-regional and) regional plans to facilitate implementation of this instrument\*, as appropriate.  
6. “...(Developed countries) shall review, update and communicate to the governing body\* ...(every (5) year[s], and developing country Parties shall report every (X)(4)(5) (10) year(s)... specified by a decision ....”  
(OP6Alt  
“...shall review, update national plans... every five years in a manner prescribed by governing body\*.)  
7. “...(developed country party) shall include information on the implementation of its national (action) plan towards achieving the objective of this instrument\* in its national reports pursuant to [part IV.3 on reporting on progress]...”  
(OP7 bis  
“The secretariat shall establish and maintain a public registry to record national plans...”  
(OP7 bis Alt  
“secretariat shall make national action plans submitted by the Parties under this article publicly available.)  
(OP7 ter  
“Support shall be provided to developing country Parties...”  
Source: Revised draft text of the international legally binding instrument on plastic pollution, including in the marine environment, UNEP/PP/INC.4.3, Intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment, United Nations Environment Programme, 28 December 2023, available at: <https://wedocs.unep.org/bitstream/handle/20.500.11822/44526/RevisedZeroDraftText.pdf> [accessed 7 March 2024]

**41.**  
“2. Implementation and compliance  
(Option 1  
1. “...implementation of, and promote (review) compliance with, the(all) provisions of this instrument\*, including a committee, is hereby established.)  
(OP1 Alt  
“A review mechanism to facilitate and promote implementation...”  
2. “...shall be facilitative(non-punitive) (non-adversarial) in nature and shall pay particular attention to the respective national capabilities and circumstances of Parties ... at all stages of the review process... provide flexibilities for the developing country Parties...”  
(OP2 bis  
“... the committee shall strive to avoid duplication of efforts, shall neither function as an enforcement or dispute settlement mechanism, nor impose nor advise to impose penalties or sanctions...”  
(OP2 ter  
“... provide flexibility for the developing country Parties...”  
3. “...shall operate under the modalities and procedures adopted by the governing body\* at its first session and shall report to the governing body\*.”



(OP3 Alt

"The supreme body... will consider the reports of this committee and advise if necessary its guidelines and/or recommendations...")

4 "...shall (promote implementation of...) examine both individual and systemic implementation and compliance issues ... and make recommendations to the governing body\*, ...."

5. "...shall be elected to the committee to serve for a period of [X] years and for a maximum of two consecutive terms ... shall elect nine members to the committee for an initial term of [X] years and eight (nine) members for a term of [half of X] years ... shall elect at its relevant regular sessions nine members for a term of [X] years ... shall remain in office until their successors are elected

6. "...may consider issues on the basis of:

a. Written submissions from any Party with respect to its own compliance;

b. Written submission from any Party regarding another Party's compliance;

c. Requests from the governing body\*;

d. Information provided by the secretariat with respect to the status of submission of information under [part IV.3 on reporting on progress].

e. ("Requests from the secretariat, based on information available to it, inter alia from national reports;")

f. ("Information available to the committee, inter alia from national reports")

7 "...shall be subject to endorsement (approval) by the governing body\* ... may adopt further terms of reference for the committee."

(OP7 bis

"...every effort to adopt its recommendations by consensus...")

(Option 2

Bracket entire provision)

(Option 3

1. "...facilitate implementation of, and promote compliance ... including a committee..."

2. "...shall be facilitative in nature and shall pay particular attention to the respective national capabilities..."

3. "...consist of a committee that shall be expert-based and facilitative in nature..."

4. "...I operate under the modalities and procedures adopted by the governing body\* ..."

5. "... may consider issues on the basis of written submissions from any Party..."

Source: Revised draft text of the international legally binding instrument on plastic pollution, including in the marine environment, UNEP/PP/INC.4/3, Intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment, United Nations Environment Programme, 28 December 2023, available at:

<https://wedocs.unep.org/bitstream/handle/20.500.11822/44526/RevisedZeroDraftText.pdf> [7 March 2024]

42.

3. Reporting on progress (of implementation)

(Option 1

1. "(each developed country...shall report ... on the measures taken to implement the provisions of this instrument\*)

(OP1 bis

"... may voluntarily report to the governing body\* on the measures taken to implement..."

2. "...shall submit its report referred to in paragraph 1 of this Article to the secretariat on the measures it has taken to implement the provisions of this instrument\* ..."

3. "...shall include, in its reporting, information provided in accordance with [part II.14 on transparency, tracking, monitoring and labelling, paragraphs 2 and 3], ....(Ensuring transparent assessment of progress by Parties...)"

(OP3 Alt

No text)

4. "...shall, ... adopt the (reporting intervals) modalities and format for the reporting referred to in paragraph 1 of this Article, ... full life cycle of plastics ..."

(OP4 bis

"On an ad hoc basis ... encourage reports on relevant subjects from chemicals-related conventions...")

5. "...shall, ... adopt the modalities and procedures for review of information communicated in accordance with this Article (a scientific body should be entrusted with the evaluation...) shall keep under review and regularly communicate to the governing body\* ..."

6. "...shall take measures to ensure mandatory disclosures from businesses, including the financial sector on their activities ..."

(OP6 bis

"Exchange of information on ... (Indigenous knowledge) (traditional knowledge, knowledge of Indigenous Peoples,...) shall be subject to free, prior and informed consent.")

(Option 2

1. "...shall report to the governing body\*, through the secretariat, on the measures it has taken to implement the provisions (obligations) of this instrument\* ..."

2. "...shall include in its reporting the information called for in Articles [X,X] of this instrument\* ... (information provided by relevant partners and stakeholders, in particular waste pickers).

(OP2 Alt

"... decide upon the timing and format of the reporting to be followed by the Parties..."

3. "...shall, ... decide upon the timing and format of the reporting to be followed by the Parties, .... desirability of coordinating reporting with relevant international instruments..."

(OP3 Alt

"... I provide flexibility in the implementation to developing country Parties..."

(OP3 bis

"... shall make national reports submitted by the Parties under this article publicly available..."

(OP3 ter

“Support shall be provided to developing country Parties ...”

Source: Revised draft text of the international legally binding instrument on plastic pollution, including in the marine environment, UNEP/PP/INC.4/3, Intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment, United Nations Environment Programme, 28 December 2023, available at: <https://wedocs.unep.org/bitstream/handle/20.500.11822/44526/RevisedZeroDraftText.pdf> [accessed 7 March 2024]

**43.**

“4. Periodic assessment and monitoring of the progress of implementation of the instrument\* (and effectiveness evaluation)”

**44.**

“a. Assessment and Monitoring

1. “Parties shall... establish programmes to assess and monitor emissions and releases of plastic into the environment... should include:”

- a. Establishment of baseline information on the types and volumes of existing plastic pollution in the environment;
- b. Periodically collect data and information on the types and levels of plastic pollution in the environment;
- c. Modelling to understand the movement of plastics in air, soil, water, and ecosystems;
- d. The effects of plastic pollution on the environment.

2. “The measures taken ... reflected in the national plan...”

3. The Governing Body ... shall adopt guidelines to facilitate implementation of the obligations...”

Source: Revised draft text of the international legally binding instrument on plastic pollution, including in the marine environment, UNEP/PP/INC.4/3, Intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment, United Nations Environment Programme, 28 December 2023, available at: <https://wedocs.unep.org/bitstream/handle/20.500.11822/44526/RevisedZeroDraftText.pdf> [accessed 7 March 2024]

**45.**

“b. Effectiveness (Effective evaluation) (Progress Assessment)

1. “... shall (entrust a subsidiary body to) periodically evaluate ... [to assess collective progress in achieving the objective of the instrument... shall undertake its first (assessment) (evaluation) ... no later than (X)(4)(5)(96)(8) years after the date of entry...”

2. “The governing body\* shall ... arrangements for providing itself with relevant data and information on plastic pollution ...”

(OP1 and OP2 Alt

“ ... shall establish an Effectiveness Evaluation and Review Committee to evaluate the effectiveness of the instrument...”

3. ... Assessment shall be conducted on the basis of (best) available scientific ... including:

- a. “National reporting...”
- b. “National plans submitted by Parties...”
- c. “(Scientific and s)(S)ocioeconomic assessment...”
- d. (Scientific assessments and the use of) Best available scientific and technical knowledge...”
- e. “Results of assessment and monitoring...”
- f. “(Relevant i) (I)nformation and recommendations provided by the committee...”
- g. “Reports and other relevant information on the (alignment of financial flows ... from all sources with the instrument\*’s objective...”
- h. “Relevant reports from the chemicals-related agreements, multilateral environmental agreements that deal with climate change, biodiversity, law of the sea as well as multilateral organizations,...”
- i. “Other information the governing body\* deems relevant.”

(OP3 Alt.

The evaluation shall be conducted as per guidance adopted by the governing body\* .

4. “... (shall) (may) take into account the outcome of the (assessment)... when determining measures required to enhance the effectiveness of the instrument.”)

Source: Revised draft text of the international legally binding instrument on plastic pollution, including in the marine environment, UNEP/PP/INC.4/3, Intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment, United Nations Environment Programme, 28 December 2023, available at: <https://wedocs.unep.org/bitstream/handle/20.500.11822/44526/RevisedZeroDraftText.pdf> [accessed 7 March 2024]

**46.**

“(b)(c). Review of (hazardous) chemicals (and polymers) of concern, microplastics and problematic and avoidable products(, and non-plastic substitutes)

1. “...shall conduct,... commencing [X] years after entry into force and at least every [X] years thereafter, a review of chemicals (and polymers) of concern used in plastic production, ....(and non-plastic substitutes),...”

2. “...shall be based on a report by (the expert review body or panel). This report may contain (optional advice) (recommendations) ...”

3. “may prioritize substances(study), products or sectors with high volumes or the greatest likelihood of giving rise to plastic pollution.

4. “...shall consider ... whether amendments to annexes A and B are warranted.”

Source: Revised draft text of the international legally binding instrument on plastic pollution, including in the marine environment, UNEP/PP/INC.4/3, Intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment, United Nations Environment Programme, 28 December 2023, available at: <https://wedocs.unep.org/bitstream/handle/20.500.11822/44526/RevisedZeroDraftText.pdf>

**47.**

*"5. International cooperation*

1. *"...shall(encouraged to) cooperate with each other on a global basis and, as appropriate,( through North-South, South-South and triangular cooperation) on a regional basis, and with relevant intergovernmental organizations and other entities, ... strengthening and enhancing cooperation ...."*

2. *"...(encouraged to) shall promote (as appropriate) the objective of this instrument\* when participating in decision-making([in accordance with unique national priorities) under other relevant legal instruments, frameworks or global, regional, subregional or sectoral bodies."*

3. *"...shall (are encouraged to) promote international cooperation in support of the objective of this instrument\* through:*

a. *The development, transfer, diffusion of and access to technology on mutually agreed terms and technical innovation,(on mutually agreed terms) consistent with [part III.2 on capacity-building, technical assistance and technology transfer], (focusing on North south and triangular cooperation)*

b. *The development of research and exchange of information to improve the understanding of plastic pollution and advance technological innovation, consistent with [part IV.6 on information exchange and part IV.7 on awareness-raising, education and research];*

c. *The promotion of technical and scientific cooperation, including regional platforms or databases, technical-scientific cooperation projects, and networks of technical centres;*

d. *The implementation of the monitoring obligations(taking into account the needs and capacities of developing country parties...);*

e. *The use of existing information exchange mechanisms to promote knowledge, best environmental practices and alternative technologies that are environmentally, technically, socially and economically viable.*

f. *Any other kind of cooperation that may be relevant to the objective of the instrument."*

(OP3 Alt

"No text")

4. *"...will invite, as appropriate, input from relevant scientific and technical bodies, including the Science Policy Panel to be established in accordance with UNEA resolution 5/8, ...."*

(OP4 Alt

No text")

5. *"(The secretariat of the instrument\* under the guidance of the governing body) (the governing body)shall cooperate and collaborate with relevant international instruments and organizations, as appropriate, ...."*

(OP5 Alt

*"...shall facilitate cooperation in the exchange of information referred to in this article, as well as with relevant organizations..."*

(OP5 Alt2

"No text")

(OP5 bis

*"Activities mentioned in the paragraphs above under international cooperation may be conducted, as appropriate, through the cooperation mechanism\* to be established under the instrument\*..")*

Source: Revised draft text of the international legally binding instrument on plastic pollution, including in the marine environment, UNEP/PP/INC.4/3, Intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment, United Nations Environment Programme, 28 December 2023, available at: <https://wedocs.unep.org/bitstream/handle/20.500.11822/44526/RevisedZeroDraftText.pdf> [7 March 2024]

**48.**

*"Note: Adapted from United Nations General Assembly resolution 73/333. The relevant international instruments and organizations would include, among others, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, the Stockholm Convention on Persistent Organic Pollutants, the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter London Convention and its 1996 Protocol, the International Convention for the Prevention of Pollution from Ships, the World Customs Organization, the Food and Agriculture Organization of the United Nations, and the International Labour Organization"*

Source: Revised draft text of the international legally binding instrument on plastic pollution, including in the marine environment, UNEP/PP/INC.4/3, Intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment, United Nations Environment Programme, 28 December 2023, available at: <https://wedocs.unep.org/bitstream/handle/20.500.11822/44526/RevisedZeroDraftText.pdf> [accessed 7 March 2024]

**49.**

6. *Information exchange (Alt title: Transparency)*

1. *"...shall (is encouraged to) facilitate (and undertake) exchange of information relevant to the implementation of the instrument\*\* (in a transparent manner)(on best practices and research and technologies) including on:*

a. *Best practices and policies on sustainable consumption and production;*

b. *Research and technologies ([innovation, and green chemistry on voluntary and mutually agreed terms related to plastic);*

c. *Knowledge, including(traditional) Indigenous knowledge,(obtained with their free, prior and informed consent)... inter alia, on environmentally sound waste management (of plastic waste), sources of plastic pollution, human and fauna and flora exposure to plastic pollution and the associated risk management and(pollution) reduction(policies, actions and other) options.*

d. *Studies and experiences on circular economy and zero waste initiatives; and*

e. *Other innovative solutions.*

(OPI bis

Exchange of information on Indigenous knowledge (traditional knowledge, knowledge of Indigenous Peoples, and local knowledge systems, subject to free prior and informed consent), even if available, shall be subject to free, prior and informed consent.)

2. "...may exchange the information (referred to in paragraph 1) (directly, through an online registry)... to be maintained by the secretariat or in cooperation with other relevant international instruments..."

3. "...shall designate a national focal point for the exchange of information under this instrument\* ...."

(OP3 Alt

"No text")

4. "...encouraged to learn from and build on existing ongoing processes, initiatives and networks to share knowledge,(and) highlight successes,(including examples of) replicate(replicating) and scale(scaling) sustainable solutions..."

5. "...shall protect any confidential information as mutually agreed (and handle Indigenous Knowledge consistent with relevant international norms or standards)."

Source: Revised draft text of the international legally binding instrument on plastic pollution, including in the marine environment, UNEP/PP/INC.4/3, Intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment, United Nations Environment Programme, 28 December 2023, available at: <https://wedocs.unep.org/bitstream/handle/20.500.11822/44526/RevisedZeroDraftText.pdf> [accessed 7 March 2024]

## 50.

"7. Awareness-raising, education and research (and development)

(Option 1

1. "...should (shall) cooperate to promote awareness on plastic pollution and (contribute to the achievement of) the objective of this instrument\* and to incentivize(encourage relevant) behavioural change, ....")

(OPI Alt

"... shall cooperate in taking measures, as appropriate, to enhance education, training, public awareness..."

2. "...is encouraged)shall(provide environmental, health and sustainability information, and) take(relevant) measures to raise awareness on plastic pollution and (contribute to the achievement of) the objective of this instrument\*. This may include measures such as:

a. Developing a communication and education strategy on the objective of the instrument\*, involving all(relevant) (partners and) stakeholders(as appropriate), including educational and awareness-raising programmes and (public)citizen campaigns...;

b. Promoting public participation and public access to information;

c. Providing training at the national, regional and international levels, (including exchange visits and specific dedicated training);

d. Including(promoting the inclusion of) issues related to plastic pollution across curricula and practices in educational institutions at all levels and in all forms of education; and

e. Developing(regularly updated and standardized) communication materials (regarding the health risks)(on the health impacts) of plastic pollution,(and the importance of behavioural change as well as) potential alternatives and the importance of behavioural change(and on just transition)."

(OP2 Alt

"...take measures to raise awareness on the objective of this instrument\*. This may include measures such as:

a. Promoting public participation and public access to information

b. Providing training at the national, regional and international levels."

(OP2 bis

"Sharing of Indigenous Knowledge, even if available, shall be subject to free, prior and informed consent.")

3. "...shall, ... (endeavour to)cooperate in promoting and/or undertake relevant research, development, exchange of information ....(reduce plastic pollution, including in the marine environment.)"

(Option 2

"Alt title: Scientific research, development and innovation"

1. "...endeavor to advance scientific and technological research, development and innovation, including by:

a. Developing and implementing sustainable and circular plastics approaches and systems-wide solutions;

b. Enhancing understanding of environmental and human health impacts of plastic pollution and alternative solutions across the full life cycle;

c. Promoting and improving methods for the monitoring and modelling plastic pollution including its distribution and abundance in the environment;

d. Promoting the collaborative development and use of standardized methods and approaches for environmental data collection and analyses, to improve reliability and comparability; and

e. Incorporating Indigenous knowledge and other cultural and socio-economic factors, as appropriate."

2. "...support and accelerate solutions across the plastics lifecycle and minimize unintended consequences."

(Option 3: Proposed to replace Parts IV.6 and IV.7

"Alt title: Awareness-raising, education, and information exchange"

1. "promote and facilitate public awareness-raising, education, and information exchange..."

2. "shall promote and facilitate measures to raise awareness, improve understanding, and share information, such as:

a. Developing a communication and education strategy on the objective of the instrument\*, involving [partners and] stakeholders, including educational and awareness-raising programmes and citizen campaigns.

b. Promoting public participation and public access to information;

c. Providing training at the national, regional and international levels, including exchange visits and specific dedicated training;

d. Promoting the inclusion of plastic pollution issues across curricula and practices in educational institutions;"

3. "...facilitate exchange of information relevant to the implementation...such as:
- Best practices and policies on sustainable consumption and production;
  - Research, technologies, innovation, and green chemistry;
  - Knowledge, including Indigenous knowledge, inter alia, on environmentally sound waste management, sources of plastic pollution, human and fauna and flora exposure to plastic pollution, health and environmental impacts and the associated risk management and pollution reduction options."
4. "... may exchange the information referred to in paragraph 3 directly..."
5. "...shall designate a national focal point for the exchange of information under this instrument\*."
6. "...encouraged to learn from and build on existing ongoing processes, initiatives and networks to share knowledge..."
7. "Parties exchanging information pursuant to this instrument\* shall protect any confidential information as mutually agreed."

Source: Revised draft text of the international legally binding instrument on plastic pollution, including in the marine environment, UNEP/PP/INC.4/3, Intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment, United Nations Environment Programme, 28 December 2023, available at: <https://wedocs.unep.org/bitstream/handle/20.500.11822/44526/RevisedZeroDraftText.pdf> [accessed 7 March 2024]

**51.**  
 "...*(is encouraged)shall(provide environmental, health and sustainability information, and take relevant measures to raise awareness on plastic pollution and(contribute to the achievement of) the objective of this instrument\*. This may include measures such as:*

- Developing a communication and education strategy on the objective of the instrument\*, involving all(relevant) (partners and) stakeholders, including educational and awareness-raising programmes and citizen campaigns;* (Option 3
- "Each Party shall promote and facilitate measures to raise awareness, improve understanding, and share information, such as:*
  - Developing a communication and education strategy on the objective of the instrument\*, involving [partners and] stakeholders, including educational and awareness-raising programmes and citizen campaigns."*)

Source: Revised draft text of the international legally binding instrument on plastic pollution, including in the marine environment, UNEP/PP/INC.4/3, Intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment, United Nations Environment Programme, 28 December 2023, available at: <https://wedocs.unep.org/bitstream/handle/20.500.11822/44526/RevisedZeroDraftText.pdf> [accessed 7 March 2024]

**52.**

8. *(Partner and) Stakeholder engagement*
- "...shall adopt the modalities for the action agenda."*
  - "The purpose of the multi-stakeholder action agenda is to, among other things:*
    - Promote active and meaningful participation of(Indigenous Peoples and) (all) relevant (partners and) stakeholders(including academia...) in the development and implementation of the instrument\* and to accelerate ambitious action;*
    - Provide a space for relevant(partners and) stakeholders (who wish to do so to report)(to share information) on action taken in support of the achievement of the objective of this instrument\*;*
    - Promote ambitious action and cooperation at the local, national, regional and global levels;*
    - In coordination with Parties in their implementation of the instrument\*, mobilize(support the mobilization of) financial and technical resources from(private sector) stakeholders, including public and private finance stakeholders...;*
    - Share knowledge and highlight successes to replicate and scale sustainable (solutions, including in high impact sectors and key thematic areas.")* (OP2 Alt

*"The purpose of the multi-stakeholder action agenda is to promote active and meaningful participation..."*

- "...shall(encourage relevant( partners and) stakeholders to participate in the multi-stakeholder action agenda) (incentivize an all-of-society approach to report through the multi-stakeholder action agenda on measures taken) towards the objective and targets of the instrument\*." )* (OP3 bis

*"The multi-stakeholder action agenda shall include, inter alia, the informal recycling sector and waste pickers, local governments and all sectors of the plastic industry."*

Source: Revised draft text of the international legally binding instrument on plastic pollution, including in the marine environment, UNEP/PP/INC.4/3, Intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment, United Nations Environment Programme, 28 December, available at: <https://wedocs.unep.org/bitstream/handle/20.500.11822/44526/RevisedZeroDraftText.pdf> [accessed 7 March 2024]

**53.**

*8bis Health Aspects*

1. *"Parties are encouraged to:*
- Promote the development and implementation of strategies and programmes to identify and protect populations at risk,... may include adopting science-based health guidelines relating to the exposure to plastic pollution..."*
  - "Promote the development and implementation of science-based educational and preventive programmes on occupational exposure to plastic pollution, in particular microplastics and related issues;"*
  - "Promote appropriate health-care services for prevention, treatment and care for populations affected by the exposure to plastic pollution, in particular microplastics and related issues; and*
  - "Establish and strengthen ... the institutional and health professional capacities for the prevention, diagnosis, treatment and monitoring of health risks..."*

2. *The governing body\**, in considering health-related issues or activities, should:

a. Consult and collaborate with the World Health Organization, other relevant intergovernmental organizations, and other relevant [partners and] stakeholders as appropriate; and

b. Promote cooperation and exchange of information with the World Health Organization, and other relevant intergovernmental organizations, and other relevant [partners and] stakeholders as appropriate.”

Source: Revised draft text of the international legally binding instrument on plastic pollution, including in the marine environment, UNEP/PP/INC.4/3, Intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment, United Nations Environment Programme, 28 December 2023, available at: <https://wedocs.unep.org/bitstream/handle/20.500.11822/44526/RevisedZeroDraftText.pdf> [accessed 5 March 2024]

**54.**

United Nations General Assembly, ‘Draft resolution submitted by the President of the General Assembly Political declaration of the High-level Meeting of the General Assembly on the Prevention and Control of Non-communicable Diseases’ (2011). Available at:

<https://digitallibrary.un.org/record/710899?ln=en&v=pdf>

**55.**

“(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”

Source: Additional information linked to potential options for elements towards an international legally binding instrument, UNEP/PP/INC.2/INF/4, Intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment, United Nations Environment Programme, 23 May 2023, available at: <https://wedocs.unep.org/bitstream/handle/20.500.11822/42518/OptionElementsAdditionalInformation.pdf> [accessed 29 September 2023]

**56.**

“5. *Scope*

*Option 3*

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

a. *Medical and health use;*

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

c. *Scientific and experimental research.”)*

**57.**

“(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  
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”

Source: Additional information linked to potential options for elements towards an international legally binding instrument, UNEP/PP/INC.2/INF/4, Intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment, United Nations Environment Programme, 23 May 2023, available at: <https://wedocs.unep.org/bitstream/handle/20.500.11822/42518/OptionElementsAdditionalInformation.pdf> [accessed 29 September 2023]

**58.**

“where relevant, sectoral guidelines, to facilitate implementation of the obligations set out in paragraph 1 (and 2), 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)”  
(Option 2

“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...”

(Option 4

“shall adopt guidelines, including where relevant, sectoral guidelines, to facilitate implementation of the obligations set out in paragraph 1, including emission and effluent standards,....”

Source: Revised draft text of the international legally binding instrument on plastic pollution, including in the marine environment, UNEP/PP/INC.4/3, Intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment, United Nations Environment Programme, 28 December 2023, available at: <https://wedocs.unep.org/bitstream/handle/20.500.11822/44526/RevisedZeroDraftText.pdf> [accessed 7 March 2024]