

# INC 5.2 - Reloop's Proposed Amendments to the Chair's Text

The following document proposes some text to use in the final version of the International Legally Binding Instrument on Plastic Pollution, or 'the Convention' as it is assumed to become. It follows on from the text prepared by the Chair of the Intergovernmental Negotiating Committee, dated 1<sup>st</sup> December 2024.

The approach taken is, as far as possible, to work with the text prepared by the Chair, and to give the text meaning and substance using minimal changes to the text. The document covers a small number of Articles which are especially germane to the work of Reloop – evidently, a Convention would need to be coherent in its entirety, and so we have sought to highlight some links in comments on the text proposed.

The current Chair's text demonstrates some evolution from the Zero Draft text prepared by the previous Chair and the Secretariat, dated 4<sup>th</sup> September 2023. That text, and subsequent discussions, led to Reloop making proposals of its own, not only for text that might be considered, but also, in some cases, for supporting Annexes relevant to the Articles. These reflect, for the most part, a view of what might have been possible had negotiations moved at greater pace, and they can be found [here](#). We hope that these might still prove valuable at some later point in time.



## ARTICLE 2

### DEFINITIONS

For the purposes of this Convention:

(a) **"Party"** means a State or regional economic integration organization that has consented to be bound by this Convention and for which the Convention is in force.

(b) **"Plastic"** means material(s) made wholly or partly of synthetic or semi-synthetic polymers, including additives or other substances, that can be shaped during processing and serve as structural components of products.

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#### Rationale:

The definition of plastic insufficiently clear (and would require further elaboration and definition of terms).

The Guidelines on ESM of plastics (Basel) state:

*'Plastic is a synthetic material or modified natural material, either a polymer or combination of polymers of high molecular mass modified or compounded with additives such as fillers, plasticizers, stabilizers, flame retardants and colourants. There are different definitions of plastic in current international or national documents. For example, according to the International Organization for Standardization (ISO) "plastic is a material which contains as an essential ingredient a high polymer and which, at some stage in its processing into finished products, can be shaped by flow" (ISO, 2013).*

*Other definitions are available, including from MARPOL.*

*Polymers are natural or synthetic substances composed of very large molecules, called macromolecules, that are multiples of simpler chemical units called monomers. There are a number of detailed definitions of the term "polymer", such as by the OECD2.*

The document also presents a classification of polymers which includes bio-derived and biodegradable, as well as oxo-degradable materials within the definition's intended scope.

(c) **"Plastic pollution"** means:

- i. [pollution caused by or released throughout the life cycle of plastics]
- ii. [all emissions and releases resulting from plastic production, use, waste management and leakage from different sources and pathways]

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#### Rationale:

*Option ii appears a more cumbersome way of saying the same thing, and additionally, would necessitate a definition of 'leakage'.*

### Additional comment:

*One possible drawback of referring to 'plastic pollution' in the manner envisaged is that some pollution so defined is 'plastic pollution' even where the pollutants identified are also linked to a wide range of other processes. Emissions of oxides of nitrogen linked to plastics is 'plastic pollution' even though the same pollutants are released by a range of processes.*

(d) **"Plastic product"** means a product which contains or is partly or entirely made of any form of plastic.

(e) **"Plastic waste"** means materials of substance consisting of plastic which are disposed of, intended to be disposed, or required to be disposed of by the provisions of national law.

(f) **"Regional economic integration organization"** means an organization constituted by sovereign States of a given region to which its member States have transferred competence in respect of matters governed by this Convention, and which has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve or accede to this Convention.

(d) **"Plastic product"** means a product **or item of packaging** which contains or is partly or entirely made of any form of plastic.

(e) **"Plastic waste"** means materials of substance consisting of plastic which are ~~disposed of~~ **discarded**, **intended to be disposed, whether unintentionally, involuntarily, accidentally, intentionally, or as required to be disposed of** by the provisions of national law.

(f) **"Regional economic integration organization"** means an organization constituted by sovereign States of a given region to which its member States have transferred competence in respect of matters governed by this Convention, and which has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve or accede to this Convention.

### Rationale:

*Plastic product should be clarified to include plastic packaging (unless 'product' and 'packaging' are to be used to denote separate things, in which case, plastic packaging would also need to be defined.*

*The term 'disposed' is being wrongly used here. 'Disposal' has, or should be given, a specific legal interpretation in the context of the Convention. As it stands, this suggests that plastic waste is only what has to be disposed of under national law: that would imply any plastics which it is permitted to recycle, or which may be managed in higher 'tiers' in the waste hierarchy could not be 'plastic waste'. That would render the definition of 'plastic waste' inconsistent with the intent of Article 8.*

### Additional comment:

*It would be desirable to have, in place, definitions for the following :*

*'Pollution', 'Discard' (see above; also Art 7); 'Measures' (referred to often)*

#### Given Article 5:

*Microplastic; additive; release of plastic*

#### Given Article 7:

*Releases; Leakages (or 'releases and leakages')*

#### Given Article 8:

*Environmentally sound management (of (plastic) waste); Waste hierarchy; Recycling; economic instruments; extended producer responsibility*

#### Given Article 10:

*'Just Transition'; 'Waste pickers'; 'Informal Sector' (and / or formal sector?)*

## ARTICLE 5

### PLASTIC PRODUCT DESIGN

1 Each Party shall, taking into account its national circumstances and capabilities, take appropriate measures to:

a) improve plastic product design, in pursuit of circular economy approaches, in order to:

- i. contribute to sustainable production and consumption of plastics by increasing reuse and recycling of plastics, including, as appropriate, through reuse and recycled content targets;
- ii. improve the durability, reusability, refillability, refurbishability, repairability and recyclability of plastic products, and promote the use of safe and sustainable additives;
- iii. ensure disposal of plastic products in an environmentally sound manner in accordance with the waste hierarchy; and
- iv. minimize releases of plastic, including microplastics, during the product life.

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- ii. improve the durability, reusability, refillability, refurbishability, repairability and recyclability of plastic products, and promote the use of safe and sustainable additives;
- ~~iii. ensure disposal of plastic products in an environmentally sound manner in accordance with the waste hierarchy; and~~
- ~~iv. minimize releases of plastic, including microplastics, during the product life.~~

#### Rationale:

*The clause 'in pursuit of circular economy approaches' adds nothing given i. and ii. It would might necessitate definition of 'circular economy approaches' which might otherwise not be necessary.*

*'Design' cannot itself determine that either iii. or iv. happens.*

*Point iii. is essentially covered under Article 8. Point iii. is also contradictory – if 'disposal' is being 'ensured', that would be inconsistent with following the waste hierarchy.*

*Point iv. should be placed under Article 7. It could be made to fit here if, for example, it focused on microplastic release (clothing, tyres, etc.). That can be affected by design, but a 'release' of plastic into the environment - such as littering of PET bottles - is not a matter that is really in the gift of a designer to decisively affect.*

*[Should these clauses remain, improved wording would be as follows:*

- iii. ensure that when they become waste, plastic products can be managed in an environmentally sound manner in accordance with the waste hierarchy; and*
- iv. minimize releases of plastic, including microplastics, during the manufacture of the product and throughout its life-cycle, including during management after it becomes waste.]*

<p>b) foster research, innovation, development and use of sustainable and safer alternatives and non-plastic substitutes, including products, technologies and services, taking into account environmental, economic, social and human health aspects and their potential for waste reduction and reuse, as well as availability, accessibility and affordability, based on life cycle assessments and best available science, and, where relevant, traditional knowledge, knowledge of Indigenous Peoples and local communities.</p>	<p>b) foster research, innovation, development and use of sustainable and safer alternatives and <del>non-plastic substitutes</del>, including products, technologies and services, taking into account environmental, economic, social and human health aspects <del>and their potential for waste reduction and reuse, as well as availability, accessibility and affordability, based on life cycle assessments and best available science, and, where relevant, traditional knowledge, knowledge of Indigenous Peoples and local communities.</del></p>
<p><b>Rationale:</b></p> <p><i>The term ‘non-plastic substitutes’ is essentially a duplicate of ‘sustainable and safer alternatives’ (these being, presumably, alternatives to plastics)</i></p> <p><i>The latter half of the paragraph is unnecessary as the preceding should cover the issues mentioned, whilst some forms of knowledge are mentioned but not others (why not, for example, mention anthropology, or gender studies, or cost benefit analysis, or multi-criteria analysis, or sociological perspectives, or moral philosophy?).</i></p>	
<p>2. The Conference of the Parties shall establish a process and schedule of work for the development of specific guidance for priority plastic products, through a sectoral approach, to assist Parties in their implementation of this Article. The Conference of the Parties shall adopt and review, and update, as appropriate, such guidance, within a reasonable timeframe.</p> <p>3. In implementing paragraph 1 of this Article, Parties should take into account relevant international rules, standards, and guidelines. Parties are encouraged to cooperate with relevant international organizations towards the development of relevant international rules, standards, and guidelines at the multilateral level to support the implementation of this Article.</p> <p>4. Each Party shall ensure that measures taken to implement this Article do not create unnecessary obstacles to international trade and are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between countries where the same conditions prevail, or a disguised restriction on international trade.</p>	<p>2. The Conference of the Parties shall establish a process and schedule of work for the development of specific guidance for priority plastic products, through a sectoral approach, to assist Parties in their implementation of this Article. The Conference of the Parties shall adopt and review, and update, as appropriate, such guidance, within a reasonable timeframe.</p> <p>3. In implementing paragraph 1 of this Article, Parties should take into account relevant international rules, standards, and guidelines. Parties are encouraged to cooperate with relevant international organizations towards the development of relevant international rules, standards, and guidelines at the multilateral level to support the implementation of this Article.</p> <p>4. Each Party shall ensure that measures taken to implement this Article <del>do not create unnecessary obstacles to international trade and are not applied in a manner which would constitute a means of</del> <b>such that they create</b> arbitrary or unjustifiable <del>discrimination obstacles to international trade by discriminating</del> between countries where the same conditions prevail, <del>or a disguised restriction on international trade.</del></p>
<p><b>Rationale:</b></p> <p><i>Point 4 could be placed under an overarching Article. Something similar is currently under ‘1bis’ in the Chair’s text. Very similar text is under Art 3(8) though there are alternatives proposed. So, this might not be needed here if it is already included as per 1bis. In any event, in case that does not happen, we sought to simplify the wording somewhat - the term ‘unnecessary’ suggests a necessity test, whereas a ‘justification’ test seems more reasonable and aligned with existing law, not least since well-reasoned design standards in one Party might well be used as a basis to restrict trade in ways that are well-justified on environmental grounds.</i></p>	

<b>ARTICLE 6</b> <b>[SUPPLY][SUSTAINABLE PRODUCTION]</b>	<b>ARTICLE 6</b> <b>[SUPPLY][SUSTAINABLE PRODUCTION] USE OF PLASTICS</b>
<p><i>Option 1</i></p> <p>No Article</p> <p><i>Option 2</i></p> <p>[1. The Conference of the Parties shall, at its first meeting, adopt [as an annex to this Convention] a[n] [aspirational] global target to [reduce] [maintain] [manage] the [consumption and] production [and consumption] [and use] of [primary] plastic[s] [polymers] [to reduce plastic pollution through consumption] [to sustainable levels].]</p> <p>[2. Each Party shall [, as appropriate] take measures across the full lifecycle of plastics to [achieve] [contribute to] the global target referred to in paragraph 1.]</p> <p>[3. Each Party shall report [available] statistical data on [its] [efforts to manage the consumption and its] production, [imports and exports] [of primary plastic polymers] [and consumption of plastics] and the measures taken [to achieve the global target referred to in] [under] paragraph [1] [2].]</p> <p>[ 4. The Conference of the Parties shall, at its first meeting, adopt the reporting format, timing, methodologies and guidance for the implementation of this Article.] ]</p> <p>[5. The Conference of the Parties shall, every five years, [based on] [taking into account] a scientific, technical [social, cultural] and economic assessment by the subsidiary body referred to in Article 20bis, review progress [in the implementation of this Article] and, as appropriate, update the global target referred to in paragraph 1.]</p>	<p><i>Option 1</i></p> <p>No Article</p> <p><i>Option 2</i></p> <p>[1. The Conference of the Parties shall, at its first meeting, adopt [as an annex to this Convention] a[n] [aspirational] global target to <b>constrain</b> [reduce] [maintain] [manage] the [consumption and] production [and consumption] [and use] of [primary] plastic[s] [polymers] [to reduce plastic pollution through consumption] [to sustainable levels].]</p> <p>[2. Each Party shall [, as appropriate,] take measures across the full lifecycle of plastics to [achieve] [contribute to] the global target referred to in paragraph 1. <b>taking into account methodologies and guidance that may be agreed as per paragraph 4.</b></p> <p>[3. Each Party shall report [available] statistical data on [its] [efforts to manage the consumption and its] <b>consumption of plastics, accounting for</b> production, [imports and exports] [of primary <b>and secondary</b> plastics polymers] [and consumption of plastics] and the measures taken [to achieve the global target referred to in] [under] paragraph [1] [2].]</p> <p>[4. The Conference of the Parties shall, at its first meeting, adopt the reporting format, timing, methodologies and guidance for the implementation of this Article, <b>including approaches to reporting data required as per paragraph 3.</b>]</p> <p>[5. The Conference of the Parties shall, every five years, [based on] [taking into account] a scientific, technical [social, cultural] and economic assessment by the subsidiary body referred to in Article 20bis, review progress [in the implementation of this Article] and, as appropriate, update the global target <b>and methodologies</b> referred to in paragraphs 1 <b>and 4, respectively.</b>]</p>
<p><b>Rationale:</b></p> <p><i>This (option 2) reflects a need for usage to be reduced over time.</i></p>	



### Additional comment:

*Noting Option 1, if nothing binding is foreseen under Article 6, then without binding targets being anticipated under Article 8, and / or similarly binding targets under Article 7 (see below), then the Convention's ability to meet any sensibly expressed objective will be in doubt.*

*It could be useful to include reference to the need for a) global consumption to fall in absolute terms, with b) per capita consumption required to fall by a proportionately greater amount in Parties whose use is currently highest and c) some allowance being made for increased use by those Parties currently with lowest per capita consumption levels (if, indeed, that is deemed desirable – it is proposed here as an appeal to a just approach).*

## ARTICLE 7

### RELEASES AND LEAKAGES

1. Each Party shall take measures to prevent, reduce, and, where possible, eliminate:

a) releases and leakages of plastics, including microplastics, into the environment and from all sources;

b) releases and leakages of plastic pellets, flakes and powders to the environment and aquatic systems, taking into account other relevant international instruments;

c) plastic pollution from fishing activities including, but not limited to abandoned, lost, or otherwise discarded fishing gear, in the marine environment, taking into account other relevant multilateral agreements on this subject as well as the needs of artisanal and small-scale fishers.

2. Parties should cooperate in researching leakages and releases of plastics into the environment, including available, affordable and accessible technologies and measures for preventing releases and leakages into the environment.

3. In implementing paragraphs 1 and 2, each Party shall promote the use of best available and affordable technologies and environmental practices on preventing releases and leakages of plastics into the environment.

4. The Conference of the Parties may adopt guidance to support implementation of this article.

5. In implementation of this article, Parties may take into account national circumstances and capabilities.

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4. The Conference of the Parties may adopt guidance to support implementation of this article.

5. In implementation of this article, Parties may take into account national circumstances and capabilities.

### Rationale:

*The content of 1 b) and 1 c) is more or less implicit in 1 a) so that 1b and 1c could be deleted as long as 'plastics' are defined so as to include 'plastic pellets, flakes and powders'. The inclusion of Para 1 (c) suggests no need for Article 8(2)(e) (see below).*

*As it stands, there is nothing absolutely binding in the above so para 5 seems unnecessary, unless it is being suggested that some Parties should do nothing in response to the above, which would seem to undermine the point of the Convention (there are measures which can be taken at very limited, if any, cost).*

### Additional Comments:

*The Article includes little or nothing that is binding on Parties. If nothing binding is included under Article 7, then without binding targets being anticipated under Article 8, or similarly binding targets under Article 6, then the Convention's ability to meet any sensibly expressed objective will be in doubt.*

*This Article covers a very wide range of actions and activities, the solutions to which are very different according to the sources mentioned. Our view is that there is merit in having more detailed consideration of, or separate Articles for:*

*a) facilities for production of plastics (both primary and secondary) and for management of (plastic) waste; b) fishing gear; c) wastes generated at sea / on rivers; d) secondary microplastics; e) littering*

## ARTICLE 8

### PLASTIC WASTE MANAGEMENT

1. Each Party shall take measures to ensure that plastic waste is managed in an environmentally sound manner, taking into account relevant guidelines developed under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal and other relevant agreements and organizations and guidance referred to in paragraph 6.

1. Each Party shall take measures to ensure that plastic waste is managed in an environmentally sound manner, taking into account relevant guidelines developed under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal and other relevant agreements and organizations and guidance referred to in paragraph 6 **deemed relevant to the Convention by the Conference of the Parties.**

### Rationale:

*This wording allows for a range of Guidance to be included, subject to it being deemed relevant. There is no para 6 in this Article so the end of the sentence is rendered meaningless. The wording has been revised to reflect the spirit of what is set out. The reference to 'organizations' seemed superfluous – organizations cannot be 'relevant guidelines' (the guidelines would be developed by organizations, and hence, have a title in their own right).*

*The term environmentally sound management needs to be defined in Article 2. 'Environmentally sound management' (ESM) is a concept used under the Basel convention. It is also the subject of an OECD legal recommendation (OECD, Recommendation of the Council on the Environmentally Sound Management (ESM) of Waste, OECD/LEGAL/0329). Under Basel, at COP16, Technical Guidelines on the ESM of plastic wastes were adopted. Amongst other things, the document states:*

*Para 68: The waste management hierarchy is a guiding principle for the ESM of waste and covers prevention, minimization, reuse, recycling, other recovery including energy recovery, and final disposal.*

*If ESM was defined as per the technical Guidelines, then much that is written under paragraph 2 (see below) might already be implicit in the definition.*



2. In implementing paragraph 1, each Party shall, taking into account national circumstances and capabilities, take measures, including to:

- a) Establish appropriate systems and disaster-resilient infrastructure at the national and subnational levels for the safe handling, sorting, collection, transportation, storage, recycling and disposal, including with energy recovery, of plastic waste;
- b) Promote circular economy approaches;
- c) Set objectives and targets at the national level to increase the collection and recycling rates of plastic waste;
- d) Prevent littering, and prohibit open dumping, open burning and ocean dumping of plastic waste, taking into account internationally agreed rules;
- e) Prevent and reduce abandoned, lost, or otherwise discarded plastic fishing gear;
- f) Promote a just transition for plastic waste management workers, especially waste pickers and other informal workers, including women, youth and small and artisanal fishers; or
- g) Promote behavioural changes to prevent and minimize plastic waste, including by raising public awareness.

2. In implementing paragraph 1, each Party shall, taking into account national circumstances, **priorities and capabilities, including the availability of resources referred to under Article 11**, take measures, including to:

- a) Establish appropriate systems and disaster-resilient infrastructure at the national and subnational levels for the safe handling, sorting, collection, transportation, storage, recycling and disposal, including with energy recovery, of plastic waste;
- ~~b) Promote circular economy approaches;~~
- c) ~~Set objectives and targets at the national level,~~ **in line with the Basel Convention, to i) reduce the generation of plastic waste to a minimum, and ii) increase the collection and recycling rates of plastic waste. In doing so, aim to minimise the quantity of plastics sent for disposal and (non-recycling) recovery.** **c(ii) Implement policy and law, and take appropriate measures, to achieve the targets under Paragraph 2(c);**
- d) Prevent littering, and prohibit open dumping, open burning and ocean dumping of plastic waste, ~~taking into account internationally agreed rules;~~
- ~~e) Prevent and reduce abandoned, lost, or otherwise discarded plastic fishing gear;~~
- f) Promote a just transition for plastic waste management workers, especially waste pickers and other informal workers, including women, youth and small and artisanal fishers; or
- ~~g) Promote behavioural changes to prevent and minimize plastic waste, including by raising public awareness.~~

### Rationale:

*In the introduction to the para, we cross reference resourcing as per Art 11. A substantial share of the necessary resourcing implied by implementation of the Convention will be linked to the task of improving waste management: acknowledging the link between measures that Parties themselves can take, and the required level of financing is helpful. We also mention prioritisation.*

*On point b, this type of language ('promote') means very little, even if there was an agreed definition of what would qualify as 'circular economy approaches'. To the extent that this was to become binding in any sense (what would qualify as 'promoting?'), then it would need to be defined and that definition would likely be reflected in this Article and other parts of the Convention.*

*On point c), Article 4, paragraph 2 of the Basel Convention calls on Parties to "ensure that the generation of hazardous wastes and other wastes is reduced to a minimum". Also, as noted above, the Basel Technical Guidelines on the ESM for plastic wastes clearly indicates a priority order as per the waste hierarchy (see Para 68 extract above. Accordingly, we use the word 'target' (objective is deleted) in point c). A new point c ii) is added to ensure action is taken in pursuit of the targets as per point c).*

*On point d), unless internationally agreed rules suggest doing other than what is suggested here, then the reference to such rules seems superfluous.*

*Point e) belongs in Article 7 – there is already a provision at Article 7(c).*

*Note that – as mentioned above - depending on how the reference to environmentally sound management is made, then much of this could become superfluous.*

*Point g) is now already covered via amended c) and new d)*

### Additional Comments:

*Point d) includes three distinct forms of mismanagement of plastic waste that may occur in very different contexts:*

- i. open dumping and open burning, which might be considered related to the adequacy of provision of waste management infrastructure in a general context;*
- ii. ocean dumping, which relates to how vessels 'behave' at sea, and which might overlap with concerns under Art 7 (1)(c); and*
- iii. littering, which can occur in many different contexts, including where waste infrastructure might be quite advanced.*

*Each of these has quite a different solution, and it might be useful to be explicit about that by giving them separate sub-paragraphs.*

3. Each Party shall take appropriate measures to ensure that transboundary movement of plastic waste is allowed only for the purpose of environmentally sound management. Parties that are also Parties to the Basel Convention shall take appropriate measures to ensure that transboundary movement of plastic waste is carried out in accordance with the obligations of the Basel Convention and developed country Parties shall take measures to prohibit the export of plastic to developing country Parties. In circumstances where the Basel Convention does not apply, a Party shall take appropriate measures to ensure that transboundary movement of plastic waste is allowed only after taking into account relevant national and international rules, standards, guidelines and guidance referred to in paragraph 6.

4. Each Party is encouraged to take measures to establish or promote the development of extended producer responsibility approaches and, as appropriate, other economic instruments within its jurisdiction, taking into account the shared responsibilities of relevant stakeholders to ensure the environmentally sound management of plastics, throughout their life cycle.

5. The Conference of the Parties, to support the implementation of this article, may establish programmes of work and develop guidance in cooperation, as appropriate, with the Conference of the Parties to the Basel Convention on the control of transboundary movement of hazardous waste and their disposal and other relevant agreements and organizations.

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4. Each Party is encouraged to **shall** take measures to establish or promote the development of **a mechanism, such as** extended producer responsibility, **to ensure that businesses placing plastic packaging and products on the market, under its jurisdiction, cover the costs of environmentally sound management of their respective packaging and products once they become waste. In doing so, each Party should ensure that the costs borne by businesses are those associated with the costs of delivering services in an efficient manner, and which enable the targets established as per Paragraph 2 to be achieved. Each party is encouraged to use** approaches and, as appropriate, other economic instruments within its jurisdiction **with a view to implementing the provisions of this Article,** taking into account the shared responsibilities of relevant stakeholders to ensure the environmentally sound management of plastics, throughout their life cycle.

5. The Conference of the Parties, to support the implementation of this article, ~~may~~**shall** establish programmes of work and develop guidance **and methodologies to support the measurement of progress. In doing so, it may cooperate,** cooperation, as appropriate, with the Conference of the Parties to the Basel Convention on the control of transboundary movement of hazardous waste and their disposal and other relevant agreements and organizations.

### Rationale:

*On point 3, there seemed to be repetition which we have sought to simplify. Point 3 referenced Article 6, possibly intending a reference to Article 5. However, this did not seem to add much anyway – Article 5 retains its relevance.*

*On point 4, the more normative 'shall' is used and the concept of producer responsibility, for which there is not always a shared understanding, is pitched more generically in terms of the recovery of costs from business for the ESM of waste. The implementation of other economic instruments is also encouraged. Reference to 'shared responsibility' is problematic in the context of extended producer responsibility*

*On point 5, the wording is adapted to include methodologies – we have in mind, here, methods for measuring 'recycling' on a comparable basis, for example.*

### Additional Comments:

*The term environmentally sound management needs to be defined.*

*As indicated above, if nothing binding is included under Article 8, then without there being binding measures anticipated under Article 7, or similarly binding targets under Article 6, then the Convention's ability to meet any sensibly expressed objective will be in doubt.*

## ARTICLE 10

### JUST TRANSITION

1. In implementing this Convention, each Party should promote and facilitate a just transition, taking into account national circumstances and capabilities, including development priorities, needs, challenges and different pathways, with a view to ensuring that no one is left behind.

2. In taking measures to implement paragraph 1 of this article, each Party should take into account the situation of and engage workers in the formal and informal sectors, including workers in the plastic industry, waste pickers, artisanal and small-scale fishers, small and medium enterprises, as well as communities and groups disproportionately affected by such transition across the full life cycle of plastics, including Indigenous Peoples, local communities, women and children.

3. Each Party is encouraged to report, monitor and evaluate measures taken to implement this Article in its national report pursuant to Article 15.

1. In implementing this Convention, each Party should promote and facilitate a just transition, taking into account national circumstances and capabilities, including development priorities, needs, challenges and different pathways, with a view to ensuring that ~~no one is left behind~~ **the livelihoods of those engaged in activities influenced by implementation of this Convention are enhanced as far as possible, and are not unjustifiably disadvantaged as a result of measures taken.**

2. In taking measures to implement paragraph 1 of this article, each Party should take into account the situation of and engage workers in the formal and informal sectors, including workers in the plastic industry, waste pickers, artisanal and small-scale fishers, small and medium enterprises, as well as communities and groups disproportionately affected by such transition across the full life cycle of plastics, **or affected by plastic pollution**, including Indigenous Peoples, local communities, women and children.

3. Each Party is encouraged to report, monitor and evaluate measures taken to implement this Article in its national report pursuant to Article 15.

### Rationale:

*Ensuring 'that no one is left behind' is a) somewhat loose terminology, and b) something that might not be possible, unless it implies use of compensation payments, for example.*

*It seemed appropriate to add the people affected by existing pollution*

### Additional comments:

*Definitions that might be necessary include: formal sector / informal sector; waste pickers; artisanal and small-scale fishers*

<b>ARTICLE 11</b> <b>FINANCIAL [RESOURCES AND] MECHANISM6</b>	<b>ARTICLE 11</b> <b>FINANCIAL [RESOURCES AND] MECHANISM6</b>
<p>1) Each [developed country] Party [shall] [undertakes to] [shall contribute funds and resources for the dedicated financial mechanism] provide, [within its capabilities,] resources [to developing country Parties] for activities intended to achieve the objectives of this [Convention] [instrument], taking into account national policies, priorities, plans, and programmes. [Such resources may include domestic funding through relevant policies and fiscal measures [[such as primary plastic polymer fees, extended producer responsibility schemes, development strategies, and national budgets,] as well as bilateral and multilateral funding and private sector investment and voluntary contributions.]]</p> <p>2) [The extent to which [developing country] Parties [most in need, particularly LDCs and SIDS][and countries with economies in transition] will effectively implement their [commitments][obligations] under this instrument will depend on the availability [and accessibility] of [adequate and timely] resources [shall be incumbent on receipt of resources] and the fulfilment of commitments [of developed country Parties] under this instrument related to the</p>	<p>1) Each <del>[developed country]</del> Party <del>[shall]</del> mobilise <del>[undertakes to]</del> <del>[shall contribute funds and resources for the dedicated financial mechanism]</del> provide, <del>[within its capabilities,]</del> financial resources in support of its compliance obligations under this Convention through implementing measures within its jurisdiction <del>[to developing country Parties]</del> for activities intended to achieve the objectives of this <del>[Convention]</del> <del>[instrument]</del>, taking into account national policies, priorities, plans, and programmes. <del>[Such resources may include]</del> domestic funding through relevant policies and fiscal instruments measures <del>[[such as primary plastic polymer taxes and fees, including those raised through extended producer responsibility schemes and voluntary contributions,</del> development strategies, and national budgets,] as well as bilateral and multilateral funding and private sector investment and voluntary contributions.]]</p> <p>1a. Each developed country Party undertakes to contribute funds and resources for the dedicated financial mechanism] established as per Paragraph [4]</p> <p>2) <del>[The extent to which [developing country] Parties [most in need, particularly LDCs and SIDS][and countries with economies in transition]</del> will be able to effectively implement some of their <del>[commitments]</del> and <del>[obligations]</del> under this instrument Convention will depend on the availability <del>[and accessibility]</del> of <del>[adequate and timely]</del> resources. The mechanisms provided for in Paragraphs [5 and 6] are designed to highlight the</p>



provision of financial resources, capacity-building, technology [and technical] assistance, technology transfer on voluntary and mutually agreed terms, and international cooperation [from developed country Parties to developing country Parties].]

3) [In allocating appropriate funds and technical and technological assistance, [developed country] Parties shall [and others in a position to do so] take into account the specific needs and [special] requirements of developing country Parties, in particular the least developed countries, small island developing States (SIDS), [countries with economies in transition] [[archipelagic states] [landlocked developing countries] [as well as countries with [special] conditions or characteristics that are considered vulnerable to plastic pollution [, including lower riparian States].] [The Parties, in their actions with regard to funding, shall take full account of the specific needs and [special] circumstances of Parties that are small island developed States or least developed countries.]]]

4) [[Developed country] Parties [with capacity to do so] shall [provide] [and others who are in the capacity to do so] [take the lead in providing] financial resources to support [developing country Parties] [Parties most in need] [developing country Parties most in need, in particular LDCs and SIDS] in fulfilling their obligations under this [Convention] [instrument]. Contributions from other sources, including multilateral organizations, agencies and funds, are encouraged to support implementation of this [Convention] [instrument].]

5) [[Developed country] Parties shall aim to align financial [support] [flows] with the [Convention's] [instrument's] objectives and take measures to increase the mobilization [and provision] of finance from bilateral, regional, and multilateral entities, as well as the private sector.]

6) A mechanism for the provision of [adequate], accessible, new [predictable] [timely] and additional financial resources under this [Convention] [instrument] is hereby established.

areas where this applies, and the associated financial resources needed. [shall be incumbent on receipt of resources] and the fulfilment of commitments [of developed country Parties] under this instrument related to the provision of financial resources, capacity building, technology [and technical] assistance, technology transfer on voluntary and mutually agreed terms, and international cooperation [from developed country Parties to developing country Parties].]

3) [In allocating appropriate funds and technical and technological assistance, [developed country] Parties shall [and others in a position to do so] take into account the specific needs and [special] requirements of developing country Parties, in particular the least developed countries, small island developing States (SIDS), [countries with economies in transition] [[archipelagic states] [landlocked developing countries] [as well as countries with [special] conditions or characteristics that are considered vulnerable to plastic pollution [, including lower riparian States].] [The Parties, in their actions with regard to funding, shall take full account of the specific needs and [special] circumstances of Parties that are small island developed States or least developed countries.]]]

4) [[Developed country] Parties [with capacity to do so] shall [provide] [and others who are in the capacity to do so] [take the lead in providing] financial resources to support [developing country Parties] [Parties most in need] [developing country Parties most in need, in particular LDCs and SIDS] in fulfilling their obligations under this [Convention] [instrument]. Contributions from other sources, including multilateral organizations, agencies and funds, are encouraged to support implementation of this [Convention] [instrument].]

5) [[Developed country] Parties shall aim to align financial [support] [flows] with the [Convention's] [instrument's] objectives and take measures to increase the mobilization [and provision] of finance from bilateral, regional, and multilateral entities, as well as the private sector.]

6) A mechanism for the provision of [adequate], accessible, new [predictable] [timely] and additional financial resources under to support implementation of this [Convention] [instrument] is hereby



The mechanism shall [ensure] [provide] efficient access and support [through simplified approval procedures] for [developing country Parties] [Parties most in need] [developing country Parties most in need, in particular LDCs and SIDS] [in fulfilling their [compliance] obligations under this [Convention] [instrument].]

7) The mechanism shall include [a new dedicated independent multilateral fund [and a remediation fund and GEF trust fund]] [an existing fund] [and any other funds or entities] [the Global Environment Facility Trust Fund] operating under [the authority of] the Conference of the Parties. [The Conference of the Parties shall provide guidance on policies, programme priorities [and eligibility criteria for access to] and utilization of financial resources.]

8) [[Donor] [Developed] country Parties shall replenish the multilateral fund [periodically on the basis of the scale of assessment] as agreed by the Conference of Parties, based on [recipient] [developing] country Parties' needs assessments [undertaken by a subsidiary body established under this Mechanism].]

[8 *Alt* Parties, in particular those with the financial capacity to do so and high levels of [mismanaged plastic waste,] plastic production, or polymer production, are expected to contribute to the Mechanism, on a voluntary basis from their public funding.]

9) [The [dedicated fund] [Mechanism] shall seek to catalyze additional resources from all sources for the activities it supports, [as per modalities agreed by the COP] including through blended and innovative financing.]

10) [For support of early action and implementation, the Mechanism shall also consist of an interim dedicated fund within an existing a financial arrangement.]

established. The mechanism shall ~~[ensure]~~ ~~[provide]~~ efficient access and support ~~[through simplified approval procedures]~~ for ~~[developing country Parties]~~ ~~[Parties most in need]~~ ~~[developing country Parties most in need, in particular LDCs and SIDS]~~ **to financial resources** [in fulfilling **ment of** their ~~[compliance]~~ obligations **and objectives** under this ~~[Convention]~~ ~~[instrument].]~~

7) The mechanism shall include ~~[a new dedicated independent multilateral fund [and a remediation fund and GEF trust fund]]~~ ~~[an existing fund]~~ ~~[and any other funds or entities]~~ ~~[the Global Environment Facility Trust Fund]~~ operating under ~~[the authority of]~~ the Conference of the Parties. ~~[The Conference of the Parties shall provide guidance on policies, programme priorities [and eligibility criteria for access to] and utilization of financial resources~~ **for the different purposes for which they may be needed. This shall include identifying which recipients, and for which purposes, the financial resources are to be made available on a grant, or on a concessional basis.]**

8) ~~[[Donor]~~ ~~[Developed]~~ country Parties shall replenish the multilateral fund ~~[periodically on the basis of the scale of assessment]~~ as agreed by the Conference of Parties, based on ~~[recipient]~~ ~~[developing]~~ country Parties' needs assessments. **Such assessments shall be** ~~[undertaken by a subsidiary body established under this Mechanism, and will reflect the priorities and access as per paragraph 5, and take into account measures that Parties may take within their jurisdictions to reduce the extent of their of needs].]~~

~~[8 *Alt* Parties, in particular those with the financial capacity to do so and high levels of [mismanaged plastic waste,] plastic production, or polymer production, are expected to contribute to the Mechanism, on a voluntary basis from their public funding.]~~

9) ~~[The [dedicated fund] [Mechanism] shall seek to catalyze additional resources from all sources for the activities it supports, [as per modalities agreed by the COP] including through blended and innovative financing.]~~

10) ~~[For support of early action and implementation, the Mechanism shall also consist of an interim dedicated fund within an existing a financial arrangement.]~~

11) The Mechanism shall provide [funding and] financial resources on a grant or concessional basis [in support of implementation of this [Convention] [instrument] [for developing country Parties most in need, in particular, LDCs and SIDS] [including for:] [Enabling activities [including technical and technological support] and agreed incremental costs; and] Clearinghouse functions. [Preparation of national reports Preparation and implementation of national action plans]]

12) [Mechanism funds should be allocated to activities in furtherance of the [Convention's] [instrument's] objectives, taking into account their additionality and complementarity within the broader landscape of financial flows.]

13) [The Mechanism will also be utilized to support relevant programming for populations most vulnerable to the adverse effects of plastic pollution.]

14) [Recognizing that the Mechanism will exist within a broader landscape of financial flows including from domestic finance, bilateral, regional, and multilateral entities, and the private sector, in providing resources for an activity, the Mechanism should take into account the additionality and complementarity of support for that activity with respect to all financial flows in furtherance of the [Convention's] [instrument's] objectives.]

15) [The Global Environment Facility Trust Fund will additionally support the catalysing of investment in waste management infrastructure development, plastic waste removal activities, and waste prevention activities, including through blended and grant and non-grant instruments.]

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~~13) [The Mechanism will also be utilized to support relevant programming for populations most vulnerable to the adverse effects of plastic pollution.]~~

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~~15) [The Global Environment Facility Trust Fund will additionally support the catalysing of investment in waste management infrastructure development, plastic waste removal activities, and waste prevention activities, including through blended and grant and non-grant instruments.]~~

16) Recognizing the need to make rapid progress on environmentally sound management of all (not just plastic) waste, identifying complementary sources from, for example, International Environmental and Climate Funds (IECFs) and other sources to support the efficient implementation of such activities alongside those under Article 8 is strongly encouraged.

### Rationale:

*The first 5 paragraphs in the original Article overlap and include considerable duplication. They cover the provision of funds, who provides, who gets, and the extent to which implementation might be dependent upon the resources made available. These have been simplified with, we believe, little loss of meaning.*

*Paras 6-12 etc. covered similar ground, but specifically referencing the mechanism established as per para 6. The simplification of these paragraphs assumes that, for the purposes of the Convention, the funds are likely to be provided via the mechanism outlined below (and if they are not, then they might be provided irrespective of the content of the Convention).*

*The simplification seeks to introduce balance so that not everything is considered to be dependent on flows of resources money from developed to less developed country Parties, but recognising also that less developed also have the ability also raise some own resources. That would include mechanisms such as those envisaged under Article 8(4). This is necessary to bring the quantum of funding required down to a reasonable level.*

*The additional para is included in acknowledgement that the measures envisaged under Article 8 with respect to managing plastic waste are likely to be best achieved through addressing all wastes, and that, recognising the potential to address methane emissions from waste through a more holistic approach, drawing in additional funds for such activity would be welcomed, and could reduce the inefficiency with which resources are spent.*

### Additional Comments:

*We note that the reference in (for example) the Zero Draft to subsidy removal (the language in the Zero Draft was 'decrease 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') has been removed. This is regrettable.*

*Earlier texts made clearer references to the potential for a 'plastic pollution fee'. This text is weaker on such a levy, and hence, makes the prospects of achieving adequate funding somewhat less certain.*