

## NON-PAPER 3 OF THE CHAIR OF THE COMMITTEE

### With Comments of the Local and Subnational Governments Coalition to End Plastic Pollution

#### INTRODUCTORY NOTE

As I announced in the closing of the Heads of Delegation meeting in Nairobi from 30 September to 1 October, I have developed a further non-paper, drawing on the non-paper that I had shared in advance of that meeting and on the range of views, proposals and suggestions for additions that were raised during that meeting.

In my role as Chair, I am pleased to submit my Non-paper 3 to delegations. This document aims to assist our collective efforts to negotiate a legally binding instrument on plastic pollution, including in the marine environment, during the pivotal round of negotiations at INC-5.

I acknowledge the rich discourse and steadfast dedication demonstrated by all involved in the INC process to date. The non-paper builds on contributions from governments, regional groups, specialized documents, observers, and international organizations with experience in multilateral environmental agreements.

I have taken note of those contributions and have attempted to reflect them in this new non-paper, which includes some adjustments to the structure of my previous paper that reflect suggested changes on which views of delegations seemed to converge. I present this non-paper on the understanding that the approach I have been working with to advance discussions is an acceptable basis for further work, bearing in mind the broadly shared view that there is a need to:

- Focus the text on essential elements,
- Make the best use of the 7 days remaining at INC-5 to conclude our negotiations, and
- Ensure that the treaty is effective, implementable and fit for the purpose of ending plastic pollution

I have identified significant convergence areas among delegations on a range of issues under negotiation. I am suggesting text for those articles where I believe there is sufficient convergence. In doing so, I have drawn on the respective elements of the compilation of draft text as presented in document UNEP/PP/INC.5/4, and have distilled that text and attempted to reflect the essence and intent of the elements in a more concise text. Given their acceptance in other Multilateral Environment Agreements, I have largely taken the articles addressing the Final Provisions (i.e. Article 22 onwards) from document UNEP/PP/INC.5/4. My suggested texts are bracketed, and I confirm that the zero options reflected in the compilation of draft text remain on the table as we move forward with our discussions.

I have outlined elements for further discussion for unresolved issues. Considering the Members' expressions of willingness to reach an understanding on those issues, I trust that additional dialogue will foster convergence in time to get a comprehensive agreement in Busan. In some cases, I have identified potential work that could be undertaken in the interim period between the Diplomatic Conference and the first meeting of the Conference of the Parties.

This non-paper is proposed as a basis for negotiation at INC-5. It represents the Chair's perspective and intends to facilitate progress at INC-5. I urge delegations at INC-5 to review the document using agreed-upon work procedures, aiming for a consensus that balances interests and reflects shared aspirations.

I reaffirm the central role of Members in leading these negotiations. I am committed to promoting dialogue and compromise under the principle that "nothing is agreed upon until everything is agreed upon".

Noting the significant progress already achieved and the few remaining challenges in focus, I am optimistic that, with the necessary political will, we will reach our shared goal in Busan: a legally binding instrument on plastic pollution by the end of 2024.

Ambassador Luis Vayas Valdivieso,

DRAFT

## PREAMBLE

I suggested in my previous non-paper that we would develop the content and structure of preamble and principles as we advance. However, given the limited time available at INC-5, I am suggesting a preamble text that could facilitate further development.

["The Parties to this Convention,

*Noting with concern* that the high and rapidly increasing levels of plastic pollution, including in the marine environment, represent a serious environmental and human health problem at a local, subnational, regional and global scale ~~global scale~~, negatively impacting the environmental, social and economic dimensions of sustainable development,

*Recognizing* the special circumstances and needs of developing countries, and the disproportionate impact of such plastic pollution on small island developing States,

*Recognizing also* the important role played by plastic in human society,

*Underlining* the importance of managing the production and consumption of plastics at sustainable levels, including by promoting resource-efficient design of plastic products and materials so that they can be repaired, reused, remanufactured or recycled and therefore retained, along with the resources they are made of, in the economy for as long as possible, thus minimizing the generation of waste,

*Reaffirming* the principles of the Rio Declaration on Environment and Development, adopted in Rio de Janeiro, Brazil, in 1992,

*Recalling* the determination of the peoples of the United Nations to establish conditions under which justice and respect for the obligations arising from treaties can be maintained,

*Recognizing* the significant contribution made by workers in informal and cooperative settings to the collection, sorting and recycling of plastics in many countries,

*Having in mind* the principles of international law embodied in the Charter of the United Nations, such as the principles of the equal rights and self-determination of peoples, of the sovereign equality and independence of all States, of non-interference in the domestic affairs of States, and of universal respect for, and observance of, human rights and fundamental freedoms for all,

*Recognizing* that this Convention and other international agreements in the field of the environment and trade are mutually supportive,

*Emphasizing* that nothing in this Convention is intended to affect the rights and obligations of any Party deriving from any existing international agreement,

*Understanding* that the above recital is not intended to create a hierarchy between this Convention and other international instruments,

*Noting* that nothing in this Convention prevents a Party from taking additional domestic measures consistent with the provisions of this Convention in an effort to protect human health and the environment from plastic pollution in accordance with that Party's other obligations under applicable international law,

Have agreed as follows:"]

## ARTICLE 1 OBJECTIVE

I note that two key approaches have been identified in proposals to date for further consideration by the INC, namely:

- “The objective of this Convention is to protect human health and the environment from [the adverse effects of] plastic pollution”; and,
- “The objective of this Convention is to end plastic pollution”

I suggest that the two are complementary, and can be linked, and suggest the following:

[The objective of this Convention is to protect human health and the environment from the adverse impacts of plastics, with the ambition of ending plastic pollution, including in the marine environment.]

## **ARTICLE 2 DEFINITIONS**

This article would define terms in general use in the Convention as identified during INC-5, including terms not generally understood as well as cross-cutting terms used in more than one article, e.g. “plastic product”, “microplastics”. Specific terms relevant to a particular provision could be best placed in that provision.

[“For the purposes of this Convention:

(..) “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;

(..) “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;

(..) “plastics” means [...];

(..) “plastic products” means [...];

(..) “plastic waste” means [...];

(..) “microplastics” means [...];]

## **ARTICLE 3 PLASTIC PRODUCTS AND CHEMICALS OF CONCERN AS USED IN PLASTIC PRODUCTS**

I have heard support for management of plastic products, including the elimination from the market of some products, and the avoidance of certain chemicals of concern in plastic products, as being essential in protecting the environment and human health from plastic pollution. However, beyond that general recognition and agreement, I have not detected sufficient convergence to suggest draft text. I have also heard support for the elements that I set out in my previous non-paper, and, accordingly, I present them again.

I note that many national and regional initiatives globally have eliminated some plastic products and banned some chemicals of concern in their manufacture, or are restricting their use, but these efforts are fragmented. [We see successful efforts deployed at the local and subnational level.](#)

One concern that has been raised with me is that all countries, while sharing similar high ambition, do not share the same legal and administrative structures or national circumstances, that would allow for a “one size fits all” approach to plastic products, including with regard to certain chemicals of concern as used in plastic products. This suggests to me that we need to include considerations that combine the level of ambition with flexibility in approaches at the national level.

A further concern that has been expressed is the need to avoid delaying initial action until after COP1: this suggests that initial lists of plastic products and/or chemicals of concern as used in plastic products to be controlled, could allow Members and industry to take early action including before, and in anticipation of, entry into force.

The article could include:

- ◆ Initial list or lists of plastic products to be controlled, to be contained in an annex or annexes.
- ◆ Some exclusions or exceptions may need to be reflected.
- ◆ A list of measures that could be applied to plastic products.
- ◆ Criteria that could be applied to identify additional plastic products or chemicals of concern as used in plastic products.
- ◆ Possible linkage to applications.
- ◆ Process for the Conference of the Parties (COP) to identify further plastic products and chemicals of concern as used in plastic products to be subject to control, including process to review the lists.
- ◆ References to:
  - ◆ National circumstances and capabilities;
  - ◆ Procedure for amending annexes;
  - ◆ Transparency and traceability.
- ◆ Additional measures that could be taken by a Party, including in relation to:
  - ◆ Product design, re-use, recyclability of products;
  - ◆ Alternatives and non-plastic substitutes.

*Work in the interim period between the DipCON and COP1 (for adoption by the COP at its first meeting) could include:*

- ◆ *Development of guidance, including on a sectoral basis, on specific issues, and guidance to assist in transitioning away from listed chemicals of concern as used in plastic products.*
- ◆ *Schedule for work to identify further plastic products to be subjected to control.*
- ◆ *Terms of reference for any expert or other subsidiary bodies to be established by the COP.*
- ◆ *Guidance to be developed by the COP to facilitate the implementation of this provision.*

#### **ARTICLE 4 EXEMPTIONS**

The inclusion of this article is conditional on there being articles on plastic products and/or chemicals of concern as used in plastic products. This article could be decided and finalized upon agreement on obligations under plastic products and other relevant provisions. My suggested text is:

[1. Any State or regional economic integration organization may register for one or more exemptions from the phase-out dates listed in [Annex [A] on chemicals of concern as used in plastic products and Annex [B] on plastic products], hereafter referred to as an “exemption”, by notifying the Secretariat in writing:

- (a) On becoming a Party to this Convention; or
- (b) In the case of any chemical that is added by an amendment to Annex [A] or any product that is added by an amendment to Annex [B] on plastic products, no later than the date upon which the applicable amendment enters into force for the Party.

Any such registration shall be accompanied by a statement explaining the Party’s need for the exemption.

2. Each Party that has one or more exemptions shall be identified in a register. The Secretariat shall establish and maintain the register and make it available to the public.

3. The register shall include:

- (a) A list of the Parties that have one or more exemptions;
- (b) The exemption or exemptions registered for each Party; and
- (c) The expiration date of each exemption.

4. Unless a shorter period is indicated in the register by a Party, all exemptions pursuant to paragraph 1 shall expire five years after the relevant phase-out date listed in Annex [A] or [B].

5. The Conference of the Parties may, at the request of a Party, decide to extend an exemption for five years unless the Party requests a shorter period. In making its decision, the Conference of the Parties shall take due account of:

- (a) A report from the Party justifying the need to extend the exemption and outlining activities undertaken and planned to eliminate the need for the exemption as soon as feasible; and

- (b) Available information, including in respect of the availability of alternative chemicals and products.

An exemption may only be extended once per chemical or product per phase-out date.

6. A Party may at any time withdraw an exemption upon written notification to the Secretariat. The withdrawal of an exemption shall take effect on the date specified in the notification.

7. Notwithstanding paragraph 1, no State or regional economic integration organization may register for an exemption after five years after the phase-out date for the relevant chemical or product listed in Annex [A] or [B], unless one or more Parties remain registered for an exemption for that chemical or product, having received an extension pursuant to paragraph 5. In that case, a State or regional economic integration organization may, at the times set out in paragraphs 1 (a) and (b), register for an exemption for that product or process, which shall expire ten years after the relevant phase-out date.

8. No Party may have an exemption in effect at any time after ten years after the phase-out date for a chemical or product listed in Annex [A] or [B].]

## ARTICLE 5 PLASTIC PRODUCT DESIGN

My suggested text is:

[1. Each Party is encouraged to take measures:

- (a) To promote enhanced design and performance of plastic products, as well as transparency, including with respect to their chemical composition, taking into account relevant international standards and guidelines, including sector- or product-specific standards and guidelines, in order to reduce the use of primary plastic polymers and associated chemicals of concern in plastic products; and increase the safety and durability of plastics products, and the ability to reuse, repair, recycle them and to dispose of them in a safe and environmentally sound manner upon their becoming waste.
- (b) To foster research, innovation, development and use of sustainable alternatives and non-plastic substitutes, including products, technologies and services, taking into account the best available science, traditional knowledge, knowledge of Indigenous Peoples and local knowledge systems and their potential for waste reduction and reuse, as well as their environmental, socio - economic, and human health impacts across their life cycle.

2. The Conference of the Parties shall adopt, at its first meeting, guidance to assist Parties in their implementation of paragraph 1 of this Article. The Conference of the Parties shall keep under review, and update as appropriate, the guidance developed pursuant to this paragraph.]

*Work in the interim period between the DipCON and COP1 (for adoption by the COP at its first meeting) could include guidance to inform national action, potentially also for specific sectors or groups or products.*

## ARTICLE 6 SUPPLY

I am not proposing text for this article. I propose that INC-5 agrees on text that includes a process to address the current information gaps regarding existing and needed levels of production, as well as the lack of clarity about efficiency and effectiveness in recovering plastic polymers.

This article could:

- ◆ Acknowledge the need to manage the supply of primary polymers to achieve sustainable levels of production and consumption of plastics through their life cycle.
- ◆ Encourage Parties to take measures to promote sustainable production and consumption of plastics throughout their life cycle.

This article could require:

- ◆ Parties to cooperate to achieve a global objective of sustainable levels of production.
- ◆ Reporting on production of primary and secondary plastic polymers.
- ◆ Decision on the need for further action at a later meeting of the Conference of the Parties.
- ◆ Keeping under review the measures and objectives set out in this article.

## **ARTICLE 7 EMISSIONS AND RELEASES**

My suggested text is:

- [1. Each Party shall take measures to manage, reduce, and, where possible, eliminate emissions and releases to the atmosphere, soil, water and the marine environment from the production, storage, transportation, use and end of life management of:
- (a) Chemicals of concern as used in plastic products listed in Annex [A], and plastic products listed in Annex [B];
  - (b) Plastic pellets, flakes and powder from the supply chain;
  - (c) Microplastics during production of plastics
  - (d) Microplastics and nano-plastics during use of products.
2. In implementing its obligation pursuant to paragraph 1, each Party shall take into account, as appropriate, relevant international rules, standards, and guidelines.
3. The Conference of the Parties shall, at its first meeting, adopt guidance on best available techniques and best environmental practices on preventing emissions and releases into the environment, as well as guidance, including, where relevant, on a sectoral basis, to facilitate implementation of the obligations set out in paragraphs 1 and 2 of this article.]

*Work in the interim period between the DipCON and COP1 (for adoption by the COP at its first meeting) could include:*

- ◆ *Guidance, including, where relevant, on a sectoral basis, to facilitate implementation of the obligations set out in this article,*
- ◆ *Guidance on best available techniques and best environmental practices on preventing emissions and releases into the environment.*

## **ARTICLE 8 PLASTIC WASTE MANAGEMENT**

My suggested text is:

- [1. Each Party shall take measures, including, where relevant, through a sectoral approach, to ensure that plastic waste is managed in an environmentally sound manner, taking into account the waste hierarchy and relevant guidelines developed under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, and in accordance with any guidelines that may be adopted by the Conference of the Parties to this Convention. In developing such guidelines, the Conference of the Parties shall take into account arrangements in relevant international agreements.
2. Each Party is encouraged to take additional measures which could include, *inter alia*:
- (a) Promoting investment in, and mobilizing resources from all sources for, waste management systems and infrastructure that enables environmentally sound management of plastic waste and enhances waste management capacity;
  - (b) Establishing systems at national, subnational and local levels for handling, sorting, collection, transportation, storage, recycling and treatment of plastic wastes;
  - (c) Encouraging behavioural changes throughout the value chain and raising public awareness about plastic waste prevention and minimization, taking into account the critical roles of all stakeholders in collaboration with relevant stakeholders and local and subnational

governments -in reducing plastic litter and supporting recycling;

DRAFT



- (d) Incentivizing increased recyclability, promoting higher recycling rates, and enhancing the accountability of producers and importers for environmentally sound management of plastics and plastic products throughout their life cycle, including by the adoption and implementation of approaches such as extended producer responsibility (EPR) schemes;
  - (e) Promoting, developing and strengthening markets for secondary plastics.
3. Each Party shall take measures to ensure that the export of plastic waste is only allowed:
- (a) For the purpose of safe and environmentally sound recovery, reuse, recycling, or disposal in a manner consistent with this Article; and
  - (b) With the written consent of the importing Party or non-Party.
4. Where export of plastic waste is allowed under paragraph 3, the exporting Party shall:
- (a) Provide to the importing Party or non-Party complete information about the composition of the waste proposed to be exported, including its contents in polymers, chemicals and plastics, and any associated hazards to human health or the environment, including safety data sheets, as relevant;
  - (b) Require exporters to comply with generally accepted and recognized international rules, standards and practices for packaging, labelling and transport.
5. The Conference of the Parties shall, at its first meeting, adopt guidance to assist Parties in their implementation of paragraphs 3 and 4 of this Article, including a format for certification to demonstrate that the importing Party or non-Party has measures in place to ensure consistency with the requirements under subparagraph (b) of paragraph 3. In developing such guidance, the Conference of the Parties shall take into account arrangements in relevant international agreements.]

*Work in the interim period between the DipCON and COP1 could include guidance on developing national EPR schemes and on exports of plastic waste pursuant to paragraphs 3 and 4 (for adoption by the COP at its first meeting), and any interim arrangements.*

## **ARTICLE 9 EXISTING PLASTIC POLLUTION**

My suggested text is:

[1. Parties shall cooperate to:

- (a) Identify, evaluate and prioritize locations or accumulation zones most affected by existing plastic pollution, including in the terrestrial, freshwater and marine environments and areas beyond national jurisdiction, or where quantities and types of plastic pollution pose a threat to human health, species or habitats; and
- (b) Take mitigation and remediation measures, including clean-up activities in such identified affected locations or accumulation zones, taking into account the special circumstances of Small Island Developing States, and the disproportionate impacts on them of such plastic pollution.

2. When implementing remediation measures outside of national jurisdictions, Parties should take into account relevant provisions of international agreements.

3. Each Party is encouraged to promote engagement of local communities, local and subnational governments, civil society, as well as the private sector, in activities pursuant to paragraphs 1 and 2.

4. The Conference of the Parties shall adopt guidance, as appropriate, to facilitate implementation of this Article.]

*Work in the interim period between the DipCON and COP1 (for adoption by the COP at its first meeting) could include the development of guidance to assist Parties in implementing this Article, and support to Signatories, in particular to LDCs and SIDS, for early implementation.*

## ARTICLE 10 JUST TRANSITION

My suggested text is:

[1. In the implementation of this Convention, Parties shall cooperate to promote and facilitate a transition towards sustainable production consumption of plastic, taking account of the situation of workers in the informal sector, including waste pickers, Indigenous Peoples and populations affected by the adverse effects on human health and the environment of plastic pollution and the implementation of measures set out in this Convention.

2. Each Party is encouraged to promote the engagement of affected communities, civil society, as well as the private sector, in activities pursuant to paragraph 1.

3. Each Party may report measures taken to implement this Article in its national report pursuant to Article 15.

4. The Conference of the Parties may adopt guidance to assist Parties in the implementation of this Article, taking into account relevant guidelines under other international organizations, including the International Labour Organization.]

*Work in the interim period between the DipCON and COP1 (for adoption by the COP at its first meeting) could include the development of guidance to assist Parties in implementing this Article.*

## ARTICLE 11 FINANCE, INCLUDING THE ESTABLISHMENT OF A FINANCIAL MECHANISM

I am not proposing text for this Article. However, I expect that this Article would, *inter alia*:

- ◆ Require each Party to mobilise, within its capabilities, resources in respect of those national activities that are intended to implement this Convention, in accordance with its national policies, priorities, plans and programmes.
- ◆ Recognize that the ability of some Parties to implement some legal obligations effectively under this Convention will depend on the availability of capacity-building and technical and adequate financial assistance.
- ◆ Define a mechanism for the provision of financial and technical cooperation to such parties to assist their compliance with the control measures of the Convention. The mechanism could:
  - ◆ Include one or more funds;
  - ◆ Be operated by one or more entities;
  - ◆ Include entities providing multilateral, regional and bilateral financial and technical assistance;
  - ◆ Include contributions from **all sources, including the** private sector.
- ◆ Recognize that the financial mechanism will provide new and additional resources within a broader landscape of existing financial flows including from domestic finance, bilateral, regional, and multilateral entities, and the private sector.
- ◆ Designate the Conference of the Parties to provide overall policies and guidance for the mechanism
- ◆ Invite Parties to contribute resources through a mechanism.
- ◆ Require the Conference of the Parties at its first meeting to decide on the institutional arrangements of the mechanism.
- ◆ Require the Conference of the Parties to review the effectiveness of the mechanism, its ability to address the changing needs of the developing country Parties and Parties with economies in transition, the level of funding available through the mechanism, and the effectiveness of the performance of any institutional entities entrusted to operate the mechanism.
- ◆ Catalyze and align public and private financial flows with the objective and provisions of the Convention.
- ◆ The financial mechanism is established on entry into force of the Convention - the Conference of the Parties can decide the operational modalities.

Work in the interim period between the DipCON and COP1 (for adoption by the COP at its first meeting) could include:

- ◆ *Transitional arrangements.*
- ◆ *Guidance to the financial mechanism.*
- ◆ *Operational modalities for the financial mechanism.*
- ◆ *Any other arrangements to give effect to the provision.*

## **ARTICLE 12 CAPACITY BUILDING, TECHNOLOGY ASSISTANCE AND TECHNOLOGY TRANSFER, INCLUDING INTERNATIONAL COOPERATION**

My suggested text is:

[1. Parties, within their respective capabilities, shall cooperate to provide timely, and appropriate capacity-building and technical assistance to developing country Parties, in particular to least developed country Parties and small island developing State Parties, to assist them in implementing their obligations under this Convention.

2. Technical assistance and capacity building pursuant to paragraph 1 may be delivered through regional, subregional and national arrangements, including existing regional and subregional centres, through other multilateral and bilateral means, and through partnerships, including those involving the private sector or other stakeholders, including the collaboration with local and subnational governments. Cooperation and coordination with relevant other multilateral environmental agreements, as appropriate, should be sought to facilitate and increase the effectiveness of technical assistance and its delivery.

3. Parties shall promote and facilitate the development, transfer, diffusion of and access to technologies addressing plastic pollution in an environmentally sound manner, including those related to collecting, sorting, processing and recycling of plastic waste as well as those related to safe and sustainable alternatives and non-plastic substitutes. In implementing this provision, Parties shall promote and facilitate research, innovation and investment in pursuit of new environmentally sound technologies and innovative solutions and shall facilitate access to essential technologies.

4. The Conference of the Parties shall review, no later than at its [third] meeting, and thereafter on a regular basis, capacity-building, technical assistance and technology transfer to support the implementation of this Convention, taking into consideration developing country Parties' needs, including through consideration of national reports submitted pursuant to Article 15.]

*No work is envisaged for the interim period between the DipCON and COP-1.*

## **ARTICLE 13 IMPLEMENTATION AND COMPLIANCE**

My suggested text is:

[1. A mechanism, including a Committee as a subsidiary body of the Conference of the Parties, is hereby established to promote the implementation of, and review compliance with, all provisions of this Convention.

2. The committee referred to in paragraph 1 shall examine both individual and systemic implementation and compliance issues, including challenges faced by developing state Parties regarding implementation, and make recommendations to the Conference of the Parties.

3. The committee shall consist of 17 members nominated by Parties and elected by the Conference of the Parties with recognized competence in fields relevant to this Convention, including legal or technical expertise, with three members from the five regional groups of the United Nations and two members from the small island developing States. The Committee and its members shall be independent, transparent, and free from conflicts of interest.

4. Members shall be elected to the committee to serve for a period of [X] years and for a maximum of two consecutive terms. The Conference of the Parties, at its first meeting, shall elect [X] members to the committee for an initial term of [X] years and [X] members for a term of [half of X] years. Thereafter, the Conference of the Parties shall elect at its relevant regular meetings [x] members for a term of [X] years. The members and alternate members shall remain in office until their successors are elected.

5. The committee may consider issues on the basis of:
- (a) Written submissions from any Party with respect to its own compliance;
  - (b) Requests from the Conference of the Parties;
  - (c) Information provided by the secretariat with respect to the status of submission of information under Article 15;
  - (d) Information available to the committee, *inter alia* from national reports.

6. The committee referred to in this Article shall elaborate its rules of procedure, which shall be subject to approval by the Conference of the Parties at its second meeting. The Conference of the Parties may adopt further terms of reference for the committee.

7. The committee shall make every effort to adopt its recommendations by consensus. If all efforts at consensus have been exhausted and no consensus is reached, such recommendations shall as a last resort be adopted by a three fourths majority vote of the members present and voting, based on a quorum of two thirds of the members.]

*Work in the interim period between the DipCON and COP1 (for adoption by the COP at its first meeting) could include the development of draft RoP and ToR for the Committee.*

## **ARTICLE 14 NATIONAL PLANS**

My suggested text is:

[1. Each Party may develop and implement a national plan, based upon its national needs, circumstances and capabilities, and in consultation with subnational and local governments to describe the measures it intends to take to implement its obligations under this Convention. Any such plan should be transmitted to the Conference of the Parties through the Secretariat as soon as it has been developed.

2. A Party may at any time adjust its national plan in order to enhance its level of ambition based on its national, subnational and local circumstances and capabilities.

3. Parties should, in undertaking work pursuant to paragraphs 1 and 2, consult national stakeholders to facilitate the development, implementation, review and updating of their national plans.

4. Parties are encouraged to collaborate and coordinate on the development and implementation of sub-regional and regional plans to facilitate implementation of this Convention, as appropriate.

5. The secretariat shall make national plans submitted by Parties under this Article publicly available.

6. The Conference of the Parties may adopt guidance regarding implementation of this Article.]

*Work in the interim period between the DipCON and COP1 (for adoption by the COP at its first meeting) could include the development of guidance for the preparation of national plans.*

## **ARTICLE 15 REPORTING**

My suggested text is:

[1. Each Party shall report to the Conference of the Parties on the measures taken to implement the provisions of this Convention and on the effectiveness of such measures and the possible challenges in meeting the objective of the Convention.

2. Each Party shall include in its reporting the information as called for in Articles [..., ..., etc] of this Convention.

3. Each Party shall submit its report referred to in paragraph 1 of this Article to the Secretariat. The Secretariat shall keep under review and regularly communicate to the Conference of the Parties the status of submissions by Parties of this information.

4. The Conference of the Parties shall, at its first meeting, adopt the periodicity and format for national reporting referred to in paragraph 1 of this Article, taking into account the desirability of coordinating reporting with relevant international instruments and organisations, as appropriate. In this regard, consideration could be given to the submission of brief reports on key issues within a specified period and a more comprehensive report within a longer period.

5. The Secretariat shall make national reports submitted by the Parties under this Article publicly available.]

*Work in the interim period between the DipCON and COP-1 (for adoption by the COP at its first meeting) could include the development of a draft format and periodicity for the preparation of national reports.*

## **ARTICLE 16 EFFECTIVENESS EVALUATION AND MONITORING**

My suggested text is:

[1. The Conference of the Parties shall periodically evaluate the effectiveness of the Convention.

2. The Conference of the Parties shall, at its first meeting, initiate the establishment of arrangements for providing itself with relevant data and information on plastic pollution, and adopt the modalities for the evaluation of effectiveness and monitoring of the Convention.

3. The first evaluation of effectiveness of the Convention shall be undertaken no later than six years after the date of entry into force of the Convention and thereafter at intervals to be decided by the Conference of the Parties.

4. The evaluation shall be conducted on the basis of available scientific, environmental, technical, financial and economic information, including:

- (a) Any National Plans submitted by Parties;
- (b) National reporting pursuant to Article 15;
- (c) Reports and other information provided to the Conference of the Parties pursuant to paragraph 2;
- (d) Best available scientific and technical knowledge;
- (e) Information and recommendations provided by the Implementation and Compliance Committee referred to in Article 13;
- (f) Relevant information and recommendations provided by any subsidiary body established by the Conference of the Parties and relevant reports from multilateral environmental agreements and multilateral organizations such as International Labour Organization, International Maritime Organization, World Customs Organization, World Health Organization, and World Trade Organization; and
- (g) Other information the Conference of the Parties deems relevant.

5. The Conference of the Parties shall take into account the outcomes of the evaluation of effectiveness of the Convention when determining measures required to enhance the effectiveness of the Convention,

including measures to support developing countries in overcoming challenges related to the implementation of the Convention.]

## **ARTICLE 17 INFORMATION EXCHANGE**

My suggested text is:

- [1. Each Party shall facilitate exchange of information relevant to the implementation of the Convention, in a whole of government and whole of society approach, such as: ~~such as:~~
- (a) Best practices and policies on sustainable consumption and production of plastic;
  - (b) Research, technologies, innovation, and green chemistry; and
  - (c) Scientific and technical knowledge, including traditional knowledge, 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.
2. Each Party shall designate a national focal point for the exchange of information under this Convention, including with regard to the written consent of importing Parties and non-Parties under [paragraph 3 of Article 8 Waste Management].
3. Parties may exchange the information referred to in paragraph 1 directly, or through an online clearing-house to be maintained by the secretariat in cooperation with other relevant international instruments and organizations, as appropriate.
4. Parties are encouraged to learn from and build on existing ongoing processes, initiatives and networks to share knowledge, and highlight successes, including examples of replicating and scaling sustainable solutions.
5. For the purposes of this Convention, Parties exchanging information pursuant to this Convention shall protect any confidential information as mutually agreed and handle indigenous knowledge in a manner consistent with relevant international norms or standards.]

*No work is envisaged for the interim period between the DipCON and COP-1.*

## **ARTICLE 18 AWARENESS, EDUCATION AND RESEARCH**

My suggested text is:

- [1. Parties shall promote and facilitate public awareness-raising, education, and information exchange related to plastic pollution and its effects relevant to the implementation of this Convention and shall promote, as appropriate, such efforts at the national and international including regional, levels and cooperate, as appropriate, with relevant intergovernmental and nongovernmental organizations.
2. Each Party 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 Convention, involving stakeholders, including educational and awareness-raising programmes and citizen campaigns;
  - (b) Promoting public participation and public access to information;
  - (c) Providing training at the local, subnational, national, regional and international levels, including exchange visits and specific dedicated training; and
  - (d) Promoting the inclusion of plastic pollution issues across curricula and practices in educational institutions.
3. Parties shall endeavour 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, as well as socio-economic impacts of plastic pollution, as well as alternative solutions across the full life cycle, including in the marine environment;
- (c) Promoting and improving methods for the monitoring and modelling plastic pollution including its distribution and abundance in the environment, and impacts on human health;
- (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 traditional knowledge, knowledge of Indigenous peoples and local knowledge systems and other cultural and socio-economic factors, as appropriate.]

*No work is envisaged for the interim period between the DipCON and COP-1.*

## **ARTICLE 19 HEALTH**

My suggested text is:

[1. Parties are encouraged to:

- (a) Promote the development and implementation of strategies and programmes to identify and protect populations at risk, particularly vulnerable populations, and which may include adopting science-based health guidelines relating to the exposure to plastic pollution, in particular microplastics and related issues, setting targets for their exposure reduction, where appropriate, and public education, with the participation of public health and other involved sectors;
- (b) Promote the development and implementation of science-based educational and preventive programmes on occupational exposure to plastic pollution, in particular microplastics and related issues;
- (c) 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
- (d) Establish and strengthen, as appropriate, the institutional and health professional capacities for the prevention, diagnosis, treatment and monitoring of health risks related to the exposure to plastic pollution, in particular microplastics and related issues.

2. The Conference of the Parties, in considering health-related issues or activities, should:

- (a) Consult and collaborate with the World Health Organization, other relevant intergovernmental organizations, and other relevant intergovernmental organizations as appropriate; and
- (b) Promote cooperation and exchange of information with the World Health Organization, and other relevant intergovernmental organizations, as appropriate.]

*No work is envisaged for the interim period between the DipCON and COP-1.*

## **ARTICLE 20 CONFERENCE OF THE PARTIES, INCLUDING ABILITY TO ESTABLISH SUBSIDIARY GROUPS**

My suggested text is:

[1. A Conference of the Parties is hereby established.

2. The first meeting of the Conference of the Parties shall be convened by the Executive Director of the United Nations Environment Programme no later than one year after the date of entry into force of this Convention. Thereafter, ordinary meetings of the Conference of the Parties shall be held at regular intervals to be decided by the Conference.

3. Extraordinary meetings of the Conference of the Parties shall be held at such other times as may be deemed necessary by the Conference, or at the written request of any Party, provided that, within six months of



the request being communicated to the Parties by the Secretariat, it is supported by at least one third of the Parties.

4. The Conference of the Parties shall by consensus agree upon and adopt at its first meeting rules of procedure and financial rules for itself and any of its subsidiary bodies, as well as financial provisions governing the functioning of the Secretariat.

5. The Conference of the Parties shall keep under continuous review and evaluation the implementation of this Convention. It shall perform the functions assigned to it by this Convention and, to that end, shall:

(a) Establish such subsidiary bodies as it considers necessary for the implementation of the Convention;  
(b) Cooperate, where appropriate, with competent international organizations and intergovernmental and non-governmental bodies;

~~(b)~~(c) Establish official major groups (women, youth, IPLC, local and subnational governments, business, research and academic, NGO)

~~(c)~~(d) Take decisions on convening meetings;

~~(d)~~(e) Review, evaluate and adopt decisions related to the implementation of the Convention;

~~(e)~~(f) Consider and take any action necessary to achieve the objectives of the Convention including adopting procedures or requirements in additional annexes;

~~(f)~~(g) Consider matters related to compliance;

~~(g)~~(h) Request and consider scientific and technical assessments or reviews from the subsidiary bodies to the Convention or any independent body linked to the Convention;

~~(h)~~(i) Oversee the work of subsidiary bodies;

~~(i)~~(j) Review information made available to it, including through national reporting and subsidiary bodies;

~~(j)~~(k) With the help of the subsidiary bodies, provide guidance on financial needs for the implementation of measures;

~~(k)~~(l) Consider amendments to the Convention proposed by the Parties.

6. The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any State not a Party to this Convention, may be represented at meetings of the Conference of the Parties as observers. Any body or agency, whether local, subnational, national or international, governmental or nongovernmental, that is qualified in matters covered by this Convention and has informed the Secretariat of its wish to be represented at a meeting of the Conference of the Parties as an observer may be admitted unless at least one third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Conference of the Parties.]

*Work in the interim period between the DipCON and COP-1 would include the development of draft Rules of Procedure of and Financial Rules for the Conference of the Parties for adoption by the COP at its first meeting.*

## ARTICLE 21 SECRETARIAT

My suggested text is:

[1. A secretariat is hereby established.

2. The functions of the secretariat shall be to:

(a) Prepare and arrange for meetings of the Conference of the Parties, and subsidiary bodies, and to provide them with services as required;

(b) Facilitate and coordinate the implementation of the Convention;

(c) Assist Parties, as required, in the exchange of information related to the implementation of the instrument;

(d) Compile and publish national reports submitted by the Parties;

(e) Prepare and make available to the Parties periodic reports based on national reporting and other sources of information, as appropriate;

(f) Coordinate, as appropriate, with the Secretariats of other relevant international bodies and instruments;



- (g) Enter, under the overall guidance of the Conference of the Parties, into such administrative and contractual arrangements as may be required for the effective discharge of its functions; and
- (h) Perform the other secretariat functions specified in this Convention and such other functions as may be determined by the Conference of the Parties.

3. The secretariat functions for this instrument shall be performed by the Executive Director of the United Nations Environment Programme unless the Conference of the Parties decides, by a three fourths majority of the Parties present and voting, to entrust the secretariat functions to one or more other international organizations.

4. The Conference of the Parties, in consultation with appropriate international bodies, may provide for enhanced cooperation and coordination between the Secretariat and the secretariats other relevant international bodies.

5. The Conference of the Parties, in consultation with appropriate international bodies, may provide further guidance on this matter.]

*No work is envisaged during the interim period between DipCON and COP-1.*

## **ARTICLE 22 SETTLEMENT OF DISPUTES**

[1. Parties shall seek to settle any dispute between them concerning the interpretation or application of this Convention through negotiation or other peaceful means of their own choice.

2. When ratifying, accepting, approving or acceding to this Convention, or at any time thereafter, a Party that is not a regional economic integration organization may declare in a written instrument submitted to the Depositary that, with regard to any dispute concerning the interpretation or application of this Convention, it recognizes one or both of the following means of dispute settlement as compulsory in relation to any Party accepting the same obligation:

- (a) Arbitration in accordance with procedures to be adopted by the Conference of the Parties in an annex as soon as practicable;
- (b) Submission of the dispute to the International Court of Justice.

3. A Party that is a regional economic integration organization may make a declaration with like effect in relation to arbitration in accordance with the procedure referred to in paragraph 2(a).

4. A declaration made pursuant to paragraph 2 or 3 shall remain in force until it expires in accordance with its terms or until three months after written notice of its revocation has been deposited with the Depositary.

5. The expiry of a declaration, a notice of revocation or a new declaration shall in no way affect proceedings pending before an arbitral tribunal or the International Court of Justice, unless the parties to the dispute otherwise agree.

6. If the parties to a dispute have not accepted the same means of dispute settlement pursuant to paragraph 2 or 3, and if they have not been able to settle their dispute through the means mentioned in paragraph 1 within twelve months following notification by one party to another that a dispute exists between them, the dispute shall be submitted to a conciliation commission at the request of any party to the dispute. The conciliation commission shall render a report with recommendations. Additional procedures relating to the conciliation commission shall be included in an annex to be adopted by the Conference of the Parties no later than at its second meeting.]

*No work is envisaged during the interim period between DipCON and COP-1.*

## **ARTICLE 23 AMENDMENTS TO THE CONVENTION**

1. Amendments to this Convention may be proposed by any Party.
2. Amendments to this Convention shall be adopted at a meeting of the Conference of the Parties. The text of any proposed amendment shall be communicated to the Parties by the Secretariat at least six months before the meeting at which it is proposed for adoption. The Secretariat shall also communicate the proposed amendment to the signatories to this Convention and, for information, to the Depositary.
3. The Parties shall make every effort to reach agreement on any proposed amendment to this Convention by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a three-fourths majority vote of the Parties present and voting at the meeting.
4. An adopted amendment shall be communicated by the Depositary to all Parties for ratification, acceptance or approval.
5. Ratification, acceptance or approval of an amendment shall be notified to the Depositary in writing. An amendment adopted in accordance with paragraph 3 shall enter into force for the Parties having consented to be bound by it on the ninetieth day after the date of deposit of instruments of ratification, acceptance or approval by at least three-fourths of the Parties that were Parties at the time at which the amendment was adopted. Thereafter, the amendment shall enter into force for any other Party on the ninetieth day after the date on which that Party deposits its instrument of ratification, acceptance or approval of the amendment.]

*No work is envisaged during the interim period between DipCON and COP-1.*

## **ARTICLE 24 ADOPTION AND AMENDMENT OF ANNEXES**

1. Annexes to this Convention shall form an integral part thereof and, unless expressly provided otherwise, a reference to this Convention constitutes at the same time a reference to any annexes thereto.
2. Any additional annexes adopted after the entry into force of this Convention shall be restricted to procedural, scientific, technical or administrative matters.
3. The following procedure shall apply to the proposal, adoption and entry into force of additional annexes to this Convention:
  - (a) Additional annexes shall be proposed and adopted according to the procedure laid down in paragraphs 1 to 3 of Article 23;
  - (b) Any Party that is unable to accept an additional annex shall so notify the Depositary, in writing, within one year from the date of communication by the Depositary of the adoption of such annex. The Depositary shall without delay notify all Parties of any such notification received. A Party may at any time notify the Depositary, in writing, that it withdraws a previous notification of non-acceptance in respect of an additional annex, and the annex shall thereupon enter into force for that Party subject to subparagraph (c); and
  - (c) On the expiry of one year from the date of the communication by the Depositary of the adoption of an additional annex, the annex shall enter into force for all Parties that have not submitted a notification of non-acceptance in accordance with the provisions of subparagraph (b).
4. The proposal, adoption and entry into force of amendments to annexes to this Convention shall be subject to the same procedures as for the proposal, adoption and entry into force of additional annexes to the Convention except that an amendment to an annex shall not enter into force with regard to any Party that has made a declaration with regard to amendment of annexes in accordance with paragraph 5 of Article 23 in which case any such amendment shall enter into force for such a Party on the ninetieth day after the date it has deposited with the Depositary its instrument of ratification, acceptance, approval or accession with respect to such amendment. If an additional annex or an amendment to an annex is related to an amendment to this

Convention the additional annex or amendment shall not enter into force until such time as the amendment to the Convention enters into force.]

## **ARTICLE 25 RIGHT TO VOTE**

- [1. Each Party to this Convention shall have one vote, except as provided for in paragraph 2.
2. A regional economic integration organization, on matters within its competence, shall exercise its right to vote with a number of votes equal to the number of its member States that are Parties to this Convention. Such an organization shall not exercise its right to vote if any of its member States exercises its right to vote, and vice-versa.]

## **ARTICLE 26 SIGNATURE**

[This Convention shall be opened for signature at [city], [country], by all States and regional economic integration organizations [from [--] to [--], at the United Nations Headquarters in New York [from [--] to [--].]

## **ARTICLE 27 RATIFICATION, ACCEPTANCE, APPROVAL OR ACCESSION**

- [1. This Convention shall be subject to ratification, acceptance or approval by States and by regional economic integration organizations. It shall be open for accession by States and by regional economic integration organizations from the day after the date on which the Convention is closed for signature. Instruments of ratification, acceptance, approval or accession shall be deposited with the Depository.
2. Any regional economic integration organization that becomes a Party to this Convention without any of its member States being a Party shall be bound by all the obligations under the Convention. In the case of such organizations, one or more of whose member States is a Party to this Convention, the organization and its member States shall decide on their respective responsibilities for the performance of their obligations under the Convention. In such cases, the organization and the member States shall not be entitled to exercise rights under the Convention concurrently.
3. In its instrument of ratification, acceptance, approval or accession, a regional economic integration organization shall declare the extent of its competence in respect of the matters governed by this Convention. Any such organization shall also inform the Depository, who shall in turn inform the Parties, of any relevant modification of the extent of its competence.
4. Each State or regional economic integration organization is encouraged to transmit to the Secretariat at the time of its ratification, acceptance, approval or accession of the Convention information on its measures to implement the Convention.
5. In its instrument of ratification, acceptance, approval or accession, any Party may declare that, with regard to it, any amendment to an annex shall enter into force only upon the deposit of its instrument of ratification, acceptance, approval or accession with respect thereto.]

## **ARTICLE 28 ENTRY INTO FORCE**

- [1. This Convention shall enter into force on the ninetieth day after the date of deposit of the fiftieth instrument of ratification, acceptance, approval or accession.
2. For each State or regional economic integration organization that ratifies, accepts or approves this Convention or accedes thereto after the deposit of the fiftieth instrument of ratification, acceptance, approval or accession, the Convention shall enter into force on the ninetieth day after the date of deposit by such State

or regional economic integration organizations of its instrument of ratification, acceptance, approval or accession.

3. For the purposes of paragraphs 1 and 2, any instrument deposited by a regional economic integration organizations shall not be counted as additional to those deposited by member States of that organization.]

**ARTICLE 29  
RESERVATIONS**

[No reservations may be made to this Convention.]

**ARTICLE 30  
WITHDRAWAL**

1. At any time after three years from the date on which this Convention has entered into force for a Party, that Party may withdraw from the Convention by giving written notification to the Depositary.

2. Any such withdrawal shall take effect upon expiry of one year from the date of receipt by the Depositary of the notification of withdrawal, or on such later date as may be specified in the notification of withdrawal.]

**ARTICLE 30  
DEPOSITARY**

[The Secretary-General of the United Nations shall be the Depositary of this Convention.]

**ARTICLE 31  
AUTHENTIC TEXTS**

[The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Depositary.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed this Convention.

Done at [--] on this day of [--].]

[ANNEXES TO BE DEVELOPED IF AND AS REQUIRED]