INC-3: TIME TO RAISE AMBITION

RECOMMENDATIONS ON THE THIRD NEGOTIATION MEETING OF THE PLASTIC POLLUTION TREATY

OCTOBER 2023
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Cover photography: © WWF / Sindre Kinnerød
States must strengthen and specify treaty language on the global binding rules necessary to end plastic pollution

Despite numerous existing voluntary measures and bottom-up actions, the world continues to face rapidly rising waves of plastic pollution—putting the wellbeing of humans, ecosystems, and economic activities at ever greater risks, with low- and middle-income countries often shouldering an unjust burden. Change is urgently needed.

The Zero Draft, prepared by the Chair of the Intergovernmental Negotiating Committee (INC), marks an important milestone in the international community’s progress towards a new global treaty on plastic pollution.

At INC’s third session in Nairobi, it is time for negotiators to move onward to concrete text negotiation. States must raise the ambition of the treaty and put in place the necessary binding global rules to end plastic pollution.

This paper highlights WWF’s top-line recommendations for INC-3, on the most important priorities to strengthen global rules. Other recommendations to the Zero Draft’s provisions are included in Annex 1 of this paper.

For details on WWF’s proposals to the treaty’s draft texts, including sections not included in this paper, please contact Eirik Lindebjerg, Global Plastics Policy Lead (elindebjerg@wwf.no).

In this document, use the buttons for ‘Menu’ ‘Previous section’ and ‘Next section’ for easy navigation. Menu will take you back to Figure 1, on the Substantive element of the treaty, on the next page.

or visit:
wwf.panda.org/placthtreaty
for information on the treaty negotiation, including timeline, reports, briefs, and quick guide to the INC process
The objective of the treaty is to end plastic pollution, including in the marine environment, and to protect human health and the environment [from its adverse effects, based on a comprehensive approach that addresses the full life cycle of plastic].

### Elimination and Reduction
- **Ban**
- **Phase-outs & phasedowns**
- **Other requirements & Economic instruments**

### Non-toxic circular economy
- **Products & systems requirements**
  - Reduction
  - Reuse / Refill / Repair
  - Recycling
  - Recycled content
- **Targets**
- **Certification & labelling**
- **Secondary microplastic & harm mitigation**

### Environmentally sound waste mgmt
- **EPR & DRS**
- **Just transition**
- **Regulated waste management standards and practices**
- **Existing pollution & clean-up**

### Annexes
- **ANNEX A. I**
  - Criteria
  - List of primary plastic polymers reduction targets and timeline
- **ANNEX A. II**
  - Criteria
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  - Criteria
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- **ANNEX B**
  - Criteria
  - List of prohibited products (all categories, e.g. single-use, short-lived products; intentionally added microplastics; agriculture, aquaculture & fisheries plastics)

### Trade measures

#### Implementation measures
- **National Plan**
  - Legislative and administrative actions to be taken, according to national circumstances, to implement binding obligations and additional policies as necessary
- **Monitoring & Reporting**
  - Status of implementation of binding obligations, and data on production and trade of controlled materials/products, and other environmental and socioeconomic metrics
- **Research & Information sharing**
  - Scientific panel to research emerging hazards and risks, innovative solutions, and social and environmental effects of measures, and facilitate information exchange
- **Financial resources**
  - Mechanisms to monitor needs and provide assistance to cover incremental costs of implementing specific binding obligations and general compliance costs
- **Capacity building, technical assistance, and technology transfer**
  - Mechanisms to monitor needs and provide assistance to ensure technical and technological capacity of implementing binding obligations, with special attention to the needs of Least Developed Countries (LDCs), and Small Island Developing States (SIDSs)

**Figure 1.** Substantive elements of the treaty, including core obligations and control measures, accompanied annexes, and supported by implementation measures
INC-3 PRIORITIES AND NEXT STEPS FOR DRAFTING TREATY TEXTS

The Zero Draft forms the basis for negotiators to start detailing binding obligations and necessary means of implementation. States seeking to end plastic pollution must seize this opportunity to make substantial strides in advancing treaty texts on specific global rules across the plastic life cycle, as well as the necessary means to enable effective implementation of those rules. The outcomes of INC-3—and subsequent intersessional work—could be the deciding factor whether an effective treaty with necessary global rules could be timely adopted to avert the growing crisis. In fact, it is estimated that roughly ~35 Mt (million metric ton) of plastic, the equivalent of 6 trillion plastic bags, enters the oceans during the planned two years of the negotiation.¹

At INC-3, states must prioritise substantive discussions and seek to build common understanding of, and broad alignment around, text options that will effectively end plastic pollution. The treaty’s provisions must specify, through clear and universally applicable rules, what each State party will be required to do to tackle the problem, and ensure that those rules can be evaluated and gradually strengthened over time. To have an impact, the treaty must also be shaped in a way that promotes equity, incentivizes participation and compliance, and provides a credible roadmap towards the long-term goal of ending plastic pollution. Considerations of these high-level elements could help negotiators to examine the texts presented in the Zero Draft, and determine the essential elements that must be kept and strengthened, or added in the treaty texts (including annexes) after INC-3.²

Binding obligations for control measures (presented mainly through ‘Option 1’ provisions in Part II of the Zero Draft) must be at the core of INC-3 discussions. Across all control measures, WWF strongly cautions against options that rely on a purely voluntary approach, which does not bring sufficient change to the current business-as-usual. We cannot rely on voluntary, country-driven action alone to end plastic pollution. Over the past five years, despite a 60% growth in cumulative national regulations and numerous voluntary initiatives, plastic pollution in the ocean has increased by more than 70 Mt.³ Recent modelling confirms that without a comprehensive set of binding global rules, mismanaged plastic volumes would almost double, from 110 Mt in 2019, to 205 Mt by 2040, and undoubtedly be catastrophic to our environments, economies, and health.

¹ Forecast extrapolated from Geyer et al., ‘Production, use and fate of all plastics ever made’ (2017)
² For high-level considerations to ensure an effective treaty, based on lessons learned from existing multilateral environmental agreements, see WWF’s Success Criteria for a New Treaty on Plastic Pollution
³ Forecast extrapolated from Geyer et al., (2017), and from PEW and SYSTEMIQ, ‘Breaking the Plastic Wave’ (2020)
Specifying clear binding obligations on elimination, reduction, safe circulation and waste management—for high-risk plastic products, chemicals and polymers—must be the INC’s top priorities.

To further specify these global rules in the treaty texts, negotiators should hold preliminary discussions of their associated annexes at INC-3, and decide to formally organise intersessional work, with discussions held by dedicated technical working groups. The establishment of technical groups will be essential to progress as the INC enters the second half of its envisaged timeline. The technical groups will also help ensure the binding global obligations are developed based on robust and best available science. Immediate intersessional technical work must be conducted for:

1. Criteria frameworks and lists of plastic polymers, chemicals of concern, and avoidable and problematic plastic products (Annex A and Annex B); and

2. Criteria and requirements for product designs and performance, and other mandatory measures to ensure a non-toxic circular economy, prioritising reduction, and reuse (Annex C);

In parallel, states should consider any challenges in complying with each of the binding obligations, and determine the technical, technological, and financial resources that the treaty must provide. WWF supports robust mechanisms for means of implementation as part of the treaty, and recommends negotiators to explore innovative solutions that go beyond the choice of either a newly established or an existing mechanism, considering combining these options and making use of both available and new sources. Institutional setups—including, e.g., subsidiary bodies, entry into force procedures, compliance mechanisms, and potential amendments of the treaty in the future—would be essential to the long-term success of the treaty and should also be on the agenda of intersessional work.
ELIMINATION AND REDUCTION

This section discusses WWF’s recommendations on top priorities of measures towards elimination and reduction in the treaty. Please refer to Table 1 in Annex 1 of this paper, for further detailed assessment and proposals on provisions relevant to elimination and reduction measures (Part II.1, 2 and 3 in the Zero Draft).

Top priority: Criteria and lists for global bans, phaseouts and phasedowns

**WWF recommends that states prioritise discussions on global bans and phase-outs** of problematic and avoidable plastic products, and of chemicals and polymers of concern (and the products that contain them), specifically:

- **Strengthen ‘Option 1’ provisions in Part II.2. and 3.** to clearly state the binding obligations: “Each party shall not allow [the use of...][the production, use, import and export of...] after the dates specified”;

- **Discuss the essential features of criteria and lists of plastic polymers, chemicals, and products** in annexes A and B (subjected to global prohibitions, phaseouts and phasedowns) to be developed in intersessional work.

**Binding obligations on elimination and reduction**—of problematic and avoidable plastic products, and chemicals and polymers of concern—are an essential part of the comprehensive approach that addresses the full life cycle of plastic, mandated by UNEA Res. 5/14. As universally applicable rules for State Parties, such obligations could significantly and directly cut leakage rates of applicable categories and eliminate their hazards and pollution risks from the source—without increasing the pressure to scale expensive end-of-life management.

**Lessons learned from other MEAs show that global prohibitions are highly effective and may accelerate innovations.** Through global bans, the Montreal Protocol has phased out more than 95% of ozone-depleting substances and set the ozone layer on a gradual but definite path to recovery. After the Protocol entered into force, leading industry companies developed substitutes much earlier, and with 1.4–2.5 times lower costs than expected—indicating the benefits of a harmonised, predictable regulatory landscape towards directing business investments and innovations. The plastic pollution treaty could similarly achieve these effective results, with binding obligations to prohibit, phase out and phase down plastic polymers, chemicals and products that prove harmful to the environment and human health.

Global bans and phaseouts are supported by more than 140 governments, as well as businesses and citizens globally. The Business Coalition Assessment of the ‘Zero Draft’ recommends, on the Zero Draft’s Part II.3., that Parties to the treaty “be required to phase down or phase out problematic and avoidable plastic products by certain target dates or timelines, differentiated by sector or application, and listed in an annex that can be expanded and updated over time”. A 2022 survey showed that an estimated 75% of people across 20 countries want unnecessary single-use plastics to be banned by the new treaty as soon as possible.

‘Option 1’ provisions in Part II.2. and 3. include the most binding language to set global rules on chemicals and polymers of concern, and on problematic and avoidable products. They should be the starting point for states to build alignment and specify the necessary global rules. The specificity of these rules would depend on the associated annexes that detail the criteria and (positive or negative) lists of product, chemicals and polymers. Upon preliminary discussions of the criteria and lists at INC-3, negotiators must make a concrete plan for intersessional work to provide the technical information for advancing these details in the treaty text.

WWF urges negotiators to focus on the plastic products with highest pollution risks to be banned and phased out in Part II.3.—further discussed in the following section. For WWF’s detailed recommendations on Part II.1. (Primary plastic polymers), and Part II.2. (Chemicals and polymers of concern), see Table 1, Annex 1 of this paper. Additionally, WWF encourages states to refer to UNEP’s ‘Chemicals in plastics’ report, and the recommendations by the Scientist Coalition, for further resources on chemicals and polymers of concern.
Part II.3. on Problematic and avoidable plastic products

WWF supports the language in ‘Option 1’ provisions in Part II.3., which allows for the establishment of global bans and phaseouts (para 1) and phasedowns (para 2) of plastic products identified through the criteria in part I, and listed in part II and part III, of annex B, noting that:

a. The criteria for assessing and listing the products under annex B must be clearly defined in the annex; in such case, the criteria may negate the need for developing an additional definition of ‘problematic and avoidable’ plastic products, as they could already be identified through the criteria;

b. For products and product groups that can be immediately prohibited—including product groups listed in WWF’s report Regulating High-risk Plastic Products (p15)—the dates specified in part II of annex B must be immediately after the treaty enters into force (i.e., to be prohibited at once, rather than phased out gradually);

c. A product group approach—which targets sets of plastic products that share intended functions, characteristics and patterns of use—could complement the approach of listing individual plastic products. The approach lessens the need for defining individual products in the lists, allows for easier monitoring and enforcement, and potentially negates the risk that specific or novel applications, that may not be included in the list of individual products, escape the regulatory scope of the measures;

d. Specific fishing equipment items, and products containing intentionally added microplastics, should be considered alongside single-use or short-lived plastic products, in the assessment of problematic and avoidable products and listed in annex B based on the assessment results;

e. Similarly, products containing intentionally added microplastics should be considered alongside single-use or short-lived plastic products, in the assessment of problematic and avoidable products against the criteria in part I, and listed accordingly in Part II and III of annex B. It is not necessary to separate the provisions for intentionally added microplastics, as they are repetitive of those for single-use or short-lived plastic products.

<table>
<thead>
<tr>
<th>WWF recommended text, based on the Chair’s Zero Draft</th>
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</thead>
<tbody>
<tr>
<td>3. Problematic and avoidable plastic products</td>
</tr>
<tr>
<td>1. Each Party shall not allow the production, sale, distribution, import or export of the plastic products and product groups, listed in part II of annex B after the dates specified for those products, and identified based on criteria set out in part I of annex B, except where the Party has a registered exemption for the relevant product(s) under part II of annex B pursuant to [part II.4 on exemptions available to a Party upon request].</td>
</tr>
<tr>
<td>2. Each Party shall reduce the production, sale, distribution, import or export of the plastic products and product groups listed in part III of annex B identified based on the criteria, to the specified levels and within the timeframe set out in the same annex.</td>
</tr>
</tbody>
</table>

70% of plastic waste in our oceans are made up of single-use plastic. Some of that waste is already making its way back into us through our food and water.

WWF recommends, following a start-and-strengthen approach, that the criteria to determine and prioritise problematic and avoidable plastic products are included as Part I of annex B. The criteria will provide an intermediate step to initially list out specific products in the annex, and—after the treaty is adopted—a framework for gradual strengthening and further adding applicable products onto the existing list in the future.
Based on WWF’s recently published reports, ‘Breaking down high-risk plastic products’ and ‘Regulating high-risk plastic products’, a two-step assessment framework can be used to guide discussion:

- **Pollution risk**, calculated by two dimensions of plastic pollution—the probability of the plastics ending up in the environment, and the impacts on the environment and human health when this occurs—to assess the extent to which a plastic product group could be considered problematic.

- **The feasibility of prohibition, phase-outs or phase-down**, based on consideration of the technical feasibility, socio-economic feasibility, and any unintended negative environmental consequences, to assess the extent to which a plastic product group could be considered avoidable.

A total of eight product groups are assessed as suitable for either straight out bans or significant phase downs. Three groups should be subjected to immediate global bans, the other five groups can be considered for phased reductions (either phase-outs or phase-downs), as shown in Table 1 below. For detailed descriptions of the product groups, criteria framework and assessment results, please refer to the two aforementioned reports.

**Table 1.** High-risk product groups and suitable measures towards elimination and significant reduction

<table>
<thead>
<tr>
<th>Product Groups</th>
<th>Bans</th>
<th>Phase-outs &amp; phase-downs</th>
<th>Requirements &amp; standards</th>
<th>Economic Instruments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Packaging: Contact sensitive - Single-use Food &amp; Beverage (necessary/other)</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
</tr>
<tr>
<td>Packaging: Contact sensitive - Cosmetics &amp; Personal care (necessary/other)</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
</tr>
<tr>
<td>Packaging: Non-contact sensitive</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
</tr>
<tr>
<td>Characteristic-specific products: Single-use short lived - Fibres/non-wovens – Other (non-necessary)</td>
<td>☑</td>
<td></td>
<td>☑</td>
<td></td>
</tr>
<tr>
<td>Characteristic-specific products: Other single-use short-lived items – Necessary</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td></td>
</tr>
<tr>
<td>Characteristic-specific products: Other single-use short-lived items – Other (non-necessary)</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td></td>
</tr>
<tr>
<td>Characteristic-specific products: Longer life – Cause significant secondary microplastic release</td>
<td>☑</td>
<td></td>
<td>☑</td>
<td></td>
</tr>
<tr>
<td>Primary microplastics In application or intentionally added microplastics</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
</tr>
</tbody>
</table>
NON-TOXIC CIRCULAR ECONOMY

This section discusses WWF's recommendations on top priorities of measures towards non-toxic circular economy in the treaty. Please refer to Table 2 in Annex 1 of this paper, for further detailed assessment and proposals on provisions relevant to non-toxic circular economy measures (Part II.5, 6 and 7 in the Zero Draft).

Top priority: Product design & performance criteria, prioritising reduction & reuse

WWF recommends states to prioritise discussions on global requirements for products and systems toward a non-toxic circular economy, specifically:

- Secure the key binding obligations included in ‘Option 1’ provisions of Part II.5.a. and c.:
  - "Each Party shall require plastics and plastic products [...] to comply with the minimum design and performance criteria and other related elements [...] within the timeframe [...]” (Part II.5.a.);
  - "Each Party shall require plastics and plastic products [...] to contain minimum percentages of safe and environmentally sound post-consumer recycled plastic [...] within the timeframe [...]” (Part II.5.c.);

- Further specify the binding obligations included in ‘Option 1’ provisions of Part II.5.b. by:
  - listing—either directly in paragraph 1 or under part II of annex C—the appropriate measures to be taken by each Party to ensure achievements of reduction, reuse, refill, repair targets;
  - stating clearly what states must do in paragraph 2, “Each Party shall, by taking the necessary measures including those referred to in paragraph 1, achieve the minimum reduction, reuse, refill and repair targets [...] within the timeframe [...]”;

- Discuss the design and performance criteria, measures and targets toward reduction, reuse, refill and repair, minimum post-consumer recycled plastic content, and the applicable plastic products that are subject to these requirements, in part I, part II and part III of annex C, to be developed in intersessional work.

All plastic products that are not subject to global bans must comply with binding global rules toward a non-toxic circular economy. The treaty must include global requirements that set a legally binding expectation on products design and performance, and reduction, reuse, refill and repair targets, ensuring that plastics entering the economy are non-toxic, reusable, repairable, durable, and recyclable. Applied to all States Parties, the requirements would level the playing field across borders, while placing a clear competitive advantage on safe circulation practices over the current linear, single-use system.

Harmonized product design requirements—widely supported by governments, businesses and citizens globally—are an essential element to enable such results. Currently, post-consumer plastics are heterogeneous, often including 5%–15% foreign polymers and 5%–15% residue. This makes them difficult to subsequently handle. Also, nearly half of waste collected for recycling is disposed of as residues because it cannot be properly processed, meaning only 9% of plastic waste is recycled worldwide. Standardized designs for bottles, for example, can reduce the cost of closed-loop recycling by improving sorting, while increasing the amount of plastic material that is profitable to recycle. By mandating harmonized product design requirements—prohibiting, in effect, those products that do not meet the requirements—the treaty enables the private sector to align innovation strategies and investment plans, and to transition toward a non-toxic circular economy at scale and across borders.

Requirements in the treaty to end plastic pollution should follow the waste hierarchy, and prioritise prevention and reduction first, thereafter reuse, refill, repairability, durability, and lastly, recycling. Plastic reductions can help ensure products are used only when necessary and are as material-efficient as possible, e.g., by applying ‘Necessity’ tests on an application or requirements to maximize material efficiency within a product. WWF urges negotiators to prioritise accordingly when discussing the binding obligations toward a non-toxic circular economy. Part II.5.a. and Part II.5.b. of the Zero Draft are further discussed in the following section.
Part II.5. on Product design, composition and performance

WWF supports ‘Option 1’ in Part II.5.a, and proposes a few amendments to strengthen the section. In particular, it is noted that paragraph 3 (Option 1) and paragraph 4 (common provision) should include language to ensure the harmonization of product design and performance requirements, including for certification and labelling. WWF recommends that in paragraph 4, clear responsibility should be assigned—to either a subsidiary body or the governing body of the treaty—for the important task of developing harmonized standards and guidelines, and specifies how the outcome of such work will be adopted and utilised by parties in implementing their relevant obligations.

In Part II.5.a. (and the associated part I of annex C), general requirements will need to cover all plastics and plastic products, while more specific requirements will need to be established for problematic product groups that cannot be eliminated immediately, for example, many types of packaging.

WWF further supports provisions on Reduce, Reuse, Refill and Repair, in Part II.5.b. ‘Option 1’ texts provide the basis for establishing binding obligations towards reduce, reuse, refill and repair of plastics and plastic products. However, they should include more specific details on the measures states must take—these could either be included in the provisions here, and/or expanded on in part II of annex C, or both. In the text below, WWF recommends that this should be included in both the article text and part II of annex C.

WWF recommended text, based on the Chair’s Zero Draft

5. Product design, composition and performance

a. Product design and performance

1. Each Party shall take measures, including those referred to in paragraphs 2 and 3, to enhance the design of plastic products, including packaging, and improve the composition of plastics and plastic products, with a view to:

   a. Reducing demand for and use of primary plastic polymers, plastics and plastic products;

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

   c. Eliminating releases and emissions from plastics and plastic products, including microplastics.

2. Each Party shall require plastics and plastic products produced within its territory and those available on its market to comply with the minimum design and performance criteria and other related elements contained in part I of annex C, including, where relevant, sector- or product-specific criteria and elements, within the timeframe defined in that annex.

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

4. The governing body* shall cooperate closely with relevant international organisations to:

   a. With the assistance of the scientific and/or technical body, develop new and strengthen existing standards and guidelines at the multilateral level to reduce the use of plastic in products across the value chain, and improve the design of plastic products to increase their safety, durability, reusability, repairability and refurbishability, and their capacity to be repurposed, recycled and when necessary, disposed of, in a safe and environmentally sound manner upon becoming waste;

   b. Determine and adopt appropriate additional minimum requirements for product design and performance based on the standards and guidelines referred to in paragraph 4 (a) to part I of Annex C, pursuant to the procedures [set out in Article on Amendments procedures]

b. Reduce, reuse, refill and repair of plastics and plastic products

1. Each Party shall, based on guidance to be adopted by the governing body* at its first session, take effective measures to ensure the reduction, reuse, refill, repair, repurposing and refurbishment, as relevant, of plastics and plastic products produced within its territory and those available on its market, in particular through the implementation of reuse, refill and repair systems. [as listed in part II of annex C.] [including:
a. to establish product take-back and right-to-repair requirements for, at least, the applicable products listed in part II of annex C;

b. to enable product and service delivery systems and deposit refund schemes for, at least, the applicable products listed in part II of annex C;

c. to support the development of skills and infrastructure for repair, repurposing and refurbishment of plastic products;

d. to set up economic instruments, including fees, tax incentives, subsidies and subsidy reform, as appropriate;

e. to leverage public procurement; and

f. to raise consumer awareness and incentivize changes in consumer behaviour.

2. Each Party shall, by taking the necessary measures including those referred to in paragraph 1, achieve the minimum reduction, reuse, refill and repair targets contained in part II of annex C within the timeframe identified in that annex, for plastics and plastic products produced within its territory and those available on its market.

For Part II.5.b., WWF notes that the applicable plastic product groups, and the appropriate measures, could be quite distinct between these different aims: 1) further reduction in use of plastic in products, 2) transition to reuse/multi-use/refill products and 3) enable repair of plastic products. This means that it could be difficult to include specific products and measures in the texts and annexes, if one provision includes all three aims.

A potential solution—not included in the suggested text above—is to separate the section into three sets of provisions. Each set would contain: 1) a requirement for parties to achieve the targets related to one of the three mentioned topics; and 2) a requirement for parties to take the effective measures towards that topic. Part II of annex C could then include three separate sections, each focusing on one of the three topics and including details of applicable products and product groups, relevant targets and timeframes, and relevant measures to a specific topic. Below is an example text on ‘Reduction’, as one of the three sets of provisions. Dedicated provisions on Reuse (including refill) and Repair could be developed in a similar manner.

Reduction in use of plastic

1. Each Party shall, by taking the necessary measures including those referred to in paragraph 2, achieve the minimum reduction targets within the specified timeframe for plastics and plastic products produced within its territory and those available on its market, as listed in the Reduction section, in part II of annex C.

2. Each Party shall, based on guidance to be adopted by the governing body* at its first session, take effective measures to ensure the reduction of plastics and plastic products produced within its territory and those available on its market, as listed in the Reduction section, in part II of annex C, including:

   a. to require plastics and plastics products as listed in the Reduction section, in part II of annex C to comply with design criteria towards reduction;

   b. to set up economic instruments, including fees, tax incentives, subsidies and subsidy reform, as appropriate;

   c. to [...] [including other measures appropriate according to best available science on interventions to encourage reduction]

   d. to raise consumer awareness and incentivize changes in consumer behaviour.

In WWF’s reports, ‘Breaking down high-risk plastic products’ and ‘Regulating high-risk plastic products’, 11 plastic product groups are found to be suitable for the binding obligations on non-toxic circular economy—as included in Part II.5 in the Zero Draft. Table 2 below summarizes the assessment results, with product groups being matched to suitable control measures. Measures that are currently less proven, but nonetheless likely to be effective in reducing plastic pollution, are marked as ‘possible’ in the table, indicating that while the measure has potential, it may be challenging to establish best practice at present.

The product groups for which the greatest number of measures apply are packaging products, where most measures are assessed as necessary. These results provide WWF’s input to the main content of Part II.5., and the list of applicable products that can be put in parts I, II and III of Annex C.
## Table 2. High-risk product groups and suitable measures towards non-toxic circular economy and waste management

<table>
<thead>
<tr>
<th>Product groups</th>
<th>Targets</th>
<th>Economic Measures</th>
<th>Circularity standards/ minimum requirements</th>
<th>Harm reduction standards</th>
<th>EPR</th>
<th>DRS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Reuse</td>
<td>Recycling</td>
<td>Recycled content</td>
<td>Collection</td>
</tr>
<tr>
<td>1a. Packaging: Contact sensitive - Single-use Food &amp; Beverage (necessary/other)</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>1c. Packaging: Contact sensitive - Cosmetics &amp; Personal Care (necessary/other)</td>
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<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
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<tr>
<td>1d. Packaging: Contact sensitive - Pharmaceutical</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>1e. Packaging: Contact sensitive - Other</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>1f. Packaging: Non contact sensitive</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>2a. Characteristic-specific products: Single-use short lived – Fibres/non-wovens - Necessary</td>
<td>Possible</td>
<td>Possible</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>2c. Characteristic-specific products: Single-use short lived – Other non-packaging - Necessary</td>
<td>Possible</td>
<td></td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Product groups</td>
<td>Targets</td>
<td>Economic Measures</td>
<td>Circularity standards/ minimum requirements</td>
<td>Harm reduction standards</td>
<td>EPR</td>
<td>DRS</td>
</tr>
<tr>
<td>--------------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>2e. Characteristic-specific products: Longer life items of concern – causing significant secondary microplastic release</td>
<td></td>
<td></td>
<td>☑✔✔</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3a. Sector-specific products: Environmentally sensitive - Marine/aquatic</td>
<td>☑️</td>
<td>Possible</td>
<td>Possible ☐️</td>
<td>Possible ☐️</td>
<td>☑️</td>
<td>☐️</td>
</tr>
<tr>
<td>3b. Sector-specific products: Environmentally sensitive - terrestrial</td>
<td>☑️</td>
<td>Possible</td>
<td>Possible ☐️</td>
<td>Possible ☐️</td>
<td>☑️</td>
<td>☐️</td>
</tr>
<tr>
<td>4b. Primary microplastics: Preproduction</td>
<td>Possible</td>
<td></td>
<td>☑️</td>
<td>☑️</td>
<td>☑️</td>
<td>☑️</td>
</tr>
</tbody>
</table>
ENVIRONMENTALLY SOUND WASTE MANAGEMENT AND EXISTING PLASTIC POLLUTION

This section discusses WWF’s recommendations on top priorities of measures toward environmentally sound waste management. Please refer to Table 3 in Annex 1 of this paper, for further detailed assessment and proposals on provisions relevant to waste management and existing plastic pollution (Part II.8., 9, 10, 11, 12 and 13 in the Zero Draft).

Top priority: Prohibiting dangerous practices

The treaty should secure environmentally sound waste management for handling plastics at their (prolonged) end of life, but must prioritise elimination, reduction, and circulation measures. While global rules to ensure improved waste management standards are important, the costs to scale up waste management facilities are often very high. For example, New York City spends ~$3.2 billion annually on waste management. Implementation may also be challenging, as it requires advanced infrastructure. And once plastic leaks into the environment, it is exponentially more difficult and costly to remove. In contrary, further upstream measures reduce waste generation, lessen the pressure scale up expensive and technology-advanced waste facilities, and thus reduce both leakage risks and costs. Efforts toward elimination, reduction and circulation of plastic products should therefore be prioritised before waste management.

Minimum requirements on waste management systems, as well as a list of prohibited practices, should be included as binding provisions in the instrument. Today, uncollected and mismanaged plastic waste are major sources of plastic leakage into the ocean—indeed an estimated ~60% of leakage in 2016 came from uncollected waste. While the current disparity in collection rates between high-income and low-income countries is wide (96% vs. 39%, respectively), the key solutions to close this gap are already available.

A global prohibition of open dumping will address the majority of current leakage of plastic waste, as two-thirds of ocean plastic leakage derives from open dumping, and 62% of the world’s waste is currently disposed of in this way. Banning open dumping will also stimulate innovation and create economies of scale for more effective waste management solutions—which can be further supported through funding solutions. The treaty should, by its control measures on waste management and connected supporting provisions, provide the necessary support for scaling waste management infrastructure across the globe. For example, global rules on end of life management cost accountability would be an effective policy tool to improve collection.

Strict requirements and guidelines on landfill—to be included in part IV of annex F—can further prevent leakage and mitigate pollution risks. Landfill represents one possible alternative for disposal of exempt plastics, but only when it is managed effectively; otherwise, leakage rates can remain high.
IMPLEMENTATION MEASURES AND MEANS OF IMPLEMENTATION

This section discusses WWF's recommendations on the priorities and next steps regarding means of implementation and implementation measures. Please refer to Table 4 in Annex 1 of this paper, for further information on WWF's assessment and proposals (Part III and IV in the Zero Draft) that are relevant to implementation of the treaty.

Top priority: Needs assessment for the implementation of binding obligations

Negotiations of control measures without means of implementation will lack realism. Negotiations of means of implementation without control measures will lack direction. WWF recommends that:

• Negotiations on financial support, including possible global targets for financial mobilisation, should be conducted in parallel to negotiations on core obligations and control measures, to ensure a high level of ambition both in terms of actions and the means of implementing them;
• Financial mechanisms should be designed to directly support the implementation of the treaty’s core obligations and specific control measures;
• Negotiators should innovative solutions that go beyond the choice of channelling assistance either through a newly established or through an existing mechanism, and consider instead combining these options and making use of both available and new sources.

The identification of necessary control measures to address prioritised high-risk plastics will help advance the discussions on means of implementation. Details of such control measures provide the starting point for structuring the conversations on means of implementation. Control measures that are more specific would better show the level of assistance, the types of assistance—either financial or technical or both—and the areas of assistance that will be needed, and the extent to which assistance would allow the fulfilment of core obligations within the given timeframes.

As priority for INC-3 and intersessional work, WWF encourages states to conduct a comprehensive analysis of any implementation challenges and needs relating to each binding obligation, and assess the necessary technical, technological, and financial resources that the treaty must provide to address such challenges. Several options for mechanisms to enable effective implementation are currently included in the Zero Draft, including technical and financial assistance, technology transfers and capacity strengthening, with emphasis on the special attention to the needs of LDCs and SIDSs explicitly mentioned in the provisions. Negotiators should consider combining these options and making use of both available and new sources. In addition to financial assistance, transfers of technical know-how and technologies to countries in need would be necessary. Article 10 and Article 10A of the Montreal Protocol could be used as inspirations while discussing the financial mechanism in the new treaty on plastic pollution.

Effective monitoring—including standardisation of methodologies for data collection, evaluation, and reporting—is a condition for discovering non-compliance as well as areas where the treaty's measures could be strengthened. It should thus be closely linked to both the implementation of control measures, and the outcomes of those measures. The results could then inform the improvement of both compliance and design of control measures, providing a fundamental component amongst gradual strengthening mechanisms. For example, regular collection and sharing of plastic waste management data (e.g., share of uncollected waste, mismanaged waste, landfilled waste etc.), could provide strong indications of the effectiveness of measures being implemented by States.

In combination with monitoring, specific reporting requirements, standards and deadlines should be established. This is important both to avoid confusion and to facilitate verification and assessment of progress. Clear guidelines for reporting with standard definitions and harmonised units of measure is key. For the same reason the treaty should establish reporting obligations to assess progress and compliance (with independent verification, as best practice).
IMPLEMENTATION MEASURES AND MEANS OF IMPLEMENTATION

Reporting could relate to three dimensions:

- Reporting on status, including, for example, relevant indicators of plastic waste generation, collection, management, and mismanagement;
- Reporting on progress of fulfilling core obligations, including, for example, legislative, regulatory, and administrative measures taken at the national level to enforce the provisions of the treaty; the implementation bans and phase-outs; the rate of plastic recycling and level of recycled content in production of new products; plastic waste collection and safe disposal rates;
- Reporting on other supporting provisions, including capacity-building, technical assistance, technology transfer on mutually agreed terms and financial assistance, etc.

To identify Parties’ difficulties in compliance, and to improve compliance in a facilitative manner, clear procedures and mechanisms must be established. Transparency through self-reporting and monitoring, as discussed above, is an important element in any compliance mechanism. The compliance mechanism itself, should be designed to first assist Parties for better compliance (e.g., development of guidelines for cooperation between a non-complying Party and the secretariat to find productive solutions), as the default in case of non-compliance. In case of continuous non-compliance, however, there should be clear and credible consequences—severe enough that States would want to proactively avoid, but not so severe that the threat is not credible. While details could be determined by the governing body of the treaty at a later stage (e.g., at its first session), it is recommended that the treaty at least includes procedures for determining non-compliance, and for treatment of Parties found to be in non-compliance, as part of those to be considered and adopted by the governing body.

To provide further clarity around implementation challenges and assistance needs related to the control measures of the instrument, states could be encouraged to develop national action plans or national implementation plans. Provided that control measures are sufficiently specific, the development and the implementation of national plans should be a voluntary measure under the instrument. It is critical, in this respect, that a possible commitment to develop and implement national plans does not replace clear and universally applicable rules. Experience from other treaty regimes has shown that the development and implementation of national plans will not, in itself, adequately address transboundary environmental problems. There is a risk that excessive reliance on national plans in the achievement of the instrument’s objective(s) will necessitate the subsequent development of overly prescriptive “rulebooks” and implementation guidelines, which may, in turn, impose additional conditionalities for financial and technical assistance to developing countries. To avoid such a situation, negotiators should focus on developing a set of clear and universally applicable global rules, and give each party flexibility in deciding how to implement these rules at a national level, according to their circumstances and capacities.

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4 The Montreal Protocol, for example, includes three levels in its ‘indicative list of measures’ that might be taken in case of non-compliance: a) provision of appropriate assistance; b) issuance of cautionary warnings; and c) suspension of rights and privileges, including those concerned with industrial rationalization, production, consumption, trade, transfer of technology, financial mechanism and institutional arrangements. Suspension of rights (item c) has not been implemented to date, but some MOP decisions on non-compliance have mentioned it in cautionary warnings to a Party. [https://ozone.unep.org/sites/default/files/2019-04/MOP-PREP-2E.pdf](https://ozone.unep.org/sites/default/files/2019-04/MOP-PREP-2E.pdf)

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For more information, contact:
Eirik Lindebjerg
Global Plastics Policy Lead
eлинdebjerg@wwf.no

or visit:
wwf.panda.org/plastictreaty
for information on the treaty negotiation, including timeline, reports, briefs and quick guide to the INC process
ANNEX 1. WWF recommendations on the Chair’s Zero Draft

WWF recommended text based the Chair’s Zero Draft

BLUE TEXT: insertion of proposed new text from WWF.

STRIKETHROUGH: options and language WWF proposes to delete.

The text is based on “Option 1” in the Chair’s Zero Draft.

TABLE 1: ELIMINATION AND REDUCTION

<table>
<thead>
<tr>
<th>Part II.1. Primary plastic polymers</th>
<th>WWF recommendation and rationale</th>
</tr>
</thead>
<tbody>
<tr>
<td>WWF supports states taking actions towards a reduction in production and supply of primary plastic polymers. While Option 1 provides the most binding language—and thus most preferable, in theory—more specificity regarding how the global reduction target is calculated, and how such targets may apply to parties (or different groups of parties), over which timeline, would determine whether the obligation could be effectively implemented. WWF urges negotiators to specify concrete proposals: on how a production cap might be calculated and whether it could be applicable to all parties; or, for differentiated cap calculation / differentiated timeline of reduction, based on countries’ circumstances (e.g. developing countries with minimal production levels—similar to how Montreal Protocol takes these conditions into account for the phase-out obligations). Regardless of how the “targets” are to be required in the obligation, provisions on what states must do to achieve these targets play an indispensable role in real reduction outcomes. The measures provided in the common provisions for all options (point a - c) are currently not binding nor sufficiently specific on the actions that states could and should take to achieve reduction targets. WWF therefore suggests a revision to include more binding language, and specific details of what states must do in these measures. Example measures below could also be included in an annex instead.</td>
<td></td>
</tr>
</tbody>
</table>

WWF recommended text based on the Chair’s Zero Draft.

1. **Each Party shall not allow its level of production and supply of primary plastic polymers to exceed the reduction target specified in part I of Annex A.**

2. **Each Party, to reduce the demand for and production of primary plastic polymers, shall take appropriate legal, administrative and other measures [in accordance with part I of Annex A] to ensure that:**
   a. by 2030, and each year thereafter, any production of plastic raw material within their jurisdiction or control is subject to a tax of at least XX per cent of the market value of that material;
   b. by 2040, and each year thereafter, recycled plastic account for at least XX per cent of the plastic raw material placed on the market within their territories;
c. by 2030, no production of plastic within its jurisdiction or control is subject to financial contributions by a government or a public body that has the effect of either artificially reducing the market price of plastic polymers, or incentivizing demand for virgin polymers over recycled polymers.

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

<table>
<thead>
<tr>
<th>Part II.2.</th>
<th>WWF Recommendation and rationale</th>
</tr>
</thead>
</table>
| Chemicals and polymers of concern | Provisions in Option 1 provide the necessary binding language for obligations, and could be used to eliminate the most hazardous chemicals, groups of chemicals and polymers, and the products that contain them. The language could be strengthened, as suggested below: "shall [...] not allow [...]"; to clarify the obligation, and "by taking appropriate measure" to indicate the possible pathways for implementing the obligation.

The 1st paragraph in Option 2 could become a 3rd additional provision to the existing two in Option 1. This provides an additional measure to target chemicals, groups of chemicals and polymers that are not hazardous to human health and the environment, but could still be of concern due to their properties that hinder reuse, recycle, and thus increase waste, the probability of waste leakage, and, ultimately, pollution rate.

<table>
<thead>
<tr>
<th>WWF recommended text based on the Chair’s Zero Draft</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Chemicals and polymers of concern</td>
</tr>
<tr>
<td>1. Each Party shall, by taking the necessary measures, to not allow and to eliminate, at the latest by the dates provided in part II of annex A, the use of the chemicals, groups of chemicals and polymers that pose hazards to human health or the environment at any stage of the plastic life cycle, as listed in part II of annex A, in the production of plastic polymers, plastics and plastic products after the dates specified in that annex, except as provided in that annex.</td>
</tr>
<tr>
<td>2. Each Party shall, by taking the necessary measures, to not allow and to eliminate, at the latest by the dates provided in part II of annex A, the production, sale, distribution, import or export of plastic polymers, plastics and plastic products containing a chemical, group of chemicals, or polymer that pose hazards to human health or the environment at any stage of the plastic life cycle, as listed in part II of annex A, after the dates specified in that annex, except as provided in that annex.</td>
</tr>
<tr>
<td>3. Each Party shall take the necessary measures, including those referred to in paragraph 2, to minimize, and as appropriate eliminate, the use and presence in plastic polymers, plastics and plastic products of chemicals, groups of chemicals and polymers with the potential for adverse impacts on human health or the environment at any stage of the plastic life cycle, or with properties that may hinder their safe and environmentally sound management, including their reusability, repairability, recyclability and disposal.</td>
</tr>
<tr>
<td>4. Where production or use of a regulated chemical, group of chemicals or polymer identified by the provided criteria or listed in part II of annex A is permitted, each Party with such production or use shall:</td>
</tr>
<tr>
<td>a)  Take appropriate measures to ensure that any such production or use is carried out in a manner that prevents and minimizes human exposure or release into the environment throughout the life cycle of the chemical, polymer or product concerned and fosters the safe and environmentally sound management, including the recyclability and disposal, of the polymers, plastics, and plastic products containing them;</td>
</tr>
<tr>
<td>b)  Take appropriate measures to ensure that all such chemicals, groups of chemicals and polymers, and products containing them, are used in a manner consistent with part II of annex A and managed in a safe and environmentally sound manner throughout their life cycle, including for their final disposal;</td>
</tr>
<tr>
<td>c)  Require producers and importers of such chemicals, groups of chemicals, polymers and products containing them to provide to government authorities, in addition to the information required under [part II.14 on transparency, tracking, monitoring and labeling], complete information about the hazards to human</td>
</tr>
</tbody>
</table>
health or the environment associated with the relevant chemical, polymer or product, and related implications for their safe use, recyclability and disposal, based on the harmonized requirements contained in part II of annex A; and

d) Require producers and importers of the relevant chemicals, polymers or products to appropriately mark and label them based on the harmonized requirements contained in part II of annex A, to allow their safe and environmentally sound use and handling throughout their life cycle, including their final disposal.

Each Party is encouraged to include in its reporting pursuant to [part IV.3 on reporting on progress] any measures it has taken to not allow, or to restrict, the use in plastics and plastic products of chemicals, groups of chemicals and polymers not included in part II of annex A that have the potential for adverse impacts on human health or the environment at any stage of the product life cycle, or to hinder the environmentally sound management, including recyclability and disposal, of the final product.

### WWF Recommendation and rationale

WWF supports provisions in Option 1 of the measures on problematic and avoidable products. The current language in Option 1 provisions allow for the establishment of global bans and phaseouts (para 1) and phasedowns (para 2) of plastic products identified through the criteria in part I and listed in part II and part III of annex B. WWF notes that:

a. The criteria for assessing and listing the products under annex B must be clearly defined in the annex; in such case, a definition of ‘problematic and avoidable’ plastic products could be unnecessary as the criteria may act as defining features for what ‘problematic and avoidable’ means.

b. For products and product groups that can be immediately prohibited (i.e. no need for gradual phaseout)—including the product groups listed in WWF’s report *Regulating High-risk Plastic Products* (p. 15)—the dates specified in part II of annex B must be immediately after the treaty enters into force (i.e. an immediate ban in effect).

c. A product group approach—which targets sets of plastic products that share intended functions, characteristics and patterns of use—could complement the approach of listing individual plastic products. The approach lessens the need for defining individual products, allows for easier monitoring and enforcement, and potentially negates the risk that specific or novel applications, that may not be included in the list of individual products, escape the regulatory scope of the measure.

d. Specific fishing equipment items, and products containing intentionally added microplastics, should be considered alongside single-use or short-lived plastic products, in the assessment of problematic and avoidable products and listed in annex B based on the assessment results.

e. Therefore, products containing intentionally added microplastics should be considered alongside single-use or short-lived plastic products, in the assessment of problematic and avoidable products against the criteria in part I, and listed accordingly in Part II and III of annex B. It is not necessary to separate the provisions for intentionally added microplastics, as they are repetitive of those for single-use or short-lived plastic products.

### WWF recommended text based the Chair’s Zero Draft

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

   a. **Problematic and avoidable plastic products, including short-lived and single-use plastic products**
1. Each Party shall not allow the production, sale, distribution, import or export of the plastic products and product groups, including short-lived and single-use plastic products, listed in part II of annex B after the dates specified for those products, and identified based on criteria set out in part I of annex B, except where the Party has a registered exemption for the relevant product(s) under part II of annex B pursuant to [part II.4 on exemptions available to a Party upon request].

2. Each Party shall reduce the production, sale, distribution, import or export of the plastic products and product groups listed in part III of annex B identified based on the criteria, to the specified levels and within the timeframe set out in the same annex.

### WWF Recommendation and rationale

The article to provide for possible exemptions could benefit from consideration of lessons learned from existing MEAs with similar provisions on exemptions, such as the Minamata Convention and the Stockholm Convention. This should take into account the efficiency of processes established under those Conventions, the potential loopholes that should be avoided, and how clear assignment of responsibilities and authorities of the governing body (or any other subsidiary body) on the issue could be specified in an annex.

WWF encourages states, during the intersessional period, to consider the key features that could guide and strengthen the exemption register and management process, to specify the procedures referred to in paragraphs 1 and 3. Additionally, WWF recommends that the Secretariat maintain a public register of parties that have applied and got approval for exemptions, to ensure transparency of information to the public. This is similar to the provisions on Exemptions in the Minamata Convention.

### WWF recommended text based the Chair’s Zero Draft

#### Exemptions available to a Party upon request

1. Any Party may register, in accordance with the provisions of [part II.3 on problematic and avoidable plastic products, including short-lived and single-use plastic products and intentionally added microplastics, Option 1] an exemption from the phase-out dates listed in part II in annex B for specific products, hereafter referred to as an “exemption”, in accordance with the procedure [set out in …].

1bis. 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. 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.

2. All exemptions referred to in paragraph 1 shall expire [X] years after the relevant phase-out dates listed in part II of annex B, unless a Party, when registering an exemption, indicated a shorter expiration period, in which case the expiration date indicated by the Party shall apply.

3. The governing body* may decide to extend an exemption for a period requested by the Party but not exceeding [X] years, in accordance with the procedure [set out in …]. An exemption may only be extended [X] times per entry per phase-out date.

4. No Party may have an exemption in effect at any time after [X] years after the phase-out date for a plastic product listed in part II of annex B.
**TABLE 2: NON-TOXIC CIRCULAR ECONOMY**

<table>
<thead>
<tr>
<th><strong>Part II.5.a</strong></th>
<th><strong>WWF Recommendation</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Product design, composition and performance:</strong></td>
<td><strong>Product design and performance</strong></td>
</tr>
<tr>
<td></td>
<td>WWF supports ‘Option 1’ texts, and proposes a few amendments to strengthen the section. In particular, it is noted that paragraph 3 (Option 1) and paragraph 4 (common provision) should include language to ensure the harmonization of product design and performance requirements, including for certification and labelling. The current formulation is not sufficiently specific on responsibility, and could risk becoming an empty commitment—applicable to all parties, but implemented by none. WWF recommends that the provision in paragraph 4 assigns clear responsibility to either a subsidiary body or the governing body of the treaty, so that the important task of developing harmonized standards and guidelines would be efficiently conducted, with the outcome of such work shared to and used by parties in implementing their relevant obligations to this Article. The suggested revision takes inspiration from para 2, article 6 of the Stockholm Convention: “2. The Conference of the Parties shall cooperate closely with the appropriate bodies of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal to, inter alia: (a) Establish levels [...] (b) Determine [...] the methods that constitute environmentally sound disposal [...] (c) Work to establish, as appropriate, the concentration levels of the chemicals [...]”</td>
</tr>
<tr>
<td>a. <strong>WWF recommended text based the Chair’s Zero Draft</strong></td>
<td></td>
</tr>
<tr>
<td>a. <strong>Product design and performance</strong></td>
<td></td>
</tr>
<tr>
<td>1. Each Party shall take measures, including those referred to in paragraphs 2 and 3, to enhance the design of plastic products, including packaging, and improve the composition of plastics and plastic products, with a view to:</td>
<td></td>
</tr>
<tr>
<td>a. Reducing demand for and use of primary plastic polymers, plastics and plastic products;</td>
<td></td>
</tr>
<tr>
<td>b. Increasing the safety, durability, reusability, refillability, repairability and refurbishability of plastics and plastic products, as relevant, and their capacity to be repurposed, recycled and disposed of in a safe and environmentally sound manner upon becoming waste; and</td>
<td></td>
</tr>
<tr>
<td>c. <strong>Minimizing Eliminating</strong> releases and emissions from plastics and plastic products, including microplastics.</td>
<td></td>
</tr>
<tr>
<td>2. Each Party shall require plastics and plastic products produced within its territory and those available on its market to comply with the minimum design and performance criteria and other related elements contained in part I of annex C, including, where relevant, sector- or product-specific criteria and elements, within the timeframe defined in that annex.</td>
<td></td>
</tr>
<tr>
<td>3. Each Party shall establish and maintain certification procedures and labelling requirements for plastics and plastic products produced within its territory and those available on its market, based on the design and performance criteria and other related elements, and the requirements for harmonised certification and labelling</td>
<td></td>
</tr>
</tbody>
</table>
contained in part I of annex C, including, where relevant, sector- or product-specific criteria and elements, and shall require plastics and plastic products to be appropriately labelled in accordance with these criteria and elements.

4. Parties are encouraged to work with relevant international organizations towards the development of standards and guidelines at the multilateral level, including on a sectoral basis as relevant, to reduce the use of plastics in products across the value chain, including in product packaging, and improve the design of plastic products to increase their safety, durability, reusability, refillability, repairability and refurbishability, and their capacity to be repurposed, recycled, and disposed of in a safe and environmentally sound manner upon becoming waste.

4. The governing body* shall cooperate closely with relevant international organizations to:

   a. With the assistance of the scientific and/or technical body, develop new and strengthen existing standards and guidelines at the multilateral level to reduce the use of plastic in products across the value chain, and improve the design of plastic products to increase their safety, durability, reusability, refillability, repairability and refurbishability, and their capacity to be repurposed, recycled and when necessary, disposed of, in a safe and environmentally sound manner upon becoming waste;

   b. Determine and adopt appropriate additional minimum requirements for product design and performance based on the standards and guidelines referred to in paragraph 4(a) to part I of Annex C, pursuant to the procedures set out in Article on Amendments procedures]

**Part II.5.b.**

**Product design, composition and performance: Reduce, reuse, refill and repair of plastics and plastic products**

**WWF Recommendation**

WWF further supports provisions on Reduce, Reuse, Refill and Repair, currently placed under Article 5.b. Here, ‘Option 1’ provisions provide the preferable basis for establishing binding obligations towards reduce, reuse, refill and repair of plastics and plastic products. However, they should include more specific details on the measures states must take—these could either be included in the provisions here, and/or expanded on in part II of annex C, or both.

Secondly, the measures to be taken for: 1) further reduction in use of plastic in products; 2) transition to reuse/multi-use products (including refill practices for packaging); and 3) enable repair of plastic products, could be quite distinct between these different aims. A potential solution is to separate this section into three sets of provisions: each set of provisions will contain one para requiring parties to achieve targets related to one of the mentioned topics, and one para requiring parties to take effective measures towards that topic. Part II of annex C could then include three separate sections; each section focuses on one of the topics and includes details of applicable products and product groups, relevant targets and timeframes, and relevant measures to a specific topic.

**WWF recommended text based the Chair’s Zero Draft**

**b. Reduce, reuse, refill and repair of plastics and plastic products**

1. Each Party shall, based on guidance to be adopted by the governing body* at its first session, take effective measures to ensure promote the reduction, reuse, refill, repair, repurposing and refurbishment, as relevant, of plastics and plastic products produced within its territory and those available on its market, in particular through the implementation of reuse, refill and repair systems. [as listed in part II of annex C,] [including:]

   a. to establish product take-back and right-to-repair requirements for, at least, the applicable products listed in part II of annex C;

   b. to enable product and service delivery systems and deposit refund schemes for, at least, the applicable products listed in part II of annex C;

   c. to support the development of skills and infrastructure for repair, repurposing and refurbishment of plastic products;
d. to set up economic instruments, including fees, tax incentives, subsidies and subsidy reform, as appropriate;

e. to leverage public procurement; and

f. to raise consumer awareness and incentivize changes in consumer behaviour.

2. Each Party shall, by taking the necessary measures including those referred to in paragraph 1, to achieve the minimum reduction, reuse, refill and repair targets contained in part II of annex C within the timeframe identified in that annex, for plastics and plastic products produced within its territory and those available on its market.

b. alt.

Reduction in use of plastic

1. Each Party shall, by taking the necessary measures including those referred to in paragraph 2, achieve the minimum reduction targets within the specified timeframe for plastics and plastic products produced within its territory and those available on its market, as listed in the Reduction section, in part II of annex C.

2. Each Party shall, based on guidance to be adopted by the governing body* at its first session, take effective measures to ensure the reduction of plastics and plastic products produced within its territory and those available on its market, as listed in the Reduction section, in part II of annex C, including:

e. to require plastics and plastics products as listed in the Reduction section, in part II of annex C to comply with design criteria towards reduction;

f. to set up economic instruments, including fees, tax incentives, subsidies and subsidy reform, as appropriate;

g. to [...] [including other measures appropriate according to best available science on interventions to encourage reduction] to raise consumer awareness and incentivize changes in consumer behaviour.

Reuse (including refill)

[...]

Repair

[...]

Part II.5.c. Product design, composition and performance: Use of recycled plastic contents

WWF Recommendation

WWF supports option 1 as the basis to develop binding obligations on minimum recycled content. Standards and minimum requirements on recycled content specify the proportion of products that should be composed of recycled material. To maximize environmental benefit, they should focus on the incorporation of recycled content from post-consumer plastic waste sources into new plastic products. Increased use of recycled materials drives market demand (supporting collection and recycling infrastructure as described above) as well as displacing virgin plastic that might otherwise have been used. Recycled content requirements will typically be most beneficial for product groups that support closed-loop recycling processes, meaning that material can make multiple trips round the loop.
<table>
<thead>
<tr>
<th>WWF recommended text based the Chair’s Zero Draft</th>
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<tbody>
<tr>
<td>c. Use of recycled plastic contents</td>
</tr>
<tr>
<td>1. Each Party shall require plastics and plastic products produced within its territory and those available on its market to contain minimum percentages of safe and environmentally sound post-consumer recycled plastic, as set out in part III of annex C, within the timeframe specified in that annex.</td>
</tr>
<tr>
<td>2. Each Party shall take measures to ensure that, where needed, primary plastic in products is replaced by safe and environmentally sound recycled plastic content. The measures taken to implement this provision may include the use of regulatory and economic instruments, public procurement, or incentivizing changes in the supply chain and in consumer behaviour and shall be reflected in the national plan communicated pursuant to [part IV.1 on national plans].</td>
</tr>
</tbody>
</table>

### Part II.5.d.  
Product design, composition and performance: Alternative plastics and plastic products

<table>
<thead>
<tr>
<th>WWF Recommendation</th>
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</thead>
<tbody>
<tr>
<td>WWF recommend states to not prioritise time on developing a dedicated article on for Alternative plastic and plastic products. Alternative plastics, including bioplastic and biodegradable plastics, is under scope of the treaty (and thus all of its control measures on plastic polymers, additives, products and product groups). This means that alternative plastics and plastic products—in the same manner as conventional fossil-fuel-based plastics (including recycled plastics)—must not contain chemicals and polymers of concern in part II of annex A, and must be prohibited, phased out or down if identified by the criteria and listed in annex B, and must be designed in accordance with design and performance criteria and requirements detailed in annex C. This means that a dedicated article on these plastics would become redundant. Provisions on this topic could potentially be included in an article on ‘general obligations’, if deemed necessary.</td>
</tr>
</tbody>
</table>

### Part II.6.  
Non-plastic substitutes

<table>
<thead>
<tr>
<th>WWF Recommendation</th>
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<tbody>
<tr>
<td>WWF recognises the value of fostering innovation and development of safe, environmentally sound and sustainable non-plastic substitutes, in cases where substitutes are necessary to replace essential plastic products and product groups. Substitution however should not be the default, nor a priority intervention to end plastic pollution. The potential of innovation and development of safe, environmentally sound and sustainable non-plastic substitutes should instead be considered as a factor in the criteria and listing of plastic products that should be banned, phased out or phased down (i.e. in development of annex B). Regulatory changes at a global scale, to eliminate and significantly reduce these plastic products, would send a strong signal and provide policy certainty for the private sector’s investment in research and development on substitutions where essential. If necessary, the current provisions could be revised into one paragraph, and included as a provision in a ‘general obligations’ article, alongside other general provisions in pursuant to the treaty’s objective.</td>
</tr>
</tbody>
</table>

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<tr>
<th>WWF recommended text based the Chair’s Zero Draft</th>
</tr>
</thead>
<tbody>
<tr>
<td>6. Non-plastic substitutes</td>
</tr>
<tr>
<td>1. Each Party shall take measures to foster innovation and incentivize and promote the development and use at scale of safe, environmentally sound, and sustainable non-plastic substitutes, including products, technologies and services, taking into account their potential for environmental, economic, social and human health impacts.</td>
</tr>
</tbody>
</table>
### Part II.7. Extended producer responsibility

#### WWF Recommendation

WWF supports Option 1 provisions, with binding obligations for each party to establish their own EPR systems, or any other systems that serve the same purpose. It is recommended that a list of plastic products and product groups (e.g. plastic packaging, sector-specific plastic products used in marine, aquatic and terrestrial environments such as fishing equipment and agricultural plastics) together with specified timeline is also included in annex D. This allows for the inclusion of, where relevant, sector- or product-specific targets and requirements on EPR in annex D. Additionally, reduction in waste generation should be amongst the aims of these mandatory EPR (or similar) systems.

Other systems and mechanisms that serve the same purpose of EPR systems (e.g. take-back systems) should also be allowed to be employed by parties as part of their implementation of this obligation. Purpose could be found in OECD’s definition on EPR as “An environmental policy approach in which a producer’s responsibility for a product is extended to the post-consumer stage of a product’s life cycle”. It is often used synonymously with ‘product stewardship’, which is defined as “the act of minimizing the health, safety, environmental, and social impacts of a product and its packaging throughout all lifecycle stages, while also maximizing economic benefits”. The core principle of EPR is that producers must fund end-of-life costs, in line with the ‘polluter pays’ principle.

#### WWF recommended text based the Chair’s Zero Draft

**7. Extended producer responsibility**

1. Each Party shall establish and operate Extended Producer Responsibility (EPR) systems, [or any system or mechanism that serves the same purpose of EPR systems.] based on the modalities contained in annex D, to incentivize waste reduction, increased recyclability, promote higher recycling rates, and enhance the accountability of producers and importers for safe and environmentally sound management, of plastics and plastic products as listed in annex D throughout their life cycle and across international supply chains, including, where relevant, sector- or product-specific targets and requirements, within the timeframe defined in that annex.

2. Parties shall, in implementing this provision, take into account how the measures taken would contribute to a just transition. These measures shall be reflected in the national plan communicated pursuant to [part IV.1 on national plans].

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2. Parties are encouraged to use regulatory and economic instruments, public procurement and incentives to promote the development and use of safe, environmentally sound and sustainable non-plastic substitutes.

1. Parties shall take measures as appropriate, including regulatory and economic instruments, public procurement and incentives, such as fees, reduced tariffs, taxes or subsidies, to foster innovation and promote the development and use at scale of safe, environmentally sound, and sustainable non-plastic substitutes, including products, technologies and services, where essential.
**TABLE 3: RELEASES, ENVIRONMENTALLY SOUND WASTE MANAGEMENT AND CLEAN-UP**

<table>
<thead>
<tr>
<th>Part II.8. Emissions and releases of plastics throughout its life cycle</th>
<th>WWF Recommendation</th>
</tr>
</thead>
</table>
| WWF welcomes the inclusion article 8 on emissions and releases of plastics throughout its lifecycle. WWF suggests that Paragraph 1b and 1c could be combined to keep the texts lean, and the mention of national action plans could be removed, to streamline all similar requirements on national plans in all control measures in the dedicated article in Part IV on National plans. | 8. Emissions and releases of plastic throughout its life cycle  
1. Each Party shall prevent and eliminate the emissions and releases of plastic polymers, plastics, including microplastics, and plastic products across their life cycle, to the environment from the sources identified in annex E by the dates identified therein. The emissions and releases covered under this provision should include:  
a. Emissions of hazardous substances, including microplastics, to air;  
b. Releases to soil and water from the production, transportation and use of chemicals and polymers of concern, plastics and plastic products; and  
c. Releases of chemicals and polymers of concern, plastics and plastic products, including microplastics, across their life cycle, to air, soil, and water, and ecosystems.  
2. Each Party shall prevent and eliminate emissions and releases of plastic pellets, flakes and powder from production, storage, handling and transport, taking into account, as appropriate, the relevant provisions and guidance agreed in the framework of international organizations such as the International Maritime Organization.  
3. The measures taken to implement the provisions of this Article shall be reflected in the national plan communicated pursuant to [part IV.1 on national plans].  
4. The governing body*, at its first session, shall adopt guidelines including where relevant, sectoral guidelines, to facilitate implementation of the obligations set out in paragraph 1, including emission and effluent standards, sector-specific best available techniques and best environmental practices on preventing emissions and releases, and best available techniques and best environmental practices to capture and remove plastic pollution, including microplastics from freshwater bodies, the marine environment and ecosystems.  
5. Parties are encouraged to promote scientific and technical innovation to prevent and capture the releases of plastics and plastic products, including microplastics, into the marine environment. |

| --- | --- |
| Obligations for not-allowed and allowed waste management practices could be further clarified, by splitting the provisions into two separate paragraphs, each focusing on a specific part of annex F.  
High-risk practices, including open dumping, ocean dumping and open burning, must be banned. They could be explicitly mentioned in the provision here, or simply listed in part III of annex F. Prevention of littering could be included in para 6 (c) on behavioural change. |  |
**WWF recommended text based the Chair’s Zero Draft**

1. Each Party shall, by **taking** effective measures, to ensure that plastic waste is managed in a safe and environmentally sound manner throughout its different stages, including handling, collection, transportation, storage, recycling and final disposal, taking into account the waste hierarchy.

2. Each Party shall meet the requirements, including where relevant through a sectoral approach, for minimum safe and environmentally sound collection, recycling and disposal rates, set out in part I of annex F, taking into account relevant provisions, guidance and guidelines in other international agreements, including those developed under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal.

3. The **governing body** shall, where necessary, adopt requirements, guidance and guidelines for the implementation of the provisions in paragraph 2, additional or complementary to the relevant guidance and guidelines developed under other international agreements mentioned above.

4. Each Party shall not allow waste management practices listed in part III of annex F that may lead to the emissions and releases of hazardous substances, and shall regulate the other allowed waste management practices that may lead to the emissions and releases of the hazardous substances listed in part IV of annex F.

5. Each Party shall not allow take the necessary measures to prevent open dumping, ocean dumping, littering and open burning, (in accordance with part III of annex F).

6. Each Party shall not allow waste management practices that may lead to the emissions and releases of hazardous substances, plastics and plastic products to the environment, [including open dumping, ocean dumping and open burning], as listed in part III of annex F.

7. Each Party shall regulate the other allowed waste management practices to eliminate their emissions and releases of hazardous substances as listed in part IV of annex F.

6. Parties shall take additional measures to:
   a. invest in waste management systems and infrastructure that enable environmentally sound management of plastic waste;
   b. promote investment and mobilize resources from all sources to cover financing gaps for waste management systems and infrastructure that enable environmentally sound management of plastic waste and enhance waste management capacity, in light of current and expected waste generation levels; and
   c. incentivize behavioural changes throughout the value chain, including the prevention on littering, and raise consumer awareness on sustainable consumption.

7. The measures taken to implement the provisions of this Article shall be reflected in the national plan communicated pursuant to [part IV.1 on national plans].

**Part II.9.b.**

**Waste management:**

**Fishing gear**

**WWF Recommendation**

WWF cautions that measures to address fishing equipment should not only be limited to the waste management stage. The provisions on fishing gear included in the article on waste management could be misunderstood as the treaty’s only obligation on fishing gear.

The plastic products in the fishing equipment product group—similar to other product groups, including plastic packaging, single-use and short-lived products, agricultural plastics, products containing intentionally added microplastic—must be addressed by all applicable control measures in the treaty, from prohibition and phased reductions to requirements of product design, composition and performance, EPR and waste management practices.

This means that plastic products in the fishing equipment product groups must be assessed and listed accordingly in the applicable annexes. For example, plastic-based fishing aggregating devices (FADs) and Expanded Polystyrene (EPS) fish boxes must be phased out (annex B). While other fishing equipment must be designed in accordance with criteria that reduce their harms to the environment, allows for traceability, reuse, repair (annex C), and be under scope of EPR or similar schemes (annex D) as well as environmentally sound waste management practices to eliminate their release...
into the environment (annexes E and F). Addressing only abandoned, lost or otherwise discarded fishing gear is insufficient to stop pollution from this product group.

**WWF recommended text based the Chair’s Zero Draft**

**b. Fishing gear**

1. Each Party shall cooperate and take effective measures, including appropriate marking, tracing and reporting requirements, to prevent, reduce and eliminate, abandoned, lost or otherwise discarded fishing gear containing plastic, taking into account internationally agreed rules, standards and recommended practices and procedures. The measures taken to implement this provision shall be reflected in the national plan communicated pursuant to [part IV.1 on national plans].

2. Parties shall cooperate and promote synergy and complementarity with relevant initiatives and organizations in their respective actions towards safe disposal of fishing gear.

### Part II.10.
**Trade in listed chemicals, polymers and products, and in plastic waste**

**WWF Recommendation**

WWF welcomes the provisions included in Part II.10.a, but notes that some elements are redundant; for example, the obligation to not import and export controlled plastic chemicals and polymers of concern, or problematic and avoidable plastic products are already included in Part II. 2 and 3. Regarding the transboundary movement of plastic waste (Part II.10. b), WWF encourages states to ensure complementarity with the Basel Convention and avoid duplications.

To encourage states to become parties to the instrument, and limit non-Parties from benefiting from the trade schemes and exemptions provided herein while not adhering to the obligations set out in the instrument, control of trade with non-parties would be essential. WWF recommends the inclusion of the following provisions on trade with non-Parties.

**WWF recommended text based the Chair’s Zero Draft**

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

   a. **Trade in listed chemicals, polymers and products** [ same as the Chair’s Zero Draft text ]

   b. **Transboundary movement of plastic waste** [ same as the Chair’s Zero Draft text ]

   c. **Control of trade with non-Parties**

1. Within one year of the entry into force of this Convention, each Party shall ban the import of controlled items, materials, and substances from any State not party to this Convention.

2. Within three years of the entry into force of this Convention, each Party shall ban the export of controlled items, materials, and substances to any State not party to this Convention.

3. Notwithstanding the provisions of this Article, imports referred to in paragraphs 1 may be permitted from any State not party to this Protocol, if that State is determined, by the Conference of the Parties, to be in full compliance with this Convention.
### Part II.11. Existing plastic pollution, including in the marine environment

**WWF Recommendation**
Provisions on existing plastic pollution should additionally include the obligations for parties to jointly develop the effective means and methods for recovery of high-impact pollutants, and for the governing body to establish procedures to allocate support to the recovery of high-impact pollutants in prioritized accumulation zones, hotspots and sectors.

**WWF recommended text based the Chair’s Zero Draft**

11. **Existing plastic pollution, including in the marine environment**

1. Parties shall cooperate to:
   a. Individually and jointly, as appropriate, assess, identify and prioritize accumulation zones, hotspots and sectors:
      i. most affected by existing plastic pollution, including in the marine environment; and
   i. where quantities and types of litter pose a threat to species or habitats taking into account the full life cycle of plastics.
   b. Jointly develop effective means and methods for recovery of high-impact pollutants, including abandoned, lost or otherwise discarded fishing gear, from prioritized accumulation zones, hotspots and in areas beyond national jurisdiction;
   c. Individually and jointly, as appropriate, take effective mitigation and remediation measures, including clean-up activities for the accumulation zones, hotspots and sectors identified, taking into account the provisions in existing international agreements including those relevant to the conservation and sustainable use of marine biological diversity, including both within their own jurisdiction and in areas beyond national jurisdiction; and
   d. promote engagement of the local population and citizens in safe and environmentally sound remediation activities.

2. Each Party should make publicly available information on common plastic pollution types and practices and behaviours that lead to plastic pollution, to raise awareness and prevent further plastic pollution, including littering in coastal and freshwater areas.

3. The measures taken to implement the provisions of this Article shall be reflected in the national plan communicated pursuant to [part IV.1 on national plans].

4. The governing body* shall, at its first session, adopt:
   a. indicators to identify and prioritize accumulation zones, hotspots and sectors;
   b. procedures for allocating technical and financial resources to support the recovery of high-impact pollutants in prioritized accumulation zones, hotspots and sectors; and
   c. guidance on best available techniques and best environmental practices, developed on the basis of best available science, to address existing plastic pollution, with a view to ensuring the clean-up activities do not have potential for negative impacts on the environment, biodiversity and human health.

### Part II.12. Just Transition

**WWF Recommendation**
WWF supports the inclusion of provisions on just transition in the treaty, and recommends countries to continue strengthening the proposed provisions in the Zero Draft, through consultation with CSOs and other representatives of affected and marginalized communities and groups in the context of plastic pollution, including informal waste workers.
Additionally, WWF recommends that the treaty include a provision assigning the governing body to adopt—at a later meeting after the treaty enters into force—guidelines to support parties in effective implementation of a just transition, taking into account existing relevant international guidance and recognized frameworks as well as the specific context of the plastic pollution crisis and various local insights.

### WWF recommended text based the Chair’s Zero Draft

#### 12. Just transition

1. Each Party shall promote and facilitate a fair, equitable and inclusive transition for affected populations, with special consideration for women and vulnerable groups, including children and youth, in the implementation of this instrument*. This may include:
   
   a. Designating a national coordinating body for engagement with relevant stakeholders, including public authorities, non-governmental organizations and local communities;
   
   b. Enabling policies and conditions to improve income, opportunities and livelihoods for impacted communities, including workforce training, development and social programmes, according to their needs and priorities;
   
   c. Incentivizing the development of skills and job opportunities across the plastic value chain, including for the development of reuse, repair, waste collection and sorting;
   
   d. Promoting a clean, healthy and sustainable environment for communities and workers across the value chain, including workers in the waste management sector;
   
   e. Improving working conditions for workers in the waste management sector, including by providing legal recognition and protection to workers in informal and cooperative settings and facilitating the formalization of their associations or cooperatives;
   
   f. Integrating workers in informal and cooperative settings into a safe plastics value chain, including by requiring plastic product producers, recycling and waste management companies to integrate plastics collected and sorted by them into their operation schemes; and
   
   g. Requiring a portion of the fees collected through EPR schemes to be used to improve infrastructure and improve the livelihoods and opportunities for, and develop the skills of, workers in the waste sector, including waste workers in informal and cooperative settings.

2. The governing body* shall, at its first session, adopt guidance on best practices, developed on the basis of best available science, to ensure a fair, equitable and inclusive transition for affected populations, with special consideration for women and vulnerable groups, including children and youth, in the implementation of this instrument*.

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

### Part II.13. WWF Recommendation

WWF supports this article on transparency, tracking, monitoring and labelling, but would recommend that paragraph 2 clarifies that the Parties will track the types and volumes of *annual* production, imports and exports of items listed in annex A, B and C.
### WWF recommended text based the Chair’s Zero Draft

13. **Transparency, tracking, monitoring and labelling**

1. Each Party shall:
   a. require producers and importers to disclose harmonized information on the chemical composition of all plastics and plastic products throughout their life cycle;

   b. by taking appropriate measures, to ensure the traceability of chemicals, polymers and the plastic contents of products throughout the life cycle of plastics and plastic products, based on guidelines to be adopted by the *governing body* at its first session, in particular for the purposes of their safe and environmentally sound use, recycling and disposal; and

   c. establish marking and labelling requirements based on guidance to be adopted by the *governing body* at its first session, in particular for the purposes of the safe and environmentally sound use, recycling and disposal of plastics and plastic products.

2. Each Party shall monitor and track the types and volumes of its annual production, imports and exports to Parties and non-Parties, respectively, of chemicals and polymers used in the production of plastic polymers listed in annex A, and plastics and plastic products listed in annex B and annex C, and regulated plastic products across their life cycle.

3. Each Party shall report the information collected pursuant to paragraph 2, together with information on the recycling facilities functioning within its territory, in a standardized format to the *governing body*. 
### Table 4: Means of Implementation and Implementation Measures

<table>
<thead>
<tr>
<th>Part III.1. Financing</th>
<th>WWF Recommendation</th>
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<tbody>
<tr>
<td></td>
<td>WWF supports a strong financing mechanism as part of the treaty and recommends negotiators to explore innovative solutions that go beyond the choice of either a newly established or an existing mechanism, considering mechanisms that may combine the Options in Part III.1 of the Zero Draft, making use of both available and new sources. Article 10 and Article 10A of the Montreal Protocol could be used as inspirations for discussion on the financial mechanism in the new treaty on plastic pollution. WWF further supports the alignment of public and private finance towards achieving the objective of the instrument. It is however recommended that increased finance should be encouraged based on the waste hierarchy priorities, to ensure that redirected finance fits with the recognised priorities of solutions to end plastic pollution.</td>
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<table>
<thead>
<tr>
<th>Part III.2. Capacity-building, technical assistance and technology transfer</th>
<th>WWF Recommendation</th>
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<tbody>
<tr>
<td></td>
<td>The provision on responsibilities of the governing body, in reviewing the details on how to increase effectiveness of capacity-building and technical assistance, should include clearer details of what are to be reviewed and enhanced. WWF proposes an alternative paragraph 2, based on the language of paragraphs 4 and 5 in Article 14 of the Minamata Convention. WWF recommends further strengthening of the obligation in the provision on technology transfer (para 3), by revising the last sentence to include language adapted from Montreal Protocol's Article 10A (on transfer of technology).</td>
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<tr>
<th>WWF recommended text based the Chair's Zero Draft</th>
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<tbody>
<tr>
<td>2. Capacity-building, technical assistance and technology transfer</td>
</tr>
<tr>
<td>1. Parties shall cooperate to enable provide, within their respective capabilities, the provision of timely, sustainable, comprehensive and adequate capacity-building and technical assistance to developing countries country Parties, in particular, to least developed countries and SIDS, to assist them in implementing their obligations under this instrument* and to retain such capacity once built.</td>
</tr>
<tr>
<td>2. The governing body* shall keep under review capacity-building and technical assistance to support the implementation of this instrument* and promote cooperation and coordination with other multilateral environmental agreements and other relevant initiatives to increase the effectiveness of capacity-building and technical assistance.</td>
</tr>
<tr>
<td>2. The governing body* shall, by its second meeting and thereafter on a regular basis, and taking into account submissions and reports from Parties including those as provided for in [Part III.1 on Financing] and information provided by other stakeholders:</td>
</tr>
<tr>
<td>a. Consider information on existing initiatives and progress made in relation to alternative technologies;</td>
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<tr>
<td>b. Consider the needs of Parties, particularly developing country Parties, for alternative technologies;</td>
</tr>
</tbody>
</table>
c. Identify challenges experienced by Parties, particularly developing country Parties, in technology transfer; and

d. Consider the adoption of recommended actions on how capacity-building, technical assistance and technology transfer could be further enhanced under this Article.

3. Parties shall promote and facilitate innovation and investment in pursuit of new technologies and innovative solutions and the development, transfer on mutually agreed terms, diffusion of and access to up-to-date environmentally sound technologies to address plastic pollution, including through safe and sustainable alternatives and non-plastic substitutes. In implementing this provision, Parties shall promote and facilitate innovation and investment in pursuit of new technologies and innovative solutions, and shall facilitate access to essential technologies, including with respect to financial resources and proprietary rights, each Party shall take every practicable step, consistent with the programmes supported by the financial mechanism, to ensure that the best available, environmentally sound technologies are expeditiously transferred to developing country Parties, particularly SIDS and least developed countries, on mutually agreed terms and under fair and most favourable conditions.

<table>
<thead>
<tr>
<th>Part IV.1. National Plans</th>
<th>WWF Recommendation</th>
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<td></td>
<td>To streamline the treaty’s text, WWF is of the view that it is not necessary to mention national plans in each of the control measure articles. WWF recommends that states prioritise the discussion on control measure provisions, ensuring that the global binding obligations to end plastic pollution are clearly defined, before discussing the necessary details in national plans. This would help to promote efficiency and simplify national plans: only essential elements aligning with global obligations are made mandatory, so as to avoid burdening parties with overly prescriptive requirements for national plan development.</td>
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<thead>
<tr>
<th>Part IV.2. Implementation and compliance</th>
<th>WWF Recommendation</th>
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<tr>
<td></td>
<td>It is WWF’s view that one of the conditions to encourage implementation and compliance is that global binding obligations must be detailed clearly and specifically, leaving no doubt regarding what states parties must do, to end plastic pollution. Compliance with clear and specific rules is more straightforward, easier to be verified, and thus lessens the possibility of non-compliance. Transparency through self-reporting and monitoring, as provided for in the article ‘Reporting on progress’, is another important element to enhance compliance. The compliance mechanism itself, should be designed to first assist Parties for better compliance (e.g., development of guidelines for cooperation between a non-complying Party and the secretariat to find productive solutions), as the default in case of non-compliance. In case of continuous non-compliance, however, there should be clear and credible consequences—severe enough that States would want to proactively avoid, but not so severe that the threat is not credible. While details could be determined by the governing body of the treaty at a later stage (e.g., at its first session), it is recommended that the treaty at least includes procedures for determining non-compliance, and for treatment of Parties found to be in non-compliance, as part of those to be considered and adopted by the governing body.</td>
</tr>
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</table>

**WWF recommended text based the Chair’s Zero Draft** [the rest is the same as the Chair’s Zero Draft, except for para 3]

3. The mechanism shall operate under the modalities and procedures adopted by the governing body* at its first session, including for promoting compliance, determining non-compliance, and treatment of Parties found to be in non-compliance with the provisions of this instrument*, and shall report to the governing body*. 

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