INC-2: TIME TO GET SPECIFIC
NEGOTIATORS MUST PUT FORTH BINDING MEASURES TO ADDRESS SPECIFIC HIGH-RISK PLASTICS, AND PREPARE FOR THE TREATY’S ZERO DRAFT

At the first session of the Intergovernmental Negotiating Committee (INC) to develop a global treaty on plastic pollution, states’ individual and joint statements representing a total of more than 145 countries showed strong preference for a treaty with specific, binding global rules.

States’ submissions to the INC confirmed this alignment around a bold vision for the treaty to end plastic pollution. Three types of binding global control measures — bans and phase-outs; requirements towards non-toxic plastic circularity; and requirements of environmentally sound waste management — each received support from at least 132 countries, more than two thirds of the states. There is growing recognition that the treaty must adopt measures that lead to a reduction in production and consumption of plastics. Furthermore, there was overwhelming support for means of implementation, including technical and financial assistance, technology transfers and capacity strengthening.

Document UNEP/PP/INC.2/4, ‘Potential options for elements’ drawing on states’ views, shows a wide range of possible substantive and supporting provisions that states may consider to develop the treaty’s content. It is crucial that states consolidate their support for binding global rules, and focus on developing specific binding measures among these options.

Since the Washington Declaration on Protection of the Marine Environment from Land-Based Activities in 1995, no significant progress has been made towards putting an end to plastic pollution, despite the numerous voluntary initiatives. While the plastic pollution crisis continues to grow rapidly, public demand for strong measures on plastic is at an all time high. An Ipsos survey in 2022 indicates that 74% of people support global bans on single use plastic items, growing from 71% in the previous

At INC-2, WWF urges all States to:

- Propose binding global measures to eliminate, reduce, safely circulate and manage specific high-risk plastics;
- Prioritise plastics with high pollution risks, including product groups, applications, chemicals and polymers of concern;
- Specify high-risk plastics suitable for immediate global bans and phase-outs; for example, the group of single-use, short-lived plastic products that can be eliminated without negative environmental and socioeconomic consequences, i.e. single-use cutlery, plates, cups, cotton bud sticks, cigarette filters, etc.;
- Match strong binding measures with ambitious mechanisms to enable effective implementation, including technical and financial assistance, technology transfers and capacity strengthening; paying special attention to the needs of LDCs and SIDSs;
- Mandate the preparation of the treaty’s zero draft, that includes these specific proposals, in the intersessional period before INC-3.
There is no better time than now for negotiators to deliver what is needed, and put these specific binding measures on paper.

The important question that is central to the INC’s work now is: what exactly must the treaty prioritise, amongst available options, to regulate — and how? Where shall we start to efficiently put an end to plastic pollution?

Breaking down the plastic pollution problem into specific categories for regulation is key to answering such questions, and charting the course for developing an effective treaty. The broad scope of plastic pollution must be delineated into specific categories of substances, materials and products; while the pollution risks posed by each category and its constituents must be assessed to guide prioritisation. Only then can states go beyond mere statements of intent, to put forth details of control measures that target the most important pollution drivers. Methodically dividing, prioritising and tackling specific plastic categories with global regulations is the most logical approach to overcome the complex challenge of ending plastic pollution.

At the second session of the INC, convened in France from 29 May 2023, it is imperative that states prioritise the negotiation of binding global measures that stipulate what exactly states must urgently do to end plastic pollution. Negotiators must also start populating the lists of specific high-risk plastic categories — products, and chemicals and polymers of concern — that would fit as annexes to those measures. Importantly, the Committee should request the preparation of the treaty’s zero draft based on those detailed proposals at INC-2, for deliberations at INC-3. With one and a half years left in the planned negotiation time, the task of translating high ambitions into detailed provisions must commence immediately. Now is the time to be specific.

THE RANGE OF BINDING GLOBAL MEASURES ACROSS THE PLASTIC LIFE CYCLE

The substantive and supporting provisions in the ‘Potential options for elements’ document can be organised into two main components: 1) core obligations and control measures to achieve the overall objective; and 2) implementation measures to ensure core obligations are implemented effectively by states (see Figure 1).

OVERALL OBJECTIVE
Global goal to end plastic pollution, protecting human health and the environment from its adverse effects

CORE OBLIGATIONS: BINDING GLOBAL MEASURES ACROSS
A set of legally binding obligations and control measures to prevent, reduce and control pollution of the products and processes with high pollution risks.

Possible actions to end plastic pollution throughout the plastic life cycle include a) the elimination and reduction of certain plastics posing high pollution risk—which may include applications, products, polymers, and additives; b) the non-toxic circulation of remaining plastics (i.e., not feasible to be eliminated in the foreseeable future),
prioritising further reductions and reuse where possible; and c) the environmentally sound management of plastic waste, including plastics that cannot be recycled or that have accumulated in the environment. These actions have been similarly identified in the UNEP document ‘Plastics Science’, and in submissions of states across all UN Regional Groups as well as non-governmental organisations.

One of WWF’s new reports — ‘Regulating high-risk plastic products’ — proposes details for the following range of specific control measures to either eliminate/remove plastic products out of circulation, or safely circulate and manage the products that are not eliminated. These measures are highly linked and can work in a complementary manner, especially to safely circulate and manage plastic products. The product design requirements play a key role in whether they can be effectively and safely circulated and managed at end-of-life, and measures to boost collection are essential to both the circular economy and environmentally sound waste management. Further details of the following measures, and key considerations for their inclusion in the treaty, are provided in the report.

**MEASURES FOR ELIMINATION AND SIGNIFICANT REDUCTION**

- Global bans, putting in place prohibitions of plastic categories that are subjected to the bans;
- Phased reductions: specifying a level of mandatory reduction within a given timeframe: “phase-outs”, 100% reduction by a set date; and “phase-downs”, a set level of reduction by a set date;
- Economic instruments: setting up fiscal incentives and disincentives with the aim of influencing the behaviour of economic actors, incorporating environmental costs into decision making as a key feature;
- Mandatory requirements and standards: on how products are designed and manufactured, and on the materials they contain, with the goal of significantly reducing or eliminating the use of specific plastic categories. Products that do not meet the requirements are effectively prohibited.

**MEASURES FOR NON-TOXIC CIRCULAR ECONOMY AND ENVIRONMENTALLY SOUND MANAGEMENT**

- Mandatory targets for circulation and management — including on collection, recycling, recycled content and reuse — specifying the levels of performance that states must achieve on waste and resource management systems, within a given timeframe;
- Economic instruments for circulation and management, to promote or discourage certain behaviours of economic actors to achieve desired environmental outcomes;
- Minimum requirements and standards to set a legally binding expectation on performance, applying to products and systems, to drive improved circulation and management, as well as further reduction in plastic use even for products and materials that are not prohibited. These requirements and standards could apply in: Reuse and refill; Recycling; Recycled content; Collection; Disposal; Microplastics controls; and Reduction of potential harms;
- Obligation to set up Extended Producer Responsibility and Deposit Refund Scheme regulations — that meet specific requirements and standards set by the treaty — for certain product groups (e.g. packaging, electrical and electronic equipment) or specific products (e.g. PET bottles).

The most appropriate control measures will inevitably vary from one plastic category to another, depending on 1) the categories’ characteristics (e.g., avoidability, leakage risks, pathways, and potential harms, etc.) and 2) the measures’ feasibility for each category (i.e. technical and socioeconomic feasibility, and risk of unintended environmental consequences). It should be noted that measures’ feasibility is highly linked to the provision of means of implementation — financial and technical support, but also knowledge sharing and capacity building — which would enable the states’ realistic achievement of these measures within the given timeframes. This is further discussed in the ‘Means of implementation’ section of this brief.

To match specific plastic categories with the most suitable control measures, the use of annexes in the treaty would be necessary. The ‘Potential options for elements’ document proposes potential annexes that could elaborate details of control measures in the treaty. Figure 2 shows how a wide range of control measures in the treaty could be organised, and elaborated through annexes of applicable plastic categories and other relevant technical details.
The treaty’s objective to end plastic pollution, and protect human health and the environment from its adverse effects

Elimination and Reduction
- Ban
- Phase-outs & phase-downs
- Other requirements & Economic instruments

Non-toxic circular economy
- Targets
- Products & systems requirements
- Economic instruments
- EPR & DRS
- Banned & restricted practices
- Remediation & clean-up

Environmentally sound waste management
- Recycled content
- Collection
- Disposal
- Microplastic control
- Potential harm mitigation

**Figure 2.** Substantive elements of the treaty, including core obligations and control measures, accompanied by annexes to elaborate further details
BREAKING DOWN HIGH-RISK PLASTIC PRODUCTS FOR SPECIFIC BINDING MEASURES

The task of developing specific global measures to end plastic pollution may seem overwhelming, but it needs not to be as such. Another WWF report, ‘Breaking down high-risk plastic products’ — presenting results from the same research done for the aforementioned report ‘Regulating high-risk plastic products’ — shows that methodically dividing, prioritising and tackling specific plastic categories with global regulations is the most logical approach to untangle and overcome the complex challenge of ending plastic pollution.

This approach, which is applied to plastic products in the reports, should also be applied to other plastic categories. This will help states to develop the necessary mix of measures that plastic applications, products, polymers and additives of concern, in a complementary manner to address the multi facets of plastic pollution.

Together, the reports’ findings demonstrate that when the broad scope of plastic pollution is divided into specific and manageable categories — prioritised based on their pollution risks — it is entirely possible to propose detailed measures that target the plastics causing the most pollution:

- Plastic products are placed in groups based on their properties, uses, pathways to the environment, and assessed against criteria of pollution risks, including pollution probability and potential harms to human health and the environment.

- The prioritised high-risk product groups are classified into Class I and Class II, based on an assessment of the feasibility for elimination or reduction, which includes technical and socioeconomic feasibility and the potential unintended negative environmental consequences:
  - ‘Class I’ contains product groups with high feasibility of elimination, or significant reduction in use, according to available evidence at the time of assessment. These products are suitable for measures under Elimination and Reduction as described in Figure 2 above.
  - ‘Class II’ contains product groups that cannot be targeted for significant reduction or elimination at the time of assessment. These products are suitable for measures under ‘Non-toxic circular economy’ and ‘Environmentally sound waste management’ as described in Figure 2 above.

- A range of control measures, following the hierarchy of elimination, reduction, safe circulation, and safe management/disposal, are assessed to identify those best suited to tackle ‘Class I’ and ‘Class II’ product groups: preventing, reducing and controlling the direct or indirect introduction of these plastic products into the environment, and their potential harms as pollutants.

The report ‘Breaking down high-risk plastic products’ identifies 17 core product groups — of which the products share similar risk features and suitability for regulation (description of the product groups and details of the assessment can be found in the report). Table 1 shows a summary of product groupings, example products, and suitable actions to tackle their pollution risk at time of assessment. 14 of the 17 product groups are proposed to be prioritised as high-risk products that must be urgently tackled by the treaty.

With this approach, there is scope for flexibility and gradual strengthening of the treaty in the future. More products may be put into the ‘Elimination and Reduction’ list, as the treaty evolves and more sustainable alternatives become more viable. Negotiators may wish to further divide some product groups to enable additional targeting of specific products. The assessment results in Table 1 show only the starting priorities and deliverable control measures for a draft treaty for 2024. The presented framework — which is further elaborated in the two reports — allows for continual reassessment in light of new evidence on pollution risks and feasibility of measures, even as action progresses on the initial prioritised products and actions.
<table>
<thead>
<tr>
<th>Product Grouping</th>
<th>Sub-group 1</th>
<th>Sub-group 2</th>
<th>Sub-group 3</th>
<th>Example products</th>
<th>ELIMINATE/REDUCE</th>
<th>CIRCULATE/MANAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Packaging</td>
<td>Contact sensitive</td>
<td>Food and Beverage</td>
<td>1a. Single-use food &amp; beverage</td>
<td>Necessary/Other</td>
<td>Beverage bottles, takeaway containers, crisp packets, sachets and pouches, nets and wraps for fruit and vegetables, very lightweight plastic carrier bags used as primary packaging for loose food items, EPS fish boxes, etc.</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>1b. Multi-use food &amp; beverage</td>
<td>Necessary/Other</td>
<td>Reusable beverage bottles, containers and cups</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>1c. Cosmetics &amp; personal care</td>
<td>Necessary/Other</td>
<td>Toothpaste tubes, perfume spray bottles, shampoo and soap bottles, pots and tubes of creams, lotions and scrubs, beauty products like lipstick and mascara tubes</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>1d. Pharmaceutical &amp; medical</td>
<td>Necessary/Other</td>
<td>Medication bottles, blister packs for pills, protective casings and inserts for medical devices, IV bags, test tubes</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>1e. Other contact sensitive</td>
<td>Necessary/Other</td>
<td>Packaging for animal feed, veterinary devices, children’s toys, hazardous products</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>1f. Non contact sensitive</td>
<td>Necessary/Other</td>
<td>Packaging for products not listed above – household goods, stationery, electronics, plastic carrier bags, etc., including secondary or shipping/transport packaging where relevant</td>
<td>✓</td>
</tr>
<tr>
<td>2. Characteristic-specific products</td>
<td>Single-use</td>
<td>Fibres/ non-wovens</td>
<td>2a. Necessary</td>
<td>Necessary/Other</td>
<td>Some absorbent hygiene products (AHPS) such as nappies, sanitary pads, incontinence pads or tampons, PPE, or filters in engineering systems</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>Short-lived</td>
<td>Other</td>
<td>2b. Other</td>
<td>Wet wipes, cigarette butts, disposable vacuum filters or plastic tea bags</td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2c. Necessary</td>
<td>Contact lenses, bin bags, plastic PPE</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2d. Other</td>
<td>Balloons, plastic cutlery/plates/cups, ear bud sticks, disposable e-cigarettes, etc.</td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>Longer life items</td>
<td>2e. Cause significant secondary microplastic release</td>
<td></td>
<td>Tyres, synthetic textiles, paint</td>
<td></td>
<td>✓</td>
</tr>
</tbody>
</table>
### Table 1. Classifying plastic product groups based on assessment of pollution risk and feasibility for elimination/significant reduction

<table>
<thead>
<tr>
<th>Product Grouping</th>
<th>Sub-group 1</th>
<th>Sub-group 2</th>
<th>Sub-group 3</th>
<th>Example products</th>
<th>ELIMINATE/REDUCE</th>
<th>CIRCULATE/MANAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>3a. In application</td>
<td>3b. In application</td>
<td>3c. In application</td>
<td>Nets, lines, pots and trawls, plastic mesh, PVC piping, fishing aggregated devices (FADs)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>3b. Terrestrial – agriculture</td>
<td>3c. Other</td>
<td>3d. Other</td>
<td>Mulch film, plastic silage wrap, greenhouse tunnels</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Primary microplastics</td>
<td>4a. Pre-production</td>
<td>4b. In application</td>
<td>4c. In application</td>
<td>Electrical/electronic equipment, construction materials, automotive components, household products</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>4b. Pre-production</td>
<td>4c. Pre-production</td>
<td>4d. Pre-production</td>
<td>Microbeads in personal care products such as toothpastes, skin care and scrubs, antifouling application on ship hulls, microplastics used in industrial applications such as printer inks, paints, spray paints, injection mouldings and abrasives, microplastic coatings surrounding fertiliser granules, etc.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>4c. Pre-production</td>
<td>4d. Pre-production</td>
<td>4e. Pre-production</td>
<td>Plastic resin pellets, flakes or powders</td>
<td>Currently lower pollution risk, lower priority for global actions</td>
<td></td>
</tr>
</tbody>
</table>

**MEASURES FOR ELIMINATION AND SIGNIFICANT REDUCTION**

In the reports, 8 out of 17 of the plastic product groups are assessed as suitable for those control measures towards elimination and significant reduction. It is possible that similar exercises could be conducted for categories of polymers and additives, for example, to inform the content of elimination measures in the treaty. Table 2 provides a summary of the assessment results, with product groups being matched to suitable control measures.

The detailed description and key considerations for the treaty of each measure can be found in the report ‘Regulating high-risk plastic products’. These assessment results provide both the main content for core obligation, and the list of applicable products that can be put in the treaty’s annex, as early inputs to the states’ consideration and proposals of specific binding measures.

Annex 1 of this brief further elaborates how the measures towards elimination and significant reduction could be articulated in a global treaty’s provisions and annexes, based on examples from precedents of existing multilateral environmental agreements.
### Table 2. High-risk product groups and suitable measures towards elimination and significant reduction

#### MEASURES TOWARDS NON-TOXIC CIRCULAR ECONOMY AND ENVIRONMENTALLY SOUND MANAGEMENT

11 out of 17 of the plastic product groups are assessed as suitable for those control measures towards non-toxic circular economy and environmentally sound waste management. Table 3 provides a summary of 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. This indicates that while the measure has potential, establishing best practice in relation to a particular product group or specific product may be challenging at present.

The measures with widest applicability are standards and minimum requirements for design, reuse, recycling, collection and disposal, which apply to all 11 product groups. A definite benefit of agreeing to these standards and requirements internationally is that it ensures consistency of actions, reduces operation and compliance costs for companies, and minimizes potential value chain frictions in a global circular economy (e.g., products imported from elsewhere meet a country’s standards for reusability and/or recyclability). The product groups for which the greatest number of measures apply are packaging products, where most measures are assessed as necessary.

The detailed description and key considerations for the treaty of each measure can be found in report ‘Regulating high-risk plastic products’. These assessment results provide both the main content for core obligation, and the list of applicable products that can be put in the treaty’s annex, as early inputs to the states’ consideration and proposals of specific binding measures. Annex 2 of this brief elaborates on how these measures could be articulated in a global treaty’s provisions and annexes, based on examples from precedents of existing multilateral environmental agreements.
<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>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>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>1d. Packaging: Contact sensitive - Pharmaceutical</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>1e. Packaging: Contact sensitive - Other</td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1f. Packaging: Non contact sensitive</td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>2c. Characteristic-specific products: Single-use short lived – Other non-packaging - Necessary</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Product groups</td>
<td>Targets</td>
<td>Economic Measures</td>
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<td>Harm reduction standards</td>
<td>EPR</td>
<td>DRS</td>
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<td>--------------------------</td>
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<td>-----</td>
</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>☑  Possible  Possible  ☑  Possible  ☑  ☑  Possible  Possible  Possible  ☑  ☑  ☑</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3b. Sector-specific products: Environmentally sensitive - terrestrial</td>
<td>☑  Possible  Possible  ☑  Possible  ☑  ☑  Possible  Possible  Possible  ☑  ☑  ☑</td>
<td></td>
<td></td>
<td></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>

**Table 3.** High-risk product groups and suitable measures towards non-toxic circular economy and environmentally sound waste management
MEANS OF IMPLEMENTATION TO ENABLE MEASURES’ EFFECTIVENESS

The identification of necessary and suitable control measures, to address the prioritised high-risk plastics — as outlined through the above example of plastic product controls — will also 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. They would show exactly the areas where some countries may need assistance, the types of assistance — either financial or technical or both — that is needed, and the extent to which assistance would allow the fulfilment of core obligations within the given timeframes.

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 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. A potential option is to establish a dedicated multilateral fund, linked directly with the future treaty. For example, the Multilateral Fund for the Implementation of the Montreal Protocol was established by the Second Meeting of the Parties to the Montreal Protocol (London, June 1990) with the main objective to assist developing countries to comply with the control measures of the Protocol.

In addition to financial assistance, transfers of technical know-how and technologies to countries in need would be necessary. Article 10, Article 10A of the Montreal Protocol could be used as inspirations for texts in the new treaty on plastic pollution.

IN PREPARATION OF TREATY’S ZERO DRAFT

The approach as outlined in this brief, together with assessment results of WWF’s reports, ‘Breaking down high-risk plastic products’ and ‘Regulating high-risk plastic products’, shows that by methodically dividing, prioritising and tackling specific plastic categories with global regulations, it is entirely possible to simply the seemingly complex task of developing global binding measures in the treaty.

WWF strongly urges states to ensure the inclusion of specific binding measures across the plastic life cycle in the treaty. The assessment of pollution risks to prioritise plastic categories of concerns, and the assessment of measures’ feasibility for each prioritised category can then together guide the suitable matches of measures and plastic categories — i.e. the content of core provisions and connected annexes in the treaty.

In addition to substantive elements — core obligation and control measures, including for plastic products — the supporting provisions would be essential to the treaty’s success, and should be further specified with detailed proposals at INC-2. Annex 3 of this brief provides more detailed recommendations for implementation measures, including on scientific and technical cooperation and coordination, national action plans, effectiveness evaluation and national reporting, compliance and means of implementation.

By the end of the second session, the Committee should request the preparation of the treaty’s Zero Draft. It is shown here that it is possible to already develop specific proposals that contain both the major groups of control measures and initial lists of applicable plastic categories. Such specific proposals must be incorporated into the Zero Draft during the intersessional period, for further deliberations at INC-3.

For more information, contact:
Eirik Lindebjerg
Global Plastics Policy Lead
elindebjerg@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

ARTICULATING GLOBAL RULES FOR ELIMINATION AND PHASED REDUCTIONS

There are several approaches on how a global treaty may specify measures towards elimination of certain pollutants. The Montreal Protocol on Ozone-Depleting Substances, for example, embed the phase-out schedule for each of the controlled substances in its articles on control measures, with the following general format (emphasis added):

Each Party shall ensure that for the twelve-month period commencing on [date], and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in [Group XX of Annex XX] does not exceed annually, [XX] percent of its calculated level of consumption in [year]. Each Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of the substances does not exceed, annually, its calculated level of production in [year]. [...] Each Party shall ensure that for the twelve-month period commencing on [date], and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in [Group XX of Annex XX] does not exceed zero. Each Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of the substances does not exceed zero.

With this formulation, the Protocol sets a specific timetable for states parties to gradually reduce (phase out) their annual level of consumption and production of applicable controlled substances throughout the years, until the level reaches zero (i.e., total elimination is achieved). Another approach, with a simpler set-up, can be found in the Minamata Convention on Mercury and its measure on mercury-added products:

**Article 4**

Mercury-added products

1. Each Party shall not allow, by taking appropriate measures, the manufacture, import or export of mercury-added products listed in Part I of Annex A after the phase-out date specified for those products, except where an exclusion is specified in Annex A or the Party has a registered exemption pursuant to Article 6. [...] 

**ANNEX A**

Part I: Products subject to Article 4, paragraph 1

<table>
<thead>
<tr>
<th>Mercury-added products</th>
<th>Date after which the manufacture, import or export of the product shall not be allowed (phase-out date)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Batteries, except for button zinc silver oxide batteries with a mercury content &lt; 2% and button zinc air batteries with a mercury content &lt; 2%</td>
<td>2020</td>
</tr>
</tbody>
</table>

A combination of these approaches, with examples also gleaned from the Stockholm Convention on Persistent Organic Pollutants, could be considered for the plastic pollution treaty, for example:
Article included in the treaty's core provisions

1. Each Party shall:
   (a) Prohibit and/or take the legal and administrative measures necessary to eliminate its production, use, import and export of the plastic categories listed in Part I of Annex A after the date specified for those categories; and
   (b) Restrict and/or take the legal and administrative measures necessary to phase out its production and consumption of the plastic categories listed in Part II of Annex A, in accordance with the provisions of the Annex; and
   (c) Adopt economic instruments to reduce the production and consumption of the plastic categories listed in Part III of Annex A, in accordance with the provisions of the Annex; and
   (d) Adopt requirements for designing and manufacturing plastic product categories listed in Part IV of Annex A, in accordance with the provisions of the Annex. [...] 

ANNEX A

ELIMINATION

Part I Prohibition

<table>
<thead>
<tr>
<th>Product categories</th>
<th>Date after which the production, use, import or export of the product shall not be allowed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-necessary fibres-non-wovens, including, but not limited to, wet wipes, cigarette butts, disposable vacuum filters and plastic tea bags, etc.</td>
<td>01 January 2026</td>
</tr>
</tbody>
</table>

[...]

Part II Phased Reduction

<table>
<thead>
<tr>
<th>Product categories</th>
<th>Calculated annual production level do not exceed, compared to that of 2025</th>
<th>Calculated annual consumption level do not exceed, compared to that of 2025</th>
<th>On date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Packaging: Non-contact sensitive</td>
<td>60%</td>
<td>60%</td>
<td>20XX</td>
</tr>
<tr>
<td></td>
<td>30%</td>
<td>30%</td>
<td>20YY</td>
</tr>
<tr>
<td></td>
<td>0%</td>
<td>0%</td>
<td>20ZZ</td>
</tr>
</tbody>
</table>

[...] Annual production level is calculated by [...] 

Annual consumption level is calculated by [...]
Part III Economic instruments

<table>
<thead>
<tr>
<th>Product categories</th>
<th>Economic instruments</th>
<th>Date after which the instruments must come into effect</th>
</tr>
</thead>
<tbody>
<tr>
<td>Packaging: Contact sensitive - Single-use Food &amp; Beverage</td>
<td>Instrument A</td>
<td>20XX</td>
</tr>
<tr>
<td>Packaging: Non-contact sensitive</td>
<td>Instrument B</td>
<td>20YY</td>
</tr>
</tbody>
</table>

[...] Instrument A includes at a minimum a tax of XX% wholesale price of an item [...] 

Part IV Product Requirements

<table>
<thead>
<tr>
<th>Product categories</th>
<th>Requirements</th>
<th>Date after which the instruments must come into effect</th>
</tr>
</thead>
<tbody>
<tr>
<td>Longer life plastic products that cause significant secondary microplastic release</td>
<td>Requirement A</td>
<td>20XX</td>
</tr>
<tr>
<td>Single-use short-lived plastic products that are deemed necessary</td>
<td>Requirement B</td>
<td>20YY</td>
</tr>
</tbody>
</table>

[...] Requirement A includes the elimination of chemical XX and feature YY in the product design and manufacturing [...] 

THOUGHT-STARTER

What are some other potential measures beyond bans and phase-outs that could significantly reduce and eliminate certain plastic categories (which specific economic instruments or product requirements could drive elimination)? What are the high-risk plastic categories that can be reduced and eliminated? What and how would the specifics of those eliminations be included in the treaty provisions and their annexes?
ANNEX 2

ARTICULATING GLOBAL RULES FOR SAFE CIRCULATION AND MANAGEMENT

There are several approaches on how a global treaty may specify global requirements and standards towards circulation and management of plastics.

The Offshore Protocol, under Barcelona Convention, for example, specifies that the Parties to the Protocol shall formulate the standards for a certain activity applicable to an annex, and the particular criteria that the standards would need to meet in para 1b of Article 10 (emphasis added):

**Article 10**

**OIL AND OILY MIXTURES AND DRILLING FLUIDS AND CUTTINGS**

1. The Parties shall formulate and adopt common standards for the disposal of oil and oily mixtures from installations into the Protocol Area:

   (a) Such common standards shall be formulated in accordance with the provisions of Annex V, A;

   (b) **Such common standards shall not be less restrictive than** the following, in particular:

       (i) For machinery space drainage, a maximum oil content of 15 mg per litre whilst undiluted;

       (ii) For production water, a maximum oil content of 40 mg per litre as an average in any calendar month; the content shall not at any time exceed 100 mg per litre;

       (c) The Parties shall determine by common agreement which method will be used to analyze the oil content.

The Basel Convention On The Control Of Transboundary Movements Of Hazardous Wastes And Their Disposal, in another approach to regulation, remains open to ‘generally accepted and recognized international rules and standards’ (emphasis added) in certain practices, while specifies that technical guidelines for some other practices shall be developed at the first meeting of the Parties:

**Article 4**

**GENERAL OBLIGATIONS**

[...]

7. Furthermore, each Party shall:

[...]

(b) **Require** that hazardous wastes and other wastes that are to be the subject of a transboundary movement be packaged, labelled, and transported in conformity with generally accepted and recognized international rules and standards in the field of packaging, labelling, and transport, and that due account is taken of relevant internationally recognized practices;

[...]

8. Each Party shall require that hazardous wastes or other wastes, to be exported, are managed in an environmentally sound manner in the State of import or elsewhere. Technical guidelines for the environmentally sound management of wastes subject to this Convention shall be decided by the Parties at their first meeting.
The Stockholm Convention on Persistent Organic Pollutants also takes a similar approach, by specifying the specific expected results of certain practice, and adding ‘international rules, standards, and guidelines’ to further elaborate on what the practice must comply with, as seen in Article 6 (emphasis added):

**Article 6**
Measures to reduce or eliminate releases from stockpiles and wastes

1. [...] each Party shall:
   [...] 
   (d) **Take appropriate measures so that such wastes**, including products and articles upon becoming wastes, are:
   [...] ii. Disposed of in such a way that the persistent organic pollutant content is destroyed or irreversibly transformed so that they do not exhibit the characteristics of persistent organic pollutants or otherwise disposed of in an environmentally sound manner when destruction or irreversible transformation does not represent the environmentally preferable option or the persistent organic pollutant content is low, **taking into account international rules, standards, and guidelines**, including those that may be developed pursuant to paragraph 2, and relevant global and regional regimes governing the management of hazardous wastes;

A combination of these approaches could be considered for the plastic pollution treaty, for example:

**Articles included in the treaty’s core provisions**
1. The Parties shall:
   (a) Take appropriate measures to ensure the minimum recycled content of plastic products listed in Part I of Annex B, that are produced or imported within their jurisdiction, after the date specified for those categories; and  
   (b) Formulate and adopt common standards on calculating and reporting of minimum recycled content of products in accordance with the provisions of Part I of Annex B, taking into account generally accepted and recognized international rules and standards of recycled content in plastic products, including those that may be developed pursuant to paragraph 1; [...] 
2. The Parties shall:
   (a) Take appropriate measures to ensure the plastic products listed in Part II of Annex B are subjected to mandatory Extended Producer Responsibility schemes within their jurisdiction, after the date specified for those categories; and  
   (b) Formulate and adopt common standards on implementation of Extended Producer Responsibility schemes in accordance with the provisions of Part II of Annex B [...] 

**ANNEX B**
NON-TOXIC CIRCULAR ECONOMY AND ENVIRONMENTALLY SOUND WASTE MANAGEMENT

<table>
<thead>
<tr>
<th>Product categories</th>
<th>Minimum recycled content</th>
<th>Date after which minimum recycled content is achieved</th>
</tr>
</thead>
<tbody>
<tr>
<td>Packaging: Contact sensitive - Single-use Food &amp; Beverage</td>
<td>XX%</td>
<td>2030</td>
</tr>
</tbody>
</table>
Recycled content may only include recycled materials from post-consumer products. Recycled content of a product is calculated by [...]  

Part II Extended Producer Responsibility

<table>
<thead>
<tr>
<th>Product categories</th>
<th>Date after which product must be subjected to mandatory EPR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Packaging: Contact sensitive - Single-use Food &amp; Beverage</td>
<td>20XX</td>
</tr>
</tbody>
</table>

Common standards for EPR schemes within each jurisdiction must not be less restrictive than the following:

(i) Producers are responsible for the full end-of-life costs of the products they place on the market, extending by default to the costs of litter and unmanaged waste disposal

(ii) Recycling of collected waste must be of [ quality standard ] and is not lowered than XX% of collected waste

(iii) Fee modulation to incentivize eco-design is mandatory, with eco-design guidelines to be developed by the 3rd meeting of the Parties

(iv) Transparent reporting requirements, including [...]  

(v) Existing informal sectors must be consulted and considered for proper incorporation into EPR schemes in accordance with UNEP social safeguards guidelines [...]  

THOUGHT-STARTER

What are some other potential options that the treaty may mandate requirements and standards for products? What are the existing international rules and standards that can be considered for incorporation into the treaty’s core provisions and annexes?
ANNEX 3

IMPLEMENTATION ELEMENTS AND ADDITIONAL INPUTS

IMPLEMENTATION MEASURES

Scientific and technical cooperation and coordination

The establishment of a scientific and/or technical body is amongst the fundamental underpinnings of the treaty’s long-term effectiveness. Legitimate decision making—often challenged by political interests and forces—could be strengthened through clear and persuasive scientific evidence.

Some aspects of plastic pollution, including, for example, long-term effects of (micro)plastic on human health, solution-oriented knowledge and innovations are still uncertain, and additional research is needed. The treaty should, as appropriate, establish mechanisms and responsible bodies to facilitate robust and salient research to expand our knowledge of the status and impacts of plastic pollution, and innovations relevant to the strengthening and implementation of the treaty’s control measures. It is however important to note that while new research is needed, there is sufficient scientific evidence to act now.¹

National action plans

National action plans provide the space for countries to align national targets and action roadmaps with the objectives and aspirations of the new treaty. Beyond common obligations, countries will need to deploy a set of additional policies to complement the treaty and tackle location-specific/ context-dependent aspects of the problem. These are areas where national (and local) discretion and flexibility would be important. While common obligations are critical to unlocking a step-change and setting the right foundations, countries should be encouraged to develop complementary policy measures to address context-specific causes and effects of plastic pollution.

For example, as the effectiveness of Extended Producer Responsibility (EPR) schemes may be maximised through context-specific designs, the treaty can oblige countries to establish EPR schemes for a specified list of plastic applications (e.g., packaging) and specify a set of criteria or guidelines for the essential elements of such schemes. The detailed design and mechanisms of those schemes could then be elaborated and implemented by the countries through their national action plans, to implement the common obligation in a way that is most appropriate to their national circumstances.²

Effectiveness evaluation and national reporting

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 States’ implementation of control measures, and the expected outcomes of those measures.

The results could then be utilised in improvement of both States’ compliance and design of control measures, providing a fundamental component amongst gradual strengthening mechanisms.³ For example, regular collection and

² This has been done, for example, in Directive 2018/852 of The European Parliament And Of The Council of 30 May 2018, on packaging and packaging waste (Article 7(2), p. 149-150)
³ E.g., plastic collected-for-recycling rates in countries could inform better design of control measures using circular approaches, and local difficulties found in implementing common obligations could inform necessary implementation assistance
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). 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, e.g., 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.

**Compliance**

To identify Parties' difficulties in compliance, and to improve compliance in a facilitative manner, clear procedures and mechanisms must be established. This is usually done through an elected Implementation Committee, or Compliance Committee, that has a mandate to make recommendations, while the final output is a decision by a CoP. Transparency through self-reporting and monitoring, as discussed above, is an important element in any compliance mechanism.

Such mechanisms should be designed to first assist Parties for better compliance: guidelines including invitation to cooperation between a non-complying Party and the secretariat to find a solution will be crucial and should be the default in case of non-compliance.

In case of continuous non-compliance, however, there should be clear and credible consequences. Importantly, punitive measures to respond to non-compliance—if States would be willing to agree on such measures to minimise free-riders—should be severe enough that States would want to proactively avoid, but not so severe that the threat is not credible. Potential options could be gleaned from precedents set by some MEAs, such as CITES, Montreal Protocol, Kyoto Protocol, and a few others.4

**Means of implementation**

To ensure that the Parties start out from a more level playing field, primary implementation assistance (e.g., technical, and financial assistance) should be established right at the beginning. In order to develop a robust financial mechanism, States should immediately start exploring lessons learned regarding the set-up of such mechanisms in other treaties.5

One potential option could be to first establish an obligation to provide implementation assistance to developing countries and economies in transition in the treaty text, and then set up the detailed and necessary institutional arrangements and mechanisms to carry out this obligation once the treaty is adopted. This should help assure States

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5 Most MEAs provide primary implementation assistance, both financial (e.g., in the form of a fund) and technical (e.g., implementation guidelines (Ramsar), capacity building obligations (CITES, POPs), cooperation obligations and technology transfer (CBD), establishment of regional centres for training as well as information sharing (Basel), clearing house mechanisms (CBD, UNFCCC). This is crucial to ensure that assistance is available right from the start, especially to the countries with scarce resources, to secure implementation and compliance.
that assistance will be provided in a timely and predictable manner, to cover the incremental costs of enabling compliance with the obligations.\textsuperscript{6}

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 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 control measures. A potential option is to establish a dedicated multilateral fund, linked directly with the future treaty.

In addition to financial assistance, transfers of technical know-how and technologies to countries in need would be necessary. Article 10, Article 10A of the Montreal Protocol could be used as inspirations for texts in the new treaty on plastic pollution.

ADDITIONAL INPUTS

Institutional arrangements

The treaty could broadly follow established practice when it comes to institutional arrangements. A Conference of the Parties (or equivalent) would be set up to evaluate implementation and serve as the governing body of the legal instrument. On one critical point, however, the treaty must avoid repeating the same mistake as previous MEAs have made, namely, to require the COP to adopt its rules of procedure by consensus.

For every MEA since 1992—from UNFCCC to Minamata, the effect of this requirement has been that the COPs are left without an agreed set of rules decision-making. For the UNFCCC, the rule on decision-making has been bracketed since 1996. The treaty text for the new treaty on plastic pollution must state clearly that the COP is to use the rules of procedure of the INC when adopting its own rules of procedure.

Final provisions

Reservations

In accordance with established practice, no reservation should be allowed. Most MEAs do not allow reservations, in order to promote internal consistency and coherence of implementation.

Amendments

To enable further development and gradual strengthening of the treaty and its integrated components (such as annexes), the treaty must include clear procedures on adoption of amendments, detailing how amendments could be proposed, reviewed, and approved. The treaty could, as a potential option, establish procedures for States parties to propose amendments, a competent body—an authorised expert panel or committee—to review and recommend amendments, and the Conference of the Parties to decide on the proposed amendments through majority votes. A three-fourths majority—as provided for in the Minamata, Rotterdam, Stockholm, Basel, UNFCCC, and the Vienna Convention on the Protection of the Ozone Layer—could be used as a threshold for adoption of amendments.

Entry into force

In addition to currently proposed texts in the Final Provisions, additional conditions relating to the estimated total volume of plastic consumption of States should be established for the instrument’s entry into force (similar to the Montreal Protocol). This design should rely on the most recent data of production, consumption and trade of the controlled substances and their applications (i.e., plastic polymers and products), to determine a realistic entry-into-force threshold that can act as a tipping point.

\textsuperscript{6} The Multilateral Fund for the Implementation of the Montreal Protocol was established by the Second Meeting of the Parties to the Montreal Protocol (London, June 1990) with the main objective to assist developing countries to comply with the control measures of the Protocol. Article 20 of CBD obligates developed Parties to provide “new and additional financial resources”, and article 21 provides an obligation to establish a financial mechanism, the Global Environmental Facility filling that role.