August 2024
Legal Brief

INC - Plastic Pollution Treaty
Intersessional Work
Summary of the Compilation Document in advance of INC-5 for the negotiation of an International Legally Binding Instrument on Plastic Pollution, including in the Marine Environment

During INC-4, held in April 2024, the INC mandated the INC Secretariat to prepare a new document reflecting the negotiation progress and textual proposals made during the week of discussions. This Compilation Text, the compilation of a draft text of the international legally binding instrument on plastic pollution, including in the marine environment (*CompDoc*), was subsequently released in an advance English version in early July 2024. It is intended to function as a next step from the Revised Zero Draft (RZD) used during INC-4 to the INC-5 meetings in Busan, South Korea, in November 2024. It has also been indicated that the CompDoc will be used to inform the work of the two Intersessional Expert Groups authorized at INC-4 to conducted targeted studies and discussions on financing and associated measures and criteria and non-criteria approaches for polymers, chemicals and products and their design.

This summary explains the various options available for each article that has been proposed for inclusion in the CompDoc. While various, significant legal issues are highlighted as appropriate throughout the summary, there are several universal points which should be stressed.

A critical observation is the continued presence of no text Option 0 listings throughout much of the CompDoc text, and particularly in almost every control measure contained in Part II. This suggests the continued divide between States regarding the need to regulate some of the most basic elements of plastic pollution, the acts giving rise to it and the results of it.

Throughout the terms of the CompDoc, there is a consistent issue of the use of language that is not standard from the international law perspective and, often, that fails to acknowledge the inability of a treaty to directly bind private actors such as multinational corporations due to the basic tenets of State sovereignty. This lack of legal precision is a concern for the future final instrument and its implementation as well. Relatedly, there tends to be a lack of precision in using the same terminology throughout, which could create significant issues in the final efforts for the creation of a legally binding document and will need to be addressed as a global matter in the treaty text. This is of particular importance where there is a potential for duplicative terms or contradictory terms contained across varying articles of the CompDoc. Similarly, as efforts toward the conclusion of a final treaty text intensify, there will be a need for harmonization of the various dates and benchmarks for things such as implementation measures, benchmarking and reporting as required in the text of the ILBI and its annexes.

The CompDoc reflects the concerns regarding other treaty regimes which might overlap with its areas of focus, as have been articulated from INC-1 onward, especially in terms of the intersections with the Basel, Rotterdam and Stockholm (BRS) Conventions. These are important considerations, however there is an inconsistency in proposed terminology between the articles of the CompDoc which include reference to other treaties, and this could result in inaccurate application of international law, especially in the multilateral environmental agreement (MEA)

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context and the World Trade Organization (WTO) treaty context. This is of particular note where there are efforts to directly incorporate the terms of MEAs, their annexes and COP decisions into the text of the ILBI and its annexes, as such a practice is not standard or accepted without a further internal approval process by the ILBI governing body under international law. Additionally, the terms relating to international trade law and practice tend to be included in such a way that they create a hinderance to the robust application of the ILBI rather than being potential instruments to facilitate treaty convergence and coherence. This has been used, for example, in proposals to limit the ability of the ILBI to work together with existing WTO law. To advance the concept of trade law and the ILBI working together, and the core elements underlying many impacts of plastic pollution, the lack of consistent and robust inclusion of terms relating to biodiversity protection and conservation is a concern.

Further, and as noted in the IUCN WCEL summary document for the RZD, the language used regarding just transitions under Part II.12 is in large part inconsistent with the ways in which international law and national laws define and apply the concept of a just transition. This is legally and practically problematic and also gets into larger issues with the way in which the dichotomy between the informal and formal sectors is handled in the CompDoc.

Finally, IUCN and IUCN WCEL highlight that there is still a general lack of sufficient language relating to biodiversity conservation and protection in connection with plastic pollution and its impact.

Part I

1. Preamble

The list of options for inclusion in the ILBI Preamble has expanded since the text contained in the RZD. Overall, the options provided generate a set of choices for States in terms of the level of detail they wish to put into the Preamble, which is not legally binding but which can be used for interpretation and as the basis for later work on topics it contains when authorized through the Conference of the Parties system.

Within the many proposals for the Preamble, there are some that stress the impacts on biodiversity as well as on the environment and others that seek to include references to the impacts of plastic pollution from the human health, socio-economic and economic perspective. These can be important to include as framing elements for the current and future implementation of the ILBI although there is a risk that they can also be repetitive or unduly overlapping if not carefully coordinated and agreed upon. Some aspects of the proposed Preamble text specifically would address issues such as legacy plastics, circularity and circular economy, and the need to address plastic pollution as an international and transboundary problem. However, several new proposed elements of the Preamble would articulate the benefits of plastic and some would specifically state that plastics themselves are not pollutants; these are controversial proposals.

Additionally, a theme that carries through the entire set of proposals contained in the CompDoc is the tension between the use and role of language referring to common but differentiated responsibilities (CBDR), national circumstances and capabilities, national capacities and related phrasing that would shift the focus of binding and voluntary commitments under the ILBI to the use of varied national standards rather than international standards. Another area where multiple proposals appear in the

Preamble and then these are followed throughout the text in the CompDoc is the choice of phrasing in terms of recognizing the unique needs and concerns of developing countries, Small Island Developing States (SIDS), least developed countries and several other iterations that would create sub-groupings of States based on their exposure to legacy plastic waste, their marine and coastal resources and status as archipelagic States, and whether they are landlocked.

Throughout the CompDoc Preamble proposals, there are many that are somewhat fragmented or that relate to limited aspects of the overall ILBI and background considerations. Many of these provisions would be covered by the more broadly worded and international law-based options for Preamble text, as well as references to the Rio Declaration and associated principles.

Additionally, some aspects of the proposals for Preamble text could be combined to make a shorter and stronger set of provisions, for example those relating to trade, finance, capacity building and just transitions. Further, it should be noted that there is at least one proposal to include a statement in the Preamble through which States would resolve "to end pollution by 2040," which reflects a standing position of the High Ambition Coalition (HAC) but does not give this element any legal weight unless it is also anchored to an agreed upon term in the legally binding provisions of the ILBI main text.

Overall, while it is important to include a robust Preamble for the ILBI in order to allow for current and future implementation to of its legally binding terms to be interpreted and expanded appropriately, it is also important that the terms used be well-chosen, reflect the core nature of the issues to be addressed, do not contain legally uncertain or unclear language and can, where applicable, be linked to other treaty regimes, multilateral environmental agreements, soft law instruments and established principles of international law.

2. Objective

The textual proposals for the Objectives of the ILBI have been consolidated into one paragraph, however there are a number of options which would determine the legal strength of the paragraph. Overall, the majority of these provisions would have the effect of making the ILBI's objective to end plastic pollution and address the impacts of plastic pollution, although there are varying proposals of how to articulate the covered impacts in terms of harms to biodiversity, the environment, aspects of human health or human health generally, aquatic resources, marine resources, and animal health as well as human health. It should also be noted that there are elements proposed that would include circularity and/or the circular economy within the ambit of the ILBI's Objectives, as well as the potential for including aspects of financial support, technology transfer and capacity building. The use of sustainability and sustainable development as a benchmark has also been proposed along with the inclusion and regulation of plastics across their full lifecycle.

3. Definitions

The CompDoc reflects the lack of consensus reached thus far on the idea of how to create the intersection of necessary definitions for the ILBI's implementation and the terms of the ILBI overall. Thus, this section is quite small and offers essentially two options. In Option 0, the proposal is that definitions not be included in the ILBI text, although it is unclear whether the States proposing this would then envision that definitions would be developed and placed in an Annex. In Option 1, there is a proposal that the ILBI contain definitions that are specific to its purposes and defined

scope but no guidance is provided on what exactly these terms might be or how they might be defined.

4. [Principles and [approaches]]

As indicated by the use of brackets, there is fundamental disagreement between States regarding whether an article on Principles should be included in the ILBI. If it is included, there is a secondary question as to whether Principles should be extended to include approaches, which are far less legally defined and universally understood. It should be noted that Principles sections can be valuable in terms of understanding the meaning of terms and obligations within the ILBI, establishing connections with accepted international legal practice, and allowing for a basis upon which future Conferences of the Parties can contour the implementation and parameters of implementation for the ILBI. Thus, the retention of the Principles section can be seen as legally useful. At the same time, where a Principles article is used in international treaty law it is typically not accompanied by the use of language on approaches. This is an important distinction since many approaches are suggested in the CompDoc but most are not universally accepted or clear in terms of applicability at the regional or international levels. Indeed, there are a number of proposals which are not articulated in legal language and which are of unclear legal and practical origins.

Turning to the proposed terms to be included in the Principles article, it should be noted that there are many which are commonly accepted and incorporated into international treaty law, especially in the MEA settings. The primary examples of this are:

- The Rio Declaration on Environment and Development (encompassing a number of principles, including polluter pays, prevention, precaution, common but differentiated responsibilities (CBDR), sovereignty over the use of natural resources, intergenerational equity, intragenerational equity, non-regression, sustainability, access to information, public participation and transparency in the decision-making processes at the national level).
- Reference to aspects of Indigenous knowledge and traditional knowledge protection that fall under the United Nations Declaration on the Rights of Indigenous People (UNDRIP).
- WTO laws, especially in terms of Technical Barriers to Trade and subsidies.
- Human right to a clean, healthy and sustainable environment.
- Right to development.

Other concepts that are emerging from international treaty law and practice and can be asserted to have a legal basis that would make them potential principles are just transitions, EPR, and the waste hierarchy. Throughout the proposals for Principles in the ILBI it should be noted that there are consistent tensions arising from the extent to which statuses such as SIDS, developing countries and least developed countries should play in framing applicable State and international community rights and obligations.

5. Scope

There are three options for Scope in the CompDoc. Option 0 is not to include an article with provisions on Scope.

Option 1 is almost completely bracketed but could potentially be a way of incorporating and expanding on the authorization for the INC process that was elaborated by UNEA in Resolution 5/14. In this Option, there is the potential for significant emphasis on including the full plastics lifecycle, including proposals to begin at the extraction point and to continue through the end of the lifecycle while also potentially including legacy plastics and their remediation. Option 1 contains elements that would explicitly recognize and seek to address the links between plastic pollution, biodiversity, the environment and human health, with some aspects proposed which would also stress the linkages between climate change and plastic pollution.

More controversially, Option 1 contains a bracketed element which would create an exemption carve out for the application of the ILBI to certain identified fields and sectors which are arguably heavily linked to plastic usage. This exemption and some of the proposed fields and sectors were contained in and rolled over from the RZD, notably the idea of medical uses, however the list has been significantly expanded in the CompDoc and many of these new proposals – notably packaging, polymers, chemicals and national security – could undermine the effectiveness of the ILBI and its control measures *per se* if adopted.

OP 1 *bis*, which is a very narrow proposal for Option 1 and is written in language that is not fully legal language, would explicitly exempt "feedstock such as hydrocarbons and primary polymers made thereof" from the scope of the ILBI. This is potentially problematic for compliance with the terms and spirit of UNEA Resolution 5/14 as well as the need to regulate the full lifecycle of plastics and plastic pollution.

Option 2 is a shorter variation on the first paragraph of Option 1 and stresses the need for inclusion of national circumstances and capabilities as a standard measure of the scope as it relates to each State Party. It contains newly proposed language seeking to prevent the overlap of the ILBI with other MEAs, international instruments and bodies which could significantly limit the ability of the ILBI to properly function and fails to take into account the areas where other treaty bodies, such as the BRS Conventions, have explicitly emphasized the need for complementary governance to fully address the nature of the plastic pollution issue. Additionally, newly proposed language would seek to limit the scope of the ILBI to excluding "extraction and processing of primary raw materials and virgin polymer production," which clashes with many aspects of UNEA Resolution 5/14 as well as proposed core obligations under the ILBI.

Part II

1. [[Primary [and secondary] plastic polymers]

There are two basic options for Part II.1, Option 0 as the no text option and Option 1. However, Option 1 contains multiple sub-options and alternative text proposals.

Option 1 paragraph 1 contains options for either binding ("shall") or voluntary ("may") to adopt measures that would prevent, mitigate, remove or otherwise seek to terminate and address the impacts of plastic pollution – including either primary plastic polymers and/or secondary plastic polymers – on environmental and human health. It would also potentially provide for production and consumption of plastics, including options for language on sustainability, product design, connections to circularity and circular economy and ESM.

There are 4 variations on Option 1 paragraph 1 in the CompDoc. OP1 alt would be to remove the text and thus the paragraph entirely. OP1 alt2 is a weaker language option in the sense that it is entirely voluntary and would encourage the State Parties to either reduce or promote demand for primary plastic polymers and make any reductions subject to the availability of substitutes. OP1 alt3 would be a binding requirement for State Parties to facilitate the use of sustainable plastic production in order to prevent and mitigate the impacts of production on the environment. This would be subject to limitations grounded in national capacities and circumstances. Finally, OP1 *bis* contains either binding or voluntary measures for State Parties to share statistical information regarding annual primary and/or secondary plastic polymer production, import and export. This option would start the statistical reporting requirements in 2025 and could potentially link them to the overall national reporting requirements.

There are 2 sub-options relating to the contents of Option 1 paragraph 2. The first option is Sub-option 0, under which there would be no text and thus no paragraph 2 content in the final text. Sub-option 1 offers several potential paths for addressing reduction targets and commitments for plastic production including primary and/or secondary plastic polymers. In one iteration of these provisions, the governing body would be the entity tasked with establishing and periodically updating targets for plastic production reductions, potentially taking into effect impacts such as economic, social, environmental and human health. The other iteration would have these measures be primarily facilitated by the State Parties, which would be subject to reduction targets established by the governing body and reflecting the terms of part I of Annex A to the ILBI. This iteration would either require or encourage the inclusion of sustainable production measures and some proposed variants would make this subject to nationally determined targets. A newly proposed element of the Sub-option would require that State Parties include measures taken under this paragraph in their national reporting requirements.

Additionally, there are two alternative Options for paragraph 2. OP2 alt would create a binding requirement for State Parties to take measures for management, reduction and/or optimization of either national or global production, supply and use of primary plastic polymers and/or secondary plastic polymers. The proposals for this variation contains some elements which could make these provisions dependent on national circumstances and capacities. OP2 bis would require that the measures adopted by State Parties under Part II.1 would address plastic products and production methods that are found to be the most heavily contributing to plastic pollution.

Option 1 paragraph 3 is entirely bracketed. It would be a voluntary measure to encourage State Parties to either restrict or otherwise manage applications of either primary plastic polymers or plastic products generally, as well as potentially reporting requirements on the management of plastic leakages and waste management options. The wording as proposed, however, is somewhat difficult to reconcile.

Option 1 paragraph 4, which is entirely bracketed, would be a voluntary encouragement for State Parties to increase the production, supply, demand and use of secondary plastics and plastic products. OP4 *bis* would contain binding requirements for State Parties to establish guidelines and other measures for public procurement practices to address and mitigate the impacts on plastic product usage.

Option 1 paragraph 5 contains options for either binding (“shall”) or voluntary (“should”) to adopt measures that would take efforts – based on a number of criteria, ranging from scientific evidence to Indigenous knowledge and traditional knowledge, as well as general impacts on environmental, economic and human health – to either

reduce and/or manage production and demand for primary and/or secondary plastic polymers. Some proposed elements of this paragraph would address the promotion of sustainable production and consumption throughout the plastics lifecycle. This paragraph contains a list of measures, which could be voluntary or binding and which would either be encouraged or prohibited. The measures on this list include those relating to markets and pricing, removal or other restrictions on the use of subsidies or other financial incentives for primary and/or secondary plastic polymers, the creation of regulatory measures for producers of primary and/or secondary plastic polymers, and the creation of national policies and guidelines for public procurement of plastic products. There is also OP2 alt, which would merge OP2, OP3, OP4 and OP5 and would create a voluntary provision for State Parties to advance sustainable production of primary plastic products and polymers, encouraging demand for and use of secondary plastics, energy efficiency in the creation of plastics, the recycling of plastic polymers and the sound management of chemicals used in plastics. These measures would be made subject to national capacities and circumstances.

Option 1 paragraph 6 would require State Parties to implement technical assessments of national needs as well as the availability of plastic alternatives and impacts on economic, environmental and social concerns. However, these requirements would not be implemented by State Parties if there was scientific evidence or evidence from Indigenous knowledge, traditional knowledge and local knowledge supporting the conclusion that no safe plastic substitutes are available from a human health perspective. OP6 *bis* would either require or require efforts for State Parties to implement a licensing system for production, import and export of primary and/or secondary plastic products within a set period of time.

Finally, Option 1 paragraph 7 would require the inclusion of information on State Party implementation of the terms of the article in national action plan reporting requirements under the ILBI. In this option, the reporting requirement would include measures regarding production and supply of primary and/or secondary plastic polymers. OP7 *bis* would further require that the global body update the reduction targets in Annex A every 5 years or as appropriate and based on market factors as well as scientific information.

2. [Cooperation and coordination with relevant MEAs on] [[Chemicals [and polymers] of concern [in [plastics and] plastic products]]
[Alt title: Hazardous chemicals [in plastics and plastic products] of concern]

There are two basic options for Part II.2, one of which is an Option 0 for no text and the other is Option 1, containing a number of alternative proposals. It should be noted that there is an OP0 *bis*, which would simply provide that the interpretation of Part II.2 would be done in order not to duplicate or conflict with international and regional treaties, bodies and organizations. However, it is unclear if this was offered as an alternative in the event that there is a Part II.2 text addressing chemicals of concern since the Option 0 designation refers to not having text on the topic.

Option 1 paragraph 1 would require State Parties to take measures regarding the prohibition, elimination and/or regulation of plastics containing chemicals of concern or hazardous chemicals. This would include the chemicals that are part of the production, sale, distribution, manufacture, use, import and/or export. In so doing, there are various proposals regarding the need for CBDR or national circumstances and capabilities standards as well as the use of regulations and listings from the BRS Conventions and specifically the Stockholm Convention. It should be highlighted that, from an international law perspective, tying the provisions and practices of one treaty

regime to the decisions taken by another treaty regime without an additional review process is in fact problematic and can raise a number of questions regarding implementation. The paragraph ends with a proposal to require that steps taken under this article would be included in the national action plan reporting requirements.

In OP1 alt, there is a proposal that State Parties to use, potentially, CBDR and also concerns over trade, as methods of controlling overall obligations to identify, regulate, manage, prohibit and/or regulate chemicals, groups of chemicals, and/or polymers that have demonstrated risks or adverse effects on the environment and human health. This regulation is proposed to take place across the full lifecycle of plastic pollution, potentially with a set of focus areas on reuse, repair, recycling and ESM. In OP1 alt *bis*, State Parties would either be required or encouraged to take appropriate measures for testing and evaluation of chemicals in plastics that may be hazardous to the environment and human health in a manner that is reflects CBDR as well as existing national frameworks. OP1 alt ter would require that OP1 alt be implemented in conformity with WTO TBT terms. OP1 alt2 would encourage State Parties to identify and regulate chemicals presenting a threat to the environment and human health, bearing in mind national regulations and scientific knowledge, while also complying with and not duplicating existing MEAs and other international agreements.

Option 1 paragraph 2 would either require or encourage State Parties to take measures regarding chemicals or groups of chemicals posing threats to the environment and human health, as identified in part II of Annex A. It sets out a number of elements that are either binding or voluntary to take in order to comply with this article. The first element relates to taking measures that reduce the risks of human exposure through releases and leakages of chemicals into the environment throughout the full plastics lifecycle, and in a way that is safe and advances ESM. This would potentially include issues of recyclability for polymers and plastic products. The second element is similar to the first but relates to the general use of chemicals and groups of chemicals. The third element would either require or encourage importers and/or exporters of hazardous chemicals, groups of chemicals, plastics and/or polymers to applicable governments, which would then be required to include this information under Part II.14 on transparency. This would include information on the chemicals, groups of chemicals, plastic polymers and products regarding their ability to be safely reused, repaired, refurbished, recycled, or otherwise disposed of. Relatedly, the fourth element would require importers and/or exporters of chemicals, groups of chemicals, plastic polymers and products to comply with harmonized standards for marking and labeling their products based on either the terms of Part II.14 on transparency, part II of Annex A and/or the standards established by the governing body. The marking and labelling systems would be intended to facilitate the safe and ESM-based use and handling of the covered products across the full lifecycle of plastics. Additionally, there is a proposed (d) *bis* option that would encourage State Parties to prevent the use of non-intentionally added substances, certain forms of monomers and impurities.

There are 2 proposed alternative aspects of Option 1 paragraph 2. In OP2 alt, State Parties would be under a voluntary encouragement to ensure the transportation of plastic products that contain chemicals identified by in Part II.2 and part II of Annex A be done in a way that minimizes and prevents their release into the environment. These terms would be subject to the national capacities of the State Parties. OP3 supra is based on the assumption that a Science, Technology and Economics Panels (STEPs) system would be created under the ILBI structure. It would then require the STEPs to provide the governing body with lists of characteristics for

hazardous, problematic and avoidable chemicals, polymers and products. The OP3 text provides a series of sources of information that the STEPs would be asked to include in their analysis.

Option 1 paragraph 3, which is entirely bracketed, would encourage State Parties to include measures taken to implement the restriction and/or prohibition of the use of chemicals, groups of chemicals, polymers and plastics that are covered by the article.

Option 1 paragraph 4 is a short sentence that seems to require the prohibition of the chemicals regulated under paragraph 1 although it is unclear whether the prohibitions would be under the ILBI or other, related chemicals conventions.

Option 1 paragraph 5 would provide for each State Party to make an assessment regarding the costs of implementing either the ILBI generally or the control measures in the ILBI. It would then require that funding for these activities be made available from a dedicated funding mechanism guided by the governing body. Based on the wording used in this proposal, funding would be made available to all State Parties for these measures and there are few explanations as to how this might intersect with the financing mechanisms contained in Part III of the ILBI. OP5 *bis* would require the STEPs to provide the governing body with recommendations on chemicals, polymers or plastic products as well as their connections to the provisions in the ILBI Annexes *per se*.

3. [[Problematic [plastic products] [and avoidable] [Single-use] plastic products] [[and groups of such products]], [[including] [short-lived] and single-use plastic products] [[and [microplastics on their own and] [products containing] intentionally added] microplastics]][in plastics and plastics products]] (proposed placement: move to II.5)

It should be noted that, as a general matter, there is an Option 0 for Part II.3, which would in effect remove the text from the final ILBI.

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

There are 3 options for this sub-section of Part II.3, including the Option 0 no text option.

In Option 1 paragraph 1, State Parties would be either required or encouraged to take measures to regulate, not allow, phase out, gradually reduce, reduce and/or restrict the use of problematic and avoidable plastic products, including single-use plastics and avoidable plastics. These measures could include specific terms on the marine environment, environmental leakage and associated risks, links to the Stockholm Convention, and transparency, safety, sustainability and essentiality elements. This includes the proposal to use various standards for national circumstances and capabilities as well as existing legal and regulatory frameworks within State Party jurisdictions. There is a small carve out for exceptions to this provision where State Parties apply for and use the exemption provisions that are currently contained in Part II.4 of the CompDoc. There is proposed language which would make it clear that the terms of the sub-section established a floor for implementation measures and that State Parties would be able to adopt measures

that exceed the provisions in Part II.3. Additionally, paragraph 1 would require State Parties to include information on compliance with Part II.3 in its national action plans.

OP1 *bis* would require each State Party to "reduce the production, sale, distribution, import or export" of the plastic products contained in part III of Annex B, and to improve their design to comply with the terms of Part II.5. One iteration of this option would directly link compliance with the terms of the Stockholm Convention and the decisions of its COPs, although, as noted above, there are significant challenges to implementing such terms as a matter of international law.

OP1 alt 1 is a proposal for no text, in which case paragraph 1 would be removed from Option 1. Under OP1 alt 2, State Parties would be under a voluntary obligation to take into account various national circumstances and capabilities, along with various environmental and socio-economic issues, when implementing measures regarding the production, sale and distribution of "short-lived" and single use plastics. This proposal would allow such measures to be tailored to the circumstances of State Parties and would encourage collaboration in implementing sustainable plastic standards. It should be noted that the language of this proposal does not strictly comply with the legal language typically used in a treaty.

Option 1 paragraph 2 would either contain a binding or voluntary action by the governing body to create guidance on practices for the regulation of problematic and/or avoidable plastics and plastic products. Depending on the variants proposed, these forms of guidance should take into account scientific criteria, Indigenous knowledge, traditional knowledge, local knowledge and an assessment of the availability, accessibility and affordability of sustainable alternatives. It is also suggested that the guidance could include the parameters of product design established in Part II.5 of the ILBI.

Option 1 paragraph 3 would require State Parties to promote safe and cost-effective alternatives to plastics, including potential language regarding safe, environmentally sound and sustainable alternatives and substitutes that take into account the waste hierarchy. One bracketed variant would require that information on such alternatives be shared between State Parties to the ILBI along with the sharing of associated technologies.

Option 1 paragraph 4 would provide for each State Party to make an assessment regarding the costs of implementing either the ILBI generally or the control measures in the ILBI. It would then require that funding for these activities be made available from a dedicated funding mechanism guided by the governing body. Based on the wording used in this proposal, funding would be made available to all State Parties for these measures and there are few explanations as to how this might intersect with the financing mechanisms contained in Part III of the ILBI.

In Option 2, there is a voluntary encouragement of State Parties' regulation of problematic and avoidable plastic use, especially for plastic products that are considered to have a high risk of environmental leakage as identified by the governing body through adopted guidelines. This provision would also encourage State Parties, especially developing countries, to assess the availability, accessibility and affordability of sustainable alternatives, according to their national circumstances and capabilities.

[3bis Listing a product in Part II of Annex B [Problematic and avoidable plastic products] and
Part III of Annex B [Problematic plastic products]

In paragraph 1 of this additional proposed text, the first convening of the governing body would be required to create and adopt a dedicated process for product listing under part II of Annex B and part III of Annex B. To facilitate this, the proposal would require the process of listing to include the receipt of proposals for listing a product, assessment of the proposal using criteria set out in part I of Annex B – with the ability for future reassessment and updating – by the designated Expert Committee and consideration of the Expert Committee's recommendations. Paragraph 2 is fragmented and difficult to connect to the remainder of the text. Paragraph 3 would require the Expert Committee to create guidance for the governing body to consider and potentially adopt regarding State Party compliance with part I of Annex B and Part II.3, including the use of the best available science, Indigenous knowledge, traditional knowledge, local knowledge, the waste hierarchy, the likelihood of causing harm to human health, and the overall environmental and human health implications.

b. [Products containing] [Microplastics on their own and] Intentionally added microplastics [in plastics and plastic products] (proposed placement: merge 3a and 3b)

There are 3 options for this sub-section of Part II.3 of the ILBI. Option 0 is the no text option, while Option 2 would merge the control measures for intentionally added microplastics into the provisions of Part II.8 on unintentional releases of microplastics.

Option 1 paragraph 1 would require State Parties to not allow and/or take measures to regulate the use of plastic products containing microplastics, manage their production, use, sale, distribution, import and export in accordance with the terms of part V of Annex B and/or part IV of Annex B. This Option would also encourage State Parties to take measures regarding the prevention of leakages of unintentionally released microplastics into the environment. There are also two listed sub-parts to this Option, although their connection to the main text of paragraph 1 is unclear.

OP1 alt1 is a no text option. OP1 alt2 would require State Parties to take measures to reduce, ban, and control the use, manufacture and sale of products containing intentionally added microplastics. In some proposed aspects of this text there would also be a requirement that State Parties examine the availability of a "feasible substitute" to intentionally added microplastics where they are deemed essential to the product. OP1 alt3 would encourage State Parties to identify the goods and products containing intentionally added microplastics, as well as to create a means of scientific evaluation for this and to establish the risks posted by intentionally added microplastics to the environment and human health. Following these determinations, the State Parties would then be encouraged to implement a phased reduction where there is a need to develop affordable alternatives.

Paragraph 2 would require that the implementation measures for this article be included in State Parties' national action plan requirements. Paragraph 3 would require State Parties to share information on the steps taken to advance these provisions through the online registry provided for in Part IV.6 of the CompDoc. OP3 alt is a no text provision for the online registry element. Paragraph 4 would provide for each State Party to make an assessment regarding the costs of implementing either the ILBI generally or the control measures in the ILBI. It would then require that funding for these activities be made available from a dedicated funding mechanism guided by the governing body. Based on the wording used in this proposal, funding would be made available to all State Parties for these measures

and there are few explanations as to how this might intersect with the financing mechanisms contained in Part III of the ILBI.

[3 bis alt. Micro- and [nanoplastics]] (proposed placement: move to Provision 8)

There are 2 options for this newly proposed article. Option 0 is the no text option, while Option 1 would establish either binding or voluntary terms for State Party promotion of research into the scale, scope and leakages of intentionally added microplastics and nanoplastics, as well as micro-plastic pollution, throughout the entire lifecycle of plastics and plastic products, including impacts on the environment, biodiversity and human health. Under paragraph 2, this would be linked to State Party efforts to promote transparency in terms of use, releases and leakages. Under paragraph 3, there is a proposal for the State Parties to have obligations to establish regional or national centres of excellence for leakage monitoring and reporting. There is also a proposal for dedicated implementation funding under paragraph 4.

4. [Exemptions available to a Party upon request]

There are 2 options for Part II.4 of the CompDoc. Option 0 is the no text option, which would mean that the ILBI would not contain any explicit provision regarding exemptions.

Option 1 paragraph 1 would give State Parties the ability to register for an exemption to the phase-out provisions of Parts II.1, II.2 and/or II.3 of the CompDoc, and references a procedure to be followed in this instance although the procedure is not provided. OP1 *bis* would include provisions for the registration of exemptions with the governing body and specifies that this would involve the name of the State Party and the duration of the exemption.

Option 1 paragraph 2, which is entirely bracketed, would set a default expiration date for any of the phase-out exemptions, including the proposal of a 5 year period for exemption validity following the phase-out dates established in the appropriate Annexes. It would also provide that State Parties seeking an exemption could register for a shorter period than the maximum allowed period at their discretion.

Option 1 paragraph 3, which is entirely bracketed, would give the governing body the ability to extend an exemption period granted to a State Party under Part II.4, with the option of establishing a limit to the amount of time that could be granted. Some elements of the paragraph would require a State Party to provide a justification for seeking the exemption extension, while others would limit the amount of extensions that could be granted. An additional element would provide a referral to the ILBI compliance mechanism in the event of non-compliance after a second set of phase-out exemptions was granted. Option 1 paragraph 4 would limit the terms of the exemption for plastic products in part II of Annex B to 3 years after the designated phase-out date. OP4 *bis* 1 would provide a more fluid and less time limited exemption option for SIDS and “other States that are dependent on imported polymers or plastic products.” OP4 *bis* 2 is written in language that is not strictly legal language, however it would require the creation of a verification and validation body under the aegis of the governing body to provide transparent and science-based assessments of State Party requests for exemptions.

[4bis. Dedicated programmes of work]

There are 3 options for this newly proposed sub-section of Part II.4. Option 0 is the no text option, meaning that there would not be a dedicated programme of work article in the ILBI.

Option 1 paragraph 1 would establish dedicated programmes of work for the governing body to approve and operationalize at its first session. The idea of these programmes of work is to address some of the areas related to potential releases of plastics and a number of topic areas have been proposed, namely packaging, fishing and aquaculture, agriculture, textiles, "top plastic transporting rivers into the marine environment," transport, "[electric and] [electronic products]," building and construction, "cigarette filters and other tobacco related products," legacy plastic waste, and "conduct targeted assessment of high impact sectors and highly impacted areas." Option 1 paragraph 2 would require the governing body to establish terms of reference and other arrangements for the dedicated programmes of work, including potentially membership and representation criteria, at its first session and to periodically update them. As part of this paragraph, the detailed programmes of work would be required to prepare recommendation on criteria, measures, guidelines and other targets for the governing body, cooperate and coordinate with IGOs and other entities and stakeholders, and provide periodic reports to the governing body. Option 1 paragraph 3 would, in turn, require the governing body to regularly review the outcomes of the dedicated programmes of work and take action on them as it deems appropriate. Option 1 paragraph 4 would provide the governing body with the ability to create new dedicated programmes of work at its discretion where they would assist in the implementation of the ILBI.

Option 2 is a voluntary measure for State Parties to perform assessments of the sectors that most contribute to plastic pollution within their jurisdictions and establish "dedicated programs of work to support the implementation of this instrument" subject to their national circumstances and capabilities.

5. Product design, [composition] and performance

a. [Product [design and] performance]

There are 3 options for Part II.5(a), including Option 0 as a no text option.

In Option 1 paragraph 1, State Parties would either be required or have the option to take measures to improve, promote, enhance the design of, increase the circularity of, address the marking of packaging for and/or improve the composition of plastics and/or plastic products. In some iterations, this would be done in relation to national circumstances and/or capacities.

These efforts are to be adopted with the idea of a) creating a reduction in the use of primary plastic polymers, plastics, plastic products, plastics across the value chain and/or chemicals covered in Annex A; b) increasing the safety, sustainability, circularity and/or application of the waste hierarchy to chemicals, groups of chemicals and products in order to promote the durability, reusability, refillability, repairability, repurposability, recyclability and/or refurbishability of plastics and plastic products in a safe and environmentally sound manner; b *bis*) focusing on the durability, reusability, refillability, repairability, repurposability, recyclability and/or refurbishability of plastics and plastic products in a safe and environmentally sound manner aspects only; c) minimizing releases, leakages and/or emissions of microplastics and chemicals in the plastics and plastic product production settings, potentially including unintentional releases, leakages and emissions; c *bis*) this

proposal is a fragmented element suggestion that would address the costs of recycled plastic production; and c ter) using international standards and guidelines, including potentially applicable sector or product specific standards and guidelines. OP1 *bis* would provide simply that State Parties could take into account international standards and guidelines, including potentially applicable sector or product specific standards and guidelines.

Sub-Option 1 contains proposals for paragraphs 2 and 3. In paragraph 2, State Parties would be mandated to require that plastics and/or plastic products that are produced in their territory or available on their markets meet minimum and/or sustainable design and/or performance standards, which are geared toward durability, reusability, refillability, repairability, repurposability, recyclability and/or refurbishability as applicable. These provisions would be subject to potential guidelines adopted by the governing body as well as sector and product-specific standards. There is a proposed element that would require guidelines adopted by the governing body to be adopted by consensus. Another potential element of this paragraph would be for the guidelines or other criteria to be harmonized based on packaging, reduction, reuse, recycling of plastic products. In paragraph 3, either the State Parties or the governing body would be required to establish and maintain certification procedures and labelling requirements for plastics and/or plastic products, especially those produced in its territory and available on its markets, using guidance from Annex C or from the STEPs if they are established.

Sub-Option 2 also contains proposals for paragraphs 2 and 3. In paragraph 2, State Parties would either have mandatory or voluntary requirements to adopt product design and performance criteria, as well as potentially regulatory systems, to enhance the design of plastic products and packaging and to improve the overall composition of plastic products. These measures would be taken using international standards and guidelines, including sector and product-specific standards and guidelines. These provisions could be harmonized. Any measures taken in furtherance of these provisions would be mandatory element of State Party communications in national action plans. Under OP2 alt, State Parties would be required to consider adopting circularity guidelines and policies for public procurement of plastic products, the promotion of environmental performance standards in the context of plastic products, providing support for the establishment or advancement of voluntary certification schemes for environmentally preferable products and sustainable packaging, and the use of international standards and guidelines, including those that are sector and product-specific. In paragraph 3, State Parties would be encouraged to establish labelling and certification procedures and requirements for plastics and/or plastic products that reflect the elements of part I of Annex C. OP3 alt is a no text option.

There is also a proposal for a common Option 1 paragraph 4, in which State Parties would either have a mandatory or voluntary obligation to cooperate with national and/or international organizations to develop standards and guidelines to support the implementation of Part II.5(a).

Option 2 paragraph 1 would require State Parties, depending on national circumstances and capabilities as well as the terms of the national action plan, to take measures for enhancing product design, such as packaging and improving the composition of plastics and plastic products. Paragraph 2 would encourage State Parties to take measures regarding the durability, reusability, refillability, repairability, repurposability, recyclability and/or refurbishability of plastics and plastic products according to international standards and guidelines, including related to specific sectors and products. Such measures would be required elements for inclusion in

State Parties' national action plans. OP2 *bis*, State Parties would have the ability to take international standards and guidelines, including sector and product specific standards and guidelines, into account. Paragraph 3 would encourage State Parties to take measures to conform with paragraph 1 while also taking into account national circumstances and capabilities and the terms of their national action plans. Finally, paragraph 4 would require that a needs assessment including mobilization of financial resources and technology transfer be conducted to assist in the creation of nationally determined commitments for Part II.5(a).

b. [[Reduce,] [reuse], [and] [recycling,] refill and repair [repurposing and refurbishment] of [plastics and]] [Circularity approaches for] plastic products

In paragraph 1, State Parties would either have mandatory or voluntary requirements to take effective and/or environmentally beneficial measures for the distribution, sale and consumption stages of plastics and plastic products as well as their efforts to reduce the volume of plastics and plastic products produced and or used in their territory and available on their markets. The paragraph also contains proposals for national efforts to incentivize reuse, return, recycling, refill and repair measures, with some potential caveats based on national circumstances and capabilities and financial resources. There are some proposals which would require the governing body, potentially at its first session, to provide guidance and/or harmonized standards for product reuse, recycling, repair and refurbishment. In one iteration of this, all such guidance and standards would have to be adopted by consensus.

Paragraph 2 would require State Parties to adopt necessary measures to address the distribution, sale and consumption stages of plastics and plastic products, as well as to create minimum, potentially sector-based, targets for recycling, reduction, reuse, refill and repair. An element of this would potentially link these measures to Annex C. OP2 alt would create either binding of voluntary provisions for adopting targets for implementing paragraph 1, including potentially timebound and/or nationally determined targets.

Paragraph 3 would provide that the measures adopted in Part II.5(b) could include using regulatory and economic instruments, instruments generally, public procurement, EPR and incentives across the supply chain to encourage reuse, recycling, refill, repair and necessary infrastructure building. These measures would then be either required to be or suggested for inclusion in State Parties' national action plan communications.

Paragraph 4 would require that a needs assessment including mobilization of financial resources and technology transfer be conducted to assist in the creation of nationally determined commitments for Part II.5(b). Finally, paragraph 5 would encourage State Parties to coordinate with and attempt harmonization with international and multilateral organizations and entities.

c. Use of recycled plastic contents

In Paragraph 1, State Parties would undertake either mandatory or voluntary measures to encourage and promote the use of recycled plastics in certain plastic products and potentially require that plastics and plastic products produced in its territory or available on its markets contain minimum percentages of recycled contents. There are also proposals for the potential implementation of time bound targets that encourage safe and environmentally sound management in the recycling and production processes. Some elements of this text would link the terms to Annex C. There are also proposals that State Parties would either be encouraged or

required to include measures taken under Part II.5(c) in national action plan reporting.

Paragraph 2 would require that a needs assessment including mobilization of financial resources and technology transfer be conducted to assist in the creation of nationally determined commitments for Part II.5(c). In paragraph 3, the governing body would be required to adopt a timeframe or set of timebound targets relating to transitioning "all plastics in the market to be recyclable," potentially including the creation of gradually implemented minimum percentages of recycled contents.

Paragraph 4 would either encourage or require State Parties to take measures to ensure, promote and/or enhance the use of recycled materials and recycled plastics in a safe and environmentally sound manner. This would include measures relating to product design, composition and performance, as well as regulatory and economic measures, public procurement, certification systems, international cooperation for best practices, EPR and/or incentivizing aspects of the supply chain to address recycling, reuse, refill, repair and infrastructural elements and measures to change consumer behaviour. These measures would then be either required to be or suggested for inclusion in State Parties' national action plan communications. OP4 alt is a general requirement for the encouragement of recycled plastic use in products made in their territory and/or on their markets according to nationally determined measures.

d. [Alternative plastics and plastic products]

There are three options for Part II.5(d), including an Option 0 no text option. Option 2 would merge Part II.5(d) into Part II.6 on non-plastic substitutes.

Option 1 paragraph 1 would either require or encourage State Parties to ensure the safety and environmentally sound and sustainable nature of alternative plastics and plastic products based on decisions of the governing body and/or the STEPs regarding standards that would include waste reduction impacts as well as impacts on the environment, human health and socio-economic conditions. Some aspects of this proposed paragraph would link it to Annex C while others would require the creation of minimum design and sustainability criteria for "bio-based plastics, biodegradable plastics and compostable plastics", taking into account the full lifecycle and plastics and, potentially, national circumstances and capacities. Paragraph 2 would require the criteria established to "take into consideration avoidance of undesirable substitution and problem shifting."

Paragraph 3 would encourage State Parties to develop and use safe, environmentally sound and sustainable alternative plastics and plastic products, including through regulatory and economic instruments. Some proposals for this paragraph would also include provisions to address biobased, biodegradable and compostable plastics while assessing their potential impacts on food security, the environment and human health. Paragraph 4 would require State Parties to ensure that considerations including reducing the volume of plastic produced and in use and the prevention of plastic waste will be paramount in developing and using alternative plastics and plastic products.

Paragraph 5 would require that a needs assessment including mobilization of financial resources and technology transfer be conducted to assist in the creation of nationally determined commitments for Part II.5(d). Paragraph 6 would require that measures taken under Part II.5(d) be included in State Parties' national action plans. Paragraph 7 repeats the provisions in Paragraph 1 regarding biobased,

biodegradable and compostable plastics and would link these measures to Part II.13 on labelling.

Paragraph 8 would encourage State Parties to collaborate with international organizations to develop standards and potentially guidelines for ensure the safe, sustainable and environmentally sound characteristics of biobased, biodegradable and compostable plastics. Op8 *bis* would encourage State Parties to ensure the safe, sustainable and environmentally sound characteristics of biobased, biodegradable and compostable plastics taking into account the impacts on the environment, economics, human health and food security.

6. Non-plastic substitutes

There are 3 options for Part II.6, including Option 0 as the no text option and a proposal to merge Part II.6 with Part II.5 as Option 2.

Option 1 paragraph 1 would either require or encourage State Parties to foster innovation and/or research, potentially including through the ILBI's cooperation mechanism and to incentivize the development and use of safe, sustainable and potentially environmentally sound non-plastic substitutes. State Parties would be encouraged to take into account the potential waste reduction implication of these substitutes as well as their potential impacts on the environment, economics, and human health throughout the lifecycle.

Option 1 paragraph 2 would either require or encourage State Parties to use regulatory instruments, economic instruments, public procurement measures and incentives to foster the development and use of safe, environmentally sound and sustainable non-plastic substitutes. Paragraph 3 would require the ILBI's financial mechanism to facilitate technology transfer to developing countries seeking to adopt and use safe, environmentally sound and sustainable non-plastic polymers. Paragraph 4 is not in the language of a legal proposal but supports the development of criteria to assess the safety, environmental viability and sustainability of non-plastic substitutes across the full lifecycle of plastics. Paragraph 5 would require measures taken by State Parties to comply with Part II.6 to be included in their national action plan reporting. Paragraph 6 would encourage State Parties to incorporate best available science, Indigenous knowledge, traditional knowledge and local knowledge into the development and use of non-plastic substitutes. Relatedly, Paragraph 7 would encourage State Parties to create a process for assessing the safety and sustainability of potential non-plastic substitutes, taking into account their potential impacts in the environment, human health and the implementation of the waste hierarchy. Paragraph 8 would require State Parties to promote the establishment or expansion of voluntary certification systems for indicating sustainable products, packaging and non-plastic substitutes.

7. [[Extended] producer responsibility]

There are 2 options for Part II.7 of the CompDoc, one of which being the Option 0 no text option.

In Option 1 paragraph 1 alt, State Parties would either be required or encouraged to ensure that all plastic producers in their jurisdiction are part of mandatory or voluntary EPR systems. This paragraph contains language which would address multinational corporations that introduce plastics, especially in developing countries, however it is unclear whether this would be a measure enforced by the home state of

the multinational corporations, the States in which they operate, or would be a generally aspiration for multinational corporations to follow.

In Option 1 paragraph 1, State Parties would either be required or encouraged to adopt EPR systems if they do not yet have them and then to take measures to consider, establish, regulate, implement and/or operate EPR systems within its jurisdiction. There are a number of variations proposed to this overall system, some of which maintain the primary obligation on State Parties and others which would shift some of the burdens to the producers themselves. OP1 *bis* would either require or encourage State Parties to cooperate at the global and regional levels for the implementation of an EPR system to address plastic waste leakage in marine ecosystems, with the option of focusing this to leakages caused by severe weather events. OP1 *ter* would either require or encourage State Parties to create an institution-based system for an EPR mechanism, potentially focused on upstream measures, to encourage the development of environmentally friendly products and sustainability, as well as for the creation of international standards on sustainable production and consumption and circularity.

In Option 1 paragraph 2.1, State Parties would be required to include just transition impacts, the needs of affected populations, and especially the needs of waste pickers, in implementing the provisions of paragraph 1. This paragraph contains several elements that would incentivize formalization and integration of waste pickers and the informal sector, although it fails to take into consideration the needs of populations who are in the informal sector because there are legal or other impediments to their participation in the formal sector. And additional proposal for this paragraph would require that waste pickers be provided personal protective equipment.

In Option 1 paragraph 2.2, State Parties would either be required or encouraged to ensure that the EPR systems adopted include the terms in Annex D and the governing body would either be required or encouraged to adopt or otherwise generate guidance or guidelines for the establishment, design and/or implementation of national EPR systems. The governing body's decisions would be required to address essential features of EPR systems, their harmonization and their relationship to just transitions, especially for waste pickers and the informal sector.

Option 1 paragraph 2.3 would require State Parties to ensure that EPR systems contain traceability and accountability mechanisms, potentially in accordance with national circumstances and capabilities as well as legal standards. OP2.3 alt would encourage State Parties to consider measures ensuring the effecting implementation of EPR in light of their national legal systems. Option 1 paragraph 2.4 would either require or encourage State Parties to include information on EPR systems in their national action plans. Option 1 paragraph 2.5 would encourage State Parties to engage in global and regional cooperation for implementing EPR systems, while OP2.5 alt would either require or encourage producers to report on EPR implementation to regulatory authorities. The potential flaw with this is that the ILBI, like all treaties, is an agreement between sovereign States so efforts to directly regulate private sector conduct would be problematic.

8. <u>Emissions and releases of plastic throughout its life cycle</u>

There are 2 options for Part II.8 and none of these is an Option 0 for no text.

In Option 1 paragraph 1, would either be required or encouraged to take measures to regulate, prevent, reduce and/or eliminate plastic leakages, emissions of plastics,

releases of monomers, polymers, chemicals and groups of chemicals into the environment. In some iterations, this would include specific references to emissions into terrestrial resources, air, freshwater and the marine environment. The paragraph would then set out a list of emissions, releases and/or leakages of plastic waste that would be specifically included in Part II.8, notably: a) emissions and/or releases of plastic pollution and/or hazardous substances as well as microplastics into the air, potentially in workplaces and potentially that are verifiable using national scientific standards; b) releases of chemicals of concern, polymers, plastics and plastic products into the soil and water as a result of their production, transportation and use, potentially that are verifiable using national scientific standards; b *bis*) spills of chemicals and other hazardous substances as a result of the extraction and production of plastics; b ter) efforts to minimize generation of microplastics and hazardous chemicals in the mid-stream and down-stream phases; b alt) merging b and c; b/c) releases of chemicals, monomers, polymers, plastics and/or plastic pollution, potentially including microplastics and/or nanoplastics, to the air, water and soil.

In OP1 *bis*, State Parties would be encouraged to organize environmental regulation systems and to create systems to control environmental impact if these are not already in existence. Under OP1 ter, State Parties would be encouraged to adopt and/or maintain laws, regulations and policies addressing the adverse impacts of plastic pollution on the environment and the risks to human health, especially for persons in vulnerable situations. Under OP1 alt, State Parties would be required to prevent and control plastic waste emissions and releases, include microplastics, from covered sources in Annex E. Further, this OP would require that covered emissions and releases include those stemming from the plastic production and recycling processes, from leakages of plastic waste products into “land and waterbody”, and releases of microplastics during “use of products containing intentionally added microplastics to water.”

In Option 1 paragraph 2, State Parties would either be required or encouraged to take measures to prevent, regulate, reduce and/or eliminate plastics-related emissions and releases, potentially including plastic pellets, flakes, pellets, and across the full plastic lifecycle, using guidance for international organizations including the IMO. OP2 alt 1 is a no text option, and OP2 alt 2 would see the text of this paragraph moved into Annex B of the ILBI. OP2 *bis* would create specific connections to both the IMO generally and several of its associated treaty regimes, including OSPAR, the London Convention and the Cartagena Convention. Under OP2 ter, State Parties would have a general obligation to take measures to control emissions and releases of hazardous pollutants from plastic production facilities.

In Option 1 paragraph 3, State Parties would either be required or encouraged to include the measures taken under Part II.8 of the ILBI in their national action plan communications, including with a potential exception taking into account the special circumstances of SIDS. OP3 alt is a no text option.

In Option 1 paragraph 4, the governing body would either be required or encouraged to adopt guidance or guidelines for the facilitation of implementing paragraphs 1 and 2, with a number of different potential areas of focus relating to the incidences and impacts of various emissions and releases. Under Option 1 paragraph 5, State Parties would either be required or encouraged to promote scientific and technological innovation for preventing and capturing releases of chemicals, polymers, plastics and plastic products, as well as, potentially, microplastics, nanoplastics and plastic wastes, into various forms of ecosystems. Some iterations of this would have particular focuses on information and technology sharing with

developing countries and SIDS. OP5 *bis* would require that there would be a needs assessment for the mobilization of financial resources and technology transfer "for each country" as information for nationally determined commitments, although the entity conducting the assessments is unclear.

Option 2 paragraph 1 would provide voluntary State Party measures to generally manage and eliminate plastic products and product waste leakages and releases into the environment, including those containing microplastics. Paragraph 2 further explains that these leakages and releases would include hazardous substances generally, microplastics and those from "the agreed list for chemicals and polymers of concern from other multilateral environmental agreements."

9. Waste management

a. [[Plastic] Waste management]

In paragraph 1, State Parties would be required to take measures regarding the safe and environmentally sound management of plastic waste, potentially across the full lifecycle and involving the imposition of requirement on producers to ensure ESM of plastic waste. Articulated potential elements of the lifecycle include handling, collection, transportation, storage, recycling, energy recovery and/or final disposal of plastic waste. It would further require or encourage State Parties to include measures taken under Part II.9 of the ILBI in their national action plans in order to chart the implementation of national targets as well as potential harmonized measures under part II of Annex F. OP1 *bis* would require State Parties to "give priority/due consideration" to establishing social systems at that would address handling, sorting, collection, transportation, storage, recycling and treatment of plastic waste in a safe and ESM at the local level, while also advancing just transition.

In paragraph 2, State Parties would be mandated to meet requirements for minimum, safe and/or ESM of plastic waste, including, potentially, the collection, recycling, use of disposal rates and waste hierarchy, as well as guidance and guidelines from multiple other international agreements. In paragraph 3, the governing body would either be required or encouraged to adopt requirements, best practices, guidance and/or guidelines regarding the implementation of paragraph 2 and the linkages with multiple other international agreements as they relate to the safe and ESM of plastic waste.

In paragraph 4/3, State Parties would be required to take measures to prevent the use of waste management practices that could lead to emissions of the hazardous substances identified in part III of Annex F, potentially including open dumping, ocean dumping, littering and/or open burning of plastic waste, and practices identified in part IV of Annex F.

In paragraph 6/5, State Parties would either be required or encouraged, potentially based on national circumstances and capabilities and/or their national action plans, to take measures relating to waste management that include: x) the adoption of economic approaches such as EPR, including potential sectoral efforts, to incentivize recyclability, recycling rates and accountability standards for imports and exports throughout the plastic lifecycle; a) investment in and/or mobilization of resources for waste management systems and infrastructure for ESM and/or enhanced waste management capacity, including at the national and subnational levels; b) investment in and mobilization of resources from multiple sources to fill financing gaps in waste management systems and increase infrastructure for ESM and enhanced waste

management capacities; c) incentives for and/or encouragement of behavioural changes across the full plastics value chain, including consumer or public awareness raising regarding plastic wastes, sustainable consumption measures and the role of stakeholders in production and recycling; and c *bis*) “develop, identify and/or strengthen markets for secondary plastics.”

In paragraph 7/6, State Parties would be required to include measures taken for implementing Part II.9 in their national action plans. Paragraph 7/6 *bis* would encourage State Parties to adopt ESM practices generally.

XX. Fishing gear

While there are still debates as to whether fishing gear should be a standalone article in the ILBI or included as a subsection of Part II.9, in either scenario there are 2 options for the text to be used to regulate fishing gear. Option 0 is a no text option.

Option 1 paragraph 1 would either require or encourage State Parties to take measures or other actions to address pollution from fishing gear, potentially including abandoned, lost or otherwise discarded fishing gear, as well as options for measures that would cut across the entire lifecycle of plastics in the fishing gear context. These measures would be potentially linked to international rules, standards, guidelines and/or best practices, with some proposal that would create links between these measures and existing MEA practices as well. There are several articulated areas for the adoption of measures under this article, including for a) changes to fishing gear and associated plastic containing products that would seek to promote durability, reusability, repairability, refurbishability and repurposability in a safe and environmentally sound manner that reflects the full plastics lifecycle and prevents releases and leakage; b) encouraging and/or implementing measures for marking of fishing gears, potentially including nets, to reflect the plastics they contain, as well as to facilitate trackability, traceability, retrieval and the maintenance of a database for this information, in compliance with applicable international agreements; b *bis*) the conduct of formal risk assessments for the scoping and design of fishing gear marking that includes applicable FAO guidelines; c) facilitating the collection, recycling and ESM of fishing gear and, potentially, aquaculture gear, at the end of its lifecycle, including the available options for reuse, repair and recyclability on land and onboard fishing vessels and across all scales of fishing operations; c alt) encouraging State Parties to promote ESM of fishing gear waste; c *bis*) promoting and facilitating the compliance of fishers, fishing communities and small-scale fishing operations with the ILBI; c *ter*) encouraging or requiring fishing vessels to be equipped with fishing gear retrieval abilities where feasible and/or in compliance with applicable national laws; c *quater*) promoting the use of fishing gear labelling requirements for traceability and recyclability; c quinquies) establishing mechanisms and incentives for retrieving derelict gear, reducing “discards of fishing gear” and encouraging the use of Indigenous knowledge, traditional knowledge and local knowledge; and c *sexies*) improving cooperation and use of economic and other options to address fishing gear issues, including registries of owners.

Option 1 paragraph 2 would encourage State Parties to a) promote and facilitate training, education and/or awareness raising of information on fishing gear issues with industries and practitioners, including environmental impacts, best practices, risk reduction methods and ESM in end of life stage; b) promote collaborations between State Parties and appropriate industries and stakeholders, with specific references to fisheries, port reception facilities, waste management and recycling; c) promote investment and other forms of financial and knowledge exchanges to enhance recyclability and recycling of end-of-life and recovered fishing gear.

Option 1 paragraph 3 would require or encourage State Parties to promote complementarity and/or synergies with appropriate initiatives, organizations, regional authorities and/or international authorities in efforts to address the safe disposal and/or prevention of plastic pollution from fishing gear, as well as information exchanges and other forms of cooperation and coordination for the sharing of best practices, including for fishing gear and aquaculture gear. OP3 *bis* would require or encourage State Parties to cooperate with relevant national, regional, international and/or standard setting entities to develop and/or implement harmonized standards, definitions and guidelines for circularity and environmentally sound fishing gear design.

Option 1 paragraph 4 would require State Parties to include measures taken under the article in their national action plan communications under the ILBI, and paragraph 5 would require that there would be a needs assessment for the mobilization of financial resources and technology transfer “for each country” as information for nationally determined commitments, although the entity conducting the assessments is unclear.

10. Trade [in listed chemicals[, polymers] and products, and in plastic waste] [related measures]

There is an Option 0 for Part II.10, which would be a no text option

a. Trade in listed chemicals, polymers and products

There are 4 sub-options in the CompDoc for this sub-section, including Sub-Option 0 as a no text option.

In Sub-Option 1 paragraph 1, unless production and/or use is allowed under the ILBI and done with prior informed consent of the importing State, State Parties would be prohibited from exporting a) chemicals, groups of chemicals or polymers under Part II.2 when they would be used in plastic production or incorporated into plastic products; b) a plastic containing covered chemicals or polymers under (a); or c) a microplastic or a product under Part II.3 on problematic and avoidable plastic products, including short-lived plastics, single-use plastics and intentionally added microplastics.

In paragraph 2, exporting State Parties covered under paragraph 1 would be required to create an export permit requirement for covered exports, potentially including elements to track the types, volumes and destination of these exports, and for obtaining written prior informed consent from the importing State, as well as assurances on how the chemical, polymer, microplastic, plastic or plastic product will be used.

In paragraph 3, covered exporting State Parties would be obligated to require exporters to a) provide complete and harmonized information about the composition of the covered item exported and its associated risks to the environment and human health, in accordance with the information in Annex A; b) mark and label the covered product in conformity with Annex A; c) comply with accepted rules, standards and practices at the international level regarding packaging, labelling and transportation.

In paragraph 4, exporting State Parties would be required to ensure that the applicable Harmonized Commodity Description and Coding System customs code is used for a covered product when one is available.

In paragraph 5, except where permitted under the ILBI, State Parties would be prohibited from importing a) chemicals, groups of chemicals or polymers under Part II.2 when they would be used in plastic production or incorporated into plastic products; b) a plastic containing covered chemicals or polymers under (a); or c) a microplastic or a product under Part II.3 on problematic and avoidable plastic products, including short-lived plastics, single-use plastics and intentionally added microplastics; c *bis*) products that fail to meet the product design requirements under Part II.5 of the ILBI. OP 5 *bis* would require that the terms of Part II.10(a) would be applied to Non-Party States on a non-discriminatory basis.

In Sub-Option 2, State Parties would be encouraged to cooperate to create an international economic system that would promote sustainable economic growth for all State Parties. The contents of this Sub-Option are largely not written in standard legal language for international treaty texts.

In Sub-Option 3, State Parties would be required to act in accordance with WTO and other multilateral trading system principles when taking measures to regulate the trade in listed chemicals, polymers and products.

b. Transboundary movement of [non-hazardous] plastic waste

There are 5 Sub-Options for Part II.10(b), including Sub-Option 0 as a no text option.

In Sub-Option 1 paragraph 1, State Parties would be required not to allow transboundary movement of plastic waste without the prior informed consent of the importing State and in conformity with the terms of the ILBI and other applicable international agreements, except when done using safe and environmentally sound management practices. In paragraph 2, exporting State Parties of allowed exports under paragraph 1 would be required to create and implement an export permitting requirement and to track the types, volumes and destinations of plastic waste exports. In paragraph 3, when exports are allowed under paragraph 1, exporting State Parties would be required to a) not allow the commencement of transboundary movement until they have received written consent and assurances from the importing State; and b) require the exporter to provide the importing State and the importer with information on the composition of the exported waste and its risks to the environment and human health, mark and label the exported waste with harmonizing labeling standards established in Annex A, and comply with accepted and recognized international rules, standards and practices for packaging, labeling and transport of the plastic waste.

In paragraph 4, the governing body would be required to adopt guidance for implementing Part II.10(b), including by taking into account the requirements of other MEAs, at its first session. Paragraph 5 would generally require State Parties to take measures to prevent and eliminate illegal trade, and potentially dumping, of plastic waste. In paragraph 6, State Parties would be required to promote synergies and complementarity with other international and intergovernmental organizations and bodies in order to adopt and implement measures to prevent and eliminate illegal exports or trade and dumping of plastic waste.

Sub-Option 2 would require State Parties to take measures ensuring that transboundary movements of plastic waste, as defined under the Basel Convention, only occurred for the purpose of environmentally sound disposal. In the event the

Basel Convention did not apply, State Parties would be obliged to ensure that such movement complies with domestic and international rules, standards and guidelines.

Sub-Option 3 would require State Parties to prevent and eliminate illegal trade, traffic and dumping of plastic waste as set forth in the Basel Convention, while avoiding duplication of efforts and obligations under regional and international conventions and promoting cooperation in their implementation. Sub-Option 4 would simply require that State Parties cooperate in the adoption and implementation of "effective measures to prevent and eliminate illegal exports and dumping of plastic waste." Additionally, Option 2 overall would simply address the areas of potential overlap with WTO law and make the ILBI's application contingent on conformity with WTO law, especially the Marrakesh Agreement.

11. Existing plastic pollution, including in the marine environment

In paragraph 1, State Parties would be required or encouraged to cooperate in the mobilization of resources from multiple sources at the international, regional and national levels, and potentially through the cooperation mechanism envisioned under Part III, to: a) cooperate in the assessment, evaluation, identification and/or prioritization of plastic pollution accumulation zones, hotspots, critical points and/or sectors, i) most effected by existing plastic pollution, and ii) where evidence of multiple forms indicates the accumulation of plastic pollution; b) take or adopt measures to mitigate and/or remediate plastic pollution, including in clean-up activities for accumulation zones and hotspots, with reference to international agreements, as well as the use of conservation and sustainability-focused measures, and potentially taking into account the impacts and circumstances of SIDS; b *bis*) collect information on existing plastic pollution to support monitoring activities under Part IV.4; c) promote the engagement of stakeholders and/or local communities, civil society, the private sector and NGOs for safe and environmentally sound remediation or removal activities; c *bis*) conduct investigations and distribute research on the current state of plastic pollution, including in the marine environment, and the development and establishment of international standards for associated impact assessments, pollution removal and restoration.

In paragraph 2, either State Parties or developing countries would be encouraged to make information on common types of plastic pollution, practices and behaviours, as well as awareness raising and prevention measures, available to the public. OP2 *bis* would require State Parties that export chemicals, polymers and products to establish and implement an export permit requirement and to track the types, volumes and destinations of these exports.

In paragraph 3, State Parties would be either required or encouraged to include measures to implement Part II.11 in their national action plans. OP3 alt 1 is a no text option.

In paragraph 4, there are several options for actions of the governing body, potentially during its first session. Option 1 would be a voluntary option to adopt guidance for the implementation of Part II.11. Option 2 would be a general requirement for the performance of an assessment of existing plastic pollution in each country, in conjunction with established subsidiary bodies, as well as necessary measures for legacy waste mitigation and remediation at the financial level. Option 3 would involve the adoption of indicators for the identification of accumulation zones, hotspots and sectors, and guidance on the best available techniques and best environmental practices to address plastic pollution and its impacts on human health and the environment. OP4 *bis* would require developed country State Parties to "take

the lead in tackling legacy and existing plastic pollution in the marine environment including beyond national jurisdiction."

12. Just transition [pathways]

In paragraph 1, State Parties would be either required or encouraged to promote, facilitate and/or cooperate in a fair, equitable and/or just transition, including socio-economic, circularity and labour focuses. In some iterations of this paragraph, there would be a particular focus on Indigenous communities, local communities, artisanal fishermen, fishing communities, waste pickers, women, children, youth and/or vulnerable communities. In some iterations, the ILO Just Transition guidelines, various UN guiding principles, laws and rules generally and/or those at the national level would be the guiding source for the implementation of these requirements. There are also some references to focusing on the particular needs of developing countries in this context. There is also a bracketed element of this paragraph which would oblige developed country State Parties to "provide sufficient finance, technology transfer and capacity building support" to various aspects of just transitions in developing countries, potentially based on national circumstances.

OP1 *bis* would require that State Parties cooperate for capacity building, technical assistance and technology transfer under the ILBI as part of their just transitions efforts. OP1 alt would either require or encourage State Parties to promote a fair and/or just transition, potentially focused on waste pickers and those in the informal and cooperative setting of national economies, workers and/or persons in vulnerable situations. OP1 alt goes on to this actions which could be taken to further this general obligation, including: a) the designation of a national coordinating body or mechanism for engagement and/or collaboration with appropriate stakeholders, public authorities, trade unions, workers associations, waste pickers, those in the informal and cooperative settings, NGOs, Indigenous peoples, local communities, affected populations/communities and/or fishing communities, potentially in order to foster data collection, monitoring, evaluation and/or national just transition reporting; b) the use of enabling policies, regulations and/or conditions to ensure and/or improve income, opportunities and livelihoods for waste pickers, workers in plastic value chains, impacted and/or affected communities, including potentially through measures such as workforce training, development programmes, social programmes, and increases in occupational health and safety measures, based on their assessed needs and priorities; c) the incentivization of developing skills and employment opportunities throughout the plastic value chain, including reuse, repair, wate collection and sorting; d) the promotion of a clean, healthy and sustainable, and/or safe working, environment, potentially including the availability of "a strong social safety net" for workers and communities throughout the plastics value chain, potentially including human rights concerns; e) to provide and/or improve working conditions, potentially through occupational health and safety measures and social protections, across the plastics value chain and in the waste management sector, potentially involving the provision of legal regulation and protections to waste pickers and others in informal and cooperative settings and through facilitating their incorporation into the formalized economy;[1] f) the integration of waste pickers and

[1] It should be noted that this is potentially quite problematic for several reasons. First, formalization as a matter of law can be used to place higher tax and other burdens on industries and workers already suffering from economic hardship. Second, formalization without sufficient agency ignores the reality that those in such sectors are often forced into these occupations due to immigration or other legal status issues or societal persecution. Thus, requiring their participation in a formalized sector activity would be a potential method of circumscribing their economic options. And third, these provisions do not expressly acknowledge the agency and civil, political and economic rights of those in the informal sector to choose their jobs under international human rights laws.

those in the informal and cooperative sectors into a safe plastic value chain, potentially including requirements for plastic producers, recycling and waste management companies to include them in their formalized systems; and g) the requirement and/or encouragement of the collection of fees from national EPR systems to be used for the development of infrastructure, livelihoods, potentially a strong social safety net, and opportunities for the development of skills for all waste sector workers.

OP1 alt *bis* would create an obligation for State Parties to seemingly prevent the imposition of additional burdens on developing States in the transportation process for plastics, however the language used is not standard international law text and it is also quite convoluted. OP1 *alt ter* would apply the principles of the ILBI to State Parties actions to advance just transitions.

In paragraph 2, State Parties would be either required or encouraged to include their measures on just transitions in their national action plan communication requirements. OP2 *bis* would encourage State Parties to create decent work, quality jobs and/or improved income opportunities and livelihoods for workers and communities impacted by the transition to a circular economy for plastics, including the needs and priorities of the affected communities and workers. OP2 *ter* would require State Parties to encourage consideration of socio-economic factors, presumably though not clearly by the private sector, in determinations regarding the location, design and construction of plastic waste processing solid waste manufacturing facilities, potentially while also ensuring that disproportionate and adverse impacts are avoided for those in vulnerable situations. OP2 *quater* would require State Parties to provide opportunities for the public, waste pickers and those in informal and cooperative settings to provide input for government plastic waste management decisions.

13. Transparency, tracking, monitoring and labelling

There are 2 options for Part II.13, including an Option 0 for no text on this topic in the ILBI.

In Option 1 paragraph 1, State Parties would be required, potentially in line with national circumstances and capabilities, national action plan contents and/or national laws and regulatory systems, as well as status as developing or developed countries: a) require and/or engage primary and secondary plastics producers, importers, exporters and/or businesses throughout the supply chain to disclose, communicate and/or provide harmonized information on hazardous chemicals in plastics and plastic products throughout their lifecycles, potentially including the use of guidelines from the governing body, and to make this information publicly available on an accessible database; b) take measures to ensure and/or improve the traceability of chemicals, polymers and plastic contents of products, potentially including feedstocks, across the full lifecycle and in compliance with guidance from the governing body and potentially the WTO regulatory system and other MEAs, including measures such as safe and environmentally sound use, recycling, recovery and disposal, Confidential Business Information, human health impacts and the availability of technologies in developing countries; c) establish methods of digital tracking, traceability, marking and eco-labelling for plastic products, for the purposes of safe and environmentally sound use, recycling and disposal of plastics and plastic products, the protection of human health and the environment across the plastics lifecycle, and the promotion of circularity and informed decision-making, potentially with an explicit reference to WTO agreement consistency and based on guidance

from the governing body and information contained in the annexes; c alt1) would relocate these provisions to Part II.5.

In Option 1 paragraph 2, State Parties would be required to monitor and/or establish national monitoring systems, tracking systems and/or publications and updates regarding the types and/or volumes/quantities of their production, import and export of chemicals and/or polymers used and/or employed in the production and/or manufacturing of plastic polymers, plastics, and/or plastic products throughout the full lifecycle. This information would also include subsidies and financial incentives that are related to production, import and export of primary plastic polymers. These disclosures would be made through use of a standardized form to be adopted by the governing body.

In Option 1 paragraph 3, State Parties would be required to take legal, administrative or policy measures to ensure the use of mandatory disclosures from "large and transnational businesses" and the financial sector regarding "activities undertaken, risks, opportunities, dependencies and impacts," as well as financial flows across the value chain. Option 1 paragraph 4 would require State Parties to implement their obligations under Part II.13 according to their national circumstances and capabilities and through international cooperation mechanisms under Part III.

In Option 1 paragraph 5, State Parties would be required to develop and promote the databases referenced throughout Part II.13 and to cooperate in the establishment and maintenance of such a global database system that may be established by the governing body. In Option 1 paragraph 6, developing country State Parties in particular would be provided financial and technical assistance based on assessments of their resources and abilities to comply with the terms of Option 1 paragraph 1 although it is unclear who would have responsibility for conducting these assessments. In Option 1 paragraph 7, the governing body would have an obligation to conduct a review of the guidelines and annexes that are established as a result of Part II.13 at a set interval to be decided, in order to assess the need for revisions.

[13*bis* Overarching provision related to Part II

From the placement in the text, the intended scope of this proposed new article is somewhat unclear, as to be relevant for the entirety of Part II.13 it should be placed at the very opening of the section.

In paragraph 1, State Parties would be required to establish a society-based mechanism that would promote plastic circularity and prevent the leakage of plastics into the environment using a holistic approach. Under paragraph 2, State Parties would be required to take measures across the full lifecycle to promote circularity, prevent plastic leakages into the environment and strengthen the measures used over time. In paragraph 3, State Parties would be required to take measures provided for in Annex X of the ILBI, based on the terms of the national action plan and updates made to Annex X by the governing body.

Part III

1. Financing [mechanism [and resources]]

There are a number of proposals for the financing mechanism aspects of the CompDoc. Many aspects of these proposals contain either binding or voluntary commitments by Parties to the ILBI in terms of providing funding to the mechanism

and being able to access the financing mechanism. Within these proposals, much of the focus is on whether developing countries, least developed countries, Small Island Developing States and other classifications of countries should be absolved from providing funds and/or be the only countries eligible for funding from the financing mechanism.

In Part III.1 (4), there is a proposal that the financing mechanism would officially be created under the auspices of the ILBI and intended to support the implementation of the Treaty's terms. In Part III.1 (5), it is proposed that the financing mechanism operate under the oversight and control of the governing body of the ILBI. In OP5 quinquies, there is an additional proposal to create an Executive Committee within the Treaty governance system to implement policies and practices needed for the administration and oversight of funding disbursed under the financing mechanism. In OP6, it is proposed that the financing mechanism be created as a dedicated entity within the Treaty governance system. This would be compatible with the proposed governance features in Part III.1 (5). However, in OP6 alt, it is proposed that the financing mechanism for the Treaty be placed under the auspices of the Global Environment Facility or a similar international organization that would serve as the administering entity.

As OP7 alt provides, there would be a requirement that the governing body adopt a MOU to allow for an international organization to host the financing mechanism. OP6 alt 2 proposes a hybrid model in the sense that, at the beginning, the ILBI's financing mechanism would be administered by an international organization but that there would also be a dedicated Plastics Implementation Fund and Plastics Remediation Fund which would, over time, be able to migrate to control by an independent financing mechanism under the ILBI's governance system.

Throughout the Part III.1 OP7 variants and into (8), there are several proposals that would allow for the financing mechanism to receive public and private funds, including those from international and regional banking and financing entities. In Part III.1 (9), there is a proposal for implementing a global plastics fee, which would require or recommend that plastic producing countries impose a fee on those within their jurisdiction who produce primary plastic polymers. These fees could then be used to generate funding for the financing mechanism.

2. Capacity-building, technical assistance and technology transfer
Alt title: Capacity-building, technical and scientific cooperation, technology transfer
Alt title 2: Capacity-building and technical assistance

In paragraph 1, either all State Parties or only developed country State Parties would be required to cooperate for the provision of timely, sustainable, comprehensive, enduring, adequate and/or appropriate capacity-building and financial and technical assistance, especially for developing countries, least developed countries and SIDS, as well as potentially "environmentally and ecologically vulnerable developing countries". These measures would be taken in order to assist in all State Parties implementing their ILBI-based obligations. There is a proposed aspect of this paragraph which would classify capacity-building as country-driven and responsive to national needs as well as the fostering of "ownership of Parties, in particular, for developing country Parties."

OP 1 alt is a no text option. OP1 *bis* would be a generalized statement regarding capacity-building that focuses on supporting partners and stakeholders, including

women, youth, informal workers, Indigenous Peoples and Local Communities, and other vulnerable groups.

In paragraph 2, the governing body would be required to review capacity-building and technical assistance measures taken by State Parties, including through their national action plans, by its 3rd meeting and then on a periodic basis, as well as how these might be linked to cooperation and coordination with other MEAs. OP2 alt is a no text option. OP2 *bis* would allow State Parties to implement the terms of paragraph 1, including the ability to liaise with international and regional entities and the private sector, as well as MEAs.

In paragraph 3, either State Parties generally or developed country State Parties would be required to promote and facilitate methods for the development, transfer and diffusion of updated and environmentally sound technologies to address plastic pollution, potentially with a focus on developing countries, least developed countries and/or SIDS, including measures for reducing, reusing, recycling, refilling, repairing and encouraging non-plastic substitutes that are safe and environmentally sound and sustainable alternatives and non-plastic substitutes. There is a proposed element of this paragraph that would require State Parties to encourage innovation and investment in the development of innovation and new technologies. In OP3 alt there is a no text option.

[3.] Technology [transfer]

In paragraph 1, developed country State Parties would be encouraged to facilitate and encourage technology transfer for developing country Parties for the purposes of implementing the ILBI.

Under paragraph 2, all State Parties would be required to promote and facilitate transfer, diffusion and access of updated, potentially environmentally sound, technologies for plastic pollution, including collecting, sorting, processing and recycling of plastic waste and safe and sustainable alternatives and non-plastic substitutes. There is a proposed element of this paragraph that would require State Parties to encourage innovation and investment in the development of innovation and new technologies.

In paragraph 3, State Parties would be required to “ensure freedom of trade and technology transfer in the areas related to the implementation” of the ILBI. It contains a dedicated commitment for State Parties to refrain from prohibiting or restricting trade in equipment and transfer of technologies for addressing plastic pollution, waste management, plastic waste recycling and other activities to implement the ILBI. In paragraph 4, there is an undefined requirement for the provision of support, especially financial support, to the developing countries that are ILBI State Parties, including for capacity-building and technology transfer. OP3 *bis* would “compel” State Parties to extend EPR to processing and recovery of plastic products. OP3 *ter* would encourage developed country State Parties to encourage the enhancement of developing county State Parties for the implementation of the ILBI. OP3 *quater* is a proposal to relocate the text to Part II.5

In paragraph 4, a cooperation mechanism would be established and would : a) provide a clearinghouse platform to allow the State Parties to access, provide and disseminate information relating to the implementation of the ILBI; b) provide assistance to State Parties for the identification of areas of cooperation for science, technology and innovation for the ILBI’s implementation; c) facilitate matching of public and private actors for capacity-building, financing and technology transfer; d)

facilitate cooperation on science, technology and innovation needs; e) promote training activities for developing country State Parties; f) facilitate and monitor other forms of cooperation available to developed country State Parties; g) perform other functions as determined by the governing body or in conformity with the ILBI. The official establishment of a cooperation mechanism is also briefly elaborated in paragraph 5. Paragraph 6 would require the "committee" to coordinate the functioning, effectiveness and efficiency of the cooperation mechanism and creates a reporting and recommendation requirement to the governing body. Paragraph 7 contains basic proposed elements of the "committee," which is meant to be made operational by the governing body at its first session.

Part IV

1. National [Action] [Implementation] Plans

In paragraph 1, which is almost entirely bracketed, national plans – or national action plans – would be either mandatory or voluntary for State Parties. There are multiple bracketed options for how these plans would be generated, including measures for involving stakeholders in the plan creation process. The main text would link the national plan elements to the terms of Annex G as well as many other potential methodologies and forms of information listed in brackets. State Parties would also have the ability to add in measures such as the impacts of plastic pollution on socio-economic factors, human health and the environment and/or include elements from Annex X along with statements regarding the means of support necessary to achieve their implementation.

In paragraph 2, State Parties would either be required or encouraged to prepare national action plans, potentially including stakeholders, partners, the use of targets and the use of a specific, measurable, achievable, relevant and timebound manner approach as well as Annex G. In some iterations, these requirements would be flexible based on national circumstances and capabilities, take into account national sovereignty and/or address medium and long-term strategies for achieving the ILBI. OP 2 alt is a no text option.

Under paragraph 3, State Parties would have the ability to incorporate new measures and/or elements into their national action plan or make adjustments in order to potentially enhance and/or modify the level of ambition reflected in the national action plan and based on guidance from the governing body. OP3 alt is a no text option.

In paragraph 4, there are efforts to create a timeline for the submission of the first national plans, although there is a bracketed option which would make this applicable solely to developed country Parties. The timeframes suggested include 2 years from the ILBI entry into force date, 5 years from that date, or X years from that date. This could be followed by a repeat filing option that would be tied to a benchmark of reporting every X years. OP4 alt is a no text option. OP4 *bis* would set the deadline for the initial national plans as X years after the date of the ILBI enters into force. OP4 *bis* would make the national plan requirement voluntary for developing country Parties and countries with economies in transition and does not contain a timeline.

Under paragraph 5, State Parties would be encouraged to collaborate and/or coordinate in the development, establishment and/or implementation of sub-regional and/or regional plans for the implementation of the ILBI. OP5 alt is a no text option.

In paragraph 6, there would be a set cycle for State Parties – or developing country Parties in bracketed text – to review and update their national plans through new filings. The proposed text would require the governing body to issue a specific framework for accomplishing this, including the timelines. There is also a bracketed provision that would set a mandatory timeline of 5 years for developed country Parties and either X, 4, 5 or 10 years for developing country Parties. OP6 Alt would set the timeframe for all State Parties to review and file new national plans at five years. OP6 Alt2 is a no text option.

Paragraph 7 is a heavily bracketed proposal to link the terms of the national plans with the terms and targets of the national reports required under part IV.3. One bracketed provision would require that State Parties establish a plastic pollution baseline as part of these reporting mechanisms. OP7 Alt is a no text option. OP7 *bis* would require the Secretariat to create and maintain a public registry of national plans. OP7 *bis* Alt would require the Secretariat to make national plans publicly available. OP7 *ter* would require support to be provided to developing country Parties and countries with economies in transition for the preparation of their national plans, based on the idea of distinctions between developed and developing countries.

2. Implementation [[and][,] compliance] [and cooperation]

Option 1 paragraph 1 would create a form of review mechanism, and potentially a Committee, as a subsidiary of the governing body that would facilitate the review of ILBI implementation and compliance. OP1 Alt would provide skeletal elements of what the review mechanism might look like, including a requirement that the information it receives be held in confidence. OP1 *bis* would mandate that no State Party would use the "elements or components of [the ILBI] as leverage in any bilateral relationships."

Option 1 paragraph 2 would provide that the mechanism is either facilitative, non-punitive, non-adversarial and/or expert based, depending on the bracketed provisions, and include national circumstances and capabilities in its considerations. There are also elements that would give special consideration to developing country Parties and SIDS. OP2 alt would specifically require that the mechanism be facilitative and attentive to the national capabilities and circumstances of the State Parties. OP2 *bis* would require that the mechanism's work be non-duplicative and "shall neither function as an enforcement or dispute settlement mechanism, nor impose nor advise to impose penalties or sanctions, and shall respect national sovereignty."

Option 1 paragraph 3 would require the governing body to create the modalities of work for the mechanism either at its first or second session and would also require that the mechanism report back to the governing body. OP3 Alt would allow the governing body to receive reports from the mechanism and issue recommendations provided they are "facilitative, non-intrusive, non-adversarial and non-punitive." OP3 Alt2 is a no text option.

Option 1 paragraph 4 would provide the parameters of either individual or systematic compliance reviews to be conducted by the review mechanism and empower it to provide recommendations to the governing body. OP4 Alt is a no text option. OP4 *bis* attempts to provide requirements for review mechanism structure and representation, although it is almost entirely bracketed. Option 1 paragraph 5 provides for an unspecified length of mechanism member terms and would allow for reelection to one additional consecutive term. It also would have the governing body

elect the mechanism members. One of the bracketed text provisions would require there to be nine members of the mechanism. OP5 Alt is a no text option.

Option 1 paragraph 6, which is entirely bracketed, would establish jurisdiction of the review mechanism as claims brought by Parties regarding their compliance, a written submission from another Party, the governing body, the Secretariat, based on national reports, and/or information available to the mechanism through national reports. It should be noted that these provisions would not allow national plans to be the basis of review mechanism jurisdiction. OP6 Alt would have the review mechanism's jurisdiction established by the governing body. OP6 Alt2 is a no text option.

Option 1 paragraph 7 would require the review mechanism to adopt its own rules of procedure, which could be supplemented by the governing body. OP7 *bis* would require voting by consensus in the review mechanism unless this proved impossible, in which case either a 2/3 or 3/4 majority would be used under bracketed provisions.

Option 2 would set forth a skeletal framework for the creation of a review mechanism that would only have jurisdiction over matters raised by Parties concerning their own compliance with the ILBI.

3. Reporting on progress [of implementation]

Option 1 paragraph 1 would require Parties to report to the governing body on implementation of measures under ILBI and their effectiveness according to a timeline that would be set by the governing body. A bracketed version of this would make this a requirement only for developed country Party. OP1 *bis* would make this a voluntary option for developing countries. Paragraph 2 would require these reports to be filed with the Secretariat, which would then have an obligation to make them publicly available in one bracketed version of the text. Paragraph 3 would require the inclusion of multiple bracketed options for statistics and data relating to conformity with and progress under the ILBI. OP3 Alt is a no text provision. Paragraphs 4 and 5 would require the governing body to adopt the modalities of national report filings, potentially at its first session, in order to reflect the need for information on implementation and progress across the full lifecycle of plastics. OP4 *bis* would be significantly weaker a legal commitment, "On an ad hoc basis, the governing body* of the instrument* should encourage reports on relevant subjects from chemicals-related conventions, conventions related to climate change, biodiversity, and the law of the sea as well as contributions from multilateral organizations, particularly the World Trade Organization (WTO), World Customs Organization (WCO), World Health Organization (WHO), and the International Labour Organization (ILO)." Paragraph 6 would require either State Parties or the governing body to adopt mandatory guidelines for obtaining relevant information from the business and private sector, including financing and financial flow information. OP6 Alt is a no text option. OP6 *bis* would address Indigenous knowledge and ensure its usage in national reporting subject to free, prior and informed consent.

Option 2 paragraph 1 is somewhat more confusingly written and implies that there would be general national reporting to the governing body as well as a specific national plan reporting requirement. OP1 Alt is a no text option. Paragraph 2 would require that measures taken to comply with unspecified terms of the ILBI be included in the parameters of national reporting. Bracketed text would require the specific inclusion of information on waste pickers and stakeholders. OP2 alt is a no text option. Paragraph 3 would require the governing body to set the timeline for reporting

submissions, taking into account the reporting timelines of other MEAs, during its first meeting. OP3 *bis* would require the Secretariat to make national reports publicly available. OP3 *ter* would require the provision of assistance to developing country Parties in implementing national reporting obligations.

4. Periodic assessment and monitoring of the progress of implementation of the instrument* [and effectiveness evaluation]

a. [Assessment and monitoring

Paragraph 1 would provide that Parties shall, within their capabilities, individually and/or in collaboration with other Parties or competent organizations, establish programmes to assess and monitor emissions and releases of plastic into the environment, including in the marine environment. This should include:" multiple forms of scientific and data collection relating to plastic pollution and the plastic lifecycle. Paragraph 2 would require information generated under the article to be included in the national plan and national reporting filings by State Parties. Finally, paragraph 3 would require the governing body to establish guidelines for implementation of the article during its first meeting.

b.] Effectiveness [Effectiveness evaluation] [Progress assessment]

In paragraph 1, which is heavily bracketed, either the governing body or a dedicated subsidiary body would be asked with performing effectiveness reviews for the ILBI along a timeline that could be either X, 4, 5, 6 or 8 years after the effective date of the ILBI and would be repeated every X, 4 or 5 years thereafter. Paragraph 2 would require the governing body to create modalities for information gathering and assessment at its first meeting. OP1 and OP2 Alt would require the governing body to create the Effectiveness Evaluation and Review Committee as a standing body. Paragraph 3 would require that the evaluation take into account national plans, national reports, and multiple forms of reporting and information gathering under the ILBI as well as from scientific entities, funders, stakeholders and other relevant constituencies. OP3 Alt would have the measures to be used decided by the governing body. Paragraph 4 would either require or allow the governing body to take into account the effectiveness assessment outcomes and make recommendations based on them.

[b][c.] Review of [hazardous] chemicals [and polymers] of concern, microplastics and problematic and avoidable products[, and non-plastic substitutes]

There are two options for this article in the CompDoc, one of which is the no text Option 0. Option 1 paragraph 1 would have the governing body, either as a time-bound requirement or at the request of Parties, conduct a periodic review of chemicals and polymers of concern used in plastic production, intentionally added microplastics and avoidable plastic products, as well as, potentially, non-plastic substitutes, in order to assess their impacts. Paragraph 2 would have the review conducted be based on a report received from either an expert body or panel. Further, Paragraph 3 would allow the governing body to prioritize certain forms of chemicals and polymers, and paragraph 4 would require the governing body to use the information generated to determine whether Annexes A and/or B should be amended. It should be noted that this is an attempt to create an amendment procedure that would need to complement subsequent ILBI provisions on amendments.

5. International cooperation

There is only one option for this article in the CompDoc. Overall, the proposed article would, depending on the bracketed language, make international cooperation a mandatory or voluntary element of the ILBI. Cooperation is envisioned as including North-South, South-South and triangular cooperation, including with scientific experts, international and regional organizations, and sectoral bodies. Identified methods of cooperation in paragraph 3 include development, diffusion, transfer and access to technology and innovation, research and exchange, data sharing, monitoring options, use of existing technologies, and other forms of cooperation deemed appropriate to advance the ILBI. OP3 Alt is a no text provision.

Paragraph 4 would allow the governing body to invite cooperation with other organizations and entities, such as the potential SPP, IPCC, IPBES and the Intergovernmental Oceanographic Committee, to advance achievement of the ILBI. OP4 Alt is a no text option. Paragraph 5 would authorize either the Secretariat or the governing body to interact with these organizations and entities. OP5 Alt would require the Secretariat to act as the coordinating entity. OP5 Alt2 is a no text provision. OP5 *bis* would make such cooperation an optional activity of a dedicated coordination mechanism to be created as part of the ILBI.

6. Information exchange

There is only one option for this article in the CompDoc. Under paragraph 1, State Parties would either be subject to mandatory or voluntary provisions relating to information exchanges and transparency, including information relating to best practices, research and technology, knowledge sharing, including Indigenous knowledge and environmental knowledge, studies and experiences relating to circularity and other relevant measures. OP1 *bis* would require that Indigenous knowledge sharing be done with free, prior and informed consent. Paragraph 2 would create an online registry or clearing-house mechanism for the sharing of information pursuant to (1). Paragraph 3 would require State Parties to designate a national focal point for information sharing under the ILBI, including for information relating to prior informed consent of importing States under part II. OP3 Alt is a no text option. Paragraph 4 would contain voluntary measures regarding State Parties learning from existing processes and initiatives, which paragraph 5 would ensure confidentiality in information sharing, including for Indigenous knowledge.

7. Awareness-raising, education and research [and development]

Option 1 overall would either require or encourage State Parties to develop capacity building, educational programming and awareness-raising measures that could include a number of bracketed topics including environmental impacts of plastic pollution.

In Option 2, which has also been proposed as a standalone article, State Parties would be required to endeavor to “advance scientific and technological research, development and innovation” through measures such as: a) developing and implementing sustainable circularity and systems-wide approaches; b) enhanced understandings of the human health and environmental impacts of plastic products and alternatives; c) promoting and improving monitoring and modelling of plastic pollution; d) promoting collaborative development and standardized measures, methods and approaches for environmental data collection and analysis; e)

incorporating Indigenous knowledge. It would ensure that these measures apply throughout the full lifecycle and seek to minimize unintended consequences.

Option 3 would merge Part IV.6 and Part IV.7 of the CompDoc.

8. [Partner and] Stakeholder engagement

Under paragraph 1, a multi-stakeholder agenda would be created within the ILBI system and the governing body would be required to adopt an agenda at its first meeting. Paragraph 2 would provide the main functions of the agenda as including promoting the active and meaningful participation of all relevant stakeholders, providing a space for information sharing between stakeholders, promoting cooperation at all levels, efforts to promote financing, and knowledge sharing. OP2 Alt would not contain the list and instead would provide that the agenda would focus on sharing "knowledge, opportunities and highlight successes to replicate and scale sustainable solutions." OP2 *bis* would add the sharing of Indigenous knowledge, to the extent available, based on free, prior and informed consent. Paragraph 3 would require Parties to encourage the participation of stakeholders in the agenda. OP3 *bis* would provide "The multi-stakeholder action agenda shall include, inter alia, the informal recycling sector and waste pickers, local governments and all sectors of the plastic industry."

8 *bis*. Health aspects

This is an additional, voluntary article in the CompDoc under which Parties are encouraged to take a number of actions relating to human health and the impacts of plastic pollution. Of note is the fact that these provisions fail to address the role of environmental and biodiversity on human health and the connections with plastic pollution in this context.

Part V

1. Governing body

This article of the CompDoc would designate a Conference of the Parties as the governing body for the ILBI. It provides basic, standard treaty language regarding the creation and functioning of the governing body. There are no alternatives or options contained in the CompDoc.

2. Subsidiary bodies

There is no formal, textual proposal for subsidiary bodies in the CompDoc. However, in a note it does explain that the following proposals have been identified as necessitating further consideration: "a scientific, technical, and socio-economic body, including for information-sharing, the identification of chemicals to be included in the instrument, assessments and recommendations; a compliance and implementation committee (see Part IV of the zero-draft); a clearing house mechanism for exchange of information; a financial mechanism, including to consider availability of resources, funding for developing countries and transfer of technology (see part V of the zero-draft); a committee would manage the financial mechanism,
including by monitoring financial flows for developing countries a committee on means of implementation; a committee to evaluate the effectiveness of the instrument."

3. Secretariat

This article of the CompDoc would establish a Secretariat for the ILBI and vest it with basic, standard powers that are used in treaty language. While there are no alternatives or options contained in the CompDoc, it should be noted that (3) on the Executive Director of UNEP serving as the interim Secretariat until the first Conference of the Parties meeting is bracketed.

Part VI

1. Settlement of disputes

The newly proposed text for Part VI.1 follows standard procedures adopted for international agreements, especially MEAs, in terms of first seeking to establish disputes that may arise as an internal matter of negotiation, which ultimately could be referred to arbitration and/or the International Court of Justice.

2. Amendments to the instrument*

The newly proposed text for Part VI.2 follows standard procedures adopted for international agreements, especially MEAs, in terms of allowing for amendments to the ILBI, although there are two options for the potential of voting where consensus cannot be reached and whether a successful voting threshold would be 2/3 or 3/4 of State Parties present and voting at the meeting where an amendment is proposed.

3. Adoption and amendment of annexes

The newly proposed text for Part VI.3 follows standard procedures adopted for international agreements, especially MEAs, in terms of national and international practice for the adoption, implementation and amendment of annexes to the ILBI. This is of particular importance given the number and potential flexibility of annexes proposed for the ILBI in the CompDoc.

4. Right to vote

The newly proposed text for Part VI.4 follows standard procedures adopted for international agreements, especially MEAs, in terms of each State Party having one vote and regional economic integration organizations having the ability to cast the number of votes equivalent to the number of States they are representing.

5. Signature

The newly proposed text for Part VI.5 follows standard procedures adopted for international agreements, especially MEAs.

6. Ratification, acceptance, approval or accession

The newly proposed text for Part VI.1 follows standard procedures adopted for international agreements, especially MEAs.

7. Entry into force

The newly proposed text for Part VI.1 follows standard procedures adopted for international agreements, especially MEAs, in terms of requiring that there be 50 State Parties which have ratified, accepted, approved or acceded to the ILBI before it enters into legal force. While some recent treaty practice has required slightly more than 50 State Parties to ratify an instrument before it enters into force, this number is still the most widely used option.

8. Reservations

The newly proposed text for Part VI.1 follows standard procedures adopted for international agreements, especially MEAs, in terms of not allowing for the use of reservations to its terms.

9. Withdrawal

The newly proposed text for Part VI.1 follows standard procedures adopted for international agreements, especially MEAs, in terms of requiring State Parties to have been members of the ILBI for at least 3 years prior to withdrawal and requiring that withdrawal must take place no earlier than 1 year after a State Party files an official notification of an intent to withdraw.

10. Depositary

The newly proposed text for Part VI.1 follows standard procedures adopted for international agreements, especially MEAs, in terms of designating the United Nations Secretary General as the official depository for the ILBI.

11. Authentic texts

The newly proposed text for Part VI.1 follows standard procedures adopted for international agreements, especially MEAs.

Possible annexes to the instrument

1. Indicative list of potential annexes
Annex A Primary plastic polymers, and chemicals and polymers of concern

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

Annex C Product design, composition and performance

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

Annex E Emissions and releases of plastic through its life cycle

Annex F Waste management

Annex G Format for national plans

Annex [X] Effective measures at each stage of plastic lifecycle
1. Entire stage

2. Production stage
3. Distribution/sale/consumption stage
4. Waste management and disposal stage
5. Cross-cutting elements
2. [Proposed annexes relating to element II.2
3. Proposed annexes relating to elements II.3 and 3*bis*
a. [Proposed annex B
b. [Annex X - Products
c. [Annexes B]
4. Proposed annex relating to element II.5

INC - Plastic Pollution Treaty
Intersessional Work
Legal aspects of Financing Mechanism Options Summary under the Compilation Document (Expert Group 1)

During INC-4, held in April 2024 in Ottawa, Canada, the INC mandated the INC Secretariat to prepare a new document reflecting the negotiation progress and textual proposals reflected during the week of discussions. This document, the Compilation Text of the international legally binding instrument on plastic pollution, including in the marine environment, was subsequently released in an advance English version in early July 2024. It is intended to function as a next step from the Revised Zero Draft used during INC-4 to the INC-5 meetings in Busan, South Korea, in November 2024. It has also been indicated that the Compilation Text will be used to inform the work of the two Intersessional Working Groups authorized at INC-4 to conducted targeted studies and discussions on financing (EG1) and associated measures and criteria and non-criteria approaches for polymers, chemicals and products and their design (EG2).

Subsequent to the INC-4 outcomes and especially in the phases of the on-line meetings of EG1 (EG1 Agenda, WorkProgrammeEG1, Co-Chairs' Synthesis Paper on Finance: EG1 Synthesis Paper) the financing mechanism has come to the forefront of INC discussions, this brief summarizes the proposals in the Compilation Document (*CompDoc*) and provides an overview of several examples of how such approaches have been and are being implemented under other MEAs, as well as how these approaches might be used to provide a scientific basis for regulation under the ILBI that protects the environment, biodiversity and human health[2].

It must be remembered that each form of financing mechanism proposed, whether a new entity under the authority of the Conference of the Parties (COP), an entity placed under the administration of an existing international financing institution, such as the Global Environment Facility (GEF), or a hybrid of both options, will have advantages and disadvantages. For example, the use of a COP-based, freestanding entity would allow the State Parties more direct control over the operation of the financing mechanism, however it could take a longer time to implement because each operational element would need to be created and adopted. Conversely, these measures are largely in existence for already existing entities such as the GEF, however there is more controversy about working with the GEF and ceding aspects of operational control. Additionally, it has been noted that the hybrid system could suffer from predictability and sustainability questions where the intent would be to facilitate the transition from an outside funding mechanism to a COP-based financing mechanism.

During the three pre-EG 1 meetings, several existing MEAs and existing international financing institutions were analyzed for potential use as framework guidance sources for the ILBI financing mechanisms. These included the Montreal Protocol Multilateral Fund, the operations of funding within the World Bank, the GEF and the Green Climate Fund. It was also noted that various forms of financing operations exist

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[2] Cf. also the discussion during the webinar on "Financing considerations to support an international legally binding instrument on plastic pollution: Financial mechanisms, supported obligations, and addressing potential funding gaps", 24 July 2024, and its report (Financing Coordination Group Webinar#2 July 24 2024 - Summary Report).

under the parameters of the BRS Conventions and the Minamata Convention on Mercury.

Additionally, it has been noted that there are financing mechanisms under the High Seas Treaty (BBNJ treaty) and the Kunming Montreal Global Biodiversity Framework (GBF) under the Convention on Biological Diversity (CBD), however the pre-intersessional meetings did not address these measures in an in-depth manner. To facilitate understanding of these mechanisms, Annex A of this brief contains a short analysis of their key terms from the creation and governance perspective.

Financing Mechanism in the CompDoc

General provisions

There are a number of proposals for the financing mechanism aspects of the CompDoc. It should also be noted that there is an Option 0 in the CompDoc, under which there would not be text creating a financing mechanism in the ILBI. However, given the number of States at all levels of development that have endorsed the development of a financial mechanism as a critical element for implementing the terms of the ILBI, it is likely that a financial mechanism article will be included in the final ILBI text.

Many aspects of these proposals contain either binding or voluntary commitments by Parties to the Treaty in terms of providing funding to the mechanism and being able to access the financing mechanism. Within these proposals, much of the focus is on whether developing countries, least developed countries, Small Island Developing States, countries with economies in transition, archipelagic countries and other classifications of countries should be absolved from providing funds and/or be the only countries eligible for funding from the financing mechanism. The proposals for the financing mechanism also include options for using multiple sources of funding, potentially guided by the Addis Ababa Action Agenda and the polluter pays principle, with specific references to involving the World Bank, IMF and multilateral and regional development banks in the work of implementing the ILBI.

Additionally, under Part III.1(2) as proposed in the CompDoc, State Parties, especially developed countries that can be assessed as being “in a position to do so” would either be required or encouraged to provide finance and capacity and/or technical assistance and technology transfer to developing and other identified classifications of State Parties to assist in their implementation of the ILBI.

Creation and structure of a Financing Mechanism

In Part III.1 (4), there is a proposal that the financing mechanism would officially be created under the auspices of the Treaty and intended to support the implementation of the Treaty’s terms, including for technology transfer and/or development, capacity building and training related to the terms of the Treaty. Elements of the proposals for the Financing Mechanism contain various options for how public and private funding would be included and used.

In Part III.1 (5), it is proposed that the financing mechanism operate under the oversight and control of the governing body of the Treaty. This would potentially include the provision of guidance from the governing body regarding the strategies, policies, programs priorities and/or eligibility criteria to be used in providing access to

and funding for activities under the ILBI and financing mechanism operations. The provisions of OP5 *quater* would require the governing body to undertake period reviews of the financing mechanism in order to assess the operative practices related to capacity-building, technical assistance and technology transfer. In OP5 *sexies*, there is an additional proposal to create an Executive Committee within the Treaty governance system to implement policies and practices needed for the administration and oversight of funding disbursed under the financing mechanism.

In OP6, it is proposed that the financing mechanism be created as a dedicated entity within the Treaty governance system. This would be compatible with the proposed governance features in Part III.1 (5). However, in OP6 alt, it is proposed that the financing mechanism for the Treaty be placed under the auspices of the Global Environment Facility or a similar international organization that would serve as the administering entity. The provisions of OP6 alt 2 are bracketed and could be understood to either place the financing mechanism under the GEF at the beginning of its operational life and/or under the direct control of an ILBI controlled entity. Regardless which of these options is used, this option would then create a Plastics Implementation Fund "to support the implementation of national action plans and other activities to be defined by the Partes" and a Remediation Fund "to support remediation of legacy plastics in the marine environment, including areas beyond national jurisdiction." Additionally, this option contains a bracketed provision that would adopt a "timebound financing programme to support enabling activities, capacity-building and technical assistance."

Throughout the Part III.1 OP7 variants and into (8), there are several proposals that would allow for the financing mechanism to receive public and private funds, including those from international and regional banking and financing entities. The common provisions for OP7 include proposals to ensure that there is complementarity of funding and related assistance between actions of the ILBI's financing mechanism and other measures taken under international, regional and domestic financing systems as well as from the private sector. OP7 *ter* would create platform for the transparent exchange of information on financial flows related to the ILBI. To address the potential environmental impacts of measures funded through the financing mechanism, OP7 *quater* would encourage the financing mechanism to assess these impacts in relation to their costs and benefits.

Finally, under Part III.1 (10), the ILBI would encourage State Parties, the private sector and bilateral, regional and international entities to create consistent financial flows that advance the pathway for ending plastic pollution across the full lifecycle. Some aspects of sub-options for this provision would also link financing measures with decreasing the rates of plastic and plastic product emissions and releases into the environment across their lifecycle.

<u>Global Plastics Fee</u>

In Part III.1 (9), there is a proposal for implementing a global plastics fee, which would require or recommend that plastic producing countries impose a fee on those within their jurisdiction who produce primary plastic polymers. These fees could then be used to generate funding for the financing mechanism. OP9 *bis* provides an extensive list of the types of funding that the plastic pollution fee could be used to support, including aspects of national infrastructure development for environmentally sound waste management, remediation of legacy plastic pollution, expansion of EPR systems at the national level and assistance for the implementation of just transition measures adopted pursuant to the ILBI.

Recommendations

- ➔ Ensure the ILBI text provide that Financing Mechanism means not only a funding entity but also mobilizing finance from all sources, including bilateral cooperation, and the inclusion of the private sector.
- ➔ Establish a clear mandate, purpose and objective for the financing mechanism in the ILBI to facilitate funding structure and operationalization in a transparent and sustainable manner.
- ➔ Ensure that there are clear and sufficient terms in the ILBI entrenching Privileges and Immunities for any ILBI-based financing mechanism, preferably based on existing United Nations rules for Privileges and Immunities.
- ➔ Provide support for rapid, effective and early action on funding for measures to ratify and implement the ILBI.
- ➔ Utilize a system of flexibility, time and cost for evaluation and decision-making, including predictability of financing and coherence with relevant frameworks.
- ➔ Ensure a compliance driven financing mechanism, with activities designed to achieve compliance targets and involvement of all countries through the governing body and using science-based approach.
- ➔ Encourage funding and other measures that promote capacity-building, technology transfer and public awareness and education on the ILBI, the risks of plastic pollution, the use of alternatives and other matters connected to the implementation of the ILBI in law, policy, science and practice.

Beyond this, it will be essential that, regardless whether the financing mechanism approach thereof is recommended for use in the ILBI, the contents of the financing criteria include not only science-based elements and socio-economic elements but also directly include evaluative elements connecting to short, medium and long-term impacts on biodiversity, ecosystems and the environment at the international, regional and local levels and respective circular economy solutions. The inclusion of these elements within the approach(es) selected would bridge the interlinkages between pollution, biodiversity and climate change and would ensure that there is greater convergence and coherence between treaties regulating pollution and international treaty regimes more broadly. This would advance transparency and information-sharing as well as providing States and stakeholders with an option to connect knowledge from other, related sectors, helping to ensure that financing and reporting requirements are less onerous for States and that stakeholders can have their perspectives included across a wide range of related international treaty regimes.

Annex A

Financing Mechanisms for BBNJ and the GBF

BBNJ Financing Mechanisms

In 2023, the BBNJ treaty was formally agreed to by the intergovernmental negotiating committee tasked with creating it and is now open for signature and ratification. As of the time of writing, there are 91 signatory States to the BBNJ and 8 States that have officially ratified it and become State Parties.

Under the terms of the BBNJ treaty itself, a hybrid financing system has been established in addition to the general obligation placed on all State Parties to "provide, within [their] capabilities, resources in respect of those activities that are intended to achieve the objectives of this Agreement, taking into account its national policies, priorities, plans and programmes." (52(1)). It is clear within the treaty text that the State Parties which are capable of providing funding are intended to be the primary sources of funding for all BBNJ-related funding activities envisioned as part of the treaty. (52). Article 52 of the BBNJ treaty creates the financing mechanism to assist in the implementation of the treaty, and is specifically tasked with assisting developing State Parties through measures that include capacity building and applicable technology transfer. The financing mechanism is primarily comprises of two separate, free-standing entities – the voluntary trust fund that exists under the COP's governance and a special fund – and another trust fund that is expressly placed under the administration of the GEF. It should be noted that, as discussed in greater detail below, the GEF Trust Fund for the BBNJ has already been operationalized and will soon begin making financial disbursements by the end of 2024. Further, the text of Article 52 leaves open the possibility of future COPs expanding financing options and generating additional forms of financing systems as deemed appropriate to carry out the treaty's terms.

In Article 52(6), both the special fund to be directed by the COP and the GEF Trust Fund are entrusted with utilization to:

(1) Fund capacity-building projects under this Agreement, including effective projects in the conservation and sustainable use of marine biological diversity and activities and programmes, including training related to the transfer of marine technology; (b) Assist developing State Parties in implementing this Agreement; (c) Support conservation and sustainable use programmes by Indigenous Peoples and local communities as holders of traditional knowledge; (d) Support public consultations at the national, subregional and regional levels; (e) Fund the undertaking of any other activities as decided by the Conference of the Parties.

It should be noted that each of these terms was also specifically adopted by the GEF in its guiding policies and decisions regarding accepting and operationalizing the BBNJ Trust Fund.

Recognizing the potential for overlapping funding sources based on the broad scope of BBNJ, the treaty stresses that the financial mechanism should seek to advance complementarity and coherence with other funders working in the same topics. (Art 52(7)). It also allows for the incorporation of public and private sources of funding, including governmental and non-governmental funders. (Art 52(8)).

Overall, the BBNJ treaty places the entirety of the financial mechanism under the authority and guidance of the COP and also requires the COP and the GEF to "agree upon arrangement to give effect to the [BBNJ terms] at the first meeting of the Conference of the Parties." (Art 52(10)). The option of concluding a formal Memorandum of Understanding between the BBNJ COP and the GEF is being discussed, although this would not be possible until the treaty enters into force and can convene a COP for this purpose. It also requires the COP to establish "an initial resource mobilization goal through 2030 for the special fund" under its jurisdiction. (Art 52(11)). Funding from the special fund "shall be distributed according to equitable sharing criteria, taking into account the needs for assistance of Parties with special requirements." (Art 52(12)). To facilitate oversight of all aspects of the financing mechanism, the BBNJ treaty requires the COP to establish a dedicated finance committee on financial resources and decide on its core functions, based on the understanding that these will include reporting and recommendations to the COP as a whole. Further, the COP itself is tasked with periodic reviews of the financing mechanism.

Subsequently, in June 2023 through Decision 14/2023, the GEF Council officially accepted the invitation from the Intergovernmental Conference on BBNJ to join the BBNJ treaty financial mechanism and authorized the use of $34 million from the International Water Focal Area to be transferred and used for the purposes of "funding of ratification support and early action activities for the BBNJ Agreement to be programmed during GEF-8." It is expected that these priorities will shift to implementation and become full-fledged measures once the BBNJ treaty receives the 60 State Party ratifications necessary for it to become operational. In order to have the ability to carry out these functions, the GEF Assembly adopted a new amendment to its Instrument that allow the GEF to administer the BBNJ trust fund and to be accountable to and under the guidance of the BBNJ COP "on overall strategies, policies, programme priorities and eligibility for access to and utilization of financial resources.

To facilitate its work, the GEF has established a variety of national programme support options relating to the ratification and early implementation process for the BBNJ treaty, including gap analysis measures and capacity assessments, as well as legislative assistance and support for awareness, education and public engagement on the process. The established maximum grant amount for countries at this stage is up to $175,000 per country. To complement this, there are programme measures available to support coordinated efforts for ratification and early implementation at the regional and international levels. The established maximum grant amount is $5 million for these efforts overall. A loose process has been established to allow the GEF to assess the proposals received at this early stage and it is expected that the first meeting of the BBNJ COP, once the BBNJ treaty enters into force, will provide additional guidance for future GEF decisions.

As of August 2024, the GEF has announced initial funding for ratification activities in Vanuatu, Palau, the Marshall Islands and the Solomon Islands, collectively totalling approximately $700,000. It is also working with UNEP, the FAO and UNDP as entities that are assisting in the planning and future direction decision-making for funding activities relating to the BBNJ treaty.

GBF Financing

In 2022, at COP15, State Parties to the Convention on Biological Diversity (CBD) adopted the Kunming Montreal Global Biodiversity Framework (GBF) as a non-binding set of commitments that were the successor to the 2010 Aichi Targets. While

the bulk of the GBF and its targets relate to establishing provisions relating to biodiversity conservation, protection and promotion, there are also significant provisions relating to trade and financing aspects of biodiversity. Critically, Target 19 calls for States and the international community to “Substantially and progressively increase the level of financial resources from all sources, in an effective, timely and easily accessible manner, including domestic, international, public and private resources, in accordance with Article 20 of the Convention, to implement national biodiversity strategies and action plans, mobilizing at least $200 billion by 230.” To achieve this, there is a commitment to increasing international biodiversity-related financing to developing States, least developed countries and SIDS in the amount of at least $20 billion annually by 2025 and at least $30 billion annually by 2030.

Following the adoption of the GBF, in CBD COP 15 Decision 15/15, it was decided that the GEF would become a core actor in implementing its financing prongs, especially those relating to Target 19. Subsequently, the Global Biodiversity Framework Fund (GBFF) was established within the GEF structure in GEF Council Decisions 09/2023 and 10/2023. The GBFF created in the GEF system “to support the human rights-based and gender-responsive implementation [of the GBF], complementing existing support and scaling up financing to ensure its timely implementation.” It will only work to implement the provisions of the GBF and, to date, as only been authorized to provide funding to qualifying activities until the end of 2030. While contributions from the private sector are included in the potential sources of funding for the GBFF, a number of concerns regarding the provenance of such funding have been raised and are currently under review by the GEF.

Governance of the GBFF will be carried out by a GBFF Council, to be comprised of representatives from donor and recipient States as well as invited representatives from selected other international organization, MEA secretariats, and observers from the private sector, Indigenous Peoples and local communities, youth groups and conservation or other related organizations. It is intended to create advisory groups or other sub-entities as deemed appropriate for the provision of guidance and advice on matters relating to the scope of funding authorized under the GBF and associated decisions. As of February 2024, the GBFF adopted a Country Maximum Dollar Value of Funding Requests for the First Programming Tranche of the GBFF to guide programming and decision-making.

INC - Plastic Pollution Treaty
Intersessional Work
Legal aspects of Criteria Approaches and Noncriteria Approaches (Expert Group 2)

At the end of INC-4 in April 2024, the Intergovernmental Negotiating Committee (INC) for the adoption of an international legally binding instrument on plastic pollution, including in the marine environment (ILBI) mandated the creation of two ad hoc open-ended intersessional expert groups. The purpose of these intersessional expert groups is to facilitate discussion and, potentially, options for paths forward on critical areas for the ILBI, to be taken up during INC-5 in Busan at the end of 2024. One of the two intersessional expert groups created – EG 2 –was expressly mandated to "to identify and analyse criteria and noncriteria based approaches regarding plastic products and chemicals of concern in plastic products, and product design focusing on recyclability and reusability of plastic products, considering their uses and applications, for the consideration by the Committee at INC-5.

This is reflective of core areas of discussion and debate before and during INC-4, including Conference Room Papers and proposals made by Norway, the Cook Island and Rwanda on chemicals of concern in plastics, Switzerland, the EU and others relating to plastic products and chemicals of concern and conceptual approaches to address them, and the United Kingdom and Thailand on problematic and avoidable plastic products. These proposals and others are reflected in Part II. 2, 3 and 5 of the Compilation Document, released by the INC Secretariat for use as the basis for negotiations in Busan during INC-5.

To facilitate the framing of the discussions for EG 2, the Group Co-Chairs and the INC Secretariat requested that States and their national experts complete a questionnaire regarding their thoughts on these issues. The Compilation of EG2 questionnaire responses used to set the discussions during the on-line meeting of IEG 2 and it is expected that the information generated will also play a role in shaping the agenda for the subsequent in-person meeting of the intersessional expert groups, scheduled for 24 – 28 August 2024 in Bangkok.

Subsequent to the INC-4 outcomes and especially in the phases of the on-line meetings (Agenda EG2; Co-Chairs Synthesis Report EG2: Synthesis Report) **queries have arisen as to the exact legal, regulatory and scientific constructs of criteria and noncriteria approaches, in particular in the context of chemicals in products.**

This brief provides an overview of these concepts and several examples of how such approaches have been implemented, as well as how these approaches might be used to provide a scientific basis for regulation under the ILBI that protects the environment, biodiversity and human health. The brief and the entire process of determining criteria and non-criteria approaches should be understood as attempting to further the regulation of chemicals involved in the plastics process as well as plastic products themselves. Although some chemicals are regulated by the Basel Convention, the regulation of relevant chemicals under the ILBI will fill a critical void, highlighted by the Secretariat of the Basel/Stockholm/Rotterdam Conventions "that 128 chemicals of concern are regulated under MEAs, namely the Stockholm Convention, the Minamata Convention or the Montreal Protocol", which "represents

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around 4% of all identified chemicals of potential concern and 1% of all chemicals used in plastics".[3]

Criteria and Noncriteria Approaches

The phrasing of criteria approaches and noncriteria approaches for pollution has its legal basis in the US Clean Air Act, under which 6 forms of air pollutants – Ozone, particulate matter, carbon monoxide, lead, sulfur dioxide and nitrogen dioxide – were designated as "criteria pollutants."[4] Considered to be the most damaging to the environment and human health from the perspective of national law and regulation, these pollutants were also identified as being transboundary in their transmission and effects, and as a result the system for identifying and regulating these pollutants became tailored to meet these circumstances.[5] With the exception of lead, criteria pollutants have generally been connected to climate change although it must be stressed that greenhouse gases (GHGs) are not included as criteria pollutants *per se*.[6] In various iterations of regulatory standards adopted by the US Environmental Protection Agency, known as National Ambient Air Quality Standards, acceptable and unacceptable levels of criteria pollutants have been established.[7] Under the terms of the Clean Air Act, all other forms of air pollutants are classified as "noncriteria pollutants."[8] This classification does not mean that noncriteria pollutants are exempted from regulation but rather that they are subject to different levels of scrutiny and regulatory standards than criteria pollutants.[9]

From their origins in the Clean Air Act, criteria pollutants and noncriteria pollutants have become an accepted terminology throughout the air pollution legal, regulatory and scientific sector. Indeed, scientific and legal sources define criteria pollutants and noncriteria pollutants with specific reference to their existence as a result of the Clean Air Act.[10]

It should be noted, however, that similar processes of approaching pollutants, especially substances linked with air pollution, have been adopted in other jurisdictions albeit through the use of differing terminology. For example, the European Union (EU) has developed measures for multiple forms of pollution that are based on a similar legal and scientific concept of designating certain pollutants for heightened regulation due to their environmental and human health impacts while also maintaining a differing regulatory system for other substances deemed to be pollutants. These efforts began over a decade ago, notably through the creation of the EU Registration, Evaluation, Authorisation and Restriction of Chemicals

[3] Secretariat of the Basel, Rotterdam and Stockholm Conventions, Global Governance of Plastics and Associated Chemicals (2023): UNEP-FAO-CHW-RC-POPS-PUB-GlobalGovernancePlastics-2023.pdf., p 29. This was also reflected in the scientific findings and discussions at the webinar "Road to Busan | Potential Approaches to Plastic Products and Chemicals of Concern in the Plastics Treaty" organized by the International Pollutants Elimination Network (IPEN) with the support of the Geneva Environment Network as part of the Road to Busan series and within the framework of the Geneva Beat Plastic Pollution Dialogues, 7 August 2024, with a focus on health and environmental protective criteria and non-criteria-based approaches for products and chemicals through various examples that could be reflected in the International Legally Binding Instrument.

[4] See United States Clean Air Act (1970); US Environmental Protection Agency, https://www.epa.gov/regulatory-information-topic/regulatory-and-guidance-information-topic-air; Environmental Encyclopedia (2011) 400, 1165; Chris Park & Michael Allaby, A Dictionary of Environment and Conservation, 3d (OUP 2017).

[5] Ibid.

[6] Ibid.; Environmental Encyclopedia (2011) 400.

[7] Ibid.

[8] Ibid.; Chris Park & Michael Allaby, A Dictionary of Environment and Conservation, 3d (OUP 2017).

[9] Ibid.

[10] See Marta Schuhmacher, Jose L Domingo & Josepa Garreta, 'Pollutants emitted by a cement plant: health risks for the population living in the neighborhood,' Environmental Research 95 (2004) 198 – 206; Duarte Caldeira Dinis, Jose Rui Figueira & Angelo Palos Teixerira, 'A multiple criteria approach for ship risk classification: An alternative to the Paris MoU Ship Risk Profile,' Socio-Economic Planning 90 (2023) 1; E Tupz, I Talinli & E Aydin, 'Integration of environmental and human health risk assessment for industries using hazardous materials: A quantitative multi criteria approach for environmental decision makers,' Environment International 37 (2011) 393 – 403; Richard A. Toro et al., 'Long-term assessment and acute air pollution events in a mega-industrial area in Central Chile,' Urban Climate 55 (2024).

(REACH) system,[11] have expanded since the adoption of the European Green Deal in 2019 and now extend to product design principles, as evidenced by the EU Safe and Sustainable by Design Policy and the EU Ecodesign Directive.[12]

The use of forms of criteria approaches can be seen reflected in a number of existing international and national laws and rules that use either "positive" or "negative" list approaches for regulatory classification of many forms of pollutants.[13] Examples of this include designations of ozone depleting substances under the Vienna Convention and Montreal Protocol,[14] designations of persistent organic pollutants internationally and nationally, connected to the Stockholm Convention[15] and the prior informed consent and classification review trigger requirements contained in the Rotterdam Convention.[16] Efforts to generate indicators as another form of criteria approach for chemicals regulation can be seen in the text of the 2023 Global Framework on Chemicals (GFC) and its authorization of an Open-Ended Ad Hoc Group on Measurability and Indicators that will be critical for establishing the functional application of the GCF moving forward.[17]

Additionally, the concept of criteria for designation of categories of impacts or harms requiring regulation has been used in the Basel, Rotterdam and Stockholm Conventions context. Indeed, as the INC process began, the Secretariat of the Basel, Rotterdam and Stockholm Conventions issued the above mentioned report, *Global Governance of Plastics and Associated Chemicals*, in which it suggested the generation and use of sustainability criteria for international regulation of plastics and associated chemicals.[18] These criteria would address elements of the plastic value chain, ensuring that the private sector and the public sector are involved in the generation of evaluation and regulatory measures for the full range of sectors involved. This would include chemical design and product design. In developing potential factors to be used in these sustainability criteria, the BRS Convention Secretariat further expanded the understanding of criteria approaches but still retained many aspects of the choices which have historically been made between pollutants that will be subject to differing regulatory status developed by the Clean Air Act's use of criteria and noncriteria pollutant designations.[19] The suggested forms of criteria would focus on the generation of performance criteria, "to minimise harm to the environment and human health by influencing product and material design, such as toxicity, composition, chemical and polymer/stability integrity, size, longevity and (bio)degradability"[20] and transparency criteria, "to ensure the flow of information in the supply chain of plastics, including for workers, retailers, consumers and recyclers."[21] To ensure that these criteria are crafted flexibly and able to adapt to new and emerging information, this suggestion includes the creation of dedicated governance bodies within the ILBI system.[22]

[11] https://echa.europa.eu/regulations/reach/understanding-reach; E Tupz, I Talinli & E Aydin, 'Integration of environmental and human health risk assessment for industries using hazardous materials: A quantitative multi criteria approach for environmental decision makers,' Environment International 37 (2011) 393 – 403.
[12] https://research-and-innovation.ec.europa.eu/research-area/industrial-research-and-innovation/chemicals-and-advanced-materials/safe-and-sustainable-design_en .
[13] https://commission.europa.eu/energy-climate-change-environment/standards-tools-and-labels/products-labelling-rules-and-requirements/sustainable-products/ecodesign-sustainable-products-regulation_en .
[14] https://ozone.unep.org/treaties/vienna-convention; https://ozone.unep.org/treaties/montreal-protocol .
[15] https://www.pops.int/ .
[16] https://www.pic.int/ .
[17] See Global Framework on Chemicals – for a planet free of harm from chemicals and waste (2023); https://www.chemicalsframework.org/; https://www.chemicalsframework.org/page/open-ended-ad-hoc-group-measurability-and-indicators
[18] Secretariat of the Basel, Rotterdam and Stockholm Conventions, Global Governance of Plastics and Associated Chemicals (2023): UNEP-FAO-CHW-RC-POPS-PUB-GlobalGovernancePlastics-2023.pdf (basel.int)
[19] Ibid.
[20] Ibid. at p 105.
[21] Ibid.
[22] p 106

Recommendations

Existing uses of criteria approaches and noncriteria approaches to pollutants have been successful in regulating aspects of critical forms of pollution, notably air pollution. As scientific knowledge and legal efforts to address pollution and pollutants has increased internationally and nationally it is possible to see this concept of criteria and noncriteria approaches expanding into other sectors than air pollution.

The potential inclusion of criteria approaches and noncriteria approaches for the designation and regulation of plastics, chemicals and product design under the ILBI is an example of this growing awareness regarding the need for criteria-centred evaluation methods. However, this must be balanced against the fundamental question of the types of criteria and/or noncriteria approaches will be used and whether the annexes or other lists envisioned in the ILBI will be positive or negative lists.

It will be important to consider the incorporation of science-based criteria approaches and/or science-based noncriteria approaches. The suggestion of sustainability criteria as a broader method for framing and understanding the impacts of chemicals and product design throughout the plastics value chain is important. Beyond this, it will be essential that, regardless whether the criteria approach, noncriteria approach, or a hybrid thereof is recommended for use in the ILBI, the contents of the criteria selected include not only science-based elements and socio-economic elements but also directly include evaluative elements connecting to short, medium and long-term impacts of substances and designs on biodiversity, ecosystems and the environment at the international, regional and local levels. The inclusion of these elements within the approach(es) selected would bridge the interlinkages between pollution, biodiversity and climate change and would ensure that there is greater convergence and coherence between treaties regulating pollution and international treaty regimes more broadly. This would advance transparency and information-sharing as well as providing States and stakeholders with an option to connect knowledge from other, related sectors, helping to ensure that reporting requirements are less onerous for States and that stakeholders can have their perspectives included across a wide range of related international treaty regimes.