

Reinforcing Commitments to Nature and Communities: Options to include Biodiversity in the future Global Plastics Treaty

Key points

- Legal and regulatory measures to combat plastic pollution must address the triple planetary crisis of biodiversity loss, plastic pollution and climate change together.
- Greenhouse gases are released at every stage of the plastic life cycle, from extraction to production, trade, use, recycling and end-of-life phases. Each of these phases must be addressed by and included in the international legally binding instrument on plastic pollution, including the marine environment (ILBI).
- Biodiversity loss is accelerating at an alarming rate. Exposure to plastic pollution in all forms (including micro- and nano-plastics) has severely impacted the health and resilience of all ecosystems, including water, soil, (wet)land, protected areas, ocean as well as over 2000 species [1], emphasising the need for the future ILBI to include multiple, specific provisions relating to biodiversity. Plastic pollution significantly reduces ecosystem resilience to climate change and ability to benefit from disaster risk reduction as well as amplifying all aspects of the triple planetary crisis.
- Communities in the Global South and SIDS are disproportionately impacted by the effects of plastic pollution.
- Aligning the ILBI and existing multilateral environmental agreements (MEAs) will promote convergence and coherence in international legal frameworks and better governance to address biodiversity loss, climate change impacts, pollution, food security and poverty. It would also advance the proposed international cooperation terms in the ILBI which have been critical points of discussion and convergence throughout the INC process.
- Specific, biodiversity-focused language must be integrated in the ILBI to align with both the terms of the Convention on Biological Diversity (CBD) and the associated 2022 Kunming-Montreal Global Biodiversity Framework (GBF), in order to protect people, ecosystems, species and the planet and achieve the overall objective of ending plastic pollution.
- To facilitate future COP decisions and resulting implementation actions, an entry point for decisions or amendments is needed in the ILBI, for instance in the Preamble text, Scope, Objective, International Cooperation and/or other articles. Including biodiversity in the text agreed at INC-5 will ensure the ability of future COPs to effectively address the triple planetary crises, make linkages to existing obligations under other MEAs, and will allow for inclusion of related scientific advancements.
- There is language already in the Compilation Text which would enable biodiversity protection and community inclusion. Thus, and to allow future COP decisions considering biodiversity aspects, **it is recommended that the future ILBI contain as entry points at a minimum the text as noted for Option 1 (see below and see full text Options 1, 2, and 3 in Annex), to ensure that biodiversity is the subject of specific measures included in the ILBI and is also mainstreamed throughout the key operative terms of the treaty.**

Biodiversity and Plastic Pollution

The ILBI to end plastic pollution must recognise that the occurrence at all scales (from macro- and micro- plastics, nanoplastics, chemicals, product design and general plastic products) is a major driver of the triple planetary crisis. This is essential since plastic pollution causes the breakdown of crucial natural systems upon which humans and all forms of biodiversity are reliant. These forms of vital and impacted biodiversity include highly productive coral reefs, seagrass ecosystems, freshwater resources and mangrove forests [2]. Additionally, greenhouse gases (GHGs) are released at every stage of the plastic lifecycle and plastic pollution detrimentally affects the health and resilience of over 2000 species.

The communities that are most reliant on healthy ecosystems and thriving biodiversity, especially Indigenous people, are often disproportionately impacted by the effects of plastic pollution.

Throughout the Intergovernmental Negotiating Committee (INC) process, States have emphasised the connections between criteria for the regulation of plastic products, chemicals of concern and product design and biodiversity protection and human well-being, along with the need for financing mechanisms and means of implementation under the ILBI that support nature and protect people.

Biodiversity protection at international and national levels requires inclusion of language in the ILBI to ensure that a full lifecycle approach is taken in addressing the physical and chemical impacts of plastic pollution, including alternatives and substitutes, and to drive a reduction in primary production rather than focusing solely on downstream waste management measures.

It is also imperative that the ILBI includes ambitious language preventing further plastic pollution and ensures that any measures to tackle legacy impacts be locally appropriate and ecologically sensitive to prevent further harm to biodiversity or communities most at risk. Legacy pollution is a critical element of the plastics lifecycle and efforts to address it in the ILBI must ensure flexibility to accommodate nuanced understandings of the impact and remediation measures over time.

[1] Tekman, M. B., Walther, B., Peter, C., Gutow, L., & Bergmann, M. (2022). *Impacts of plastic pollution in the oceans on marine species, biodiversity and ecosystems* (p.46). WWF Germany

[2] International Union for Conservation of Nature (IUCN). (2024). *Issues brief: Plastic Pollution*

There are clear opportunities to create synergies between existing international and regional treaty regimes containing intersecting laws, policies and frameworks that address transboundary pollution, designating hazardous pollutants and biodiversity loss. For example, the ILBI should harness State commitments under GBF Target 7 to “Reduce pollution risks and the negative impact of pollution from all sources, by 2030, to levels that are not harmful to biodiversity and ecosystem functions and services, considering cumulative effects, including: [...] preventing, reducing, and working towards eliminating plastic pollution”.

Further, MEAs and international and regional regimes working on pollution and biodiversity-related topics support global efforts and those local communities reliant upon productive ecosystems. Treaty regimes and international organizations also encourage a common approach to addressing areas of thematic intersection, including institutionalised cooperation and the de-siloing of MEAs in plastic pollution and other fields. Critically, the Basel, Rotterdam and Stockholm (BRS) Conventions have recognized the connections between biodiversity protection and the broad scope of forms of pollution under their respective jurisdiction. This recognition includes express authorization of inter-regime cooperation to advance the terms of the BRS Conventions, the CBD and the GBF. At the 2023 Minamata Convention on Mercury Conference of the Parties (COP), a decision was adopted to encourage State Parties to include mercury regulation in their actions to fulfil obligations under the GBF, and vice versa, as well as to encourage work between the secretariats. Both the Convention on the Conservation of Migratory Species of Wild Animals (CMS) and the United Nations agreement on biodiversity beyond national jurisdiction (BBNJ) have adopted measures relating to plastic pollution which are very relevant to the ILBI development. In December 2023, at Barcelona Convention COP 23, the State Parties recognized the inherent necessity of addressing plastic pollution and protecting biodiversity in the Mediterranean region, with a focus on the importance of the GBF to achieve the regional post-2020 Biodiversity Framework. And, while not binding international law, the Sendai Framework for Disaster Risk Reduction for 2015 – 2030 expressly links biodiversity with multiple areas of international law to address various threats for current and future disasters.

Options for the ILBI to achieve a better outcome for biodiversity, people and the planet

The ILBI will regulate plastic pollution and related topics which intersect in part with several other MEAs. This is not unusual or legally problematic as long as the terms used in the ILBI are carefully tailored to avoid conflicting obligations for State Parties. Thus, language supporting coherence and authorising international cooperation between the ILBI governance system and those of other treaty regimes, especially the CBD, will be critical for ensuring synergies benefitting biodiversity and people, and reducing plastic pollution.

In this regard, three options would be beneficial for inclusion in the final ILBI text:

- **Option 1.** At a minimum, maintain specific language in articles to draw out biodiversity protection and community inclusion, and mainstream the term “Biodiversity” and/or “Ecosystems” across a number of relevant articles in the ILBI, based on the Compilation of draft text of the international legally binding instrument on plastic pollution, including in the marine environment ([Compilation Text, English](#)), issued by the INC Secretariat on July 1, 2024.
- **Option 2.** Add specific biodiversity language in the “International Cooperation” Article to further strengthen coherence with other MEAs.
- **Option 3.** Insert a dedicated, new article on “Biodiversity Aspects” that promotes implementation and compliance to advance nature positive approaches under international and national laws, and facilitates future COP decisions.

Option 1. Some of the language throughout the [Compilation Text](#) should be maintained to ensure that biodiversity is the subject of specific measures included in the ILBI and is also mainstreamed throughout the key operative terms of the treaty. This is the minimum recommended. The main parts where this is critical include the Preamble text, Control Measures (Part II), and Implementation and oversight measures in Part IV. For a breakdown of each part of the Compilation Text which would be included in such maintaining/mainstreaming, please see the Annex to this briefing document (which also highlights where further mainstreaming of biodiversity protection and community inclusion would be beneficial).

Of particular note, in the existing Compilation Text, it is important to retain the elements shown below in the Preamble, Objective, and Scope, with the preferred existing text bolded in green.

Preamble:

Noting with concern the specific impact of plastic pollution on the marine environment [and connected aquatic ecosystems] [and impacts on biodiversity]

[Recognizing the intersections between plastic pollution, circular economy solutions and innovations across the full lifecycle of plastics and impact on biodiversity,]

Objective:

1. The objective of this instrument* is to [end plastic pollution] [including in the marine environment to] [in order to] [protect human health] [, animal health] [plant health] **[biodiversity]** [achieving healthy environment] [and the environment] [from] [the adverse effects of] [end] [prevent] plastic pollution[.],...

Scope:

[It recognizes [and addresses] [the risk] [the effect of] of plastic pollution to human well-being and the environment and the impact on climate change and biodiversity.]]

Option 2. This option is for Part IV, Article 5 of the [Compilation Text](#) addressing International Cooperation, in Para 4, to replace the existing Para 4, to read as follows:

4. Recognizing the connections between biodiversity, climate change and plastic pollution and all phases of the plastics lifecycle, the governing body shall:

a. With the aim to enhance mutual supportiveness and increase the effectiveness of addressing plastic pollution, consult and collaborate with the governing bodies of relevant international and regional treaty regimes, including the Convention on Biological Diversity and its Kunming-Montreal Global Biodiversity Framework, the UN Framework Convention on Climate Change, the Paris Agreement, the UN Convention to Combat Desertification, the Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction (BBNJ Agreement), the Convention on Migratory Species, the Sendai Framework for Disaster Risk Reduction 2015-2030, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, the Stockholm Convention on Persistent Organic Pollutants, the Minamata Convention and the Global Chemicals Framework;

b. Invite, as appropriate, input from relevant scientific and technical bodies, including the Science Policy Panel to be established in accordance with UNEA resolution 5/8, the Intergovernmental Panel on Climate Change and/or the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services, and other relevant bodies;

c. Promote cooperation and exchange of information with intergovernmental organisations, and other relevant stakeholders as appropriate.

Together with an institutionalised international cooperation among MEA Secretariats and other relevant bodies, as proposed in some iterations of the Article as contained in the Compilation Text, Option 2 edits would further ensure regime coherence between existing MEA provisions and practices.

International cooperation outcomes could further guide multi-stakeholder collaboration for midstream solutions and demonstrate how to close the loop for circularity and protect nature and people. Emphasis is needed on the role of Indigenous Peoples, women and youth, local communities, both formal and informal sectors and businesses, especially small and medium sized enterprises (SMEs), allowing for the inclusion of these groups in the textual terms of the ILBI and in the subsequent decisions taken regarding its implementation.

Option 3. In Part IV of the Compilation of draft text of the international legally binding instrument on plastic pollution, including in the marine environment (Compilation Text) add a new Article 8ter on “Biodiversity aspects” as follows:

Article 8 ter Biodiversity Aspects

Recognizing the critical intersections between plastic pollution, all phases of the plastic lifecycle and impacts on biodiversity at the international, regional, and national levels, Parties shall address the circularity of production and consumption patterns in line with biodiversity goals and targets and take action to tackle threats to biodiversity and to protect and restore nature, to, inter alia:

- 1. Develop and implement strategies and policies and legal measures to identify risks and protect the integrity, connectivity and resilience of biodiversity, particularly species, ecosystems, terrestrial, freshwater and marine resources, from the short-, medium- and long-term impacts of plastic pollution across the plastics lifecycle. These measures shall include strategies and programmes relating to the impacts of and risks posed by plastics, including legacy plastics;*
- 2. Develop and implement science-based educational and preventive and risk-informed programmes on the intersections between plastic pollution and circular economy solutions, and innovations across all phases of the plastic lifecycle and impacts on biodiversity;*
- 3. Ensure that biodiversity impact, risk and assessment are included throughout the national plan communicated pursuant to [Part IV.1] and national reports communicated pursuant to [Part IV.3];*
- 4. Promote, as appropriate, cooperation and exchange of information with intergovernmental organizations, and other relevant stakeholders pursuant to [Part IV.5].*
- 5. Restore biodiversity, as far as possible, where the impact of plastic pollution has caused significant harm.*

The inclusion of a specific article on “Biodiversity aspects” in the ILBI (option 3), potentially as a new article 8ter in Part IV, would ensure that the legal and scientific connections between plastic pollution, circular economy, and innovations across all phases of the plastic lifecycle and the protection of biodiversity are rooted in national and international law, by simultaneously raising awareness for the need of further biodiversity protection in implementing the ILBI [3]. It would also follow the rationale of a cross-cutting topic as the similar proposed Article 8bis on “Health Aspects”.

[3] This new content option is a shortened version of IUCN proposal before INC-4: [A future plastics treaty needs a specific article on biodiversity: IUCN's proposal - Story | IUCN](#).

Conclusion

The global community is at a crucial moment, facing the current and future impacts of plastic pollution, pollution more broadly, biodiversity loss, and climate change while designing international instruments to address these impacts. The ILBI offers the opportunity for State Parties to adopt robust and holistic terms that acknowledge the fundamental connections between plastic pollution and biodiversity loss as intertwined issues that must be addressed at all levels to align with both the terms of the CBD and the associated 2022 Kunming-Montreal Global Biodiversity Framework.

To facilitate future COP decisions and resulting implementation actions, an entry point for decisions or amendments is needed in the ILBI, for instance in the Preamble text, Scope, Objective, International Cooperation or other articles. Including biodiversity in the text agreed at INC-5 will ensure the ability of future COPs to effectively address the triple planetary crises, make linkages to existing obligations under other MEAs, and will allow for inclusion of related scientific advancements. In particular, those entry points could be beneficial to:

- Create space for the development of nature positive policies, international, regional and national cooperation as well as information exchange that are receptive to advances in data, knowledge, research and education regarding all forms of plastic pollution (including micro- and nano-plastics) and the impact on biodiversity.
- Promote coherent national and regional legislation, monitoring and reporting, aligned with those under other MEAs, in particular the CBD and the GBF, in a way that is mutually supportive and ensures that international law relating to biodiversity and pollution can be flexible and adaptable to current and future challenges.
- Enhance circular business opportunities for the formal and informal sector and SMEs that are nature positive and enhance the opportunities created under other MEAs and associated frameworks, such as the GBF.
- Address the need for financing and private sector investments, engagement and partnerships, including subsidies, taxes and Extended Producer Responsibility (EPR) Schemes, that support biodiversity and address legacy plastic pollution in an ecologically sound manner.
- Advance the interlinkages between plastic pollution and biodiversity in the context of treaty regimes generally, including international trade law, an area in which the World Trade Organisation (WTO) has become increasingly active. It would also connect with the discussions surrounding safe, environmentally sound and nature positive alternatives and substitutes for plastics.
- Raise awareness and prevent further harm to biodiversity and indigenous peoples, women, youth and the local communities most at risk.

The inclusion of biodiversity-specific articles and terms in the ILBI would advance efforts to break the silos and support a common approach under different agreements and organizations and thus achieve a better outcome for nature, people and the planet. There is language already in the Compilation Text which would enable biodiversity protection and community inclusion. For these reasons, and to allow future COP decisions considering biodiversity aspects, it is recommended that the future ILBI contain at a minimum the text as noted for Option 1 (see full text in Annex), to ensure that biodiversity is the subject of specific measures included in the ILBI and is also mainstreamed throughout the key operative terms of the treaty.

More information and Annex Link

For the full document including the Annex, please see this link: <https://iucn.org/resources/information-brief/reinforcing-commitments-nature-and-communities-options-include>

The Annex provides overarching textual options to strengthen inclusion of biodiversity and communities, as preferred text recommendations for [Part I, II and IV of the Compilation of draft text of the international legally binding instrument on plastic pollution, including in the marine environment, UNEP/PP/INC.5/4, 1st July 2024](#).

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ANNEX

Overarching textual options to strengthen inclusion of biodiversity and communities

Preferred text recommendations for Part I, II and IV of the [Compilation of draft text of the international legally binding instrument on plastic pollution, including in the marine environment](#), UNEP/PP/INC.5/4, 1st July 2024.

Key:

- **Highlighted green** - preferred existing text
- Red, underlined text - additional, suggested language
- ~~Strike-through~~ - delete text

In addition to the specific references below, it should be noted that where there are generic references to “environment” or “environment and human health” throughout the latest Compilation Text for ILBI negotiations and in the previous iterations of the Zero Draft and Revised Zero Draft, the addition of “biodiversity” could be added for clarity and precision.

Part I

The below options include support for existing language in the current Compilation Text, where appropriate, as well as suggestions for textual changes and expansions where necessary, so that biodiversity is placed at the centre of the ILBI and measures to implement it.

1. Preamble⁵

Noting with concern* the specific impact of plastic pollution on the marine environment **[and connected aquatic ecosystems] [and impacts on biodiversity]*

[Recognizing the intersections between plastic pollution, circular economy solutions and innovations across the full lifecycle of plastics and impact on biodiversity,]

[Reaffirming the importance of cooperation, coordination and complementarity among relevant regional and international conventions and instruments, with due respect for their respective mandates, *[to prevent plastic pollution and its related risks to human health and adverse effects on human well-being, **biodiversity** and the environment], including the International Convention for the Prevention of Pollution from Ships of 1973, as modified by the Protocol of 1978 relating thereto and as further amended by the Protocol of 1997; the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal; the Rotterdam Convention on the Prior Informed Consent Procedure for certain Hazardous Chemicals and Pesticides in International Trade; the Stockholm Convention on Persistent Organic Pollutants; the United Nations Convention on the Law of the Sea; the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter of 1972 and the Protocol thereto; [the Strategic Approach to International Chemicals Management;] [Global Framework on Chemicals] the United Nations Framework Convention on Climate Change; the*



Convention on Biological Diversity; **[Kunming-Montreal Global Biodiversity Framework]** **[the World Health Organization Framework Convention on Tobacco Control]** and other international organizations, regional instruments and programmes, and recognizing efforts led by non-governmental organizations and the private sector,]

2. Objective

1. The objective of this instrument* is to **[end plastic pollution]** **[including in the marine environment to]** **[in order to]** [protect human health] [, animal health] **[plant health]** **[biodiversity]** **[achieving healthy environment]** [and the environment] [from] [the adverse effects of] [end] **[prevent]** plastic pollution[.], including in the marine environment **[without prejudgment and prejudice to the inexorable high end utility of products]** [and other aquatic as well as terrestrial ecosystems], [by ending plastic pollution] [based on a comprehensive approach] [that addresses the [full] life cycle of plastic **[products]** **[waste]]** [through the prevention, progressive reduction and [elimination] [remediation] of [additional] plastic pollution] **[and legacy plastic pollution]** [management] [and utilization of [plastic and] plastic waste] [according to national priorities] [by 2040] [and enhanced efforts thereafter], [in order][to protect human health] [, animal health] [and the environment][from its adverse effects][and] **[while]** [to achieve] **[achieving]** [sustainable development] **[to promote circular economy]** [, poverty eradication and just transition,] [considering] **[in line with]** the principle of common but differentiated responsibilities] [and respective capabilities] **[taking into account national circumstances, capabilities and priorities]** [as well as] **[the matched]** financial and technical support][**through the efficient transfer of technology, reliable and predictable[, proportionate and concomitant]** financing and capacity building.] [from developed nations to provide to developing nations].

3. Definitions⁶

Option 0

No standalone provision.

Option 1

1 For the purposes of this *instrument**:

2 **["Environment"] means ... [relevant aquatic, atmospheric and/or terrestrial systems and associated biodiversity.]["term"] means []**

3 ["term"] means []

4 ["term"] means []

5. Scope

Option 1

This *instrument** [is based on a comprehensive approach that] [addresses the [full] [whole] life cycle of plastic] **[products]** [applies to plastic pollution] [including] [in the] [marine]



[environment] [throughout the full life cycle] [from the design of plastic products to the environmentally sound management of plastic waste] [from [extraction to] production, design, use, **[and]** consumption, [of plastic products to] disposal and remediation **[of plastic waste]** [and] [based on comprehensive regulations and collaborative measures [based on a hierarchy between avoidance, reduction, reuse, recycling, and elimination]], [taking into account, among other things, the principles of the Rio Declaration on Environment and Development, as well as national circumstances and capabilities]. [It addresses [all sources of] plastic pollution [and leakage, including legacy plastic pollution] and covers plastic [materials and] products, **[and plastic waste]** [as well as plastic related chemicals and microplastics]. **[It recognizes [and addresses] [the risk] [the effect of] of plastic pollution to human well-being and the environment and the impact on climate change and biodiversity.]** [It also [prioritizes and] addresses [the elimination of problematic, harmful and high-risk plastic categories and] sustainable production and consumption of plastics **[products]**, including environmentally sound management **[of plastic waste]**, resource efficiency and circular economy.]

Part II

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

Option 1

1. ~~[[Parties] [are encouraged to] [Each Party], [based on common but differentiated responsibilities] [sustainable economic growth and development and eradicate poverty] [taking into consideration their respective capabilities and national circumstances,] [shall] [may endeavour to] take [the] [necessary] measures [to prevent, and [mitigate] and [remove] the [potential for adverse] impacts on human health, [and] [or] the environment and [especially biodiversity] from the [production, use] and disposal of [primary] plastic polymers] [of concern] [to environment and human health] [and [secondary plastics polymers], [including their [feedstocks] and [precursors]]]. Each Party shall also [to [manage] [address] [promote] the [sustainable] production and consumption of plastics through product design and environmentally sound waste management, including through resource efficiency and circular economy approaches]. [Merge with II.8]~~

[3 bis alt. Micro- and [nanoplastics]]

[Option 1]

[[1. **Each party** [is encouraged] [or Parties] **[shall]** [take effective measures] [shall endeavour] to **promote research** [, within its capacities and considering national circumstances] **on the [scale and scope]—of [leakage of [intentionally added] micro and [nanoplastics] and micro plastic pollution] across the [entire] full lifecycle of [plastics and]-[plastic products,] and their impacts on all ecosystems, [biodiversity, food chains] and human health.]**

5. Product design, [composition] and performance d. [Alternative plastics and plastic products]



[Option 0

No text.]

[Option 1

[1. ~~[[Parties]]~~ ~~[[Each Party]]~~ ~~[[shall]]~~ ~~[[should]]~~ ~~[[endeavour to]]~~ ensure that ~~[[alternative plastics and plastic products]]~~ [which include bio-based, biodegradable, **oxo(bio)degradable** and compostable plastics] are safe~~[[,]]~~, environmentally sound and sustainable, ~~[[based on life cycle assessments,]]~~ [in accordance with standards to be decided by the *governing body**, based on recommendations from the STEPs] ~~[[compared to the plastic product]]~~ taking into account ~~[[including]]~~ **adopting a precautionary approach to** their [negative] potential for [waste reduction and reuse, as well as any] environmental, **biodiversity-based**, [climate,] economic, social[, cultural] and human health impacts[, including food [and water] security] [in accordance with criteria [set out in part IV of Annex C] [adopted by the *governing body** that encompass safety, environmental soundness, and sustainability]] [, based on the minimum design and performance criteria and other related elements contained in part I of Annex C, including distinct sustainability criteria for: (i) bio-based plastics, (ii) biodegradable plastics (iii) **oxo(bio)degradable and (iv)** compostable plastics, built on a full life cycle analysis] [as well as the national circumstances and capacities].]

2. The criteria that will be established should also take into consideration avoidance of undesirable substitution and problem-shifting.

[3. ~~[[Subject to their national plan and based upon national circumstances and capabilities,]]~~ Parties should encourage the development and use of safe[, environmentally sound] and sustainable alternative plastics and plastic products **[such as biobased plastics, biodegradable plastics, oxo(bio)degradable plastics and compostable plastics taking into account their potential for environment economic social and human health impact including food security]** ~~[[, including through]]~~. The measures [and incentives] taken to implement this provision may include the use of] regulatory [measures] and economic instrument[s]] [, as per national regulation].]

[4. Parties shall [be guided by the waste hierarchy and] ensure [that [reduction ~~[[in volume of plastic use]]~~ in the use] of ~~[[all]]~~ plastics] and] prevention of plastic waste, ~~[[including from non-fossil feedstocks,]]~~ will prevail] when considering the development and use of [alternative plastics and] plastic products.]

[5. There shall be an assessment of the need as well as [mobilization of financial resources], capacity building and technology transfer for each country for innovation and for their nationally driven commitments under this provision.]

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

[7. Each Party shall take the necessary measures to ensure that environmental claims on (i) bio-based, (ii) biodegradable (iii) **oxo(bio)degradable** and **(iv)** compostable plastics are substantiated. [Those measures may include labelling requirements, as set out in [Part II.13], to comply with.]]

[8. Parties are encouraged to work with relevant international organizations towards the development of standards and [guidelines at the multilateral level] to ensure that (i) bio-based,



(ii) biodegradable iii) oxo(bio)degradable and (iv) compostable plastics are safe, environmentally sound and sustainable.]

~~[OP8 bis Based upon national circumstances and capabilities, parties should promote safe, environmentally sound and sustainable alternatives to [plastics and] plastic products, such as (i) bio-based plastics, (ii) biodegradable plastics and (iii) compostable plastics, taking into account their potential for environmental, economic, social and human health impacts, including food security.]]~~

[Option 2

Merge with II.6 (“Non-plastic substitutes”).]

6. Non-plastic substitutes

Option 0

No provision on this matter.

Option 1

1. ~~[Subject to its national plan and based upon national circumstances and capabilities, each]~~ [[Each] Party shall] ~~[Parties should]~~ take measures to foster locally appropriate [research and] innovation[, including through the cooperation mechanism referred to in [Part III. ...]] [and incentivize and promote [the research,] and innovation of [to assess] the development and use at scale of] affordable, safe[, environmentally sound,] and sustainable non-plastic substitutes, including products, technologies and services, taking into account their potential for [waste reduction and reuse, as well as] environmental, economic, social[, cultural] and human health impacts ~~[across their lifecycle]~~, including food and water security, and land loss] [, based on life cycle assessments] [waste hierarchy] [and considering possible unintended consequences and trade-offs] [as well as the developing countries' access to the transfer of necessary technologies and financial resources].

2. Parties [are encouraged] [shall ensure] to the use of regulatory and economic instruments, public procurement and incentives¹¹ to promote the development and use of safe, environmentally sound and sustainable non-plastic substitutes, products, technologies and services[, taking into account national circumstances and capacities].

3. The financial mechanism established by the governing body* shall ensure technology transfer to developing country Parties, in order to facilitate adoption and use of at scale safe, environmentally sound, and sustainable non plastic polymers.

4. This provision would entail the adoption of a holistic set of criteria encompassing safety, environmental viability, and sustainability for non-plastic substitutes. Such criteria would incorporate a comprehensive life cycle assessment, ensuring a thorough evaluation of the environmental impact across the entire product life cycle.

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

6. Parties are encouraged to shall use the best available science, traditional knowledge, knowledge of Indigenous peoples and local knowledge systems [in the development of safe, environmentally sound, and sustainable non-plastic substitutes].



7. Parties ~~are encouraged to~~ **shall** establish a process for the assessment of the safety and sustainability of potential substitutes to plastics and their suitability as substitutes, considering their potential impacts on human health and the environment, the waste hierarchy, and “reduce, reuse and recycle” approaches.

8. Each Party shall promote efforts to establish or augment voluntary certification schemes for sustainable products or packaging to encourage sustainable substitutes, with better overall impacts in areas listed in paragraph 1.

Option 2

Merge into Part II.5: Product design, composition, and performance.

9. Waste Management

Option 1

1. ~~Each Party[, as per its national plans and based upon national circumstances and capabilities and relevant national regulations,]~~ **shall take [effective] measures [to ensure that [producers manage] plastic waste [is managed] in a [safe and environmentally sound manner [throughout its [different stages] [life-cycle]] [on safe and environmentally sound waste management [.] [[at its different stages]] [[to ensure] environmentally sound [waste] management [of plastic waste.]], [including] handling, [collection,] [sorting,] transportation, storage, recycling [treatment], other recovery including energy recovery] and final disposal[[of plastic waste]].][taking into account [recognizing that] the waste hierarchy][establishes that greater environmental and social benefit occurs when actions at the top of the hierarchy are prioritized.][.] and the special circumstances of small island developing States.][.]**

The measures taken to implement this provision ~~[shall]~~ **[are encouraged to]** be reflected in the national plan communicated pursuant to [Part IV.1 on national plans], with an aim [of] ~~[to]~~ achieving nationally determined targets, **including reduced production** and **[minimum requirements developed[.] [based on the harmonized [indicators] [elements] set out in [part II of annex F]]]**.

OP1 bis To implement the obligation pursuant to paragraph 1, each Party shall give priority/due consideration to establishing a basic effective social system at local level for handing, sorting, collection, transportation, storage, recycling and treatment of plastic wastes, which is indispensable to a safe and environmentally sound waste management and just transition

2. **[Each Party shall meet the requirements, [including] where relevant through a sectoral approach, for [minimum] [safe and] environmentally sound [management of plastic waste, including through] [collection,] recycling and disposal rates[, set out in part I of annex F.] [taking into account] [respecting] [the waste hierarchy and other] relevant provisions[.] [and taking into account] guidance and guidelines in [accordance with relevant arrangements under] other international agreements, [including those**



developed under] [inter alia] the High Seas/biodiversity Beyond National Jurisdiction (BBNJ) Treaty, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal[, as appropriate], the London Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter and its Protocol on the International Convention for the Prevention of Pollution from Ships][the International Convention for the Prevention of Pollution from Ships (MARPOL) Annex V of the International Maritime Organization and the Bamako Convention on Hazardous Wastes].]

3. The governing body* [shall] ~~[may]~~[, where necessary,] ~~adopt [at its first session,] [requirements, [best practice] guidance and guidelines] [for the implementation of the provisions in paragraph 2, additional or complementary to the relevant guidance and guidelines developed under other international agreements mentioned above]] [[and subsequently update as needed,] guidelines on [safe and] environmentally sound management of plastic waste, taking into account [the waste hierarchy and][and the] other relevant international guidelines and guidance[.]], developed under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal and other international agreements.][, as appropriate, as well as the need for a just transition, including for waste pickers.]]. [A mechanism needs to be established to assess the infrastructural requirements and financial resources required for safe and environmentally sound management of plastic waste.]~~

- [[4][3]. Each Party shall ~~[take [the necessary] measures to prevent] [not allow waste management practices [listed in part III of annex F] that may lead to the emissions and releases of hazardous substances, or microplastics [based on strong scientific evidence,] [open dumping, ocean dumping,] littering [and open burning] [of plastic waste]. and shall regulate the other allowed waste management practices that may lead to the emissions and releases of the hazardous substances and microplastics [listed in part IV of annex F.] in order to reduce impacts on the health and livelihoods of local communities, biodiversity and the natural environment.~~

- [6][5] ~~[It is recommended to] [Each] [Parties] [Party] [may, as per their national plan and based upon national circumstances and capabilities] [shall] [are] [is] encouraged] [to] [take additional measures[, according to their national capacities,] [related to waste management, with developing country parties being supported by international cooperation and, in particular, the cooperation mechanism referred to in [Part III, article number yet to be defined], which could include, inter alia] [.]~~

~~[x] [Adopt comprehensive economic-driven approaches such as establishing and operating Extended Producer Responsibility (EPR) scheme, including, where relevant, on as a sectoral basis, to incentivize improved product design, a reduction in waste generation and increased reuse, refillability, refurbishability and recyclability, promote higher recycling rates, and enhance the accountability of producers and importers for environmentally sound management, of plastics and plastic products throughout their life cycle.]]~~



[a. [Invest in] [Promote investment [and mobilization of resources from all sources for]] [in] waste management systems and infrastructure[, including through financial and technical support to subnational governments.] that enable[s] environmentally sound management of plastic waste[and enhances waste management capacity].]

[b. Promote investment and mobilize resources from all sources to cover financing gaps for waste management systems and infrastructure that enable environmentally sound management of plastic waste and enhance waste management capacity, in light of current and expected waste generation levels; and]

[c. [Incentivize] [Encourage] behavioural changes throughout the value chain[;] and [raise [consumer] [public] awareness [on sustainable consumption] [about plastic waste prevention and minimization] [and production, as well as the critical roles of all stakeholders in reducing plastic litter [waste] and supporting recycling]][, taking into account the waste hierarchy].]

c bis. Develop, identify, and/or strengthen markets for secondary plastics in line with comprehensive Extended Producer Responsibility schemes.

[7][6] The measures taken to implement the provisions of this article shall be reflected in the national plan [communicated pursuant to [Part IV.1 on national plans]]. [Where appropriate, Parties are encouraged to cooperate internationally or regionally to implement the provisions of this article.]

~~[7][6] bis. Each Party is encouraged to adopt environmentally sound waste management practices.~~

XX. FISHING GEAR

A decision on placement (or whether this provision should be included at all) is still pending. Different approaches have been proposed by Members of the INC for further consideration, including:

- ~~— no dedicated provision on fishing gear~~
- ~~— having no provision on fishing gear and instead have a sectoral programme under current 4bis of the revised draft text~~
- ~~— having no provision on fishing gear and instead have a reference to this specific sector in other relevant provisions of the instrument, as needed~~
- **having a standalone provision**
- **having elements on fishing gear considered under Part II.8 and 5, and 9**
- **having elements on fishing gear considered under Part II.9 and 5, and 8**
- **having elements on fishing gear considered under Part II. Parts 5, 8, and 9**

Option 0 No provision on this matter

Option 1

[Overarching obligation]



1. **[Each Party]** ~~[Parties]~~ ~~[to the instrument*]~~ **[shall]** ~~[should]~~ ~~[cooperate]]~~ ~~[is encouraged to]]~~, including through the cooperation mechanism referred to in ~~[Part III, article number yet to be defined],~~ ~~[and]~~ ~~[subject to its national plan and based upon national circumstances and capabilities]~~ **take** ~~[appropriate]~~ ~~[any]~~ **[effective]** **[measures]** ~~[actions]~~ ~~[to tackle]~~ ~~[to address]~~ **abandoned lost or otherwise discarded** ~~end of life~~ ~~[pollution arising]~~ ~~[from lost or damaged]~~ **fishing and aquaculture gear and waste** ~~generated by these activities~~ / **[across the [whole] lifecycle]** ~~[of plastic gears used for]~~ ~~[fishing [activities] and aquaculture gear]~~ ~~[to prevent and [, reduce]~~ ~~[and where possible prevent]~~ **[with a view to eliminating]** ~~[and eliminate]~~ **[plastic pollution from]** ~~these activities and prevent fishing gear [composed of plastic] from becoming abandoned, lost, [or otherwise]~~ ~~[and]~~ ~~discarded,~~ ~~in the [marine] environment,~~ **[and to promote circularity]**, ~~[taking into account,] as appropriate,]~~ ~~[consistent with]~~ **[in accordance with]** ~~[internationally agreed [instruments,] rules, [guidelines and] standards and recommended practices and procedures.]~~ ~~[taking into account as applicable relevant [multilateral environmental agreements] [international agreements] [and] [respecting] their respective mandates as well as common but differentiated responsibilities.]~~

[Particular measures]

[..., including [as appropriate]]~~[on]~~

[a. ~~[[Encourage the development [or] [and] [of]~~ **[improve the]** ~~[the enhancement of new]~~ **[design] [and technologies for] [for circularity]** of fishing and aquaculture gear[s], **[in line with performance criteria set out in part I of annex C, where practicable and feasible]** ~~[with a view to [reduce their environmental and biodiversity impacts, while]~~ ~~[enhance]~~ increasing durability, reusability, repairability and refurbishability and their capacity to be **[dismantled]** ~~[repurposed,]~~ recycled and disposed of in a safe and environmentally sound manner at end-of-life, and ~~minimizing]~~ **[to minimise]** releases ~~[and] [emissions]~~ ~~[leakages]~~ of or from fishing and aquaculture gears **and waste**, ~~[including microplastics,]~~ to the ~~[marine] environment;]~~

b. **[to implement effective]** ~~[to encourage]~~ **[marking]** **[of [fishing] and aquaculture gears]** **[and net materials used for their repair, providing information in their description about the plastic materials, used for their production]** ~~[when available and applicable],~~ ~~[tracing]~~ ~~[tracking]~~ ~~[, retrieval]~~ ~~[and],]~~ ~~[and require]~~ **[a database for the monitoring reporting]** ~~[and traceability]~~ ~~[of lost gears,]~~ **[by Part IV.3 on reporting on progress]** ~~[in accordance with]~~ ~~[taking into account]~~ ~~[other relevant regional]~~ and international **[agreements]** ~~[regulations],~~ ~~[including MARPOL Annex V]]~~ ~~[and recovery] requirements,]~~ ~~[to]~~ ~~prevent, reduce and eliminate, abandoned, lost or otherwise discarded]~~ ~~[tackle]~~ **fishing and aquaculture gear** ~~[containing plastic],~~ ~~[taking into account]~~ ~~[internationally [agreed rules], [guidelines]~~ standards and recommended practices and procedures] ~~[taking into account as applicable relevant multilateral environmental agreements and their respective mandates.]~~ **[Developed countries should provide support in terms of technology transfer for these initiatives]]**



[b *bis* Carry out formal risk assessment to support the scope and design of fishing gear marking taking into account relevant FAO guidelines]

c. ~~[[promote] [facilitate]~~ **[implement effective measures for]** ~~[the]~~ collection and environmentally sound ~~[disposal or recycling of end-of-life] [waste management of]~~ ~~[end of life] [plastic]~~ **[fishing] [and aquaculture] gear, [including any recovered gear.]** **[enhance]** ~~[the management of gear at the end of its usable life.]~~ ~~[including the reuse, repair and recycling of gear]~~ **[both onboard and on land] [in collaboration between parties relevant industry sectors, and relevant stakeholders, including artisanal and small scale fishers]]** ~~[.]~~ ~~[;and]~~

~~[c *alt* Parties are encouraged to promote environmentally sound management of fishing gear waste]~~

~~[c *bis* Promote and facilitate efforts for fishers and fishing communities including artisanal and small fishers to comply with the provisions of this instrument*]~~

~~[c *ter* Where feasible,] [consistent with national laws,] [require] [encourage] [fishing vessels to have equipment on board to retrieve its lost fishing gear]~~

[c *quater* Promote adequate gear labelling to ensure material traceability and recyclability for recyclers] [in accordance with Part II.13]

[c *quinquies* Establish mechanisms and incentives for the regular [ecologically sensitive] retrieval of derelict gear and [prioritising methods that minimise further harm to the environment and biodiversity while integrating traditional knowledge, knowledge of Indigenous people and local knowledge systems into decision making] to adapt mechanism for monitoring and reducing discards of fishing gear]

[c *sexies* Improve cooperation and use economic and innovative options to address the problem including mechanisms for the retrieval of lost abandoned or otherwise discarded fishing gear and identification of owners of gear and gear registries].

[Other actions]

2. **[Each Party] [Parties] [shall take actions to]:**

a. **[c *sept*] promote [and facilitate training,] [education and awareness raising] [sharing lessons learned] [with all stakeholders including local communities, civil society, small scale fishers, fishing [gears,] [industries and private practitioners, [on the environmental [impacts] [associated with abandoned fishing gear] on best practices and methods to reduce the [risk] of losing [and damaging] fishing gear and [other plastics] [its accessories] during fishing operations, and for the environmentally sound [disposal] [management] of end-of-life gear; and]**



b. **[c octies]** promote collaboration between Parties and relevant industry sectors and stakeholders, including fisheries, port reception facilities, waste management, and recycling.

c. **[c novies]** promote investment, mobilize resources and facilitate knowledge exchange to enhance the refurbishability, reuse, and ultimately recyclability and recycling rates of end-of-life and recovered fishing gear.

[Relevant initiatives and organizations]

3. **Parties [shall]** ~~[are encouraged to]~~ **promote** and facilitate ~~[synergy and complementarity with relevant initiatives and organizations]~~, and regional and international **organisations, international treaty bodies, regional organizations, regional treaty bodies and other relevant entities regarding the** ~~authorities]~~ in their respective actions towards ~~[safe disposal of] [the and]~~ prevention of plastic pollution from] all forms of ~~[fishing gear.]~~ Such complementarity may include ~~[cooperation, coordination, and exchange of information exchanges, and including the sharing of best practices, as appropriate, on enhancing the relating to safe and environmentally sound collection, [safe] disposal, and recycling of all forms of fishing [and aquaculture] gear. including with relevant initiatives and organizations].~~

[3 bis Parties [are encouraged to work with] [shall cooperate including through] relevant [national][, regional] [and international [organizations] [standardising bodies] towards the development] [and implementation] [of global] [of harmonised] [standards including definitions and guidelines for [circular] [environmentally sound] [design] of fishing gear].

[Means and measures of implementation]

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

5. There shall be an assessment of the need as well as mobilization of financial resources and technology transfer for each country in order to meet the commitments under this provision.

[Additional elements in other provision]

[Furthermore remediation of abandoned, lost and discarded fishing gear is important to protect the marine environment, the provision [in Part II.11] on existing plastic pollution, including in the marine environment, should provide the obligation on parties to take measures to remediate Abandoned, Lost and Discarded Fishing Gear, using locally appropriate and ecologically sensitive clean up and restoration activities in an environmentally sound manner and in accordance with scientific and evidence-based



social, economic and environmental impact assessments, using the best available techniques and environmental practices to avoid exacerbating environmental harm.]

11. Existing plastic pollution, including in the marine environment

1. Parties [will take actions and] [shall] [are encouraged] [cooperate] [in accordance with the Common but Differentiated Responsibility to respective capabilities] [to] [mobilize resources from multi-stakeholders, including, intergovernmental organizations, non-governmental organizations, academic and scientific and research institutes, international financial institutions and multilateral development banks, non-profit organizations and other relevant organizations or associations][, including through the cooperation mechanism* referred to in Part III, article number yet to be defined]], to:

- a. [cooperate to] [assess] [Evaluate], [identification and prioritization of][, identify and prioritize] ecosystems impacted by plastic pollution accumulation zones, [and] [hotspots] [critical points] [and sectors]:

- i. most affected by existing plastic pollution, [including] in the [terrestrial, freshwater and the] marine environment [and areas beyond national jurisdiction]; and

- ii. [where] [that evaluations identify accumulation areas with] quantities and types of [litter] [plastic pollution] [garbage that represent] [pose] a threat to [human health,] and biodiversity including species or habitats [taking into account the [full] [complete] life cycle of plastics].

- b. Take [adopt] [effective] mitigation and [remediation measures] [including locally appropriate and ecologically sensitive clean up and restoration removal actions], including clean-up activities [for the] [in identified] ecosystems with high levels of plastic pollution accumulation zones, [and] hotspots [and [critical] sectors] identified, [taking into account the provisions [in existing international agreements] [of international agreements in force,] including those [relevant] [relating] to the conservation and sustainable use of [terrestrial, freshwater and] marine [environment and] biological diversity, [including in areas [beyond] [located outside] national jurisdiction;]] [and manage and dispose of removed plastic pollution in an environmentally and ecologically sound manner] [taking into account special circumstances of small island developing States,] [and the disproportionate impacts on small island developing States; and

- b. bis Collect data and information on existing plastic pollution to support monitoring in accordance with [Part IV.4 on Periodic assessment and monitoring of the progress of implementation of the instrument* and effectiveness evaluation]

- c. [promote engagement and knowledge exchange of [all stakeholders, including,] [the] local [communities][population] [civil society,] and citizens] [, non-governmental organization as well as the private sector,] in [safe and] environmentally sound [removal] and [remediation] [activities].



~~e. alt Promote safe and environmentally sound remediation activities, including through engagement with local population, communities, and citizens.~~

c. *bis* Conducting investigations and distribution research on the current state of plastic pollution, including the marine environment, as well as developing technologies approaches and establishing international standards for impact assessments, pollution removal and restoration.

2. ~~[Each Party] [Developing countries] [shall] [encourage]~~ consult national stakeholders to consolidate and make publicly available information [collected] on common plastic pollution types and [trends, as well as on the] practices and behaviours that lead to plastic pollution [, to raise awareness and prevent further plastic pollution, including littering in [floodplains,] coastal and freshwater areas]. Each Party should work with national stakeholders to support awareness raising activities, promoting the waste hierarchy and complementing this with necessary infrastructure to facilitate source reduction measures such as reuse and refill, recapture and safe recycling.

OP2 *bis* Each Party exporting chemicals, polymers and products shall establish and implement an export permit requirement for such exports and track the types, volumes and destinations of all its exports.

3. The measures taken to implement the provisions of this article [Part II. 11] [shall] [could] be reflected in the national plan communicated pursuant to [Part IV.1 on national plans].

OP3 *alt 1* ~~No text.~~

4. The governing body* [shall][, at its first session,]

~~Option 1 should adopt guidance, as appropriate, to facilitate implementation of this article.~~

~~Option 2 get an assessment of the existing plastic pollution in respect of each country from an appropriate subsidiary body, the financial resources required to mitigate and remediate the existing plastic pollution due to legacy plastic waste.~~

Option 3 adopt:

a. Indicators to identify accumulation zones, hotspots and sectors ecosystems with high levels of plastic pollution; and

b. Guidance on best available techniques and best environmental practices, developed on the basis of best available science, ~~[[including the]~~ traditional knowledge, knowledge of Indigenous Peoples [accessed with their free, prior and informed consent,] and local knowledge systems,] to address existing plastic pollution, with a view to ensuring the [effective mitigation and remediation measures, including] locally appropriate and ecologically sensitive clean-up activities do not have potential for [negative] impacts on the environment, biodiversity and human health.



OP 4 bis Developed country Parties as the largest historical beneficiaries of plastic goods shall take the lead in tackling legacy and existing plastic pollution in the marine environment including beyond national jurisdiction.

Part IV

3. Reporting on progress [of implementation]

Option 1

OP4 bis On an ad hoc basis, ~~The governing body* of the instrument*~~ should encourage reports on relevant subjects from chemicals-related conventions, pollution and related conventions, multilateral environmental agreements that relate ~~related~~ to climate change, biodiversity, and the law of the sea as well as contributions from multilateral organizations, particularly including but not limited to the World Trade Organization, World Customs Organization, World Health Organization, and the International Labour Organization.

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

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

h. ~~{Relevant reports from the chemicals-related agreements,~~ pollution and related conventions, multilateral environmental agreements that deal with relate to climate change, biodiversity, law of the sea as well as multilateral organizations, including but not limited to the World Trade Organization, World Customs Organization, World Health Organization, and International Labour Organization;}