







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





[Option 0

No text.]

[Option 1

{1. ~~Parties~~ ~~Each Party~~ ~~shall~~ ~~should~~ ~~endeavour to~~ ensure that ~~the~~ alternative plastics and plastic products⁽¹⁾ ~~which include bio-based, biodegradable, oxo(bio)degradable and compostable plastics~~ are safe⁽²⁾, 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⁽³⁾, ~~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~~



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**



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] [.]





[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
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4. **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]



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



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. 



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;}

5. International cooperation



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 or the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services [or the Intergovernmental Oceanographic Commission], and other relevant bodies] on matters relevant to the fulfilment of its mandate.^[2] [The governing body* may also consider relevant outcomes from the work of the above mentioned scientific and technical bodies.]
- c. Promote cooperation and exchange of information with intergovernmental organisations, and other relevant stakeholders as appropriate.

6. Information exchange

Recognizing the connections between biodiversity, climate change and plastic pollution and all phases of the plastics lifecycle,

.....

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

Recognizing the connections between biodiversity, climate change and plastic pollution and all phases of the plastics lifecycle,

...

8. [Partner and] Stakeholder engagement

Recognizing the connections between biodiversity, climate change and plastic pollution and all phases of the plastics lifecycle,

1. A multi-stakeholder action agenda^[1] that promotes inclusive, representative and transparent actions and leverages efforts through existing bodies, partnerships and other initiatives is hereby established. The *governing body**, at its first session, shall adopt the modalities for the action agenda.

...



to plastic pollution, in particular microplastics and related issues, setting targets for their exposure reduction, where appropriate, and public education, with the participation of public health and other involved sectors;

b. Promote the development and implementation of science-based educational and preventive programmes on occupational exposure to plastic pollution, in particular microplastics and related issues;

c. Promote appropriate health-care services for prevention, treatment and care for populations affected by the exposure to plastic pollution, in particular microplastics and related issues; and

d. Establish and strengthen, as appropriate, the institutional and health professional capacities for the prevention, diagnosis, treatment and monitoring of health risks related to the exposure to plastic pollution, in particular microplastics and related issues



4. Promote, as appropriate, cooperation and exchange of information with intergovernmental organizations, and other relevant stakeholders pu1.92 re/6(s)11(tD .6()39(org