

MARCH 2025

The Plastics Treaty fifth Intergovernmental Negotiating Committee (INC-5) talks ending in December 2024 resulted in a [new proposed text](#) from the Chair. The text will be a helpful starting point when the negotiations resume in 2025; however, while the text contains meaningful elements, including that the Treaty would allow for a reduction in plastic production, it will require significant revisions to ensure that the Treaty can meet its objective of protecting human health and the environment.

We encourage delegates to stand for a meaningful agreement with controls on toxic chemicals in plastics and methods to limit plastic production, as there is otherwise a risk of a weak Treaty that would facilitate the recirculation of toxic chemicals under the guise of a “circular economy” and continue to permit plastics to threaten our health and poison communities.

To ensure protection of human health and the environment throughout the full lifecycle of plastics, the INC must ensure that the Treaty includes, at a minimum:

- **global controls** in all provisions, including through removing text that undermines legally binding obligations such as “as appropriate” and “in accordance with its national circumstances.” We are facing a global plastics crisis, so solutions need to be global.
- global mechanisms to **eliminate toxic chemicals** throughout the full lifecycle of plastics, as well as strengthened provisions on **transparency and disclosure of information**.
- global mechanisms to **reduce production** of plastics.
- adequate, sustainable, and predictable financing, including through a dedicated fund, to implement the Treaty.
- an effective decision-making process, where substantial issues can be determined, when necessary, by a majority vote.

Furthermore, the INC should also ensure that:

- waste management provisions specify that only proven **environmentally sound waste management** approaches are allowed and that they do not undermine the Basel and Stockholm Conventions.
- the Treaty implements the **human right to a clean, healthy, and sustainable environment** by strengthening provisions on access to information, public participation, and access to justice.
- the existing **rights of Indigenous Peoples** as affirmed in the United Nations Declaration on the Rights of Indigenous Peoples are safeguarded, including by ensuring that where proposed text refers to knowledge of Indigenous Peoples, text is added to uphold the rights of Indigenous Peoples to maintain, control, protect, and develop their cultural heritage, traditional knowledge, and traditional cultural expressions, and upholding their right to Free, Prior and Informed Consent.
- to ensure **gender-specific needs** are met, for example, in relation to people and communities in vulnerable situations and the right to equal participation in decision-making.
- all workers’ fundamental right to a safe and healthy working environment is upheld throughout the plastics lifecycle.



Below are specific comments on how these points could be addressed under specific articles in the current draft text.

## OVERALL STRUCTURE OF THE CHAIR'S TEXT

The Chair's text is divided into a preamble followed by 34 articles (including bis articles), providing a structure for the future Treaty text following a similar outline as existing Multilateral Environmental Agreements (MEAs).

Overall, to achieve the objective of protecting human health and the environment, it is important that the INC ensures that all articles establish **global controls**. This includes removing text that undermines legally binding obligations such as "as appropriate" and "in accordance with its national circumstances." As we are facing a global plastics crisis, the solutions need to be global. An approach based on national rules would make the Treaty largely ineffective and create major trade hurdles, while global measures would create a level playing field for all economic actors.

### *Preamble*

The preamble should:

- include the States' commitment to respect, protect, and fulfil human rights, and recall that businesses have responsibilities to identify, prevent, mitigate, and account for how they address the health and environmental consequences of plastics throughout their activities and value chain.
- recognize that plastic pollution disproportionately harms people and communities in vulnerable situations.
- affirm the United Nations Declaration on the Rights of Indigenous Peoples.
- refer to the whole Rio Declaration rather than highlighting specific principles, as the declaration was negotiated and agreed upon as a whole.

### ARTICLE 1. OBJECTIVE

It is essential that the objective of the Treaty be formulated in a way that recognizes protecting human health as a core objective of the Treaty.

### ARTICLE 2. DEFINITIONS

The definition of plastic pollution should include releases, leakages, and emissions of macroplastics, microplastics, and hazardous chemicals, as these are integral parts of plastic pollution.

### ARTICLE 3. PLASTIC PRODUCTS

The INC should strengthen the chemical provisions of Article 3 to ensure that it is possible to globally identify and eliminate hazardous chemicals and chemical groups based on health and environmental protection criteria. The provisions should include global restrictions and ensure all uses of the chemicals to be eliminated from plastics cover products and materials across sectors.

Paragraph 8 bis contains important language regarding transparency and traceability and should be retained in Article 3.



For more information, see IPEN's briefs:

- [A Small Slice of the Toxic Pie: Why Regulating Chemicals Only in Plastic Products Will Not Protect Human Health](#)
- [Frequently Asked Questions on Plastics and Chemicals](#)
- [Troubling Toxics: Eliminating Harmful Plastic Chemicals Through the Plastics Treaty](#)

#### **ARTICLE 4. EXEMPTIONS**

In addition to the time limitations already in the Chair's text, the Treaty also needs to include a process to evaluate the need for exemptions so that exemptions are only granted for specific cases that are as necessary for the functioning of society.

#### **ARTICLE 5. PLASTIC PRODUCT DESIGN**

Article 5 needs to be strengthened to ensure that through better design of plastic products, all hazardous chemicals are identified and substituted with safer alternatives. Design improvement should therefore include:

- elimination of hazardous chemicals;
- prohibition of recycling hazardous chemicals;
- transparency and traceability of plastic chemicals; and
- specification that plastics are designed in a way that minimizes emissions, leakages, and releases of chemicals.

Moreover, to complement Article 6, Article 5 should include design obligations that lead to the decreased use of plastics, including through the elimination of unnecessary plastics and the support of toxics-free re-use systems.

#### **ARTICLE 6. SUPPLY**

It is important that the INC retains global, legally binding controls on supply, controls on plastic production volumes, and transparency requirements.

#### **ARTICLE 7. RELEASES AND LEAKAGES**

The scope of Article 7 should be strengthened to encompass leakages, releases, **and emissions** of hazardous chemicals and groups of chemicals throughout the full lifecycle of plastics. While there is some overlap between the definitions of the different processes, there is not one agreed-upon definition across MEAs on the distinctions between them. Emissions are broadly understood as substances released into the air, and in the case of plastics, there are a wide range of toxic chemicals that are released into the air throughout their lifecycle which would be important to address under the future instrument. It is important to note that emissions are not limited to greenhouse gases but also include **microplastics** and toxic chemicals, including **volatile organic compounds** (VOCs) such as styrene, benzene, and formaldehyde.

The article should ensure access to information on the types and quantities of pollutants emitted or released at each stage of the plastic lifecycle, including the inclusion of Pollutant Release and Transfer Register (PRTR) obligations for plastics, microplastics, nanoplastics, and plastic chemicals.

#### **ARTICLE 8. PLASTIC WASTE MANAGEMENT**

It is important that the INC ensures that waste management provisions are based on the waste hierarchy (where "reduce" comes before "recycling" and "recovery"), on proven **environmentally sound waste management** practices, and that they promote and complement the objectives of the Basel and Stockholm Conventions, for example, by:

- ensuring that waste management methods that lead to the release, emission, and recirculation of hazardous chemicals are neither allowed nor supported in technology transfer provisions, including through ensuring that plastics that contain hazardous chemicals are not allowed to be recycled, and that waste management practices such as burning, including pyrolysis (which leads to emissions of hazardous chemicals), are prohibited.

- retaining references to **environmentally sound** management.
- including requirements that waste management technologies and approaches are proven to be environmentally sound.
- including provisions to control and eliminate transboundary movement of plastics containing hazardous chemicals.
- removing references to “energy recovery,” since this means burning plastics, which is not a safe waste management practice for plastic wastes because it generates harmful emissions such as dioxins, as well as hazardous bottom and fly ash wastes. Also, specifying certain waste treatment methods in the core text of a legally binding multilateral agreement should be avoided as this would require the entire text to be opened up to add or remove technologies, as would be expected from technological development and improvement.

## **ARTICLE 9. EXISTING PLASTIC POLLUTION**

This article should prioritize the identification and remediation of hotspots, including at production and waste disposal facilities that threaten human health and ecosystems.

## **ARTICLE 10. JUST TRANSITION**

Article 10 should include considerations of transitioning to “decent work” standards that promote safe working conditions and respect of workers’ fundamental rights. It should also include measures to prevent harm from occupational exposures to hazardous chemicals based on the hierarchy of controls linking to other relevant articles such as Article 3 and Article 6.

## **ARTICLE 11. FINANCIAL MECHANISM**

The INC should ensure that there is adequate, sustainable, and predictable financing to implement the Treaty, for example, by

- including provisions for a dedicated (stand-alone) fund that ensures that the fossil fuels, petrochemicals, and plastics industry bear the environmental and health costs of its activities.
- specifying that the financing should apply to legacy pollution, costs associated directly with the implementation of the instrument (e.g., institution-building costs), and to ongoing health and environmental costs from the damage associated with plastics.
- including provisions specifying the importance of the complementary role of financial contributions from private sources as an essential element of the means of implementation of the future Treaty. Contributions should not orient the work under the Treaty, be earmarked for specific activities, or be given anonymously.

## **ARTICLE 12. CAPACITY BUILDING, TECHNICAL ASSISTANCE AND TECHNOLOGY TRANSFER, INCLUDING INTERNATIONAL COOPERATION**

This provision should indicate that technical assistance and technology transfer should not support technologies that have not been proven as environmentally sound.

## **ARTICLE 13. IMPLEMENTATION AND COMPLIANCE**

In addition to submissions from Parties, requests from COPs and information provided by the Secretariat of the INC should ensure that the committee may consider independent scientific studies as well as contributions from stakeholders and rights-holders.

## **ARTICLE 14. NATIONAL PLANS**

Parties should ensure the broadest public participation in formulating national plans, including meaningful participation of the populations most affected by the lifecycle of plastics. This article should also include gender-related provisions to ensure that gender-specific needs are met. Development of National Plans should be mandatory for Parties.



## ARTICLE 15. REPORTING

Article 15 notes that the COP will adopt the format and the periodicity for national reporting. It is important that the future reporting format is standardized, includes suitable monitoring provisions, and allows for assessment of global progress.

## ARTICLE 17. INFORMATION EXCHANGE

Article 17 should be focused on hazard instead of risk, and it is important that it includes information on prevention. Moreover, it should mirror non-confidentiality provisions under the Stockholm Convention, adding that “for the purpose of this treaty, information related to the safety of the environment of human health can never be considered as confidential.”

## ARTICLE 18. PUBLIC INFORMATION, AWARENESS, EDUCATION AND RESEARCH

In addition to the points already in the draft text, it is important that the work under Article 18 prioritizes prevention of plastic pollution. This article should also include gender-related provisions to ensure that gender-specific needs are met (e.g., in relation to communities in vulnerable situations and the right to equal participation in decision-making).

## ARTICLE 19. HEALTH

The INC should retain Article 19 on Health and develop language for legally binding obligations. These should be focused on developing and implementing strategies and programs to prevent health impacts, including from plastic production processes and plastic chemicals, and on upholding the right to a clean, healthy, and sustainable environment, including a safe and healthy working environment.

## ARTICLE 20. CONFERENCE OF THE PARTIES

The implementation and success of this Treaty will largely depend on effective decisions by the Conference of the Parties (COPs). It is essential to ensure that future COP meetings can adopt decisions (including to amend the annexes) by qualified majority vote. During INC-5, Norway proposed **alternative text** which was supported by several countries during the negotiations and should be retained as the basis for future negotiations of this article.



## ARTICLE 20 BIS. SUBSIDIARY BODIES

As indicated in the Chair's text, future COPs have the mandate to establish subsidiary bodies to support its work, which will be critical (e.g., for supporting implementation, compliance, scientific evaluation, capacity-building, and policy guidance).

Several types of subsidiary bodies are indicated in the text, and their set-ups should be guided by the experiences of existing Multilateral Environmental Agreements (MEAs) that address certain aspects of chemicals, waste, and pollution, such as the Stockholm, Basel, and Minamata Conventions, in how they address effectively implementing scientific and technical aspects of a global Treaty.

A Review Committee is introduced in Article 3 with a permanent role to conduct review of plastic products proposed for action under the Treaty. This role is very similar to that of the POPs Review Committee under the Stockholm Convention and should therefore be established as a similar permanent subsidiary body. This would allow for:

- having a transparent expert nomination and election process by the COP, ensuring regional balance and sufficient overlap in succeeding experts.
- ensuring continuity of the work, including enabling experience and competence to be retained in the group.
- making budgetary needs predictable and allowing for effective planning of resource allocation in the program of work and budget.

Additionally, certain specific technical workstreams may require the possibility of establishing temporary ad hoc working groups similar to the Working Groups under the Basel and Minamata Conventions. For all types of subsidiary bodies, including potential interim working groups, it is important to ensure regional balance, meaningful participation of civil society, transparency of work and decision-making processes, and the implementation of strong conflict of interest policies.

## ARTICLES 23-25

These articles contain provisions for Amendments to the Convention, Adoption and Amendment of Annexes, and Right to Vote and are therefore important mechanisms for future decision-making processes. Under each of these, it is important that the INC ensures that substantial issues can be determined, when necessary, by a majority vote.