Reflection on the INC Chair`s Aid to Negotiations paper

The Chair's new *Aid to Negotiations* significantly weakens earlier approaches to addressing chemicals, product transparency, and circularity under the Plastics Treaty. While references to chemicals of concern and information on materials and additives remain in the text, many of the more concrete options previously under consideration have disappeared or been substantially weakened. These include provisions for globally harmonized chemical transparency and traceability, stronger obligations for economic actors, and more explicit mechanisms for global action on problematic plastic products and chemicals. The growing reliance on nationally determined measures risks replacing a coordinated global response with a patchwork of national approaches. At the same time, critical questions remain about how global measures will be developed, adopted and updated, including how decisions will be made when consensus cannot be reached. If these gaps are not addressed, the Treaty risks falling short of what is needed to protect human health and the environment across the full life cycle of plastics.

In general, the Aid to Negotiations paper lacks mandatory global protection measures and instead refers to national measures; it focuses mainly on downstream and waste measures rather than addressing the problem at its source, and it omits references to a global production-reduction goal. The paper represents only the lowest common denominator, rather than strong protection of human health and the environment.

The weakening becomes particularly clear when the Aid to Negotiations is compared with earlier draft treaty texts. Previous versions contained options for global lists of problematic plastic products, phase-out dates, a scientific review mechanism, and global action on products containing specified chemicals of concern. They also included proposed obligations for producers, importers and exporters to provide adequate, reliable information on chemicals used in plastic products and to ensure their traceability along value chains, based on globally harmonized guidelines. These elements have either disappeared or been substantially weakened in the new Aid. The issue is therefore not simply that the new text lacks sufficient ambition: in several important areas, it represents a retreat from concrete mechanisms and obligations already on the negotiating table.

Chemicals

Article 4 recognizes that problematic plastic products may be identified not only because they are likely to enter the environment or are difficult to reuse or recycle, but also because they pose unacceptable risks to human health or the environment, disrupt

the circular economy, or contain chemicals of concern. This is significant. Plastic pollution cannot be addressed solely by considering plastic as a material or plastic waste. The chemicals contained in plastics fundamentally determine whether products can be used, reused, and recycled safely.

The inclusion of chemicals of concern as a criterion for identifying problematic plastic products should therefore be retained and strengthened. Chemicals are not a secondary issue to be addressed only after products become waste. They are integral to the plastics problem and must be addressed upstream.

At the same time, chemicals of concern should not be addressed only indirectly through provisions on problematic plastic products. Chemicals are used throughout the plastics life cycle, including as additives, processing aids, and other substances used in plastic production. The Treaty should therefore ensure that chemicals of concern can be subject to global identification, elimination, restriction, and safe substitution, rather than action depending solely on whether a particular plastic product is identified as problematic.

It remains uncertain whether the paragraphs of Article 4 will constitute merely a recommendation or a binding provision. This depends on whether the wording “should” or “shall” is used.

Moreover, Article 4 should not rely primarily on nationally determined approaches**.** While national circumstances and capacities must be considered in implementation, problematic plastic products and chemicals of concern are traded through global supply chains and do not stop at national borders. If each Party independently determines which products and chemicals to address and which measures should apply, the result could be a fragmented patchwork of requirements, varying levels of protection, and significant information and compliance gaps. This would also make it more difficult for producers, importers, recyclers, and other actors along global value chains to know which requirements apply and may introduce obstacles to trade.

The Treaty should therefore combine national implementation with a globally harmonized approach**.** Article 4 should provide a mechanism for Parties to identify problematic plastic products and chemicals of concern at the global level and to agree on common control measures, criteria, and, where appropriate, global lists or annexes of chemicals to ban, restrict and disclose that can be regularly updated on the basis of scientific evidence. National measures can and should go further where necessary, but they should build on a common global minimum benchmark rather than substitute for it. Such harmonization is particularly important for chemicals of concern, where consistent identification and disclosure requirements are essential to ensure that chemical information can follow products and materials across borders and throughout their life cycle. A common global approach would therefore strengthen not only chemicals

management but also product safety, transparency, and traceability, international trade, and the transition towards a toxic-free circular economy.

Globally agreed criteria without globally agreed measures would not be sufficient. This would not be a new concept for the negotiations. Earlier treaty texts already contemplated a global list or annex of problematic plastic products, including those containing specified chemicals of concern, along with a scientific review process and possible global control measures. The disappearance of this architecture from the Aid to Negotiations should therefore be reconsidered.

A product or chemical identified as problematic on the basis of agreed scientific criteria should be able to trigger common measures under the Treaty, rather than requiring each Party to repeat the assessment independently and determine whether and how to act.

Article 4 already contains the foundations of the architecture needed for this**.** Paragraph 3 would allow a Party to submit a proposal for measures under the Treaty concerning a plastic product, including information on risks posed by chemicals of concern; paragraph 4 would allow the COP or a subsidiary body to assess such proposals and decide on measures. This is much stronger than simply exchanging information about national measures through the online platform envisaged in paragraph 5.

The effectiveness of such a global mechanism will also depend on how decisions are made. As noted above, Article 4 provides a potentially important pathway through which Parties may propose plastic products for global action, and the Conference of the Parties or a subsidiary body may assess these proposals and decide on measures under the Convention. This mechanism should be retained and strengthened.

However, experience with other multilateral environmental agreements shows the risks of requiring consensus for decisions on individual chemicals or products. Under the Rotterdam Convention, for example, adding chemicals to Annex III requires consensus among Parties. While intended to ensure broad support and uniform global obligations, this requirement has also allowed a small number of Parties to frequently block action on hazardous chemicals, despite the Chemical Review Committee's scientific recommendations to list them.

The Plastics Treaty should learn from this experience. Parties should make every effort to reach consensus, but consensus should not become a veto on science-based global action. When all reasonable efforts to achieve consensus have been exhausted, the Conference of the Parties should be able to adopt measures on problematic plastic products and chemicals of concern by a qualified majority. This is particularly important if Article 4 is to provide a dynamic mechanism that can respond to emerging scientific evidence and progressively strengthen global protection of human health and the environment.

Product design must include chemical safety

Article 5 on plastic product design contains relevant elements but falls short of establishing the global product design requirements needed to ensure safe and toxic-free circularity. This also represents a weakening compared with earlier text, which explicitly linked product design with the promotion of safe and sustainable additives. Chemical safety should be strengthened as a substantive design requirement, rather than reduced primarily to information availability.

It remains uncertain whether the paragraphs of Article 5 will constitute merely a recommendation or a binding provision. This depends on whether the wording “should” or “shall” is used.

The proposed new text refers to improving the safety, durability, reusability, refillability, repairability and recyclability of plastic products. It also refers to improving the availability of information on materials and additives in plastic products. However, these provisions remain largely nationally determined and do not establish harmonized global design requirements or clear obligations for chemical transparency. In particular, “improving the availability” of information is substantially weaker than requiring relevant actors to generate, disclose and communicate information on the identity and hazards of chemicals of concern.

Designing a product for recycling is not enough if recyclers do not know which chemicals it contains. Likewise, increasing recycled content cannot automatically be considered progress towards circularity if hazardous chemicals are carried over from old products into new ones.

As highlighted in the recent HEJSupport, Swedish Society for Nature Conservation and groundWork report *Knowing What Chemicals Are in Products – Why transparency and traceability of chemicals are essential for product safety, circularity and the right to know*, a circular economy cannot be built on unknown material flows. When products containing hazardous chemicals are reused, repaired, repurposed or recycled without reliable information on their chemical composition, circularity can perpetuate legacy contamination rather than prevent pollution.

This is why toxic-free circularity requires both safer product design and chemical information.

Transparency is more than "availability of information"

The reference in Article 5 to "improving the availability" of information on materials and additives is not sufficient. Availability presupposes that the relevant information has first been generated, disclosed and communicated. The Treaty should therefore establish an obligation on producers and other relevant economic actors to disclose information on the identity and hazards of chemicals of concern in plastic materials and products according to globally harmonized requirements.

This information should be accessible to those who need it – including regulators, customs authorities, manufacturers, downstream users, recyclers, waste workers, consumers and communities.

Chemical transparency is also a question of the right to know. Workers, consumers and communities should not have to bear exposure to chemicals in products without access to information about substances that may affect their health or environment.

A patchwork of national disclosure schemes would leave major gaps in global supply chains and risk creating double standards between markets.

Our report therefore proposes a Global Minimum Transparency Standard (GMTS): a common global baseline for disclosing chemicals of concern in manufactured materials and products. Such a minimum standard would not prevent countries from adopting stronger requirements. Rather, it would ensure that a basic level of chemical information is available regardless of where a product is manufactured, sold, reused, recycled, or disposed of. This is particularly important because plastic products and materials move through global value chains: they may be manufactured in one country, assembled in another, sold in a third, and eventually exported again as second-hand products or plastic waste. Chemical information cannot stop at national borders. A globally harmonized minimum would also support implementation and enforcement in countries with limited laboratory and regulatory capacity and help prevent double standards between markets.

Transparency must be combined with traceability

Disclosure alone, however, is not enough.

Chemical information is useful throughout a product's life cycle only if it remains linked to the material, component, or product to which it relates. This is the difference between transparency and traceability.

The Treaty should therefore connect chemical disclosure requirements with product identifiers and emerging digital product information systems. Digital Product Passports and broader Digital Product Information Systems can provide the infrastructure through which chemical information follows products throughout global value chains.

This would make the product-design provisions much more practical. A designer and manufacturer, for example, should be able to determine whether a plastic component contains a chemical of concern before incorporating it into a new product. A recycler should know which chemicals are present in the recyclates sold to customers without having to rely almost entirely on costly laboratory testing. Likewise, regulators and customs authorities should also be able to access standardized chemical information without relying almost entirely on costly laboratory testing. Manufacturers should be able to make informed substitution and design decisions.

The technological infrastructure for such systems is increasingly being developed. The central question is therefore not simply whether information can be exchanged digitally, but what information must be disclosed and who must have access to it.

Information exchange should support implementation of the entire treaty

This is also relevant to Article 16 on information exchange.

The current provisions on information exchange in the Chair’s text are very general and largely encourages Parties to exchange information and to use an online platform. The Chair's explanatory note itself recognizes that information exchange is relevant to several other articles and suggests that its interconnections with the instrument’s wider architecture warrant further consideration.

This provides an important opportunity.

Information exchange should not be treated as an isolated article. It should provide an enabling infrastructure for implementing the treaty's substantive obligations – particularly those concerning problematic plastic products, chemicals of concern, product design, reuse, recycling, waste management, and enforcement.

Chemical transparency and traceability could provide one of the clearest practical examples of how this connection might work.

Therefore, we suggest retaining the proposed text in the text of August 8, 2025:

Article 3 [SUSTAINABLE CONSUMPTION AND PRODUCTION OF] [PRODUCT DESIGN] [PROBLEMATIC] PLASTIC PRODUCTS
8*bis*. [Each Party shall require producers, importers and exporters of plastic products to ensure adequate and reliable information on chemicals used in plastic products along the various value chains, and take appropriate measures to ensure the traceability of chemicals, including in plastic products and wastes, based on globally harmonized guidelines to be adopted by the Conference of parties at its [second] meeting."]

Circularity must not become toxic circularity

The Chair's text repeatedly refers to circularity, circular economy approaches and recycling. These objectives are important, but they require an explicit chemical-safety dimension.

Our transparency and traceability report emphasizes that reuse and recycling depend on three basic conditions: disclosure of chemicals of concern, traceability of chemical content across value chains, and effective separation of waste by material and chemical content.

Without these conditions, increasing recycling alone can recirculate hazardous substances into new products, exposing workers, consumers and the environment.

The Plastics Treaty therefore needs to move beyond the assumption that more recycling automatically equates to greater circularity. Safe circularity starts upstream: by eliminating and substituting chemicals of concern wherever possible, designing safer products, and ensuring that information about remaining chemicals follows materials and products throughout their life cycles.

The next iteration should strengthen the chemicals–information–design nexus

The Chair describes the Aid to Negotiations as a living document, creating an important opportunity before the next iteration.

The remaining links among chemicals of concern, product design, information, and circularity should not be weakened or lost through further streamlining. They should be made more explicit and operational.

In particular, the next iteration should:

- retain chemicals of concern as a criterion for action on problematic plastic products;
- ensure that chemicals of concern can themselves be subject to global identification, elimination, restriction and safe substitution, and are not addressed only indirectly through problematic plastic products;
- explicitly integrate the elimination and safe substitution of chemicals of concern into product design requirements;
- retain and strengthen the mechanism for adopting global measures on problematic plastic products and chemicals of concern, based on scientific assessment;
- ensure that globally agreed criteria can lead to globally agreed control measures under the Convention, while allowing Parties to adopt stronger national measures;
- strengthen the reference to information on materials and additives into a requirement for globally harmonized disclosure of chemical identity and hazard information;
- restore and strengthen the earlier proposed obligation on producers, importers and exporters to provide adequate and reliable information on chemicals in plastic products and ensure their traceability throughout value chains, based on globally harmonized requirements;
- establish a globally minimum level of chemical transparency;
- ensure that disclosed information can be traced with materials and products throughout their life cycles;
- connect these requirements to interoperable digital product information systems and product identifiers;
- ensure public access to health- and environment-relevant chemical information;
- use chemical transparency and traceability to support safe reuse, recycling, waste management, enforcement, and the transition towards toxic-free circularity;
- establish effective decision-making procedures that prioritize consensus while allowing decisions to be taken by a qualified majority where all efforts to reach consensus have been exhausted;

A Plastics Treaty cannot deliver safe circularity if we do not know which chemicals are circulating – and if chemicals known to pose risks continue to circulate in plastic products and recycled materials. Identification, elimination and safe substitution of chemicals of concern, product design, transparency and traceability must therefore be treated as interconnected components of a single solution.

More Information

https://www.globalchemicaltransparency.org/

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