

Submission of the Russian Federation

Clean Version

ARTICLE 3 PLASTIC PRODUCTS

1. Each Party shall, in accordance with its national circumstances, capacities, capabilities and socio-economic considerations, take appropriate technical, legislative, administrative or other measures in a non-discriminatory manner to address, manage, [reduce, [or prohibit,]] as appropriate, specific applications of **unnecessary** single use plastic products **which can be avoided or replaced without significantly impeding functionality** and which are proven by scientific evidence to meet **one or more** of the following criteria:

- a. the level of leakage to the environment occurring from waste from such a product application poses a threat to the environment;
- b. plastic product contains hazardous chemicals in concentrations above scientifically established limits, which present a demonstrated adverse effect on the environment and human health associated with the use of that product. Attribution of hazardous properties to chemicals shall be made on the basis of criteria set out in Globally Harmonized System of Classification and Labelling of Chemicals;
- c. plastic product is not capable of being reused, recycled, [or composted], and improvement of design for recyclability, reusability, durability, repairability or refurbishability is not feasible, affordable or accessible.

1bis. For identifying plastic product according to paragraph 1 of this Article, each Party shall assess the plastic product application based on the following factors:

- (a) The necessity of the plastic product and its intended use, including its functional and societal value in terms of its contribution to food or energy security, food and water safety, health care as well as achievement of environmental, climate or industrial goals;
- (b) The performance, safety, environmental and health impact, technical feasibility, affordability, availability, and accessibility of directly competitive products made of alternative materials or methods;
- (c) The performance of waste management system and its capacity to improve the management of waste from the product, including its collecting, sorting, recycling, regeneration, recovery (including energy recovery), incineration or disposal;
- (d) The socio-economic impacts of any proposed mitigation measures;
- (e) [Where relevant,] the incorporation of [relevant] traditional knowledge, [knowledge of] Indigenous Peoples and local knowledge systems, [local practices], and scientific and technological advances]

2. Each Party shall provide adequate transitional periods for the industry to adapt to measures taken under this Article.

3. Each Party shall provide the Secretariat with a report detailing the measures adopted in implementing this Article, the rationale and evidentiary basis for the measures, the outcomes

achieved, and any challenges encountered. The Secretariat shall make such reports publicly available.

4. The Conference of the Parties shall establish and maintain a database of information referred to in paragraph 3 of this Article. The database shall be publicly available. At its first meeting, the Conference of the Parties shall adopt the format of report of information referred to in paragraph 3 of this Article.

5. The Conference of the Parties shall, at its first meeting, establish an open-ended [...] Committee to be called the “[...] Committee”.

6. The [...] Committee shall, as appropriate, provide relevant information and develop [guidance][guidelines], including a robust and scientific framework for the evaluation criteria to assist Parties in the implementation of the measures taken under this Article, as well as compile and review the information provided by the Parties pursuant to paragraph 3. Such information and/or guidance shall be submitted to the Conference of the Parties for consideration and adoption by consensus.

7. The [...] Committee shall be expert based. Membership of the Committee shall consist of government-designated experts in plastic products production, waste management, environmental ecology and socio-economic analysis. The [...] Committee’ terms of reference, organization and operation shall be established by the Conference of the Parties at its first meeting by consensus. The Committee shall make its decisions by consensus.

8. Any measures taken by a Party in the implementation of this Article shall be based on scientific evidence and not be applied in a manner that constitutes a means of arbitrary or unjustifiable discrimination between Parties where similar conditions prevail, nor shall they serve as a disguised restriction on international trade. The measures applied in accordance with this Article shall not be more trade-restrictive than necessary to achieve the objective of this Convention. Such measures shall not be maintained if the circumstances provided in paragraph 1 of this Article giving rise to their adoption cease to exist or can be addressed in a less trade-restrictive manner.

9. Any measures established by a Party for the implementation of this Article shall be without prejudice to the rights and obligations of the Parties to the Marrakesh Agreement Establishing the World Trade Organization, including all its Annexes.

10. A subsidiary body under this instrument shall assess and facilitate the provision of financial and technical assistance including technology transfer to developing country Parties on voluntary and mutually agreed terms in line with the principles Rio Declaration on Environment and Development to support the implementation of the article.

Drafting Version

[ARTICLE 3
PLASTIC PRODUCTS¹

[1. Each Party shall, [in accordance with its national circumstances, capacities, [capabilities] and socio-economic considerations,] take [appropriate [technical,] legislative, administrative, [or] ~~{market-driven}~~ [or other]] measures [in a non-discriminatory manner] to ~~{prohibit or reduce the manufacture, export or import}~~ [address], manage, [reduce, [or prohibit,]] as appropriate ~~{with the view to maintain sustainable production}~~, [specific applications] of [unnecessary] [single use ~~or short-lived~~] plastic products **[which can be avoided or replaced without significantly impeding functionality and which]** ~~{that}~~ [are proven by scientific evidence to] [meet] ~~{any}~~ **{all}** [one or more] ~~{based on the criteria developed by the Review Committee including}~~ of the following criteria ~~{and that it identifies as consistent with paragraph 1bis}~~:

- a. ~~are {hazardous} {highly} {likely} {to be littered or to enter the environment} {or pose a risk to human health or the environment};~~
- a alt. ~~[Sufficient scientific evidence is available that]~~ the **[level of]** leakage to the environment occurring from **[waste from]** such a product application poses a threat to the environment]
- b. **[{plastic product}]** contain[s] [hazardous] ~~{a chemical or}~~ chemicals ~~{for which the Party has identified a risk} {that pose} {risk[s]} of concern to~~ **[in concentrations above scientifically established limits, which present a demonstrated adverse effect on the environment and]** human health ~~or the environment~~ [associated with the use of that product] **[. Attribution of hazardous properties to chemicals shall be made on the basis of criteria set out in Globally Harmonized System of Classification and Labelling of Chemicals];**
- c. **[plastic product is]** ~~are~~ not capable of being reused, recycled, [or composted][,] [and **[improvement of]** design ~~innovation~~ for recyclability [, **reusability, durability, repairability or refurbishability**] is not feasible] **[affordable or accessible]** ~~[in practice and at scale];~~
- d. ~~{[may] disrupt [inhibit] the circular economy [on a large scale];} {or} {and}~~
- e. ~~{contain intentionally-added microplastics [and other chemicals that are toxic to the environment or to human health].}~~

1bis. ~~[In implementing]~~ **[For identifying plastic product according to]** paragraph 1 **[of this Article]**, each Party shall **identify** **[assess the plastic]** products **[application]** based on the **[following]** factors ~~in paragraph 5b, as appropriate, and the products listed in Annex [X].~~

- (a) The necessity of the plastic product and its intended use**[, including its functional and societal value in terms of its contribution to food or energy security, food and water safety, health care as well as achievement of environmental, climate or industrial goals];**
- (b) The performance, safety, environmental **[and health]** impact, technical feasibility, affordability, availability, and accessibility of **alternative** **[directly competitive]** products **[made of alternative materials]** or methods;

¹ Pending further consultations.

- (c) ~~The risk posed by chemicals of concern contained in the plastic product;~~
[(c)alt The performance of waste management system and its capacity to improve the management of waste from the product, including its collecting, sorting, recycling, regeneration, recovery (including energy recovery), incineration or disposal]
- (d) The socio-economic impacts of any proposed ~~control~~ **[mitigation]** measures;
- (e) [Where relevant,] the incorporation of [relevant] traditional knowledge, [knowledge of] Indigenous Peoples and local knowledge systems, [local practices], and scientific and technological advances]]

[separate para. Each Party shall provide adequate transitional periods for the industry to adapt to measures taken under this Article.]

2. [Each Party shall, ~~in accordance with the provisions of this Article [X on Reporting] [talking into account national circumstances and capabilities]~~, provide the Secretariat with a report detailing the measures adopted in implementing ~~{paragraph 1}~~ [this article], [the rational~~e~~] and evidentiary basis for the measure~~s~~**[s]**,] the outcomes achieved, and any challenges encountered. The Secretariat shall make such reports publicly available.]

3. [The Conference of the Parties shall, at its first meeting, establish a[n ~~ad hoc~~ open ended] ~~{subsidiary body}~~ [Committee] to be called the ~~[Scientific-Technical-Economic-{Social}-Cultural]] Review]-Committee~~ (the ~~["Review"]~~ Committee").]

4. The ~~{Review}~~ Committee shall ~~[, inter alia]~~, as appropriate, **[provide relevant information and]** develop [guidance][guidelines] ~~and provide relevant information, [advice, and recommendations]~~ [including ~~development of~~ a robust and scientific framework ~~of~~ **[for the evaluation]** criteria ~~and the evaluation]~~ to assist Parties in the implementation of the measures taken ~~to implement {paragraph 1}~~ **[under]** [this article] [, as well as compile and review the information provided by the Parties pursuant to paragraph 2]. Such guidance, [information,] ~~[advice, or recommendations]~~ shall be submitted to the COP for [consideration and] [adoption] [by consensus].

~~4bis. [Each Party shall not allow the manufacture, import or export of plastic products as listed in Annex [Y (Plastic products)] after the phase out date specified for that plastic product in Annex [Y], except where the Party has a registered exemption to this paragraph pursuant to Article [Article on Exemptions].]~~

~~4ter. [The Review [...]] Committee shall be expert based. [Membership of the Committee shall consist of government-designated experts in plastic products production, waste management, environmental ecology and socio-economic analysis.] Members are to be elected by the Conference of the Parties and on the basis of equitable geographical representation. The review [...]] Committee modalities and procedures [terms of reference, organization and operation] shall be established by the Conference of the Parties at its first meeting [by consensus].] [Such Committee shall develop the criteria and the obligations of Parties to apply such criteria] **[The Committee shall make its decisions by consensus.]**~~

5. ~~[Any Party may submit a proposal to the Secretariat for the inclusion of a [single use or short-lived] plastic product [on [a] [the] [global] list] [with no phase out date] [in Annex~~

~~[Y]] [in Annex X for consideration by the governing body in accordance with Article [Adoption and Amendment of Annexes] [which will also guide Parties to effectively implement paragraph 1.]. Such a proposal shall include:~~

- ~~(a) a detailed justification demonstrating how the product meets [any][one or more][of] the criteria [set out in paragraph 1] [to be developed and adopted by the Conference of the Parties], [and~~
- ~~(b) scientific or technical information on:]~~

~~[The [Review] Committee shall evaluate the proposal in a transparent [and on the basis of the best available science and relevant traditional knowledge, knowledge of Indigenous Peoples, and local knowledge systems] [and scientifically sound] manner. [If the [Review] Committee determines that the criteria are met, it shall recommend to the COP whether the product should be added to the [global] list]. [The [Review] Committee may, taking into account the criteria in paragraph 1 and the following factors, recommend to the COP that the product be added to Annex [Y]:]]~~

5bis. [The Conference of the Parties shall establish and maintain a database of information referred to in paragraph 2 of this Article. The database shall be publicly available. At its first meeting, the Conference of the Parties shall adopt the format of report of information referred to in paragraph 2 of this Article.]

6. ~~[The [Review] Committee [may] [will] [shall] [on the request of the Conference of the Parties] be made develop recommendations on possible actions to be taken with respect to a plastic product included in the [global] list [in annex [Y]]. [Such recommendations shall take into account [the criteria listed in paragraph 1 and] [at least] [among other] the following factors:]]~~

- ~~(a) The necessity of the plastic product and its intended use~~
- ~~(b) The performance, safety, environmental impact, technical feasibility, affordability, availability, and accessibility of alternative products or methods;~~
- ~~(c) The risk posed by chemicals of concern contained in the plastic product;~~
- ~~(d) The socio-economic impacts of any proposed control measures;~~
- ~~(e) [Where relevant,] the incorporation of [relevant] traditional knowledge, [knowledge of] Indigenous Peoples and local knowledge systems, [local practices], and scientific and technological advances]~~

7. ~~[The recommendations of the Review Committee shall be submitted to the COP [for adoption] [by consensus].]~~

7bis. ~~[The Conference of the Parties, taking due account of the recommendations of the Review Committee, shall decide whether to include the plastic product in Annex [Y].]~~

7 alt bis. ~~[The Conference of the Parties, taking due account of the recommendations of the Review Committee, including any scientific uncertainties, shall decide whether to initiate global action pertaining to nominated plastic products and shall specify its related measures to be taken, including their listing in Annex [Y]].]~~

8. [Any measures taken by a Party in the implementation of this Article shall [be based on scientific evidence and] not be applied in a manner that constitute[s] [a means of] arbitrary or unjustifiable discrimination between Parties where similar conditions prevail, nor shall they serve as a disguised restriction on international trade.] **[The measures applied in accordance with this Article shall not be more trade-restrictive than necessary to achieve the objective of this Convention. Such measures shall not be maintained if the circumstances provided in paragraph 1 of this Article giving rise to their adoption cease to exist or can be addressed in a less trade-restrictive manner.]**

~~8 *Alt.* [Each Party shall not allow the manufacture, import or export of plastic products as listed in Annex [Y] after the phase out date specified for that plastic product in Annex [Y], except [where an exclusion is specified in that Annex or] the Party has a registered exemption to this paragraph pursuant to Article [X on Exemptions].]~~

~~Each Party shall not allow the manufacture, import or export of plastic products as listed in Annex [Y (Plastic products)] after the phase out date specified for that plastic product in Annex [Y], except where the Party has a registered exemption to this paragraph pursuant to Article [Article on Exemptions].~~

~~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.”]~~

~~8*ter.* [Each Party shall, in accordance with the provisions of Article [X on Reporting], [provide the Secretariat with a report detailing] report on the measures adopted in implementing paragraph 1, 7 and 8 [the outcomes achieved, and any challenges encountered. The Secretariat shall make such reports publicly available].]~~

8*quater.* [Any measures established by a Party for the implementation of this Article shall be without prejudice to the rights and obligations of the Parties **under [to]** the Marrakesh Agreement Establishing the World Trade Organization, including all its Annexes.]

~~8 *quinquies.* [Each Party shall endeavour to ensure the availability of information on plastic products and on prioritised chemicals in plastic products along the various value chains, and ensure the traceability of chemicals used in plastic products, based on guidelines to be adopted by the Conference of the Parties at its second meeting.]~~

8 *sextiens.* [A subsidiary body under this instrument ~~to~~ **[shall]** assess and facilitate the provision of financial and technical assistance including technology transfer to developing country Parties on voluntary and mutually agreed terms in line with the principles Rio Declaration on Environment and Development to support the implementation of the article.]

Annex Y²-

² To be included as Annexes at the end of the document subject to further consultations.

Plastic Products

{Part I} Products {or product group}	Phase out date
Single use plastic sticks to be attached to and to support balloons	{203X}
Single use plastic straws	{203X}
Single use plastic beverage stirrers	{203X}
Single use plastic cutlery/ utensils (forks, knives, spoons, chopsticks)	{203X}
Single use plastic stemmed cotton bud sticks	{203X}
Single use plastic carrier bags	{203X}
Rinse-off cosmetics and personal care products containing intentionally added microbeads	{203X}
{Part II} Products {or product group} {containing chemicals}	
Toys and children's products and Food contact material containing: — DEHP (CAS number 117-81-7) — DBP (CAS number 84-74-2) — BBP (CAS number 85-68-7) — DIBP (CAS number 84-69-5)	{203X}
Toys and children's products and Food contact material containing: — Lead and lead compounds — Cadmium and cadmium compounds	{203X}
Toys and children's products; Food contact material intended for children under 3 years of age containing: — BPA (CAS number 80-05-7)	{203X}

Annex [X]

- **Rinse-off cosmetic and personal care products containing intentionally added microbeads**
- **Single use plastic straws**
- **Single use plastic beverage stirrers**
- **Single use plastic cutlery/utensils (forks, knives, spoons, chopsticks),**

- ~~Single-use plastic food and beverage packaging made from EPS (expanded polystyrene), and XPS (extruded polystyrene)~~
- ~~Single-use plastic carrier bags~~
- ~~Oxo-degradable plastic products~~
- ~~Cigarette filters made with plastic~~