The Russian Federation supported paragraph OP1 bis in Option 2 of the previous revised draft text, which stated that each Party should identify problematic plastic products at the national level. However, we cannot find this wording in the streamlined text. Therefore, as we consider OP1 bis as a separate important sentence, we request to insert the paragraph OP1 bis in current paragraph 1 as the first sentence.

We also suggest bracketing the text in line 5 of paragraph 1: “including short-lived and single-use plastic products in its territory”, since it does not reflect the wording from Option 3 of the revised draft text. In Option 3 there were no mention of short-lived or single-used products.

For this reason, we also ask to bracket “listed in part II[I] [III] of annex B” in line 7, and “set out in part I of] annex [B], except where the Party has a registered exemption for the relevant product(s) under part II of annex B pursuant to [Part II.4 on exemptions available to a Party upon request]” in line 15 of paragraph 1. Paragraphs 2, 3 and 4 also should be bracketed for that reason as well. Since no global list or criteria seems to be likely to achieve, Annex B should be deleted as well as any references to it.

We are concerned about using such terms as “single-used”, “short-lived” or “avoidable” since there are no commonly agreed definitions for such terms, and we don’t believe we will be able to find common ground on them in the INC.

There is a number of proposals on how to approach problematic plastics. One of them is that members have to come up with a globally agreed list of products subject to prohibitions. For such list to be created, we would have to consider carefully specific national circumstances of all INC Members and, based on that, find a “common denominator”. This task seems impossible due to divergence in waste management capacities between INC Members.

It would be hard to ensure due consideration of other relevant factors, such as:

- consumption patterns (for example, insufficient supply of clean water warrants extensive use of PET bottles),
- local climate conditions (for example, PE films for package are essential in hot climate for preservation of sanitary safety of food),
- ability of the local industry to produce the necessary alternatives,
- reliance of the local communities on production of certain plastic products (production bans will lead to decrease of local employment with potential adverse effects on SDG progress, such as poverty eradication).

Based on the experience of trade and economic negotiations on lists, we would not be able to exclude national socio-economic concerns from these negotiations thus hindering the process in INC.

Another option is to elaborate certain global criteria, which would serve as a basis for national implementation of prohibitions. Some Members are floating ideas to include highly controversial criteria. The same proponents suggest that there should be no global criteria linked to recyclability of plastics, although this is the key issue in these negotiations. Our delegation disagrees.

We should bear in mind subsequent implementation of global criteria for problematic plastics. Under this provision, Members will have to reduce or prohibit the “production, sale, distribution, import or export” of problematic and avoidable plastic products. Such obligations within this Instrument would contradict the principles of World trade Organization, in particular, the principles of non-discrimination (including “de facto” non-discrimination) of imported over domestic products, as enshrined in Articles I and II of the General Agreement on Tariffs and Trade of 1947. What is more, application of strict WTO standards would be substituted by vague criteria and disciplines of this article. What are the practical consequences? For example, based on general overarching criteria within the Instrument, Members may construct their national lists in a way that would subject imported products to the most stringent prohibitions and establish more soft rules for products mostly produced by the domestic industry. “De facto” discrimination would increase across the board. Clearly, this outcome would be undesirable and would affect the domain of trade policy, which falls out of the UNEP and INC’s mandates.

As for Article 3(b), the Russian delegation supports Option 0 – deleting it. We cannot support the restrictions on using microplastics as a material for production. Moreover, if we go back to the UNEA 5.2 negotiating history, at that time microplastic was considered only in terms of waste. That is why the UNEA Resolution 5/14 contains references to microplastics only within the preamble and only in the context of plastic pollution.
To conclude, for the reasons outlined above, microplastic should be considered within these negotiations as “microplastic pollution” or product of degradation of end-use plastic products and, therefore, should be addressed in Articles 8, 9, and 11 of Part II of the draft Instrument.