Proposed response template on written submissions prior to INC-3 (part b)

Potential Areas Identified by the Contact Groups

At its second session, the intergovernmental negotiating committee (INC) requested the secretariat to invite written submissions on:

- Any potential areas for intersessional work compiled by the co-facilitators of the two contact groups\(^1\), to inform the work of INC-3.

The template below was prepared by the secretariat, in consultation with the Chair, and is meant as a guide to assist Members and Observers in preparing their written submissions.

All written submissions must be sent to unep-incplastic.secretariat@un.org. The submissions received will be made available on the INC webpage.

Please note that not all fields in the template need to be answered in the submission.

**Deadline for submissions:**

I. **By 15 August 2023** for written submissions from observer organizations.

II. **By 15 September 2023** for written submissions from Members of the Committee.

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\(^1\) Contact Group 1 focused on Section A: Objective(s). Section B: Substantive Obligations; Contact Group 2 focused on Sections C: Means of Implementation. D: Implementation measures. E: Additional matters as contained in part II of the Annex to document UNEP/PP/INC.2/4.
TEMPLATE FOR SUBMISSIONS

<table>
<thead>
<tr>
<th>Name of country (for Members of the committee)</th>
<th>Russian Federation</th>
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<tbody>
<tr>
<td>Name of organization (for observers to the committee)</td>
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<tr>
<td>Contact person and contact information for the submission</td>
<td>Mr. Dmitry Kornilov, Ministry of Natural Resources and Environment of the Russian Federation; Focal Point for the Russian Federation</td>
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<tr>
<td>Date of submission</td>
<td>15th September 2023</td>
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Input on the potential areas of intersessional work to inform the work of INC-3 (following the lists compiled by the co-facilitators of the two contact groups)

Potential areas for intersessional work

The list of potential areas for possible intersessional work compiled by the co-facilitators of the two contact groups at INC-2 is set out below. Members and observers may wish to provide input on one or more of these areas.

Contact group 1:

1. Information on definitions of, e.g. plastics, microplastics, circularity
2. Information on criteria, also considering different applications and sectoral requirements, including:
   a. Chemical substances of concern in plastics,
   b. Problematic and avoidable plastic polymers and products and related applications
   c. Design e.g. for circularity, reuse
   d. Substitutes and alternatives to plastic polymers and products
3. Potential substances of concern in plastics, problematic and avoidable plastic polymers and products
4. Potential sources of release of microplastics (applications and sectors).

(Please note: A longer list is included in the co-facilitators report on discussions in contact group 1². Submissions may also include input on any of the items in that longer list, such as, amongst others, the development of criteria to prioritise problematic and avoidable plastics; the development of targets for the reduction, reuse and repair of problematic and avoidable plastic products; or the guidelines on EPR)

Contact Group 2:

1. To consider the potential role, responsibilities and composition of a science and technical body [to support negotiation and/or implementation of the agreement]
2. To consider potential scope of and guidance for National Action Plans [including optional and/or suggested elements]
3. To identify current provisions within existing MEAs [and other instruments] on cooperation and coordination that could be considered
4. To consider how other MEAs provide for monitoring, and suggest best practice
5. To consider options to define ‘technology transfer on mutually agreed terms
6. To further consider how a potential financing mechanism could work [including a new standalone mechanism, a hybrid mechanism, or an existing mechanism]
7. To identify options to mobilise and align private and innovative finance (including in relation to matters at 24(e) and the proposed Global Plastic Pollution Fee (GPPF))
8. To map current funding and finance available [to address plastic pollution] and determine the need for financial support for each Member
9. To identify capacity building and training needs for each Member.

Inputs relating to potential areas for intersessional work. Please identify clearly which area your input relates to.

Contact group 1:

1. Information on definitions of, e.g. plastics, microplastics, circularity

The list of required definitions will depend on the provisions of the future instrument. The Russian delegation noted that a significant number of definitions proposed by the Secretariat in the Glossary of Key Terms (UNEP/PP/INC.1/6 of 8 September 2022), while being accepted in certain international fora, have no relevance to the future basic commitments under the future instrument (e.g. resource efficiency, traditional knowledge, traditional knowledge systems).

Given the mandate and the proposed scope (see Russia’s reply to the Template part A), the future Instrument should include the definitions of plastic (explicitly stating that plastics include elastomers (synthetic rubbers), since inaccuracy in this definition could exempt from the Treaty the formation of microplastics through the abrasion of automobile tires, which is one of the most significant sources of microplastics in the air), microplastic (and separately microplastic fibers), wastes, waste management, extended producer responsibility, environmental pollution, pollutant, circular economy, life cycle. Depending on eventual provisions, it could also include the definitions of the following terms: re-use, recycling, disposal, sustainable production and consumption, multilateral environmental organizations etc.

Moreover, if the future instrument includes any terms related to “eco-friendliness” of certain materials, the definitions of such terms should be based on sound criteria and metrics that would demonstrate positive or/and neutral effects of such materials on human health, environment, and climate.

At the current stage of negotiations, the Russian delegation proposes the following definitions:
- **Plastic** means complex materials based on macromolecular compounds (polymers) with possible inclusion of different additives. The most widely used plastics are based on synthetic polymers. Plastics are directly related to plastic masses, meaning that these materials are able to be molded under the heating and/or pressure and retain a given shape after cooling or solidification. The molding process is accompanied by transition of a plastic deformable (viscous or highly elastic) state to a solid state (glassy or crystalline).

- **Plastic product** means an end-use product made of plastic which is formed (shaped) during the fabrication of plastic into a finished product by heat and/or pressure.
  
  **Alternative definition:** plastic product means an end-use product made of plastic”.

- **Wastes** means substances or objects that are formed in the process of production, performance of works, provision of services or in the process of consumption, that have lost their consumer properties and which are disposed of, are intended to be disposed of, or are required to be disposed of by the provisions of national law.

- **Waste management** means a complex process that includes the collection, accumulation, transportation, processing, disposal, decontamination, storage and landfill.

- **Extended producer responsibility (EPR)** means the obligation of producers and importers of goods, and packaging of goods to ensure the disposal of waste generated as a result of the loss by manufactured and imported goods, including packaging of goods, of their consumer properties, in volumes and under conditions established by national legislation.

- **Environmental pollution** means introduction into the environment of a substance or energy, the properties, location or quantity of which have a negative impact on the environment.

- **Pollutant** means a substance or mixture of substances and microorganisms that have a negative impact on the environment, human life and health when their quantities and (or) concentrations exceed the levels established for chemicals, including radioactive ones, other substances and microorganisms.

- **Health** means a state of complete physical, mental, and social well-being and not merely the absence of disease or infirmity (WHO definition).

2. **Information on criteria, also considering different applications and sectoral requirements, including:**

   a. **Chemical substances of concern in plastics**

   The position of the Russian Side on this issue is based on the understanding that chemicals (substances) of concern, as well as the criteria for the inclusion of chemicals and substances into the category of those causing "concern", are regulated by the provisions of the Stockholm Convention on Persistent Organic Pollutants. And the provisions of the future Instrument should not establish other requirements.

   **Additional considerations:**

   The documents UNEP/PP/INC.2/4 of 13 April 2023 and UNEP/PP/INC.2/INF/4 of 23 May 2023 contain potential criteria to determine polymers and chemicals of concern related to their harmfulness to the
environment and/or human health (carcinogenicity, toxicity, bioaccumulation, and other properties). In this respect, it is appropriate to remind a famous Paracelsus’ dictum: “What is there that is not poison? All things are poison and nothing is without poison. Solely the dose determines that a thing is not a poison.” We should bear in mind this wisdom when talking about “substances of concern.”

In certain situations, substances that are used in the process of polymer production (such as hydrocarbons, catalysts, and reagents) could potentially be classified as risky. However, the industry uses such materials in a “closed loop” without any direct contact with humans and/or the environment. They are stored, handled, mixed, and allowed to react only in closed and sealed containers, tanks, reservoirs, and reactors. Multilateral environmental agreements and national laws confirm the importance of regulating such substances, including their waste. In view of the Russian delegation, hydrocarbons, catalysts, reagents and other substances used for polymer production should continue to be regulated independently as they require special treatment based on industry-level safety standards and specific scientific knowledge.

As for polymers themselves, it should be noted that the contents of residual catalysts or reagents in the final polymer materials are so negligible that it is almost impossible to detect them with the use of conventional laboratory methods. For example, one indirect method of determining residual amount of catalysts in polyethylene is the measurement of ash content, and the concentration of this material does not exceed 0.05% of the product by weight. In fact, polyethylene is considered as the safest and the most harmless polymer; it does not react with fats or acids; it can be recycled and returned to production.

b. Problematic and avoidable plastic polymers and products and related applications

In light of the above, the Russian delegation proposes to use criteria to identify problematic plastic products and related applications that can be avoided, taking into account the provisions of the Stockholm Convention on Persistent Organic Pollutants and the decisions of its Conference of the Parties.

In addition, the Russian delegation notes that any imprudent restrictions on production of and/or trade in plastic products would inevitably lead to a comparable increase in volume of wastes from alternative materials and perishable food products, which will suffer from inappropriate packaging. As a result, more damage to human health, environment and climate would occur. Therefore, it is essential to focus the negotiations on improving waste management and recycling systems on a global scale.

d. Substitutes and alternatives to plastic polymers and products

Any substitutes or alternatives to plastic products should meet the same criteria as the ones applied to plastics with respect to their contribution to waste generation and impact on human health, environment, and climate. It would be a failure for these negotiations if the future instrument would stimulate deterioration of the environment through substitution of plastics by less eco-friendly products.

Additional considerations:

For items 2 "a" and 3 of Contact Group 1, it is advisable to rely on the provisions of the Stockholm Convention on Persistent Organic Pollutants.
Contact Group 2:

1. To consider the potential role, responsibilities and composition of a science and technical body [to support negotiation and/or implementation of the agreement]

The Russian delegation supports introducing strong scientific support of these negotiations. A scientific and technical body, if created, should have the following features:

− should ensure equitable representation of different countries and include experts from different fields of science relevant to polymers, human health and environmental protection,

− have a clear and narrowly defined mandate to identify proven hazardous effects on human health and environment of end-use plastic products,

− ensure unbiased assessment in the process of identification of criteria and/or lists of “problematic and avoidable” plastic products,

− ensure that materials falling within the scope of other multilateral environmental agreements are dealt within their existing frameworks (bearing in mind the ongoing processes of updating the respective lists of subject materials),

− ensure unbiased and holistic comparison between plastic products and products made from any alternative materials, taking into consideration their effects, among others, on human health, environment, and climate,

− follow the mandate and scope of the future instrument focusing exclusively on life cycle of end-use plastic products, including product design, production, consumption, environmentally sound waste management (including disposal, collection, sorting etc.), as well as recycling and reuse of such products.

As for the establishment of a scientific and technical body for the period of implementation of the future instrument, this question should be discussed at a later stage when Parties reach more clarity with respect to possible eventual commitments.

2. To consider potential scope of and guidance for National Action Plans [including optional and/or suggested elements]

National action plans (NAPs) should be developed based on national decisions regarding optimal ways of implementation of the future instrument. Common elements and some minimum requirements for NAPs could be agreed and included in the relevant part of the future instrument after the set of basic commitments will be clarified. After the adoption of the future instrument, any clarifications with respect to NAPs may relate only to procedural or transparency matters (e.g. NAP’s formats or procedures of their submission).

NAPs should be periodically reviewed and updated, if necessary, by the submitting Party. NAPs should be publicly available.
5. To consider options to define ‘technology transfer on mutually agreed terms’

As the Russian delegation stated in reply to question 2 of the Template part A, free technology transfer and undisrupted financial flows are particularly important for the effective implementation of any future commitments, especially against the background of economic and technological unilateral discriminatory measures applied by certain participants in these negotiations. Therefore, in order to be efficient and fulfill the mandate, the future instrument should contain special provisions prohibiting any restrictions on trade in equipment and transfer of technologies related to waste management and plastic waste recycling, as well as other activities covered by the future instrument.

In addition, technology transfer on “mutually agreed terms” should take into account, among other things, an approach based on the mechanism of extended producer responsibility, sustainable production and consumption, including improving technical skills and increasing investments in waste collection and disposal infrastructure.

7. To identify options to mobilise and align private and innovative finance (including in relation to matters at 24(e) and the proposed Global Plastic Pollution Fee (GPPF))

The most reasonable option for mobilizing private finance is the establishment of EPR systems with due consideration of national circumstances and based on voluntary guidelines. Other financing options, such as Global Plastic Pollution Fee, as well as any plastic and packaging fees, taxes, levies, and charges (see paragraph 24(e) of the document UNEP/PP/INC.2/4), would be discriminatory to producers of plastics vis-à-vis no less harmful alternative materials (cardboard, glass, aluminum etc.), which would not be subject to such fees but still would equally contribute to generation of waste.

Financial measures of any kind should be based on holistic consideration of the effects of all materials serving the same end uses, including, among others, the assessment of their effects on human health, environment, and climate. Overall, in order to boost investment in construction of new recycling facilities, the governments should opt for tax holidays and subsidies (i.e. incentives) rather than punitive measures.

Additional considerations:

On point 3 of Contact Group 2: it is advisable to continue working on the development of technical guidelines for the sound management of hazardous and other wastes under the Basel Convention, in order to eliminate duplication in the main document UNEP/PP/INC.2/4.

Certain considerations regarding the document UNEP/PP/INC.2/INF/4 (“Additional information related to potential options for elements of an international legally binding instrument”):

Subparagraph "d" (Substances having ozone depleting effects and substances with global warming potential) of paragraph 10 (i) of section B should be deleted. The issues of ozone-depleting substances and greenhouse gases are regulated by the Montreal Protocol on Substances that Deplete the Ozone Layer and the Kigali Amendment to this Protocol, and the UN Framework Convention on Climate Change.

Regarding subparagraph "c" of paragraph 20 (i) of section F. - subparagraph "c" contains vehicle tyres (point "b") among the listed non-point sources of plastic. At the same time, evaluating this non-point source, together with others, it is also necessary to proceed from the possibility of replacing them with alternatives of similar quality, taking into account the issues of transport security.
It is advisable to delete sub-paragraphs "d" (waste-to-energy processes) and "e" (co-processing in cement kilns) from paragraph 20 (ii) of section F.

Paragraph 26 (i) of section A should be supplemented with a subparagraph that would emphasize taking into account national peculiarities in the implementation/practice of extended producer responsibility.