Submission of the Russian Federation concerning certain elements of Part III and Part IV of Zero Draft

Legend: **addition**, **deletion**

**Part III**

1. **Financing**

1. Parties shall provide the necessary resources for national activities intended to implement this instrument*. Such resources may include domestic and international funding, as well as facilitation of private sector financing, including voluntary contributions.¹

2. Parties should, and multilateral organizations, agencies and funds are encouraged to, increase their support, including through finance, capacity-building and technology transfer, for the implementation of this instrument* by developing country Parties.

3. Parties shall, and other stakeholders are encouraged to, in implementing paragraph 2 of this Article, take into account of the specific needs and special circumstances of Parties that are Small Island Developing States (SIDS) or least developed countries.

4. A Mechanism for the provision of predictable, sustainable, adequate, accessible and timely financial resources is hereby established to support the implementation of this instrument* by developing country Parties, particularly SIDS and least developed countries. The Mechanism shall include financial resources from all sources, domestic and international, public, and private.

5. The Mechanism shall operate under the guidance of and be accountable to the governing body*.²

**Option 1**

6. The Mechanism shall consist of newly established dedicated Fund(s)*³

7. The governing body* shall, at its first session, adopt the arrangements for the operation of the newly established dedicated fund(s).

**Option 2**

6. The Mechanism shall consist of dedicated Fund within an existing financial arrangement*⁴

7. The governing body* shall, at the latest at its first session, conclude arrangements with the governing body* of the existing financial arrangement* for the operation of the Mechanism.

¹ Note: For a list of possible sources of financing beyond traditional sources, see paragraph 24(e) of document UNEP/PP/INC.2/4.

² Note: The two options below paragraph 5 could be considered individually or together.

³ Note: The fund(s) could be dedicated to specific purposes, such as addressing legacy plastic waste or innovation.

⁴ Note: The fund could be established within an ‘existing fund’, such as the Global Environment Facility (GEF) (https://www.thegef.org/who-we-are/organization).
8. The governing body* shall review on a regular basis the level of funding, the guidance provided by the governing body* to operationalize the Mechanism established under this Article and its effectiveness, as well as its ability to address the changing needs of developing country Parties. It shall, based on such review, take relevant action to improve the effectiveness of the Mechanism.  

9. Each Party shall establish a plastic pollution fee, to be paid by plastic polymer producers within its jurisdiction, and adopt the necessary legislative, regulatory and administrative measures for its collection. The governing body*, at its first session, shall adopt modalities and procedures for the implementation of the global plastic pollution fee, including on the contribution of the fee to the financial Mechanism established in paragraph 4.  

10. Each Party shall take measures to:  
   a. decrease financial flows from all domestic and international, public, and private sources, towards projects that result in emissions and releases to the environment from plastics and plastic products across the life cycle, including microplastics; and  
   b. increase financial flows from all domestic and international, public, and private sources, towards projects that prevent or reduce emissions and releases to the environment of plastics and plastic products across the life cycle, including microplastics, including for the development of adequate waste management infrastructure.

2. Capacity-building, technical assistance and technology transfer  
   1. Parties shall cooperate to enable, within their respective capabilities, the provision of timely, sustainable, comprehensive and adequate capacity-building and technical assistance to developing countries, in particular, to least developed countries and SIDS, to assist them in implementing their obligations under this instrument* and to retain such capacity once built.  
   2. The governing body* shall keep under review capacity-building and technical assistance to support the implementation of this instrument* and promote cooperation and coordination with other multilateral environmental agreements and other relevant initiatives to increase the effectiveness of capacity-building and technical assistance.  
   3. Parties shall promote and facilitate the development, transfer on mutually agreed terms, diffusion of and access to up to date environmentally sound technologies to address plastic pollution, including through safe and sustainable alternatives and non-plastic substitutes. In implementing this provision, Parties shall promote and facilitate innovation and investment in pursuit of new technologies and innovative solutions, and shall facilitate access to essential technologies, including with respect to financial resources and proprietary rights.

5 Note: Adapted from Minamata Convention, Article 13.11.  
6 Note: Modalities for the Global Plastic Pollution Fee could be established by the governing body. This Fee could hold polymer producers accountable for the pollution costs of all of their plastics, irrespective of the country in which the plastics and their useful life, and of whether the plastics are ultimately destined for recycling or disposal. It could generate revenue to finance environmentally sound waste management and clean-up initiatives.  
7 Note: Members may wish to include a definition of “technology transfer on mutually agreed terms” either in the provision on ‘definitions’ or in the provision on ‘technology transfer on mutually agreed terms’. The glossary of terms prepared for the committee’s first session, UNEP/PP/INC.1/6, refers to the following definition: “Technology transfer means the transmission of know-how, equipment and products to governments, organizations or other stakeholders. It usually also implies adaptation for use in a specific cultural, social, economic and environmental context”. (UNEP, Glossary of Terms for Negotiators of Multilateral Environmental Agreements (Nairobi, 2007), p. 91.)  
8 Note: Particular focus areas for capacity-building, technical assistance or technology transfer may need to be further defined and elaborated when there is a better understanding of the substantive obligations under this instrument*.  

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**Provisions common for Options above**

8. The governing body* shall review on a regular basis the level of funding, the guidance provided by the governing body* to operationalize the Mechanism established under this Article and its effectiveness, as well as its ability to address the changing needs of developing country Parties. It shall, based on such review, take relevant action to improve the effectiveness of the Mechanism.  

9. Each Party shall establish a plastic pollution fee, to be paid by plastic polymer producers within its jurisdiction, and adopt the necessary legislative, regulatory and administrative measures for its collection. The governing body*, at its first session, shall adopt modalities and procedures for the implementation of the global plastic pollution fee, including on the contribution of the fee to the financial Mechanism established in paragraph 4.  

10. Each Party shall take measures to:  
   a. decrease financial flows from all domestic and international, public, and private sources, towards projects that result in emissions and releases to the environment from plastics and plastic products across the life cycle, including microplastics; and  
   b. increase financial flows from all domestic and international, public, and private sources, towards projects that prevent or reduce emissions and releases to the environment of plastics and plastic products across the life cycle, including microplastics, including for the development of adequate waste management infrastructure.

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   2. The governing body* shall keep under review capacity-building and technical assistance to support the implementation of this instrument* and promote cooperation and coordination with other multilateral environmental agreements and other relevant initiatives to increase the effectiveness of capacity-building and technical assistance.  
   3. Parties shall promote and facilitate the development, transfer on mutually agreed terms, diffusion of and access to up to date environmentally sound technologies to address plastic pollution, including through safe and sustainable alternatives and non-plastic substitutes. In implementing this provision, Parties shall promote and facilitate innovation and investment in pursuit of new technologies and innovative solutions, and shall facilitate access to essential technologies, including with respect to financial resources and proprietary rights.

5 Note: Adapted from Minamata Convention, Article 13.11.  
6 Note: Modalities for the Global Plastic Pollution Fee could be established by the governing body. This Fee could hold polymer producers accountable for the pollution costs of all of their plastics, irrespective of the country in which the plastics and their useful life, and of whether the plastics are ultimately destined for recycling or disposal. It could generate revenue to finance environmentally sound waste management and clean-up initiatives.  
7 Note: Members may wish to include a definition of “technology transfer on mutually agreed terms” either in the provision on ‘definitions’ or in the provision on ‘technology transfer on mutually agreed terms’. The glossary of terms prepared for the committee’s first session, UNEP/PP/INC.1/6, refers to the following definition: “Technology transfer means the transmission of know-how, equipment and products to governments, organizations or other stakeholders. It usually also implies adaptation for use in a specific cultural, social, economic and environmental context”. (UNEP, Glossary of Terms for Negotiators of Multilateral Environmental Agreements (Nairobi, 2007), p. 91.)  
8 Note: Particular focus areas for capacity-building, technical assistance or technology transfer may need to be further defined and elaborated when there is a better understanding of the substantive obligations under this instrument*.  

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[Article 3] Technology transfer

1. Parties shall promote and facilitate the development, transfer, diffusion of and access to up-to-date technologies addressing plastic pollution in an environmentally sound manner, including those related to collecting, sorting, processing and recycling of plastic waste as well as those related to safe and sustainable alternatives and non-plastic substitutes. In implementing this provision, Parties shall promote and facilitate innovation and investment in pursuit of new technologies and innovative solutions, and shall facilitate access to essential technologies, including with respect to financial resources and proprietary rights.

2. Each Party shall ensure freedom of trade and technology transfer in the areas related to the implementation of the instrument*. In particular, no prohibition or restriction shall be instituted or maintained on trade in equipment and transfer of technologies related to combating plastic pollution, enhancing waste management and plastic waste recycling, as well as any other activities covered by the instrument*.

Part IV

1. National plans

1. Each Party shall develop and implement a national plan* to fulfil its obligations under this instrument* and to achieve its objective(s). The national plans should be based on the format in annex G and, to the extent possible, shall include at least relevant but not be limited to the following elements related to:

   a. Primary plastic polymers;
   b. Chemicals and polymers of concern;
   c. Problematic and avoidable plastic products;
   d. Product design and performance;
   e. Reduce, reuse, refill and repair of plastics and plastic products;
   f. Use of recycled plastic contents;
   g. Extended Producer Responsibility;
   h. Emissions and releases of plastic through its life cycle;
   i. Waste management;
   j. Fishing gear;
   k. Existing plastic pollution, including in the marine environment; and
   l. Just transition.

2. Each Party shall communicate its initial national plan to the governing body* within 5 [X] year[s] of the date on which this instrument* enters into force for it through the secretariat.

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9 Note: The term ‘national plans’ is used without prejudging how Members may ultimately choose to refer to the plans. Other options include ‘national action plans’ or ‘national implementation plans’.

10 Note: This potential list of actions to be included in national plans reflects references to such plans in the options presented. It is presented for ease of reference and without prejudice to how Members may choose to address this item in the instrument*. The exact contents of any national plans will depend on the contents and structure of commitments and obligations under the instrument*. 
3. Each Party shall be guided by the format modalities referred to in paragraph 1 when preparing and submitting their national plans.

4. A Party may at any time adjust its national plan with a view to enhancing its level of ambition, in accordance with guidance adopted by the governing body*.

5. Parties are encouraged to coordinate on the establishment and implementation of regional plans to facilitate implementation of this instrument*, as appropriate.

6. Parties shall review, update and communicate to the governing body* their national plans every 5 [X] year[s], and in a manner to be specified by a decision of the governing body*, with each update representing a progression compared to the Party's previous national plan.

7. Each Party shall include information on the implementation of its national plan towards achieving the objective of this instrument* in its national reports pursuant to [part IV.3 on reporting on progress].

2. Implementation and compliance

1. A mechanism to facilitate implementation of, and promote compliance with, the provisions of this instrument*, including a committee, is hereby established.

2. The mechanism referred to in paragraph 1 of this Article shall consist of a committee that shall be expert-based and facilitative in nature, and function in a manner that is transparent, non-adversarial, non-punitive and respectful of the sovereignty of Parties. The committee shall pay particular attention to the respective national capabilities and circumstances of Parties.

3. The committee mechanism shall operate under the modalities and procedures adopted by the governing body* at its first session and shall report to the governing body*.

4. The committee referred to in paragraph 1 shall examine both individual and systemic implementation and compliance issues and make recommendations to the governing body*, as appropriate. The committee shall consist of 17 members with recognized competence in fields relevant to this instrument* to be elected by the governing body* striving to reflect a balance of expertise and on the basis of equitable geographical representation, with three members each from the five regional groups of the United Nations and two members from the SIDS, taking into account the goal of gender balance.

5. Members shall be elected to the committee to serve for a period of [X] years and for a maximum of two consecutive terms. The governing body*, at its first session, shall elect nine members to the committee for an initial term of [X] year[s] and eight members for a term of [half of X] years. Thereafter, the governing body* shall elect at its relevant regular sessions nine members for a term of [X] years. The members and alternate members shall remain in office until their successors are elected.

6. The committee may consider issues on the basis of:

   a. Written submissions from any Party with respect to its own compliance;

   b. Written submission from any Party regarding another Party’s compliance;

   c. Requests from the governing body*;

   Additional options

11. Note: Adapted from the Minamata Convention, Article 15.
12. Note: Adapted from the Minamata Convention, Article 15.
d. Information provided by the secretariat with respect to the status of submission of information under [part IV.3 on reporting on progress].

7. The committee referred to in this Article shall elaborate its rules of procedure, which shall be subject to adoption by the governing body at its second session. The governing body may adopt further terms of reference for the committee.

3. Reporting on progress

Option 1

1. Each Party shall report to the governing body on the measures taken to implement the provisions of this instrument and on the effectiveness of such measures according to the timeline to be agreed by the governing body at its first session.

2. Each Party shall submit its report referred to in paragraph 1 of this Article to the secretariat on the measures it has taken to implement the provisions of this instrument and on the effectiveness of such measures and the possible challenges in meeting the objective of the instrument. The secretariat shall make national reports submitted by the Parties under this Article publicly available.

3. Each Party shall include, in its reporting, information provided in accordance with part II.14 on transparency, tracking, monitoring and labelling, paragraphs 2 and 3, including statistical data on types and volumes of its production, imports and exports of plastic polymers and products.

4. The governing body shall, at its first session, adopt the modalities and format for the reporting referred to in paragraph 1 of this Article, which shall take into consideration the full life cycle of plastics and plastic products, while ensuring complementarity with relevant international instruments and organizations, as appropriate.

5. The governing body shall, at its first session, adopt the modalities and procedures for review of information communicated in accordance with this Article. The secretariat shall keep under review and regularly communicate to the governing body the status of submissions by Parties of information in accordance with paragraphs 1, 2 and 3 of this Article.

6. Each Party shall take measures to ensure mandatory disclosures from businesses, including the financial sector on their activities and financial flows from all sources related to plastic pollution and related sustainable finance practices.

Option 2

1. Each Party shall report to the governing body, through the secretariat, on the measures it has taken to implement the provisions of this instrument and on the effectiveness of such measures and the possible challenges in meeting the objective of the instrument.

2. Each Party shall include in its reporting, the information called for in Articles [X,X] of this instrument.

3. The governing body shall, at its first session, decide upon the timing and format of the reporting to be followed by the Parties, taking into account the desirability of coordinating reporting with relevant international instruments and organizations, as appropriate.

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13 Note: The rules of procedure may include provisions for non-compliance.

14 Note: The secretariat could be mandated to maintain a registry, i.e., a central data exchange where information reported by the parties could be made available.

15 Note: Adapted from the Minamata Convention, Article 21.2.

16 Note: The list of relevant Articles to be defined.
4. **Periodic assessment and monitoring of the progress of implementation of the instrument** and effectiveness evaluation

   a. **Effectiveness evaluation**

1. The *governing body* shall periodically evaluate the effectiveness of this *instrument* and determine any measures required to advance in achieving the objective. The *governing body* shall undertake its first evaluation of effectiveness of the *instrument* no later than 
   [X] years after the date of entry into force of the *instrument* and thereafter at least every [X] years.

2. The *governing body* shall, at its first session, adopt the modalities for the evaluation of effectiveness of the *instrument* in accordance with the provisions of this Article.

3. The evaluation shall be conducted on the basis of available scientific, environmental, technical, financial and economic information, including:
   a. National reporting pursuant to [part IV.3 on reporting on progress];
   b. National plans submitted by Parties pursuant to [part IV.1 on national plans];
   c. Scientific and socioeconomic assessments pursuant to [part V.2 on subsidiary body];
   d. Best available scientific and technical knowledge, including scientific literature and other relevant sources;
   e. Information and recommendations provided by the committee referred to in [part IV.2 on implementation and compliance mechanism];
   f. Reports and other relevant information on the alignment of financial flows from all sources with the *instrument*’s objective and targets, operation of the financial assistance, technology transfer and capacity-building arrangements put in place under this *instrument*;
   g. Other information the *governing body* deems relevant.

4. The *governing body* shall take into account the outcomes of the evaluation of effectiveness of the *instrument* when determining measures required to enhance the effectiveness of the *instrument*.

   b. **Review of chemicals and polymers of concern, microplastics and problematic and avoidable products**

1. The *governing body* shall conduct, commencing 
   [X] years after entry into force and at least every 
   [X] years thereafter, a review of chemicals and polymers of concern used in plastic production, intentionally added microplastics and avoidable plastic products, with a view to assessing the state of knowledge with respect to their identification, production and use by Parties, and their impact on human health and the environment.

2. The review referred to in paragraph 1 shall be based on a report by [the expert review body or panel]. This report may contain recommendations to the *governing body*, including with respect to possible amendments to annexes A and B.

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17 Note: This language assumes that a scientific and/or technical body or review mechanism would be mandated to carry out scientific and socioeconomic assessments.
18 Note: This proposed text assumes the adoption of annexes A and B as set out in some of the options under part II.2 (chemicals and polymers of concern) and part II.3 (avoidable plastic products, including short-lived and single-use products, and intentionally added microplastics).
19 Note: This language assumes that a scientific and/or technical body or review mechanism would be mandated to carry out this function and any related functions.
3. In the conduct of its work under this provision, the [the expert review body or panel] may prioritize substances, products or sectors with high volumes or the greatest likelihood of giving rise to plastic pollution.

4. The governing body shall consider, in light of the report provided by [the expert review body or panel] pursuant to paragraph 2, whether amendments to annexes A and B are warranted.

20 Note: This language assumes that a scientific and/or technical body or review mechanism would be mandated to carry out this function.

21 Note: This language assumes that a scientific and/or technical body or review mechanism would be mandated to carry out this function.