PART II: Potential options for elements towards an international legally binding instrument, based on a comprehensive approach that addresses the full life cycle of plastics as called for by United Nations Environment Assembly resolution 5/14

A: Objective

Paragraph 9:

Malaysia is of the view that Option 9(a) of the objective is a good foundation and proposes the objective of this instrument as follows:

“To end plastic pollution, with a view to protect the environment and human health, through the promotion of a safe circular economy for plastics as well as through the promotion of environmentally sustainable plastic waste management and sustainable development.”

Malaysia also opines that no specific target date should be included in the objective to ensure the long-term relevance and validity of the instrument, allowing it to adapt to future circumstances.
**B: Core obligations, control measures and voluntary approaches (including annexes, if any)**

1) **Possible core obligation: phasing out and/or reducing the supply of, demand for and use of primary plastic polymers.**

**Paragraph 10:**

Malaysia fully support the principles of sustainable production and consumption. In line with this, we believe that the focus of control measures should be on hazardous primary plastics. However, it is important to recognize that not all plastics pose the same level of hazard. Non-hazardous plastic should not be subject to the same control measures.

When it comes to setting targets to address plastic pollution, we firmly believe that it should be nationally determined taking into account national circumstances, varying levels of plastic consumption, waste management infrastructure, and economic capacities. This also will ensure that the targets are more realistic and achievable.

For this reason, Malaysia supports Option a(ii), which advocates for nationally determined targets. This approach empowers countries to tailor their objectives and actions based on their specific contexts, allowing for a more effective and inclusive implementation of measures to address plastic pollution.

Furthermore, we propose that the control and monitoring of these nationally determined targets can be enhanced through Option b(iii). This option provides an additional mechanism for regulating and overseeing the progress of the targets.

By combining Option a(ii) and Option b(iii), we can establish a robust framework that respects national circumstances, supports sustainable production and consumption, and ensures effective control and monitoring of plastic pollution targets. This approach fosters a global response to plastic pollution while allowing flexibility and adaptation to specific country needs.
2) Possible core obligation: banning, phasing out and/or reducing the use of problematic and avoidable plastic products.

Paragraph 11:

Malaysia believes that to effectively implement such measures, it is crucial to have a clear definition of what exactly is “problematic”. It is also essential to looked on the plastic materials and products from its application-based perspective especially when safe alternatives are not economically viable and yet available. In some cases, economically feasible alternatives may not be readily available, which should be taken into consideration to ensure a smooth transition in the market.

Option 11(b) (Establish criteria to determine and prioritize problematic and avoidable plastic products, including unnecessary or short-lived products) is seen as critical because it provides guidance for the identification of problematic products at the national level. This option can serve as a framework to define and classify plastic products based on specific circumstances, allowing for effectively identify and prioritize those that require banning or phase-out measures.

We also support for the establishment of a working group to discuss the criteria to determine and prioritize problematic and avoidable plastic products. This working group would bring together experts and stakeholders to share knowledge, exchange best practices, and collectively develop effective strategies for managing plastic pollution.

4) Possible core obligation: reducing microplastics.

Paragraph 13:

With regards to the options for addressing the intentional use of microplastic, we support Option a(i) and urge for a clear identification of categories of microplastic to be annexed to the instrument.

Implementation of this obligation should be carried out within nationally determined plan, taking into account their respective capacities. It is essential to acknowledge existing national initiatives aimed at controlling the release of microplastics, such as Operation Clean Sweep (OCS) or similar programs. These efforts demonstrate
proactive measures already being taken at the national level and should be acknowledged and integrated into the overall strategy.

With regards to the options to address the unintentional releases of microplastic, we support Options (ii) and (iii). To effectively mobilize these obligations, it is necessary to establish dedicated means of implementation. This includes providing financial assistance, facilitating technology transfer, and offering capacity building support. By incorporating these, we can empower to fulfill the obligations and implementing effective strategies tailored to the specific circumstances and needs.

5) Possible core obligation: strengthening waste management.

Paragraph 14:

In relation to Option 14(a), which pertains to enhancing waste management capacity and promoting innovation, we seek clarification on the Option 14(a)(iii)(a). Malaysia believes that it is important to develop guidelines that go beyond mere encouragement of investment in waste management infrastructure. Instead, the focus should be on facilitating actual investments in waste management infrastructure. This obligation should be reflected in the means of implementation, where financial assistance and technology should be made available to support any waste management efforts.

Moving on to Option 14(b), Malaysia emphasizes the need for flexibility in waste management solutions. It is crucial to recognize that there is no one-size-fits-all approach and option for regulating the plastic waste should depend on country’s national priorities and circumstances.

In relation to Option 14(c), Malaysia further opines that options related to illegal dumping and disposal of plastic waste should be consistent with Basel Convention and should tap the potential of global circular economy in sustainable manner, safe, legitimate, verified, and qualified waste trade that promotes circularity and prevents harmful practices.

Regarding Option 14(d), Malaysia supports for the development of clear guidelines on the EPR system. These guidelines should encompass the entire lifecycle of products, including design for recycling, collection, and recycling processes. By establishing
comprehensive guidelines, the EPR system can effectively connect with the informal waste sector and contribute to a more sustainable waste management ecosystem.

6) Possible core obligation: fostering design for circularity

Paragraph 15:

On the topic of design for circularity, we must acknowledge the need for a harmonized criteria and standards for circularity at global level. Option 15(a) does capture this and promotes start and strengthen approach, which we see as an important tool towards circularity. Additionally, Malaysia also supports Option 15(c), which proposes the establishment of national requirements for design criteria based on a global harmonized system and methodologies. By harmonizing design criteria and methodologies, a unified approach that facilitates the implementation of circular design practices can be created. However, it is essential to take into consideration national circumstances when implementing these requirements.

7) Possible core obligation: encouraging reduce, reuse and repair of plastic products and packaging

Paragraph 16:

On the issue of reduce, reuse and repair, Malaysia supports Option 16(a) as target for reduction, reuse and repair of plastic will provide clear signal and way forward to industry and we urge that is has to be based on national circumstances and national requirement. With regards to Option 16(b), we suggest for it to be on a progressive manner and implemented on voluntary basis based on national requirement. Most of the proposed obligations here are aligned with our existing national plan. By incorporating these obligations into the existing national plan, Malaysia can further advance its efforts towards a more sustainable and circular approach to plastic consumption and waste management.
8) Possible core obligation: promoting the use of safe, sustainable alternatives and substitutes

Paragraph 17:

On alternatives, to support an effective circular economy, Malaysia emphasizes the importance of ensuring that these alternatives are safe and free from toxic, and alternatives that will not create another set of environmental problems. Additionally, the alternatives should be compatible with the existing recycling ecosystem, as establishing dedicated end-of-waste-life solutions for these alternatives would require significant investment and resources.

However, it is premature to establish specific obligations related to alternatives at this stage. This is because there is a need for further deliberation and understanding of what exactly these alternatives entail. It is essential to identify and evaluate the available alternatives, considering factors such as their environmental impact, safety, and feasibility. To facilitate this process, it is proposed that this topic should be deliberated further in an intersessional group allowing for in-depth exploration and analysis of potential alternatives.

9) Possible core obligation: eliminating the release and emission of plastics to water, soil and air

Paragraph 18:

Malaysia expresses support for Option 18(b) which suggest the development of best available technology and best environmental practices to eliminate the release and emission of plastic to water, soil and air. However, we would like to emphasize the importance of ensuring that access to these technologies is provided in the most feasible and economical manner. On abandoned, loss and discarded fishing gear (ALDFG), we support Option 18(d) for a close collaboration with other existing sectoral bodies including Food and Agriculture Organization of the United Nations FAO and International Maritime Organization (IMO).
10) Possible core obligation: addressing existing plastic pollution

Paragraph 19:

With regards to obligation to address legacy plastics, the proposed obligation and control measures does not provide a clear disposal method especially on the legacy plastics collected as most of these legacy plastics are contaminated and not fit for the current mechanical recycling. This relates to various intervention and suggestions for the treaty to provide flexibility for other potential waste management solution, including chemical recycling, to effectively deal with these plastics issues.

In remediating this issue, we suggest for a dedicated linkage between the core obligation and means of implementation to include a mechanism to mobilise and collect funds specifically designated for addressing legacy plastics. This highlights the importance of financial resources in implementing effective strategies and initiatives to tackle existing plastic pollution. By allocating resources to a dedicated fund, countries can focus on implementing targeted actions and remediation efforts.

11) Possible core obligation: facilitating a just transition, including an inclusive transition of the informal waste sector

Paragraph 20:

Malaysia recognizes the significant contribution of the informal waste sector in the circularity value chain and acknowledges the need for a just transition. The informal waste sector plays a crucial role in waste collection, sorting, and recycling, particularly in developing countries. Therefore, Malaysia supports measures that aim to ensure a fair, equitable, and inclusive transition for the industry, as well as for the workers and communities affected by the formalization process.

In addition, Malaysia supports the integration of the informal waste sector into the plastics value chain, aiming to promote a circular economy. This integration can be facilitated through the implementation of a "just transition program." Such a program would provide support, resources, and capacity-building initiatives to enable the informal waste sector to actively participate in the circular economy.
12) Possible core obligation: protecting human health from the adverse effects of plastic pollution.

Paragraph 21:
Malaysia expresses support for both options (a)(i) and (ii) that address the protection of human health from the adverse effects of plastic pollution. It recognizes the importance of evaluating the risks posed by plastic and plastic pollution to human health and conducting further research on the adverse impacts. Malaysia believes that the evaluation of risks and the need for further research are interconnected and should be approached using a science-based methodology. This ensures that decisions and actions taken to protect human health are grounded in reliable scientific evidence.

Furthermore, Malaysia fully endorses option (b)(i) which promotes cooperation, collaboration, and information exchange with the World Health Organization (WHO), the International Labour Organization (ILO), and other intergovernmental organizations. Recognizing the multifaceted nature of the issue, the significance of working together and collaboration with these international bodies will allows for the pooling of expertise, resources, and knowledge, leading to more effective strategies and measures.

Malaysia also supports option (b)(ii) which focuses on improving the One Health approach which recognizes the interconnected of human health, animal health, and environmental health. This integrated approach enables comprehensive and holistic actions to be taken to protect human health from the adverse effects of plastic pollution.