Response template / INC on Plastic Pollution / 21 June 2023

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

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

- Elements not discussed at INC-2, such as principles and scope of the instrument

INC-2 further requested the secretariat to post any submissions received on the INC website and to prepare a synthesis report of the submissions.

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.

A number of documents prepared by the secretariat for INC-1 and INC-2 are of relevance to this submission, including:

**UNEA resolution 5/14 on ‘End plastic pollution: towards an international legally binding instrument’**

**UNEP/PP/INC.1/5 on ‘Potential elements, based on provisions in paragraphs 3 and 4 of United Nations Environment Assembly resolution 5/14, including key concepts, procedures and mechanisms of legally binding multilateral agreements that may be relevant to furthering implementation and compliance under the future international legally binding instrument on plastic pollution, including in the marine environment’**

**UNEP/PP/INC.1/6 on ‘Glossary of key terms’**

**UNEP/PP/INC.1/8 on ‘Description of standard articles on final provisions that are typically included in multilateral environmental agreements’**

**UNEP/PP/INC.2/4 on ‘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’**

**UNEP/PP/INC.2/INF/4 on ‘Additional information linked to the options for the potential elements towards an international legally binding instrument’**

**UNEP/PP/INC.2/INF/7/REV.1 on ‘Information submitted by the Secretariat of the Basel, Rotterdam and Stockholm conventions’**

All written submissions must be sent to unep-incplastic.secretariat@un.org. As detailed in the mandate, the submissions received will be made available on the INC webpage, a synthesis report of the submissions will also be developed in advance of INC-3.

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.
Elements not discussed at INC-2

1. Scope

*What is the proposed scope for the future instrument?*

*Which types of substances, materials, products and behaviors should be covered by the future instrument?*

**Proposed scope:**

Malaysia believes that the scope of this instrument should encompass all aspects of the life cycle of plastic, from upstream, which starts from the polymerisation process to downstream activities, which include recycling and end-of-life disposal of plastic waste, covering management of legacy plastic waste and prevention of future leakages of plastic waste into the environment. The instrument should also cover all the different categories of substances at every stage of life cycle of the plastic chain.

**Explanatory Text:**

Having the scope of the instrument to cover the life cycle of plastic is important to address the many potential elements throughout the plastic value chain which could contribute to plastic pollution. Plastic becomes material after it undergoes the polymerization process thus Malaysia proposes for the upstream system boundary to start at the polymerization process. Raw material for plastic production, be it the conventional oil and gas or sustainable sources such as organic material, are not specifically used only for plastic production but could be a raw material for other purposes such as energy generation. Thus, Malaysia believes that the upstream system boundary should begin at the polymerization process when plastic becomes material. The scope of the instrument should not divert from addressing “plastic pollution” as mandated under the UNEA Resolution 5/14.
2. Principles

What principles could be set out in the future instrument to guide its implementation?

**Waste Hierarchy**

Explanatory Text:

The waste hierarchy presents a prioritised sequence of actions aimed at mitigating waste and safeguarding the environment and human health. It emphasises the importance of measures that preempt and minimise waste over alternative solutions, despite its focus on waste management. While not in the Rio Principles, the waste hierarchy is a guiding tool for determining control measures and essential responsibilities that can generate the greatest environmental and health benefits.

According to the waste hierarchy framework, the priority should be given to prevention, reduction, and reuse of waste materials, followed by recycling, energy recovery, and disposal. However, the application of waste hierarchy principle must not neglect the need to safeguard the economies of Member States while implementing core obligations to end plastic pollution. Therefore, any prevention, reduction, and reuse measures should be complemented with the availability of safe and economically viable alternatives and any recycling, energy recovery, and disposal mechanisms should be complemented with its safety and suitability to each Member State based on national capabilities and circumstances.
3. Additional considerations

Provide any other relevant inputs, proposals or priorities here that have not been discussed at INC-2 (e.g. preamble; institutional arrangements, including governing body, subsidiary bodies, scientific and technical cooperation and coordination, and secretariat; final provisions including dispute settlements; and if appropriate annexes).

Proposed inputs:

Ensuring the availability of precise, timely, and comprehensive scientific and technical information, and equally critical, the socio-economic impact assessments of the various core obligations in the Treaty, will be of utmost importance in effectively implementing the treaty aimed at curbing plastic pollution while transforming the economy of plastic from linear to circular.

Explanatory Text:

While the Treaty strives to end plastic pollution, it has to recognize the need for the plastic industry to undergo a huge transformation; not only from a linear to a circular system, but to diversify and innovate safer and more sustainable plastic. In order to drive this transformation, policies which could positively facilitate this transformation could accelerate a safe circular plastic ecosystem compared to restrictive and punitive policies which could hinder innovation and technological development for a sustainable consumption and production of plastic. Obligations which reinforce the need for this transformation should be included in the Treaty to drive demand for safe, circular and sustainable plastic such as (i) how we can design better plastic products to improve its recoverability from waste streams, including the incorporation of recycled content, and its durability for reuse and refill models, and (ii) how do we incentivize demand for circular plastic, amongst others. This work could be supported with the socio-economic assessments in deriving obligations which could address plastic pollution while developing the economies of the world.