PART II

7. Extended producer responsibility

On Extended Producer Responsibility or EPR, Malaysia would like to opt for Option 2. Malaysia recognizes the importance of EPR, or alike schemes (other schemes serving similar purpose and effect of EPR), as it could accelerate plastic circularity and promote safe and environmentally sound management of plastic products throughout its lifecycle and across international supply chains. EPR, or alike schemes, has a proven track record of increasing recycling rates, access to recycling, and capturing lost economic value in plastic wastes. However, a sustainable funding mechanism for the long-term operation and implementation of such scheme is crucial and a challenge, especially to the developing countries. Therefore, Malaysia would like to encourage open discussion and deliberation on innovative funding solutions, such as crediting mechanism, and outcome-based financing, among others, that are verifiable, accountable, and traceable in order to effectively mobilize any potential private funding, which could help develop and sustain the scheme.

A clear definition of ‘producer’ should also be included in the zero draft to create a common understanding and allow respective countries to determine who falls within the ambit of the definition (obliged party).

Malaysia would also like to highlight that existing national and regional initiatives, which are proven to be able to increase recycling rates should not be undermined but to be leveraged upon, in order to accelerate circularity. Therefore, Malaysia supports the call to establish EPR or alike schemes, as outlined in Option 2, with its implementation to be defined at the national level based on country’s unique circumstances.
8. Emissions and releases of plastic throughout its life cycle

On emissions and releases of plastic throughout its life cycle, Malaysia would like to propose the deletion of emissions in this provision as emissions-related parameters and control measures are already well-regulated under existing frameworks, such as the UNFCCC. This will help to avoid duplication of work and the scope to encroach the jurisdiction of other already established Multilateral Environmental Agreements (MEAs). Therefore, this provision should focus on mitigating releases of plastic throughout its life cycle and leverage on existing programmes, such as Operation Clean Sweep (OCS) and containment system to mitigate resins loss, in the form of pellets, flakes, and powder, into the air, soil, water and ecosystem from plastic production, transportation and recycling processes.

9. Waste management

a. Waste management

On waste management, Malaysia supports for Option 2. Malaysia views waste management as a crucial element in realizing the instrument’s ambition in ending plastic pollution, including in the marine environment. An effective waste management system directly improves control of leakages and mismanaged plastic waste in the environment. As each country has different level of maturity in its waste management system, Malaysia is aligned with Option 2 as it provides countries with flexibility to implement the best waste management measures and technologies suited to national circumstances and capabilities. This provision should also provide demand signals and ties with national circularity targets to create market demand for recyclates and incentivize investment in collection, sorting, and recycling infrastructure.

To ensure clarity within the context of the instrument, Malaysia suggests for the title of this provision to be referred to as “Plastic Waste Management”.

b. Fishing gear

Malaysia appreciates the proposed provision for fishing gear to be under the umbrella of waste management. However, it is important for countries to get a clearer insight into the mechanisms to build the institutional framework, capacity building and international cooperation, as well as the development of financial assistance to implement this provision, especially to protect the livelihood of the small-scale and artisanal fishermen. Thus, Malaysia is of the view that further discussion on fishing gear should cover its whole life cycle, including prevention of abandoned, lost, or discarded fishing gear (ALDFG), EPR, environmentally sound waste management, licensing schemes, and just transition for fishermen, among others, to effectively address this issue.
10. **Trade in listed chemicals, polymers and products, and in plastic waste**

a. **Trade in listed chemicals, polymers and products**

On trade in listed chemicals, polymers and products, any prohibitions must not create unjustified trade barriers and disruptions along the value chain. In addition, prohibitions on trade in listed chemicals, polymers and products could also create potential conflict with existing trade rules under the World Trade Organization (WTO) and existing national chemical regulatory management schemes. However, Malaysia supports the prevention and elimination of illegal trade in the plastic industry. Malaysia believes, a more positive approach that works within existing agreement and trade-related commitments could stand a better chance of success and help to ensure that any recommendations that deal with trade in the plastic industry do not create a potential conflict with existing international arrangements.

b. **Transboundary movement of plastic waste**

Malaysia envisions a global circular economy, in which regulated movement of plastic feedstock between countries and regions can happen, in order to fulfill global demand for recycled and circular plastic. Not all countries have the capacities to recycle plastic and the technology to recycle all types of plastic. Therefore, a regulated, verified, and legitimate transboundary movement of plastic feedstock could help channel plastic to where it could be recycled and reintroduced into the value chain in a safe and environmentally-sound manner, creating a true global circularity. This provision should not duplicate existing conventions such as Basel Convention but to address and close the gaps in existing conventions to achieve global plastic circularity.

11. **Existing plastic pollution, including in the marine environment**

On the existing plastic pollution, Malaysia sees the urgent need to mobilize necessary resources, financing, and technologies, not only to implement clean-up activities, but also leakage prevention measures, which is equally important to prevent additional plastic pollution in the environment. We support the identification and prioritization of accumulation zones and hotspots as the first step towards addressing existing plastic pollution. In doing so, we urge for a harmonized assessment and monitoring mechanism to be established under this instrument, leveraging from the on-going initiatives done at regional level by regional seas programme. The instrument should encourage and facilitate innovation and deployment of technologies that could recycle the recovered waste in a safe and environmentally-sound manner and avoid mere disposal of the recovered waste in landfills.
12. **Just transition**

On just transition, 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. To facilitate a fair, equitable, and inclusive transition for the sector, it is important to note that developing countries would require financial support, capacity building, and technology transfer to implement measures for a just transition to sustainable production and consumption of plastic, including management of plastic waste in a circular economy system. Measures taken to implement this provision must be country-driven taking into account countries circumstances and capabilities. Additionally, Malaysia would like to see a robust and just transition mechanism that includes just transition program for small and medium enterprises (SMEs) as well as for developing countries, small island developing states (SIDS) and least developed countries.

13. **Transparency, tracking, monitoring and labelling**

On transparency, tracking, monitoring and labelling, Malaysia is of the view that this provision is important to measure the progress and effectiveness of the instrument in combating plastic pollution. Malaysia supports the spirit under paragraph 1 (a) of this provision as it promotes corporate disclosure initiative. To ensure clarity and consistency, we need detailed and clear definition of harmonized information on chemicals. Malaysia urges for this matter to be discussed during the intersessional period. The discussion must be based on risk assessment approach, which then develop risk assessment framework for chemicals to enable comprehensive safety assessment to be done at every stage of plastic lifecycle. This will improve and provide greater transparency for tracking and monitoring purposes. However, we must also acknowledge the need for confidentiality assurance.