MALAYSIA'S WRITTEN SUBMISSION FOR THE THIRD SESSION OF INTEGOVERNMENTAL NEGOTIATING COMMITTEE (INC-3)

13 TO 19 NOVEMBER 2023
NAIROBI, KENYA

CONTACT GROUP 3

INTERSESSIONAL WORK

Malaysia is of the view that intersessional work may serve as a platform for a more effective negotiation for the instrument. Malaysia proposes for intersessional work in the form of dedicated working groups as follows:

i) **Scientific and Technical Expert Working Group** to develop and propose a common and verified understanding on definitions of scientific related terms, including list of polymers and chemical or concerns, grounded on a risk-based assessment instead of a hazard-based assessment. The definition must also take into consideration practical use of plastic products, especially when safe alternatives are not economically viable and available.

Clarity of key terms is pertinent as it will serve as a basis for a more effective negotiation of core obligations. For scientific related terms, it is proposed that the working group to include experts from established international bodies, such as the European Chemicals Agency, International Council of Chemical Association etc. Apart from non-scientific related terms, the working group will be responsible to develop and propose a common definition for non-scientific related terms with inclusion of experts, such as from social science discipline.

The working group must strive to harmonize and apply already existing definitions, principles and methodologies in other MEAs and established international standards to avoid inconsistency and uncertainty. The working group may also be tasked to propose potential baselines, perimeters of issues of concern and associated reporting measures; build on existing studies; and compile data on global production and consumption. The baselines, parameters and reporting measures must be based on scientific data, existing knowledge and systems, such as the Globally Harmonized System of Classification and Labelling of Chemicals (GHS).

With reference to the preliminary list of proposed areas for intersessional work identified during discussions of contact groups 1 and 2 that was published in the website, Malaysia would like to add a list of key terms to be defined by the instrument as follows:
- adverse impact on human health and environment
- accumulation zone
- brand owner
- chemical of concern
- converters
- disposal
- emission of plastics/microplastic
- feedstock and precursor
- group of chemicals
- harmonise information in the context of ‘chemical composition of all plastic’
- hazardous substances
- hotspot
- importer
- innovative financing
- just transition
- necessary/appropriate measures
- phase-out
- plastic pollution fee
- primary plastic polymers
- public private financing
- reuse
- refillability
- refurbishability
- retailers
- repairability
- secondary plastic
- secondary plastic polymer
- secondary microplastic
- short-lived plastic products
- single-use plastic products
- safe and environmentally sound waste management
- waste management

ii) **Scientific and Technical Expert Working Group** to develop and propose a common sustainability criterion for plastic products on the basis of sectoral approach, group of plastic products approach or etc. related to "chemical substances and polymers of concern in plastics" and "problematic and avoidable plastic polymers and products and related applications (issues of concern).

They should be able to provide possible common approach to further specify sustainability criteria to relevant products, product groups, or sectors. The prioritization of products, product groups, or sectors should also be considered. The working group needs to include technical experts and scientists with relevant expertise in chemistry, material technology, plastic product design, recycling, and circular economy.

The criteria need to be established through a formal process based on scientific evidence provided by experts. It is also vital to maintain the consistency of
measures between existing MEAs and international frameworks and encourage coordination. Member states, industrial associations, and other relevant stakeholders may provide additional relevant information to supplement the scientific and technical groundwork.

iii) **Scientific and Technical Expert Working Group** to develop and propose a common sustainability criterion for substitutes and alternatives to plastic polymers and products. Inclusion of technical experts and scientists with relevant expertise in chemistry, material technology, plastic product design, recycling, and circular economy are crucial. To supplement this dedicated working group, stakeholders, including academic and research institutes and industries, should provide relevant information on substitutes, alternatives, and other innovations.

iv) **Financing Mechanism Working Group** that will identify among others, terms for financing, activities eligible for financing, type of financing, delivery of fund, as well as on possible appropriate type of innovative financing that can be included in the instrument such as out-come based financing or plastic credit. During the intersessional period, Malaysia proposes for an adhoc multi-stakeholder working groups to be established, with the secretariat's support, to hold several consultations with Parties, building valuable engagement across a range of fora following INC-3.

The intersessional work may also deliberate on the most appropriate funds to be establish under the instrument, either a new independently established dedicated fund or dedicated fund within an existing financial arrangement.

v) **Capacity Building, Technical Assistance and Technology Transfer Working Group** to develop a mechanism that is able to response to the need of respective developing countries for them to implement their obligations under the instrument. The discussion may among others, identify particular focus areas that would be eligible for such assistance on the basis of sectoral approach, activities approach, or type of business approach, at every stage of economic cycle.

In addition, Malaysia proposes for intersessional work for establishment of a scientific and technical body under the instrument. This intersessional work may discuss potential roles, functions, responsibilities and composition of the scientific and technical body. The modality of the intersessional work could include preparing a comparison document with the existing scientific and technical bodies to the most relevant MEAs, including experiences and lessons learned.

**MODALITIES FOR INTERSESSIONAL WORK**

With regards to modalities for intersessional work, Malaysia proposes for it to begin in between INC-3 and INC-4, but may continue to function until INC-5, if necessary. Intersessional work must be flexible, considering time differences across regions and the mobilization of resources from Member Countries to attend/participate and
contribute during the sessions effectively. It is also important for the intersessional work to have a practical schedule between INCs.

A maximum of 3 series of intersessional work between each INC is workable, considering the diversity and depth of topics for discussion as presented by Contact Group 1 and 2. Depending on the issues of the intersessional work, various modalities can be adopted to ensure the success.

To efficiently tackle the issues, the work can be split into distinct work streams and packages with specific objectives and deliverables. This approach will enable parallel work and allow different expertise to be utilised at different stages of the work process. The main goal of the work should be to equip the INC with the necessary knowledge to address the aforementioned treaty issues effectively.

The intersessional work could be in a form of meeting, workshop or webinar series with the option of open or limited participation and could be held either in person (with financial assistance for attendance to developing countries) or it can be held online. It is pertinent for the working groups to be equipped with proper and clear mandate.