CONTACT GROUP 1

PART II

2. Chemicals and polymers of concern

As mentioned in our earlier intervention in INC-2, as well as in our written submission, Malaysia supports the urgent need for us to have a strong control on the use of hazardous chemicals and group of chemicals in plastic manufacturing. This should be backed by strong science. The science-based approach should be the basis in identifying those hazardous elements. In this regard, we align ourselves with suggestion made by Thailand to focus on chemicals of concern and to exclude polymers as polymer itself is not harmful when used in proper context and application.

At this juncture, taking into account the definitions of polymers and chemicals of concern are still not clear, we strongly propose for Option 3 as a good basis in ensuring plastic is toxic free. Malaysia stands ready to contribute in the development of Annex A, as this would provide clarity on how the control measures can be effectively implemented in national and sub-national levels.

On another note, Malaysia would like to also suggest intersessional work and technical working group in discussing the definitions and criteria of polymers and chemicals of concern, and to also refer to existing control measures prescribed under various frameworks. For example, usage of chemicals and additives in the manufacturing sector (including plastics manufacturing) is already regulated under chemical management systems such as the Registration, Evaluation, Authorization and Restriction of Chemicals (REACH) EU, Basel, Rotterdam and Stockholm (BRS) Conventions, UN Globally Harmonized System of Classification and Labelling of Chemicals (GHS), Strategic Approach to International Chemicals Management (SAICM) and more. We must streamline these existing control measures and must avoid duplication of work.
3. Problematic and avoidable plastic products, including short-lived and single-use plastic products and intentionally-added microplastics

a. Problematic and avoidable plastic products, including short-lived and single-use plastic products

On problematic and avoidable plastic products, including short lived and single use plastic products, Malaysia supports Option 2 as it provides flexibility for countries as it takes into consideration nationally determined process of target setting and national measures taken to reduce problematic single use plastics. However, we suggest this Option to be further strengthened to ensure clarity and inclusion of application-based approach. In this regard, the development of Annex B must be critically discussed and takes into consideration the availability of safe alternatives to ensure an effective phase-out program at national and sub-national levels.

b. Intentionally added microplastics

On intentionally added microplastics, Malaysia supports Option 2 of the zero draft as it provides a phased approach mechanism in controlling the use of microplastics. However, we must stress again the need for clear criteria of products as well as its application.

The implementation of this obligation should be carried out within nationally determined plan, taking into account our respective capabilities. We must provide a just transition for the industry to move towards microplastics-free products.

4. Exemptions available to a Party upon request

On exemptions, Malaysia welcomes a dedicated provision that provides for exemptions for countries in its effort to comply with the instrument’s targets. Clear procedures on granting of exemptions and the implications on non-compliance must be further discussed and clearly outlined under this provision. The exemption may be granted by the governing body. The procedures as well as decision made by the governing body through a verification and validation body (VVB) must be transparent, unbiased, and backed by scientific evidence, taking into account country’s unique circumstances.

5. Product design, composition and performance

Before giving our intervention on provision 5 and 6, we would like to welcome the suggestion from Norway to include sector specific programme of work, in which in our view, will provide clarity especially on implementation of specific control measures as well as specific means of implementation and resources required for specific
sectors/products/applications.

a. **Product design and performance**

On product design and performance, it is essential to highlight the critical need for standards harmonization. Establishing harmonized standards is pivotal, offering industry clear guidelines to produce products aligned with this instrument's requirements.

To effectively achieve this, Malaysia proposes the establishment of a Technical Working Group and intersessional work aimed at identifying gaps within existing standards. It is imperative to emphasize that these standards should facilitate trade between nations, not impede it. Moreover, the adoption of harmonized standards within the instrument’s framework must follow a phased approach, ensuring a seamless and equitable transition for economies.

In this regard, Malaysia leans towards Option 2. This option, advocating for a phased adoption of harmonized design and performance standards outlined in Annex C, offers greater flexibility. This approach aligns with Malaysia’s stance on ensuring a smooth transition while adhering to standardized norms.

b. **Reduce, reuse, refill and repair of plastics and plastic products**

On "Reduce, Reuse, Refill, and Repair" mechanisms, Malaysia advocates for a nationally determined approach. It is crucial to tailor these mechanisms to each country's unique context, considering safety concerns, especially pertaining to food and drinking water.

The imperative for repair and refurbishment extends beyond intent—it requires a transfer of technology and technical capacity from producing countries to consuming nations. Without this knowledge exchange, our efforts to mitigate waste will be significantly hindered. Moreover, if the processes for repairing and refurbishing products remain exclusive to specific producers, particularly those beyond national territories, the accessibility to repair these items becomes hard and costly.

Given the uncertainty surrounding market acceptance and preparedness, we advocate aligning with Option 2, as outlined in the zero draft. This allows for flexibility and acknowledges the complexity of readiness in adopting repair and refurbishment strategies.

c. **Use of recycled plastic contents**

On use of recycled plastic contents, Malaysia is of the view that the determination of percentages must be nationally-driven, tailored to each country’s unique
circumstances. The specific percentage delineated in the Annex should factor in Minimum Post-Consumer Recycled (MPCR) content, aligned with existing national targets. In the case of Malaysia, the target should take into consideration, our Malaysia Plastic Sustainability Roadmap established through an extensive market study conducted in collaboration with the World Bank.

Moreover, it is imperative to incorporate additional requisites:
- Mandating plastic to be recyclable
- Ensuring the recyclability of plastics, promoting their market entry with recycling compatibility
- Embracing the concept of Circular Economy through collected for recycling (CFR) target

Integrating these requirements complements the circularity agenda. Option 2 aligns with our vision, offering the flexibility for countries to progressively achieve minimum percentages of recycled content.

d. **Alternative plastics and plastic products**

On alternative plastics and plastic products, it is important to note that the absence of clear criteria for safe, environmentally-sound and sustainable plastic presents a challenge for nations in their selection processes. We should advocate for an alternative that naturally biodegrades, capable of breaking down in natural environments without the necessity for dedicated composting facilities.

Our proposition aligns with Option 2, as it incentivizes countries to promote development and innovation, emphasizing the importance of ensuring these alternative plastics meet stringent criteria for safety and sustainability. We propose an additional provision, calling for the governing body to adopt a comprehensive set of criteria that encompasses safety, environmental soundness, and sustainability for these alternative plastics and plastic products.

This stance underscores the necessity for clear guidelines to distinguish truly biodegradable plastics that are able to degrade in natural environment, without relying on specialized composting facilities. Such criteria will aid countries in making informed and environmentally responsible choices.

6. **Non-plastic substitutes**

In parallel with our stance on alternative plastics and plastic products, we advocate for an additional provision within the governing body’s framework. This provision would entail the adoption of a holistic set of criteria encompassing safety, environmental viability, and sustainability for non-plastic substitutes. Such criteria would incorporate a comprehensive life cycle assessment, ensuring a thorough evaluation of the environmental impact across the entire product life cycle.