Contact Group 1

Thailand’s views on the core obligation of Part II.2 Hazardous Chemicals of concern, Part II.3 Problematic and avoidable plastic products and Part II.4 Exemptions available to a Party upon request
Part II.5 Product design, composition and performance
Part II.6 Non-plastic substitutes

at the third session of Intergovernmental Negotiating Committee
to develop an international legally binding instrument on Plastic Pollution, including in the marine environment (INC-3)
15 November 2023, UNEP Headquarters in Nairobi, Kenya

Thank you co-facilitator,

Regarding the core obligation of Part II.2, Thailand prefers option 2 with a change in its title as Hazardous Chemicals of concern since polymer itself has not been harmful, if it can be used in the proper applications and the waste, arising from such application, is able to be managed in an environmentally sound manner in the jurisdiction of each party.

With regard to Annex A Part II, Thailand prefers option 2 with a proposed;

List of chemical substances of concern in plastics subject to prohibition or restrictions and applicable control measures (including exclusions and phase-out dates as relevant)
Harmonized information disclosure, marking and labelling requirements

Regarding the core obligation of Part II.3a, Thailand prefers option 2 with a modification proposal.

Thailand is view of that Part II.3b the provision should not only address the intentionally added microplastics but also the unintentionally released microplastics. In order to anticipate those view, Thailand wishes to propose a new paragraph: Each Party shall be encouraged to take any necessary measures to prevent the leak of unintentionally released microplastics into the environment.

With regard to related Annex B, Thailand prefers option 2 of Problematic and avoidable plastic products and also has a proposal on elements for establishing the Criteria for the determination of plastic products.

In case of Microplastics, Thailand prefers option 1

In conclusion, key provisions of part II.1 Plastic polymer, part II.2 Hazardous Chemicals of concern and Part II.3 Problematic and avoidable plastic products required the intersessional work of the dedicated scientific and expert groups with the collaborative engagement of relevant industries so as to recommend on related screening criteria and identify initial relevant lists to be placed in annexes regarding those provisions in support of further consideration and negotiation by the Committee.
Regarding the core obligation of **Part II.4 on Exemptions available to a Party upon request**

In consideration of different national circumstances and capacities, Thailand is of the view that the exemption provision should also include Part II.1 and Part II.2, in addition to Part III.3 upon a request by concerned Parties. Any request for exemption needs to be reviewed by an appointed subsidiary body to determine whether the request, including its proposed action plan to ensure its fully compliance with those provisions within timeline, meets the criteria or requirements as set out in annex [...] The governing body would make the decision based on the recommendation of subsidiary body.

In this regard, Thailand has a proposed text to amend para 1 to capture our aforementioned suggestion.

Regarding the core obligation of **Part II.5 and 6**

Thailand’s proposal on option 2 of Part II.5a and 5b as it originated in the zero draft text.

Regarding Part II.5c, Thailand prefer option 2 with the note that the targets for minimum recycled plastic content in specific applications and product categories, to create the right enabling conditions for the sectors to meet this target, especially for food-related applications. Bearing in mind that all elements contained in part III of annex C should assist each Party to be able to setup its own requirements or targets of recyclable plastic contents in its certain prioritized products.

Thailand would like to align our position with the United Kingdom to propose the committee considers merging Part II.5d with Part II.6 due to the same justified criteria should apply in assessing their adverse impacts on human health or the environment at any stage of their life cycle, and identifying properties that may hinder (technically or economically) their safe and environmentally sound management after their post consumption, including their reusability, repairability, recyclability and disposal.

Thank you very much.