

# IMPLEMENTATION OF THE BASEL CONVENTION IN MALAYSIA

# BACKGROUND

- Malaysia became a party to the Basel Convention in October 1993. Recognising the importance of the Basel Convention to Malaysia's environmental and economic well-being, the Malaysian Cabinet decided in late 1991 that the country should become a party after internal control mechanisms are in place .

# The main chronological events of the Basel Convention in Malaysia are as follows:

## Date

## Events

22.6.1989

\* National Steering Committee (NSC) recommended that Malaysia should become a party to the Basel Convention.

08.06.1991

\* NSC agreed the Customs Department should amend the Customs (Prohibition of Export/Import) Order to include list of wastes to be controlled.

## Chronological events continue....

Date

Events

20.11.1991

\* The Malaysian Cabinet agreed that Malaysia should become a party to the Basel Convention after the Customs Order are in place.

12.08.1993

\* Customs (Prohibition of Export) (Amendment) (No.2) Order 1993 and Customs (Prohibition of Import) (Amendment) (No.3) Order 1993 were gazetted and enforced.

## Chronological events continue....

Date

Events

8.10.1993

\* Malaysia deposited the instrument of accession to the Basel Convention.

06.01.1994

\* Basel Convention came into force for Malaysia.

10.03.1995

\* Malaysia and the USA signed a bilateral agreement to allow the export of waste to the USA for recovery.

## Chronological events continue....

Date

Events

01.08.1996

\* The Environmental Quality Act 1974 was amended to include a new Section 34B on the control of Shipment and Disposal of Scheduled Wastes.

01.06.1998

\* Customs (Prohibition of Export) Order 1998 and Customs (Prohibition of Import) Order 1998 were enforced.

# IMPLEMENTATION OF THE BASEL CONVENTION IN MALAYSIA

- o Since October 1995, a Technical Working Group was formed to deliberate on the waste definitions and categorization of hazardous wastes.
- o The legislative instrument for the management of hazardous wastes in Malaysia is the Environmental Quality (Scheduled Wastes) Regulations 1989, made under the Environmental Quality Act 1974. These regulations, enforced since May 1989, control the generation, transportation and disposal of wastes through a notification and licensing system for facilities.
- o The Environmental Quality Act 1974 was amended in 1996 to include specific and stringent provisions on the control of export, import and transit of scheduled wastes in Section 34B. Penalties for illegal trafficking had also being increased up to RM 500,000.00 or five years imprisonment or both.

o To further support the implementation of the Basel Convention in Malaysia, the following Orders were formulated under the Customs Act 1967:

- i. Customs (Prohibition of Export) (Amendment) (No.2) Orders 1993 ; and
- ii. Customs (Prohibition of Import) (Amendment) (No.3) Orders 1993 ; and

These Orders, which came into force on 12 August 1993, are currently enforced by the Royal Customs Department in cooperation with the Department of Environment (DOE). Under the above control mechanisms, the import / export of hazardous wastes is prohibited unless prior written approval is obtained from the DG of DOE, who is the designated Competent Authority and Focal Points for Malaysia. These Orders were replaced by the following on 01 June 1998:

- i. Customs (Prohibition of Export) Order 1998 ; and
- ii. Customs (Prohibition of Import) Order 1998.



o Specific guidelines have been prepared to assist those involved in the import/export of hazardous wastes. One of the main requirements concerned the prior-informed-consent (PIC) procedure for the exporting countries to follow.

These guidelines are:

- i. Guidelines for the Export Scheduled Wastes, 1995 ;
- ii. Guidelines for the Import Scheduled Wastes, 1995 ;
- iii. Notification and Control Procedure Adopted by Malaysia and Singapore for Movement of Wastes Between the two Countries; and
- iv. Additional Requirement for Applications to Export Scheduled Wastes, 1998

# IMPORT AND EXPORT OF HAZARDOUS WASTES

o In Malaysia, import of wastes are not encourage. On the other hand, waste generators are allowed to export waste for recycling, recovery or treatment provided prior written approval are obtained from the importing state.

o In 2003, only 12 Written Approvals were issued for the import of 305,398 tones of wastes for use as raw materials. The wastes include, granulated blast furnace slag (252,007 tonnes) and spent catalyst (1,108 tonnes) which were used as raw materials in cement manufacturing plants (see Table 1)

# Table 1

Malaysia : Quantity of Scheduled Wastes Imported (Tonnes) by Type and Origin  
1999 - 2003

TYPE OF WASTE	YEAR	1999	2000	2001	2002	2003
	COUNTRY OF ORIGIN					
COPPER SLAG	SINGAPORE	45,382	27,254	36,611	33,945	52,283
	JAPAN	12,391	-	-	-	-
	CHINA	-	-	-	-	-
	KOREA	-	-	-	-	-
G.BLAST FURNACE SLAG	SINGAPORE	-	-	90	170	-
	JAPAN	-	-	16,054	15,000	234,644
	CHINA	104,917	93,637	15,622	14,770	17,363
	KOREA	-	-	-	-	-
SPENT CATALYST	SINGAPORE	4,040	4,948	1,565	6,878	1,108
	JAPAN	-	-	-	-	-
	CHINA	-	-	-	-	-
	KOREA	-	-	-	-	-
TOTAL TONNES		166,730	125,875	69,942	70,763	305,398

o A total of 2361 tonnes of scheduled wastes were exported in 2003, involving 42 waste generators (exporter). The quantity and type of wastes exported between 1999-2003 are shown in Table 2 below :

**Malaysia : Quantity of Wastes Exported by Type of Waste (Tonnes), 1999 - 2003**

Year Type of Waste	1999	2000	2001	2002	2003
Metal Hydroxide Sludge	2,597	1,678	1,795	1,537	212
Spent Catalyst	1,846	2,905	816	1,365	693
Copper Oxide	635	-	-	142	1,209
Used Blasting Materials	5	36	19	-	-
Cadmium Nickel Oxide	103	108	-	67	30
Aluminium Dross	-	10	-	-	-
Nickel Cadmium Battery	-	-	-	-	217
Glass Cutlet	-	141	45	-	-
<b>TOTAL TONNES</b>	<b>5,186</b>	<b>4,878</b>	<b>2,675</b>	<b>3,111</b>	<b>2,361</b>

oTable 3 shown the quantity of wastes exported to various countries between 1999 - 2003

**Table 3**

**Malaysia : Quantity of Scheduled Wastes Exported by Destination (Tonnes), 1999 - 2003**

Importing Country	1999	2000	2001	2002	2003
Australia	280	69	-	315	209
Germany	80	470	159	128	349
Holland	1,266	1,234	487	570	323
Italy	-	-	107	44	28
Japan	1,103	1,503	68	1,035	1,007
Finland	-	-	-	100	23
France	80	108	-	67	99
Philippines	1,073	-	532	-	-
Singapore	27	500	-	170	-
South Africa	45	-	-	-	-
South Korea	23	-	-	-	118
Sweden	102	203	27	149	7
Switzerland	-	10	-	-	-
Belgium	-	-	-	-	140
USA	1,107	753	1,295	533	60
<b>Total Tonnes</b>	<b>5,186</b>	<b>4,878</b>	<b>2,675</b>	<b>3,110</b>	<b>2,361</b>

# CHALLENGES

- Building the technical capacity of the custom officers and the competent authority officers, especially in the field of wastes identification & analysis, and in environmental crime investigation & enforcement.
- Strengthening linkages/communications between the enforcement agencies, such as the Port Authorities, Customs and the Department of Environment in order to deter illegal trafficking.
- Efficient and effective exchange of information among the exporting and importing countries.

THANK YOU

