

Summary of Questionnaire

Session 4

Good practices and challenges of
border control and take-back

November 23-25, 2015

Singapore

Secretariat of the Asian Network

Respondents:

13 countries/regions: *Brunei, Cambodia, Indonesia, Japan, Republic of Korea, Lao PDR, Malaysia, Philippines, Singapore, Thailand, Vietnam, Australia and EU (IMPEL-TFS)*

Contents:

- ✓ Border control practices for combating illegal traffics
- ✓ Implementation of take-back

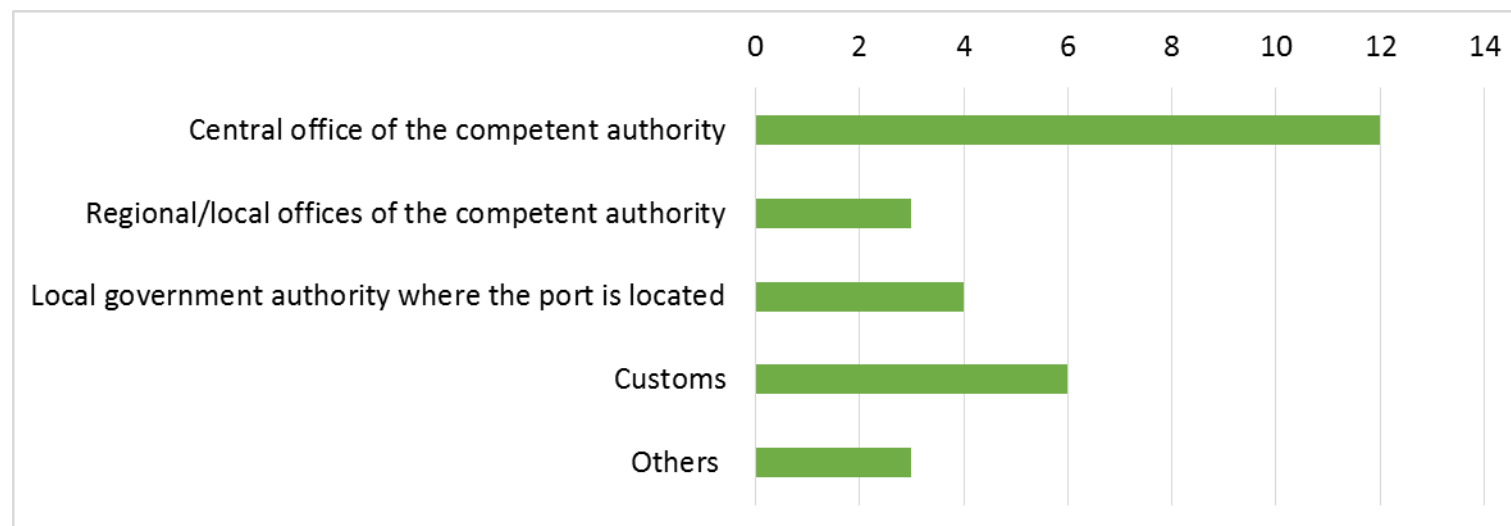
Organization in charge of tackling illegal traffics

Which organization is the authority in charge of tackling illegal traffic?

	BRN	KHM	IDN	JPN	KOR	LAO	MYS	PHL	SGP	THA	VNM	AUS	EU	Total
Central office of the competent authority	X	X	X	X	X	X	X	X	X	X	X	X		12
Regional/local offices of the competent authority				X	X		X							3
Local government authority where the port is located		X				X				X	X			4
Customs			X	X			X	X			X	X		6
Others							X				X		X	3

“Others” include:

- ✓ Port Authority (*Malaysia*)
- ✓ Environmental Police (*Vietnam*)
- ✓ In Europe it is depending on the country how it is organized. NL it is central, Germany it is regional (*EU*)



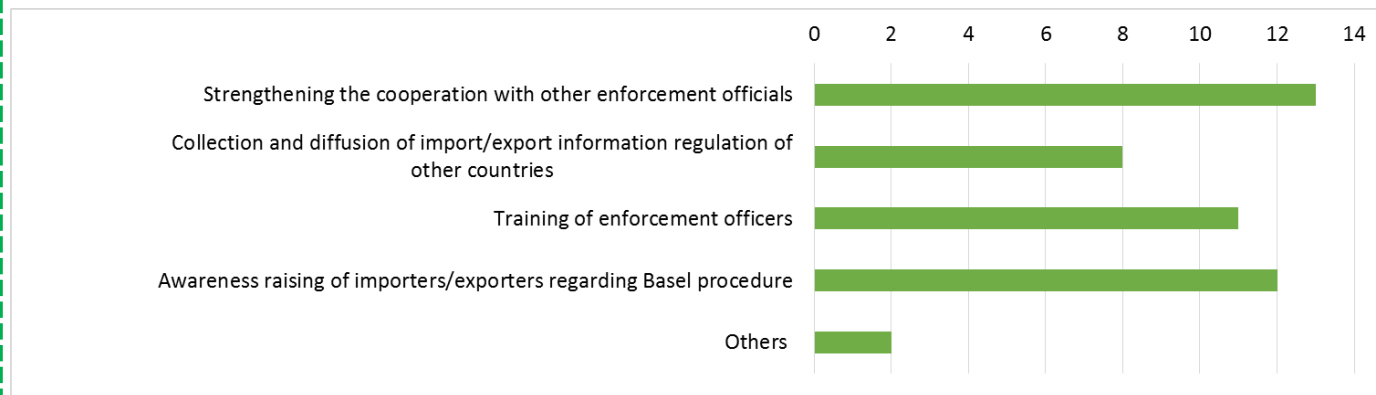
Measures to strengthen border control and to combat illegal traffics

In order to strengthen border control and to combat illegal traffic, what are the measures taken in your country?

	BRN	KHM	IDN	JPN	KOR	LAO	MYS	PHL	SGP	THA	VNM	AUS	EU	Total
Strengthening the cooperation with other enforcement officials such as customs, port authority or police department	X	X	X	X	X	X	X	X	X	X	X	X	X	13
Collection and diffusion of information of import/export regulation of other countries	X	X		X	X			X	X		X		X	8
Training of enforcement officers	X	X	X	X	X		X	X	X	X	X		X	11
Awareness raising of importers/exporters regarding Basel procedure	X	X	X	X	X		X	X	X	X	X	X	X	12
Others							X						X	2

“Others” include:

- ✓ Development of standard operating procedure (SOP) for enforcement for import and export of hazardous wastes (**Malaysia**)
- ✓ Carrying out combined border controls with more countries, developing guidelines within IMPEL (e.g. return manual) (**EU**)



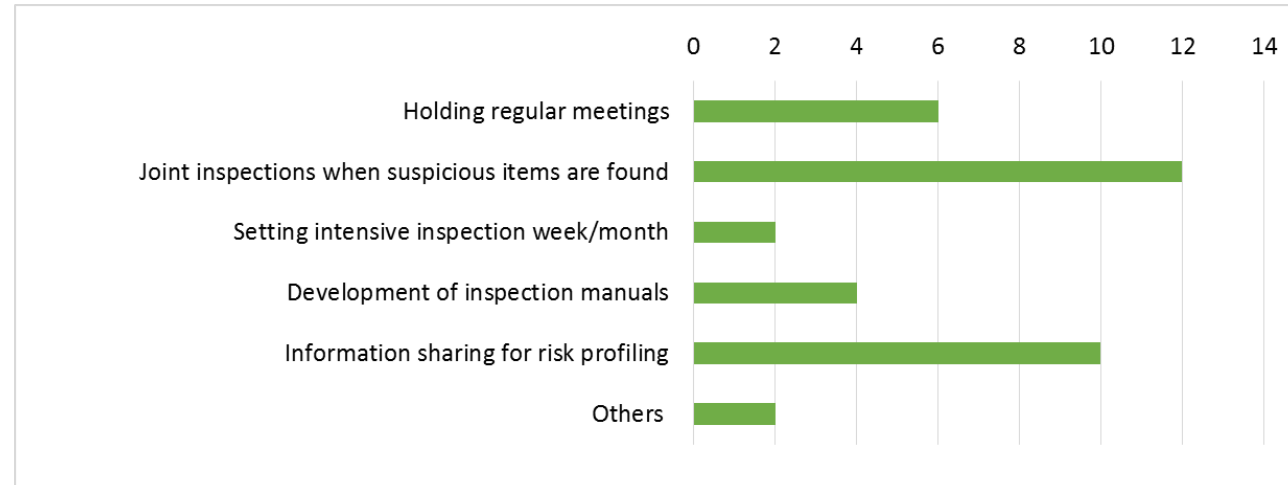
How to cooperate with customs

What kinds of activities are carried out to strengthen the cooperation with customs?

	BRN	KHM	IDN	JPN	KOR	LAO	MYS	PHL	SGP	THA	VNM	AUS	EU	Total
Holding regular meetings		X		X	X	X					X		X	6
Joint inspections when suspicious items are found	X	X	X	X	X	X	X	X	X	X	X		X	12
Setting intensive inspection week or month		X		X										2
Development of inspection manuals for the better enforcement		X					X				X	X		4
Information sharing for risk profiling		X		X	X		X	X	X	X	X	X	X	10
Others												X	X	2

“Others” include:

- ✓ Meeting as required on relevant issues and site visits to Customs facilities (**Australia**)
- ✓ MOU between competent authority and customs, trainings etc.. (this is not the same in all European countries) (**EU**)



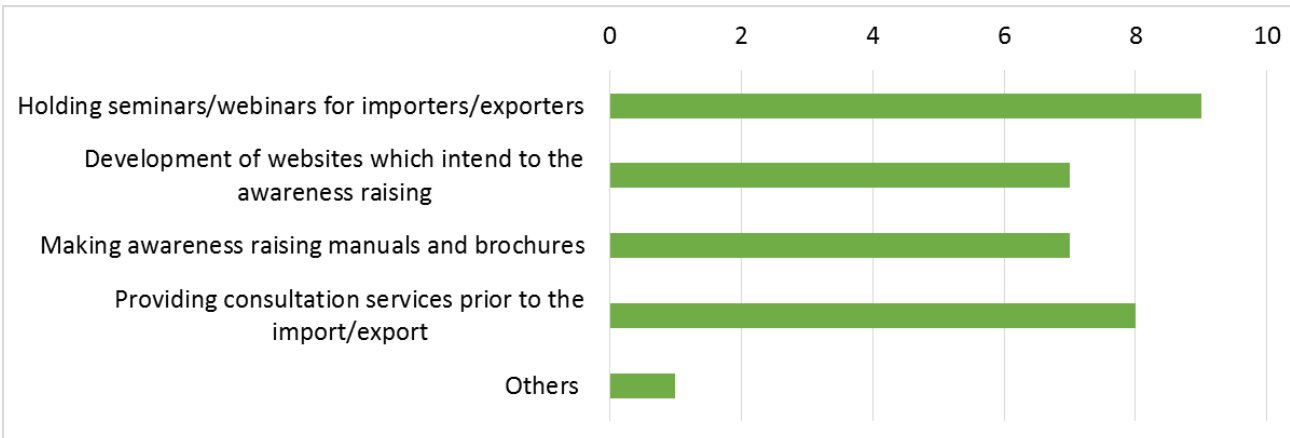
Awareness raising for importers/exporters

What kind of activities are conducted in your country in order to raise awareness of importers/exporters?

	BRN	KHM	IDN	JPN	KOR	LAO	MYS	PHL	SGP	THA	VNM	AUS	EU	Total
Holding seminars/webinars (web-based seminars) for importers/exporters		X	X	X			X	X		X	X	X	X	9
Development of websites which intend to the awareness raising	X	X		X					X		X	X	X	7
Making awareness raising manuals and brochures		X		X	X					X	X	X	X	7
Providing consultation services prior to the import/export		X		X	X		X			X	X	X	X	8
Others													X	1

“Others” include:

- ✓ Importers/exporters can call and ask questions regarding import/export to helpdesk (this can be different, depending on the country) (*EU*)

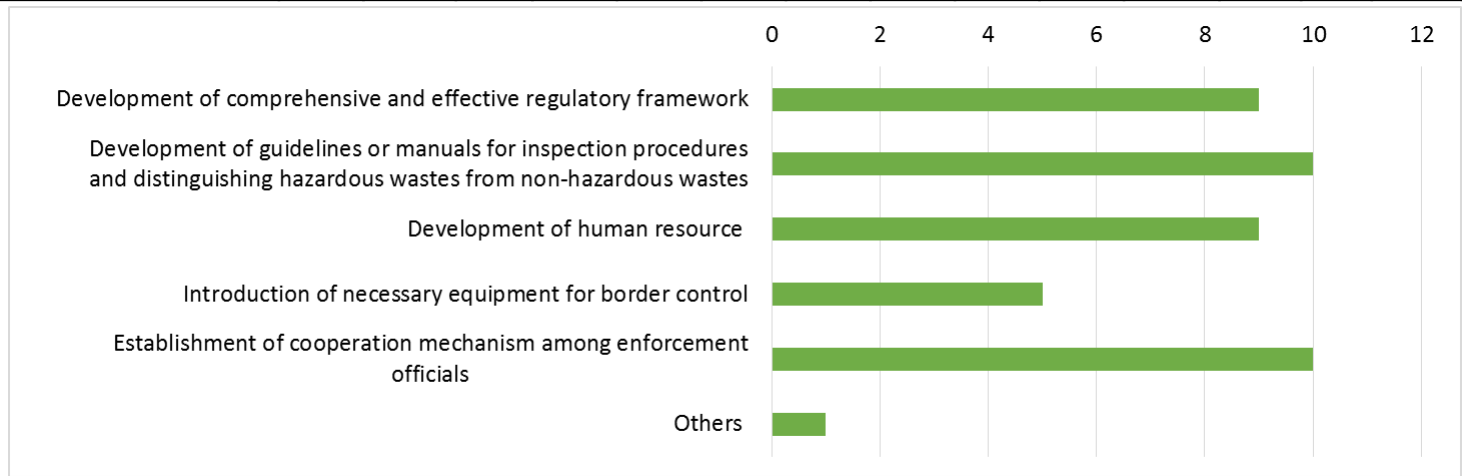


Priority activities for strengthening border control

What are priority issues to be addressed in your country for strengthening border control?

	BRN	KHM	IDN	JPN	KOR	LAO	MYS	PHL	SGP	THA	VNM	AUS	EU	Total
Development of comprehensive and effective regulatory framework	X	X	X	X	X		X		X		X	X		9
Development of guidelines/manuals for inspection procedures and distinguishing hazardous wastes from non-hazardous wastes	X	X		X	X		X	X	X		X	X	X	10
Development of human resource	X	X			X		X	X		X	X	X	X	9
Introduction of necessary equipment for border control		X					X	X			X		X	5
Establishment of cooperation mechanism among enforcement officials	X	X		X	X		X		X	X	X	X	X	10
Others							X							1

“Others” include:
 ✓ flyers/awareness for freight forwarders
 (Malaysia)



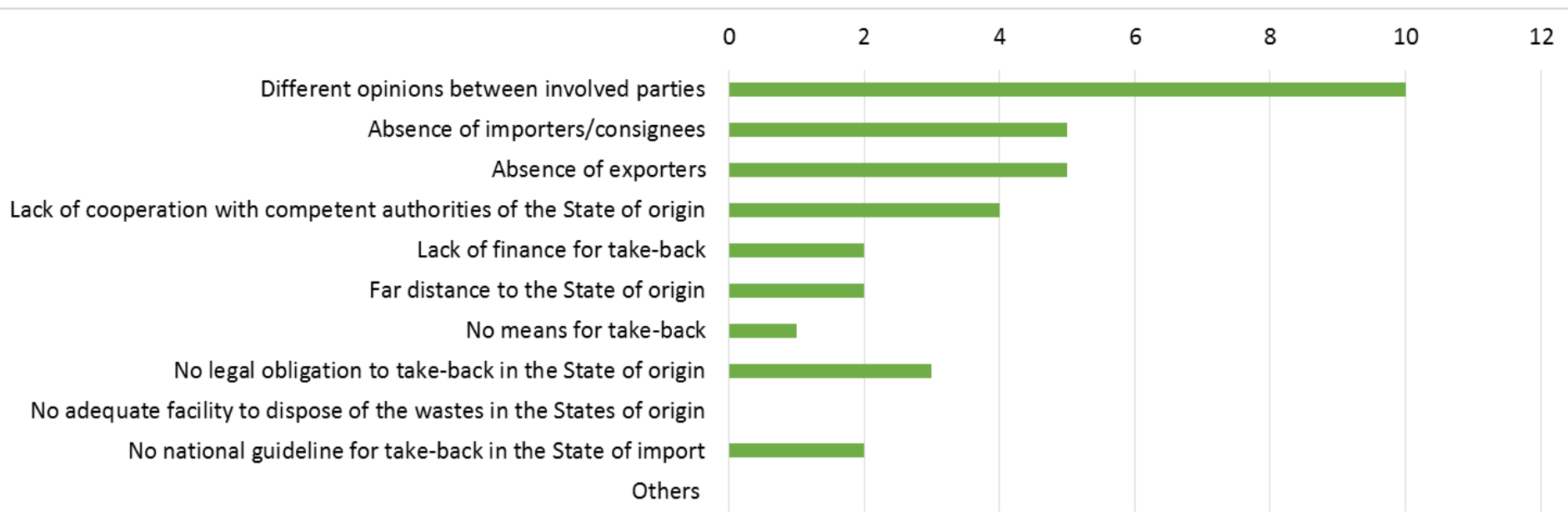
Issues to implement take-back provision

What are the major challenges that your country has faced in implementing the take-back provision?

	BRN	KHM	IDN	JPN	KOR	LAO	MYS	PHL	SGP	THA	VNM	AUS	EU	Total
Different opinions between involved parties			X	X	X	X	X	X		X	X	X	X	10
Absence of importers/consignees						X	X	X			X		X	5
Absence of exporters			X		X		X				X		X	5
Lack of cooperation with competent authorities of the State of origin							X	X	X		X			4
Lack of finance for take-back				X							X			2
Far distance to the State of origin											X		X	2
No means for take-back											X			1
No legal obligation to take-back in the State of origin						X		X			X			3
No adequate facility to dispose of the wastes in the States of origin														0
No national guideline for take-back in the State of import						X		X						2

Issues to implement take-back provision

What are the major challenges that your country has faced in implementing the take-back provision? (continued)



Laws for the enforcement of take-back (1/2)

Does your country have any particular laws for the enforcement of take-back?

Country	Yes	No	Name of the laws/guidance.
Brunei	X		- Hazardous Waste (Control of Export, Import and Transit) Order, 2013 - Basel Convention
Cambodia			
Indonesia	X		
Japan	X		Law for the Control of Export, Import and Others of Specified Hazardous Wastes and Other Wastes
Korea (Rep.)	X		Act on the Control of Transboundary Movement of Hazardous Wastes and Their Disposal - In this law, MOE can order im/export to tack back their problematic wastes. If they do not follow the order, the MOE can do execution by proxy.
Lao PDR	X		Environmental Protection Law (revised version)
Malaysia	X		Article 9 of Basel Convention and Section 37, Environmental Quality Act, 1974.
Philippines	X		DAO 2013-22
Singapore	X		Hazardous Waste (Control of Export, Import and Transit) Act
Thailand			
Vietnam	X		Decree No. 187/2013 / ND-CP of the Government detailing the implementation of the Commercial Law on commodity trading activities and the activities of international trading agency, purchase, processing and transit of goods to the country out Decree No. 127/2013 / ND-CP on sanctioning of administrative violations and enforcement of administrative decisions in the field of customs
Australia	X		Under the Hazardous Waste Act, there are a standard set of permit conditions which includes the condition which is broader than a takeback provision: “If for any reason a shipment cannot be completed as planned, the permit holder must assume responsibility for the sound environmental management of the waste in compliance with applicable laws and regulations in Australia, including, if necessary, finding a suitable alternative to the disposal of the wastes which must be agreed to, in writing, by the Minister or Minister’s Delegate.”
EU	X		<ul style="list-style-type: none"> • Waste Shipment Regulation • IMPEL guidance manual
Total	11	0	

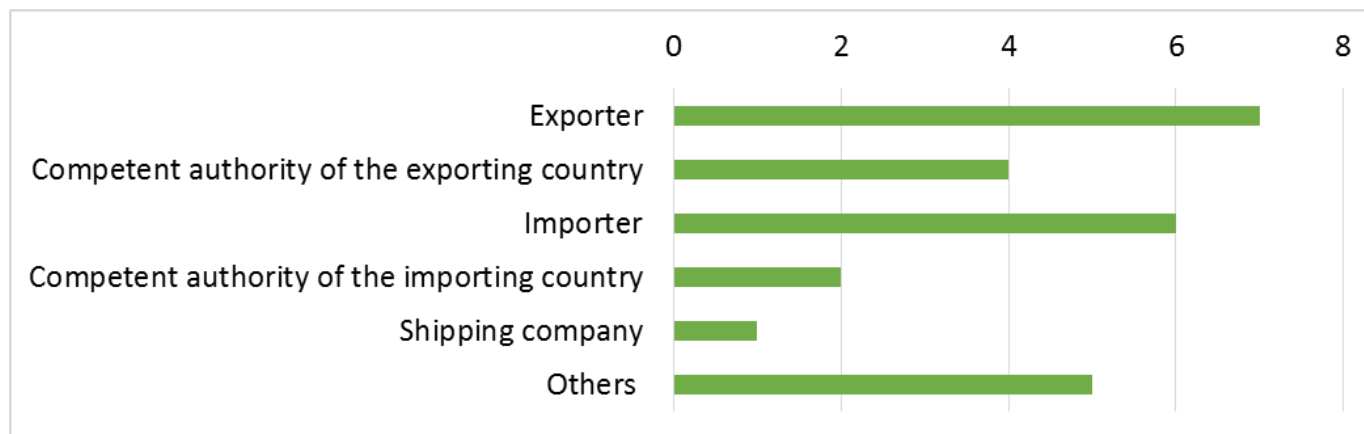
Laws for the enforcement of take-back (2/2)

Who has the main responsibility for take-back?

	BRN	KHM	IDN	JPN	KOR	LAO	MYS	PHL	SGP	THA	VNM	AUS	EU	Total
Exporter	X			X			X	X	X			X	X	7
Competent authority of the exporting country							X	X	X		X			4
Importer	X		X			X	X	X					X	6
Competent authority of the importing country								X			X			2
Shipping company						X								1
Others				X			X				X	X	X	5

“Others” include:

- ✓ See Government Regulations No. 101 Year 2014 on Hazardous Waste Management (**Indonesia**)
- ✓ Generator or transporter , who is responsible (**Japan**)
- ✓ Importer to ensure the exporter will take back the hazardous Wastes (**Malaysia**)
- ✓ Permit holder, who may also be the exporter (**Australia**)
- ✓ It is depending who is most responsible for the illegal shipment , if exporter or importer can not be found (**EU**)



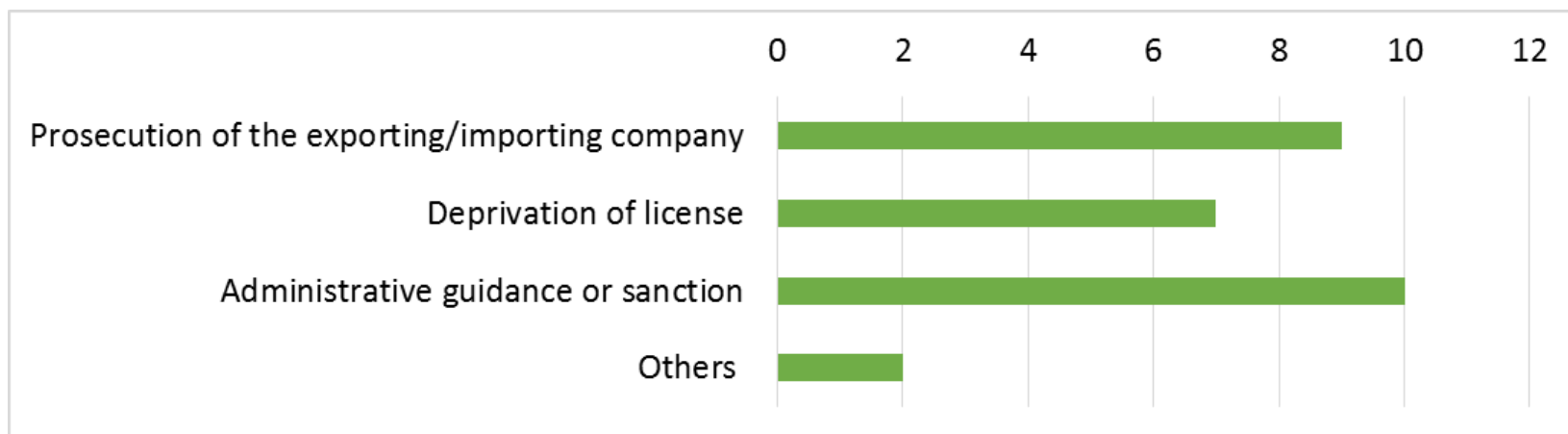
How to address to offenders against national laws/regulations related to the Basel Convention

How does competent authority address to offenders against national law/regulation related to the Basel Convention?

	BRN	KHM	IDN	JPN	KOR	LAO	MYS	PHL	SGP	THA	VNM	AUS	EU	Total
Prosecution of the exporting/importing company			X	X	X		X	X	X	X	X		X	9
Deprivation of license			X		X		X	X		X	X		X	7
Administrative guidance or sanction	X		X	X	X		X	X	X	X	X		X	10
Others					X		X							2

“Others” include:

- ✓ Fine for negligence (*Rep. of Korea*)
- ✓ Through legal provision (*Malaysia*)



Scope of Session 4

About this session...

- ✓ Three countries (Indonesia, Philippines and Thailand) and three organizations (IMPEL-TFS, RILO/AP and INTERPOL) will give presentations about “*Measures for Strengthening Border Control Activities for Combating Illegal Traffic in Asia*”

Discussion points

1. What are the essential measures for implementing and strengthening the border control? How can they be achieved?
2. What kind of information would be useful if they are shared among the competent authorities and customs? How can the Asian Network contribute to this issue?
3. What are the major difficulties for the implementation of take-back? What measures should be taken to overcome these difficulties?
4. What kind of practices or initiatives of other regions or international organizations could be referred to in the Asian Network to strength the border control? How can we collaborate with such regions and organizations?

Scope of Session 4

Expected goals

- ✓ To learn good practices to strength the border control carried out by Asian countries or other regions.
- ✓ To understand the difficulties of arrangement of take-back and learn some practices conducted by Asian countries.

Have a good discussion!!