

Summary of Questionnaire

Session 1

National Regulation, Implementation
Status and Import/Export Statistics

November 23-25, 2015

Singapore

Secretariat of the Asian Network

Purpose of this Questionnaire:

To facilitate the effective discussions about transboundary movements (TBM) and environmentally sound management (ESM) of hazardous wastes and other wastes

Respondents:

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

Contents:

- ✓ Updates of National laws and Regulations after Asian Network Workshop in 2014
- ✓ Situations of each country's national laws/regulations/standards, etc.

Updates of National Laws and Regulations (1/2)

Does your country have any updates of national laws/regulations related to implementation of the Basel Convention since Asian Network Workshop in 2014?

Country	Name of the new regulation	Contents of laws/regulations	Enforcement date
Brunei	-	-	-
Cambodia	Draft Sub-decree on WEEE Management	-	Submitted to the Council Minister for reviewing and signature
Indonesia	Government Regulation No. 101 Year 2014	Hazardous Waste Management	Oct 17th, 2014
Japan	-	-	-
Korea (Rep.)	Waste Management Act	Revised principles of recycling to increase domestic recycling rate and to endure ESM	1/4/87 (lately : 20/1/15)
	Act on the Control of Transboundary Movement of Hazardous Wastes and Their Disposal	To prevent any env. pollution caused by the TBM of wastes and to improve international cooperation by controlling the export, import, and inland transit of wastes	29/5/94 (lately : 30/7/13)
	Act on the resource circulation of Electrical and Electronic Equipment	To establish the recycling system for the resources used in EEEs	1/1/08 (lately : 20/1/15)
Lao PDR *	Ministerial Instruction on Hazardous Waste Management	-	2015
	Environmental Protection Law(Revised)	In Chapter 3, Toxic chemical control and waste disposal	2013
	Decision on Industrial Substance and Chemical management	-	2012
	Decision on Industrial Waste Management	-	2012
Malaysia	-	-	-

* Since it is the first time for Lao PDR to attend the Asian Network Workshop, the data of Laos from 2012 to 2013 are also included in the table above.

Updates of National Laws and Regulations (2/2)

Country	Name of the new regulation	Contents of laws/regulations	Enforcement date
Philippines	-	-	-
Singapore	-	-	-
Thailand	-	-	-
Vietnam	Law on Environmental Protection No. 55/2014/QH13	Chapter IX Waste management - Section 1 General provisions on waste management - Section 2 Management of Hazardous wastes - Section 3 Management of Ordinary solid wastes	Jan 1th, 2015
	Decree No. 187/2013 / ND-CP	This Decree details implementation of Trade Law on International Buying and Selling of Commodities and Agent Activities including Purchasing, Selling, Sourcing, Outsourcing, Border-gate Transfer, and Transiting of Commodities with Foreign Countries	Feb 20th, 2014
	Decision No 73/2014/QD-TTg	The list of scraps (34 types) subjected to permit for imports as secondary production materials	Feb 5th, 2015
	Decree No 38/2015/ND-CP	Regarding the management of waste and scraps - Chapter II Management of Hazardous wastes - Chapter III Management of Household wastes - Chapter IV Management of Ordinary industrial solid wastes - Chapter IV Management of Ordinary industrial solid wastes - Chapter VIII Environmental protection in scrap importing	Jun 15th, 2015
	Circular No 36/2015/TT-BTNMT	Regarding hazardous waste management - Article 22. Transboundary movement of hazardous wastes - Annex 1: The list of hazardous wastes	Sep 1st, 2015
	Circular 41/2015/TT-BTNMT	Regarding the activities of environmental protection for importing as secondary production materials	Oct 27th, 2015
Australia	-	-	-
EU	-	-	-

Definition of “Hazardous Wastes” (1/4)

Does your country have any definition of “hazardous wastes”?

Country	Yes	No
Brunei	X	
Cambodia	X	
Indonesia	X	
Japan	X	
Korea (Rep.)	X	
Lao PDR	X*	
Malaysia	X	
Philippines	X	
Singapore	X	
Thailand	X	
Vietnam	X	
Australia	X	
EU	X	
Total	13	0

- All countries have national definition of “hazardous wastes”

* Lao PDR answered “no”, but they follow the definition of the Basel Convention, so we changed their answer to “yes”

Definition of “Hazardous Wastes” (2/4)

Country	Definition of "hazardous wastes"
Brunei	<p>1) Waste prescribed by any regulations made under the Hazardous Waste (Control of Export, Import and Transit) Order, 2013, where the waste has any of the characteristics mentioned in Annex III to the Basel Convention; or</p> <p>2) Waste the belongs to any category contained in Annex I to the Basel Convention, unless it does not possess any of the characteristics contained in Annex III to that Convention</p> <p>Hazardous Waste (Control of Export, Import and Transit) Order, 2013</p> <p>NOTE: The above order has been gazetted, but has yet to be implemented. As of now, all measures taken to control transboundary movement of hazardous wastes and to implement the Basel Convention are on administrative means/basis.</p>
Cambodia	<p>Hazardous waste refers to radioactivity substances, explosive substances, toxic substances, inflammable substances, pathogenic substances, irritating substances, corrosive substances, oxidizing substances, or other chemical substances which may cause the danger to human (health) and animal or damage plants, public property and the environment. The hazardous waste may be generated from dwelling houses, industries, agricultural activities, business and service activities, mining, etc.</p>
Indonesia	<p>Any remains/residues resulted from businesses or activities that contains hazardous substances</p>
Japan	<p>Hazardous wastes defined by Law for the Control of Export, Import and Others of Specified Hazardous Wastes and Other Wastes are as follows:</p> <p>A. The following materials which are exported or imported for the disposal operations listed in Annex IV of the Basel Convention</p> <p>Materials listed in Annex I of the Convention and having one or more hazardous characteristics listed in Annex III of the Convention;</p> <p>Materials listed in Annex II of the Convention;</p> <p>B. Materials, exportation, importation, transportation (including storage) and disposal of which must be regulated based on the OECD decision.</p>

Definition of “Hazardous Wastes” (3/4)

Country	Definition of "hazardous wastes"
Korea (Rep.)	Controlled Wastes (Definition of Waste Control Act); The term “controlled wastes” means the commercial wastes specifically enumerated by Presidential Decree as harmful substances such as waste oil and waste acid, which may contaminate environs, or medical refuse, which may cause harm to human bodies. And Hazardous Wastes subject to the Basel Convention include; <ol style="list-style-type: none"> 1. Wastes listed in Annex I or Annex VIII that exhibit any of the hazardous characteristics listed in Annex III 2. Wastes listed in Annex II 3. Wastes that Korea have notified to the convention secretariat as being hazardous pursuant to Article III paragraph I, II and III and Article XI. (In summary, List of Basel Convention A(61), Code Y (2), List of OECD (22) (Total 86))
Lao PDR	Following with Basel convention definition
Malaysia	“Scheduled Wastes” means any waste falling within the categories of waste listed in the First Schedule.
Philippines	"Hazardous wastes" are substances that are without any safe commercial, industrial, agricultural or economic usage and are shipped, transported or brought from the country of origin for dumping or disposal into or in transit through any part of the territory of Philippines. "Hazardous wastes" shall also refer to by-products, side-products, process residues, spent reaction media, contaminated plant or equipment or other substances from manufacturing operations and as consumer discards of manufactured products which present unreasonable risk and /or injury to health and safety and to the environment.
Singapore	(i) Waste prescribed by any regulations made under the Hazardous Waste (Control of Export, Import and Transit) Act, where the waste has any of the characteristics mentioned in Annex III to the Basel Convention; or (ii) waste that belongs to any category contained in Annex I to the Basel Convention, unless it does not possess any of the characteristics contained in Annex III to that Convention; But does not include wastes which derive from the normal operations of a ship and radioactive wastes.
Thailand	- <i>(hand writing is not readable)</i>
Vietnam	Hazardous wastes means wastes containing elements that are toxic, radioactive, contagious, flammable, explosive, abrasive, poisonous or otherwise harmful.

Definition of “Hazardous Wastes” (4/4)

Country	Definition of "hazardous wastes"
Australia	<p>Australia’s Hazardous Waste (Regulation of Exports and Imports) Act 1989 defines hazardous wastes as:</p> <ul style="list-style-type: none"> (a) waste prescribed by the regulations, where the waste has any of the characteristics mentioned in Annex III to the Basel Convention; or (b) wastes covered by paragraph 1(a) of Article 1 of the Basel Convention; or (c) household waste; or (d) residues arising from the incineration of household waste; but does not include wastes covered by paragraph 4 of Article 1 of the Basel Convention. <p><i>Note 1: Section 4A of the Act provides for an extended meaning of hazardous waste.</i></p> <p>The extended meaning relates to the following matters:</p> <ul style="list-style-type: none"> (a) a case where a foreign country has classified a particular substance or object as hazardous waste; (b) a case where a foreign country has classified waste collected from households as hazardous waste. <p><i>Note 2: Section 4F of the Act provides for an extended meaning of hazardous waste.</i></p> <p><i>The extended meaning relates to substances or objects subject to notification or control under Article 11 arrangements.</i></p> <p><i>Note 3: Section 4G provides for exclusions from the definition of hazardous waste. The exclusions relate to substances or objects not subject to notification or control under Article 11 arrangements.</i></p> <p><i>Note 4: Before regulations are made for the purposes of paragraph (a) of the definition of hazardous waste, the Minister must consult the Hazardous Waste Technical Group: see section 58D.”</i></p>
EU	<p>The classification into hazardous and non hazardous waste is based on the system for the classification and labelling of dangerous substances and preparations, which ensures the application of similar principles over their whole life cycle. The properties which render waste hazardous are laid down in Annex III of Directive 2008/98/EC and are further specified by the Decision 2000/532/EC establishing a List of Wastes as last amended by Decision 2001/573/EC. The List of Wastes is currently being reviewed (see information on the Waste Framework Directive pages.</p>

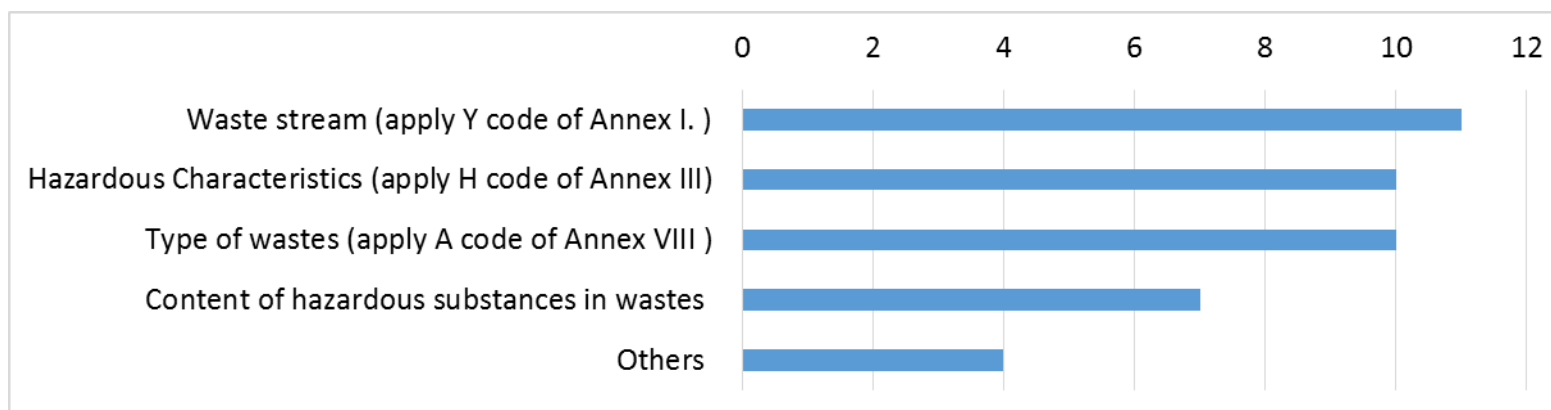
How to distinguish between hazardous wastes and non-hazardous wastes (1/4)

How does your country distinguish between hazardous wastes and non-hazardous wastes?

	BRN	KHM	IDN	JPN	KOR	LAO	MYS	PHL	SGP	THA	VNM	AUS	EU	Total
Waste stream (apply Y code of Annex I.)	X	X	X	X	X	X	X		X	X	X	X		11
Hazardous Characteristics (apply H code of Annex III)	X		X	X	X	X			X	X	X	X	X	10
Type of wastes (apply A code of Annex VIII)	X		X	X	X	X	X		X	X	X	X		10
Content of hazardous substances in wastes (apply threshold, such as content rate or leaching rate)			X	X	X				X		X	X	X	7
Others			X				X	X					X	4

“Others” include:

- ✓ Not listed in the list; defined as by product (**Indonesia**)
- ✓ Categories of waste listed in the First Schedule Environmental Quality (Scheduled Wastes) Regulations 2005 (**Malaysia**)
- ✓ A waste is considered hazardous waste if it is listed in Table 2.1 of DAO 2013-22 or if it exhibit any of the four characteristics: toxicity, reactivity, ignitability, and corrosivity (**Philippines**)



How to distinguish between hazardous wastes and non-hazardous wastes (2/4)

For those who selected “Content of hazardous substances in wastes”, please answer the following question.

Does your country have any laws/regulations /standards which set the threshold of the level or concentration of the hazardous substances in wastes?

Country	Yes	No
Brunei		
Cambodia		X
Indonesia	X	
Japan	X	
Korea (Rep.)	X	
Lao PDR		X
Malaysia		
Philippines		
Singapore	X	
Thailand		
Vietnam	X	
Australia		X
EU	X	
Total	6	3

Are there any regulations or guidelines on methodology for sampling and analyzing hazardous contents of E-wastes?

Country	Yes	No
Brunei		
Cambodia		
Indonesia	X	
Japan	X	
Korea (Rep.)	X	
Lao PDR		X
Malaysia		
Philippines		
Singapore		X
Thailand		
Vietnam	X	
Australia		X
EU		
Total	4	3

How to distinguish between hazardous wastes and non-hazardous wastes (3/4)

Name of the regulations/guidelines on methodology for sampling and analyzing hazardous contents of E-wastes.

Country	Name of the regulation/guideline	Method of sampling	Method of analysing
Brunei	-	-	-
Cambodia	-	-	-
Indonesia	Not yet still in process	By reference	By reference
Japan	Law for the Control of Export, Import and Others of Specified Hazardous Wastes and Other Wastes (Annex III)	Refer to other criteria depends on commodities.	Refer to other criteria depends on commodities.
Korea (Rep.)	The Analyzing Standard for Wastes	-	-
Lao PDR	-	-	-
Malaysia	-	-	-
Philippines	-	-	-
Singapore	With reference to E-wastes, Singapore takes guidance from the Basel Convention framework and there are no limits/thresholds set in determining the level of hazardous substances in e-wastes.	-	-
Thailand	-	-	-

How to distinguish between hazardous wastes and non-hazardous wastes (4/4)

Name of the regulations/guidelines on methodology for sampling and analyzing hazardous contents of E-wastes (continued).

Country	Name of the regulation/guideline	Method of sampling	Method of analysing
Vietnam	National Technical Regulation on Hazardous Waste Thresholds QCVN 07: 2009/BTNMT	Item 3 of the regulation QCVN 07: 2009/BTNMT	<p>Part 4 methods to determine</p> <ul style="list-style-type: none"> - Calculate flammable: ASTM D3278-96: Standard Methods determine flash point of fluids by cup sealed instruments (Standard test method for flash point of Liquids by small scale closed-cup apparatus). - As of alkaline and acidic: ASTM D4980-89: Standard Methods to determine the pH of waste (Standard test method for screening of pH print waste). - For concentration leaching, using either method following sample preparation prior to analysis: <ul style="list-style-type: none"> a, ASTM D5233-92: Standard Methods for identifying patterns by individual waste leaching method (Standard test method for single batch extraction method for wastes). b) EPA 1311 method TCLP toxicity leaching (TCLP Method 1311 - toxicity characteristic leaching procedure). - For cyanide: EPA SW-846 - 9010 or 9012 Methodology: Analysis of cyanide in the tailings (Method 9010 or 9012: Determination of Cyanide print wastes).
Australia	-	-	-
EU	Guidance document on the definition and classification of hazardous waste (draft)	-	-

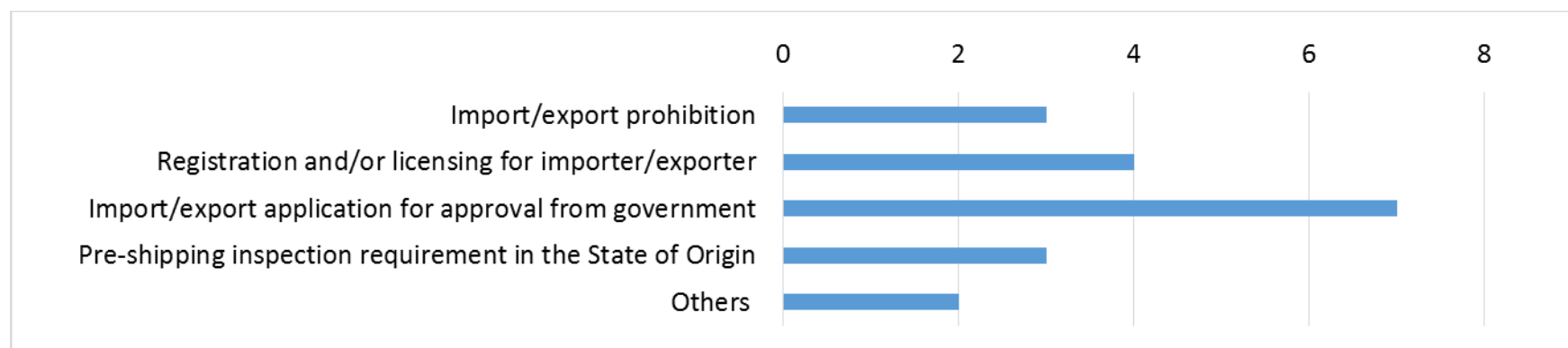
Regulations on import/export of UEEEs intended for re-use (2/2)

What kind of regulatory frameworks are in place in your country on the import/export of UEEEs destined for re-use?

	BRN	KHM	IDN	JPN	KOR	LAO	MYS	PHL	SGP	THA	VNM	AUS	EU	Total
Import/export prohibition							X	X			X			3
Registration and/or licensing for importer/exporter						X		X		X	X			4
Import/export application for approval from government	X					X	X	X	X	X	X			7
Pre-shipping inspection requirement in the State of Origin							X		X	X				3
Others									X				X	2

“Others” include:

- ✓ Independent surveyor report indicating that all equipment, prior to shipment, are in good working condition and meets the importing requirements of the receiving country; Importer and exporter shall ensure that equipment sold are meant for reuse, i.e. ready market for the equipment (***Singapore***)



Standards to distinguish UEEEs from E-wastes (1/2)

Does your country have any standards (or criteria) to distinguish UEEEs from E-wastes for the purpose of import/export control?

Country	Yes	No
Brunei		X
Cambodia		X
Indonesia	X	
Japan	X	
Korea (Rep.)		X
Lao PDR		X
Malaysia	X	
Philippines		X
Singapore	X	
Thailand	X	
Vietnam		X
Australia	X	
EU	X	
Total	7	6

7 out of 13 countries have standards (or criteria) to distinguish UEEEs from E-wastes for the purpose of import/export control

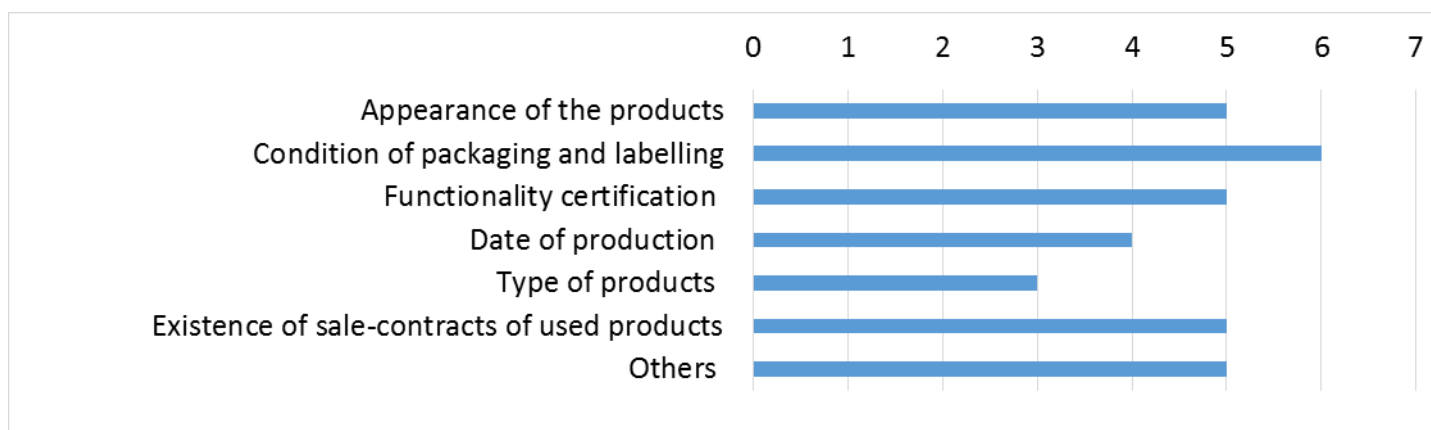
Standards to distinguish UEEEs from E-wastes (1/2)

What are the criteria to distinguish UEEEs from E-wastes?

	BRN	KHM	IDN	JPN	KOR	LAO	MYS	PHL	SGP	THA	VNM	AUS	EU	Total
Appearance of the products				X			X		X	X		X		5
Condition of packaging and labelling			X	X			X		X	X		X		6
Functionality certification			X	X			X		X	X				5
Date of production			X	X			X			X				4
Type of products			X				X			X				3
Existence of sale-contracts of used products				X			X		X	X		X		5
Others				X			X		X	X		X		5

“Others” include:

- ✓ Existence of Market for Second-Hand Products (Japan)
- ✓ Destined for direct re-use, and not for recycling or final disposal (Malaysia)
- ✓ UEEEs are not classified as E-wastes when they fulfil the requirements stipulated for reuse or repair/refurbishment in *the Circular on Import and Export of E-wastes and Used Electronic Equipment* (Singapore)
- ✓ Registration or factory license of importer depending on purpose to import (Thailand)
- ✓ Declaration that the products are functional (Australia)



Regulations on import/export of UEEEs intended for repair/refurbishment (1/3)

Does your country have any regulations on the import/export of UEEEs which are intended for repair or refurbishment?

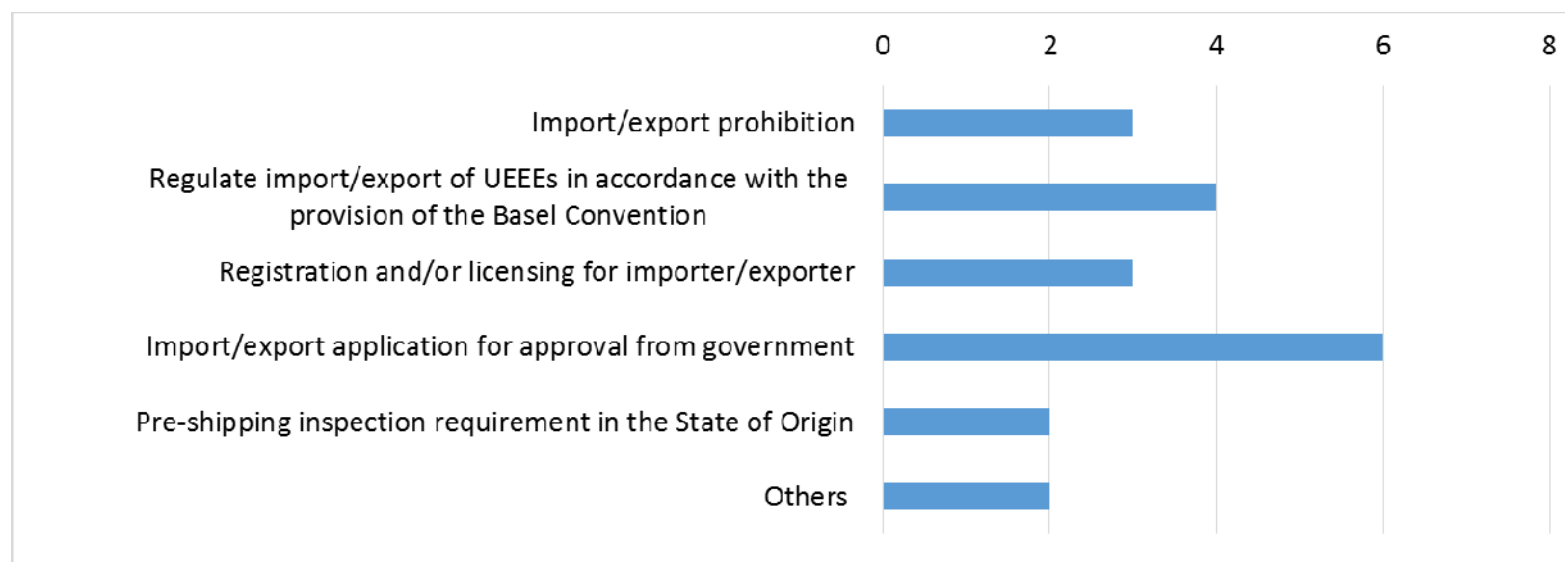
Country	Yes	No
Brunei	X	
Cambodia		X
Indonesia		
Japan		X
Korea (Rep.)		X
Lao PDR		X
Malaysia	X	
Philippines	X	
Singapore	X	
Thailand	X	
Vietnam	X	
Australia		X
EU		
Total	6	5

6 out of 11 countries have regulations on the import/ export of UEEEs which are intended for repair or refurbishment

Regulations on import/export of UEEEs intended for repair/refurbishment (2/3)

What kind of regulatory frameworks are in place in your country on the import/export of UEEEs, which are intended for repair or refurbishment?

	BRN	KHM	IDN	JPN	KOR	LAO	MYS	PHL	SGP	THA	VNM	AUS	EU	Total
Import/export prohibition						X				X	X			3
Regulate import/export of UEEEs in accordance with the provision of the Basel Convention	X						X			X	X			4
Registration and/or licensing for importer/exporter							X			X	X			3
Import/export application for approval from government	X					X	X		X	X	X			6
Pre-shipping inspection requirement in the State of Origin						X				X				2
Others									X			X		2



Regulations on import/export of UEEEs intended for repair/refurbishment (3/3)

What kind of regulatory frameworks are in place in your country on the import/export of UEEEs, which are intended for repair or refurbishment?

“Others” include:

Singapore:

For import of UEEEs:

- ✓ Importer has contractual agreement with EEE manufacturers to repair/ refurbish their equipment; importer shall have repair facility
- ✓ Importer shall prove that equipment repaired/refurbished have an outlet, i.e. ready market for equipment.

For export of UEEEs:

- ✓ Exporter owns the UEEE;
- ✓ Exporter has contractual agreement with an approved repair/refurbishment facility in the importing country for the equipment.

Australia:

- ✓ Australia has issued a determination (i.e. an evidentiary certificate) under its legislation that electronic equipment satisfying the requirements set out in the certificate’s schedule is classified as not hazardous waste for the purposes of the Hazardous Waste .
- ✓ In any proceedings relating to the Hazardous Waste Act, a certificate is prima facie evidence of the matters in the certificate.
- ✓ The evidentiary certificate relates to electronic equipment that is exported for purposes relating to honoring warranty obligations or product recalls issued by the original equipment manufacturer, provided that it is being returned for repair or replacement because it is defective or faulty. Other conditions apply.

Infrastructures authorized or licensed by government (1/2)

Does your country have any infrastructures which are authorized or licensed by the Government to recycle E-wastes?

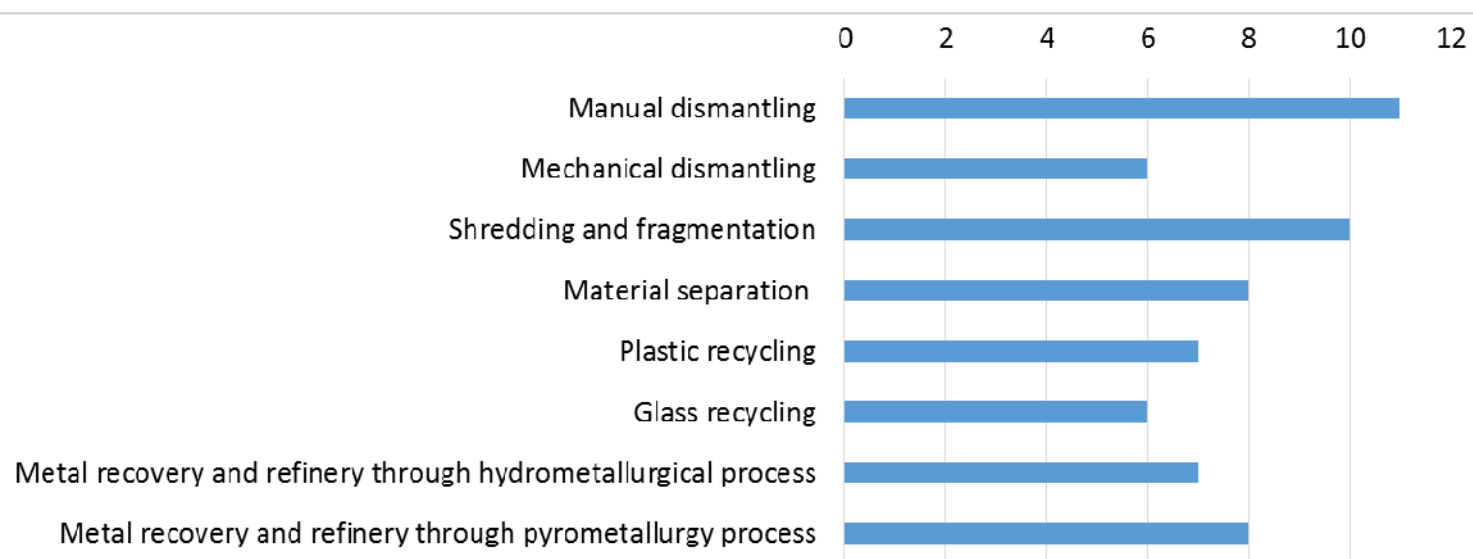
Country	Yes	No
Brunei	X	
Cambodia		X
Indonesia	X	
Japan	X	
Korea (Rep.)	X	
Lao PDR		X
Malaysia	X	
Philippines	X	
Singapore	X	
Thailand	X	
Vietnam	X	
Australia	X	
EU	X	
Total	11	2

11 out of 13 countries have some kind of infrastructures authorized or licensed by government to recycle E-wastes

Infrastructures authorized or licensed by government (2/2)

Please choose the type of operation of the existing facilities.

	BRN	KHM	IDN	JPN	KOR	LAO	MYS	PHL	SGP	THA	VNM	AUS	EU	Total
Manual dismantling	X		X	X	X		X	X	X	X	X	X	X	11
Mechanical dismantling			X	X	X				X		X		X	6
Shredding and fragmentation			X	X	X		X	X	X	X	X	X	X	10
Material separation			X	X	X		X		X		X	X	X	8
Plastic recycling			X	X	X		X			X	X		X	7
Glass recycling			X	X	X		X					X	X	6
Metal recovery and refinery through hydrometallurgical process			X	X	X		X		X		X		X	7
Metal recovery and refinery through pyrometallurgy process			X	X	X		X			X	X	X	X	8



Evaluation of mixed metal scraps

Does your country have any definition, rule or guideline to evaluate (or judge) mixed metal scraps for metal recovery falling under non-hazardous or hazardous wastes?

Country	Yes	No
Brunei		X
Cambodia		X
Indonesia	X	
Japan		X
Korea (Rep.)		
Lao PDR		X
Malaysia		X
Philippines	X	
Singapore	X	
Thailand	X	
Vietnam		X
Australia		X
EU		
Total	4	7

4 out of 11 countries have definition, rule or guideline to evaluate mixed metal scraps for metal recovery falling under non-hazardous or hazardous wastes

Evaluation of mixed metal scraps

In which cases are mixed metal scraps defined as hazardous wastes and subjected to the Basel Convention?

	BRN	KHM	IDN	JPN	KOR	LAO	MYS	PHL	SGP	THA	VNM	AUS	EU	Total	Remarks
If metal scraps are mixed with non-metal materials regardless of the ratio of non-metal materials.														0	
If more than certain ratio of non-metal materials is mixed.										X				1	✓ 5% combustible, 2% oil & grease (Thailand)
If any parts of UEEEs are mixed regardless of the ratio.										X		X		2	

Evaluation of mixed metal scraps

In which cases are mixed metal scraps defined as hazardous wastes and subjected to the Basel Convention?

	BRN	KHM	IDN	JPN	KOR	LAO	MYS	PHL	SGP	THA	VNM	AUS	EU	Total	
If specific parts of UEEEs are mixed.									X	X		X		3	<ul style="list-style-type: none"> ✓ Mercury switches, glass from cathode-ray tubes, PCBs etc. (Singapore) ✓ PCBs (Thailand) ✓ PCBs, mercury switches, capacitors, batteries (Australia)
If any parts of UEEEs are mixed, but exempting the cases that specific parts of UEEEs are mixed.												X		1	<ul style="list-style-type: none"> ✓ Parts of UEEE that are not contaminated with Annex 1 constituents are exempt (Australia)
Others			X					X						2	<ul style="list-style-type: none"> ✓ if scrap metals mixed /contaminated with hazardous waste as oil, tar or PCBs (Indonesia) ✓ See table (http://www.emb.gov.ph/portal/Portals/25/dao-2013-22.pdf see Table 10.1) (Philippines)

Updates of Transboundary Movements of Hazardous Wastes

Please fill out the following tables of the import/export of hazardous wastes for the last three years from 2012 to 2014.

Year	Country of destination	Y code	Waste streams	Annex VIII	Amount exported (metric tons)	Country/ies of transit	D code	R code

- ✓ **7 countries have submitted the data of hazardous wastes which are imported or exported from 2012 to 2014.**
- ✓ **The data is integrated into a EXCEL which is uploaded to the Online storage.**
- ✓ **We will analyze the data and show you the result of it in the future.**

Scope of Session 1

About this session...

- ✓ Each country will give a 20 minutes presentation about “*Updates of National Regulations, Implementation Status and Import/Export Statistics*”
- ✓ Detailed information of the questionnaire will be explained in each country’s presentation.

Expected goals of this session

- ✓ To share the latest information on rules and regulations on hazardous wastes, particularly E-wastes and UEEEs.
- ✓ To understand the recent trend of TBM of hazardous wastes, particularly, E-wastes in the participated countries.

Have a good discussion!!