

INDONESIA'S LAWS AND REGULATIONS ON THE TRANSBOUNDARY MOVEMENTS OF WASTES AND THE PREVENTION OF ILLEGAL TRAFFICKING OF WASTES



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Wastes

Singapore, 23-25 November 2015



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Legal Basis (cont'd)

- Law No. 32/2009 on Environmental Protection and Management
- Law No. 18/2008 on Municipal Waste Management
- Government Regulation No. 101/2014 on Hazardous Waste Management
- Minister Trade's Decree No. 39/2009 on The Regulations of The Importation of Non Hazardous Wastes
- Presidential Decree No. 61/1993 on The Ratification of Basel Convention on The Control of Transboundary Movements of Hazardous Wastes and Their Disposal

Notification for HW Exportation



Government Regulation No. PP 101 year 2014

- **Article 74, point 1** : If someone who produce hazardous waste could not utilize its HW by its own, the HW producer could:
 - a. Giving the HW to third party, or
 - b. Exported to other country (referring to Basel Convention guideline)
- **Article 123, point 1** : If someone who produce hazardous waste could not treat its HW by its own, the hw producer could:
 - a. Giving the HW to third party, or
 - b. Exported to other country (referring to Basel Convention guideline)
- **Article 196** : regarding the transit procedure



NOTIFICATION REQUIREMENTS

- 1) Fill in the notification form and Movement Document (Information of waste generator, waste importer, waste disposer)
- 2) MOU between Exporter and Importer
- 3) Information of shipping mechanism
- 4) Information of Transit Countries
- 5) Information of waste characteristic
- 6) Laboratory data
- 7) HS code
- 8) Insurance

Some Types of HW being EXPORTED (2013 – 2014)



No.	Type of Wastes (based on submission)	Volume of waste (based on submission)
1	Mill Scale	±200,000 tonnes
2	Electronic waste	500 tonnes
3	Mercury contaminated spent catalyst	50 tonnes
4	Copper scrap	50 tonnes
5	Stainless steel scrap	35 tonnes
6	Sludge containing palladium and rhodium	30 tonnes
7	Brass scrap	285 tonnes
8	Spent catalyst mercury adsorbent /mersorb 3mm adsorbent pellets	11,745 Kg
9	Ferro Oxide	6,000 tonnes
10	Palladium carbon catalyst	50,000 Kg
11	Zinc Dross	1,800 tonnes
12	Waste lithium batteries UN3091	20,000 Kg
13	Waste lithium batteries UN3090	30,000 Kg
14	Calcium Hydroxide Sludge	12,000 tonnes
15	PCBs	15 tonnes

Importation of Non Hazardous Waste as Raw Material :



Act No. 32/2009

**Gov.Regulation
No.101/2014
Regarding Hazardous
Waste Management**

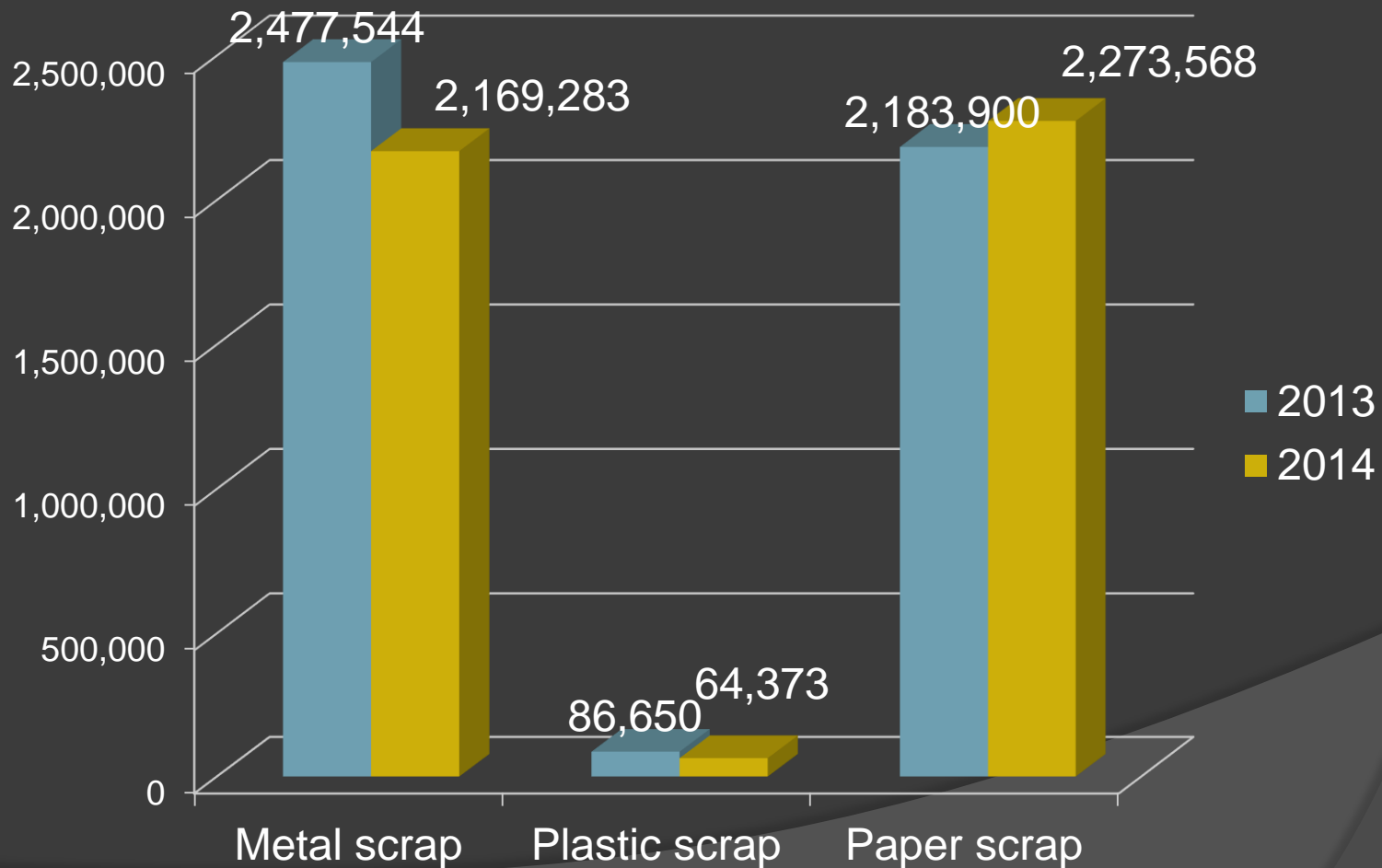
**Ministry of
Trade
regulation
No.39/2009**

**Act No. 18/2008
Domestic Solid Waste
Management**



- Importation of Non Hazardous Waste is allowed as regulated by the Ministry of Trade (No. 39/2009):
 - scraps of metal, plastic, paper, rubber (latex), glass, and cotton
 - Importation is allowed only for the purpose of use as raw material to produce finished goods
 - Importation shall be conducted **ONLY** by the end users
 - Imported waste shall not be imported to be sold or distributed to another party
 - Imported waste shall be clean, sorted, and not contaminated with hazardous substances, hazardous wastes, and municipal wastes

Non Hazardous Waste Imported in 2013 and 2014 (tonnes)





Importation of UEEE :

Under the Ministry of Trade Decree No. 75 year 2013 concerning the importation of second hand computer and monitor:

Article 17, stated that :

The second hand computer and monitor can be imported by fulfill such requirements as follows:

1. Still being function (proven by certificate)
2. The lifetime is not more than 5 years
3. New technology (definitely not CRT),
4. Must be in one complete set
5. Must be imported in proper packaging

Some Cases of Illegal Trafficking of Wastes into Indonesia (2004-2010)



- 25,280 tonnes of used condoms from Western Europe
- 13 containers of metal scrap contaminated with hazardous waste from North America
- 1 container of waste CRT from North America
- 1,149 tonnes of hazardous waste trafficked for landfill in Indonesia from South East Asia. 36.4 tonnes cleaned up by then Ministry of Environment, the rest reexported to the country of origin
- 2012 Importation of Metal scrap contaminated with hazardous waste and mixed with municipal solid waste



Challenges

- The countries of origin of waste is different from the ports of loading (some cases the waste is not recognized by the countries of origin)
- The countries of origin not replying notification letters for the return of waste from Indonesia
- Reexportation shall be done for all of the containers listed within one Bill of Lading
- Lengthy time for the legal processes to decide the re-export of the trafficked wastes (resulting in large demurrage and fines)



Illegally trafficked waste misrepresented as fertilizer



Containers contaminated with hazardous wastes and municipal wastes



Terima Kasih
Thank You