



INDONESIA'S EXPERIENCE IN DEALING WITH ILLEGAL IMPORTS (METAL SCRAP CONTAMINATED WITH HAZARDOUS WASTES)

Amelia Rachmatunisa

Ministry of Environment and Forestry

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of Hazardous Waste**

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LEGAL BASIS

- ◉ 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.75/2013 on the Regulation of the Importation of UEEE
- ◉ 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

IMPOR PROHIBITION ON HAZARDOUS WASTE (UU 32/2009)



Article 69. point 1:

(1) Every body shall be prohibited from;

b. Importing hazardous waste which is forbidden according to legislation into the territory of Republic Indonesia

c. Importing waste from outside the territory of the Unitary Stated of Republic of Indonesia into the environmental media of the Republic of Indonesia

(exemption : Importation of wastes as Raw Material MoT Decree No.39/2009)

d. Importing of Hazardous Waste into the territory of Republic of Indonesia

e. Dispossing waste into the Environment media

f. Dispossing hazardous waste and hazardous substance into the environmental media

REGULATION CONCERNING THE IMPORTATION OF SECOND HAND GOODS



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

NON HAZARDOUS WASTE IMPORT



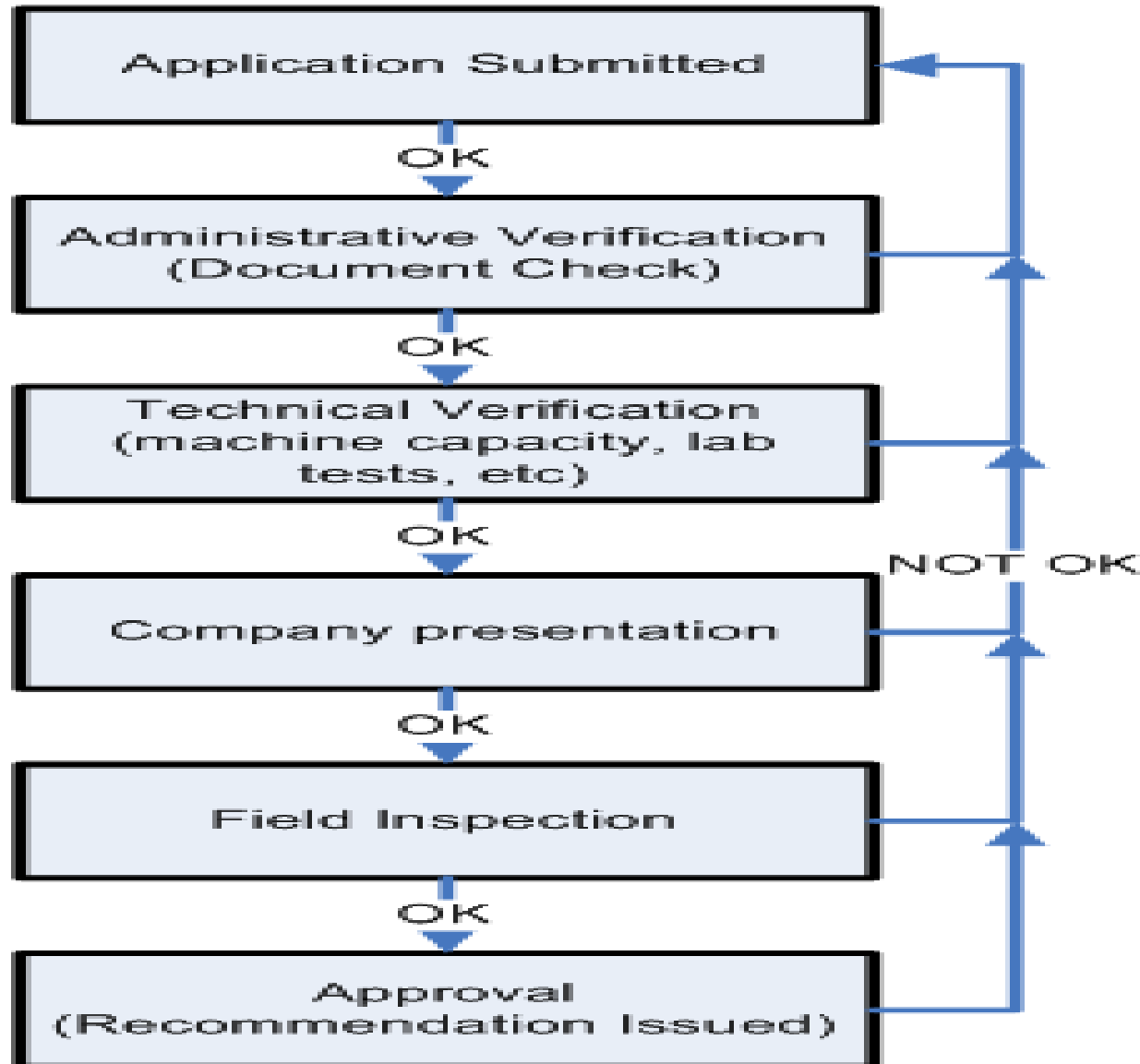
- ◉ Import permits issued by Ministry of Trade as regulated in Ministry of Trade's Regulations No. 39 year 2009
- ◉ Importers can apply permits after obtaining Recommendation from Ministry of Industry and Ministry of Environment and Forestry
- ◉ Importers shall be responsible should the imported non hazardous waste is found out to be hazardous waste
- ◉ Declaration letter shall be made by the importers and exporters stated that they ready take back the containers if the waste found out to be hazardous waste
- ◉ Inspection should be conducted at the port of loading
- ◉ Another inspection should be conducted if changing vessels involved in transit countries
- ◉ Inspection should be done by surveyors appointed by Ministry of Trade

CONSIDERATION FOR NON HW IMPORTATION



- ◎ SOME LOCAL INDUSTRIES STILL NEED NON HW AS RAW MATERIAL FOR THEIR PROCESS
- ◎ THE AVAILABILITY OF LOCALLY GENERATED WASTES ARE NOT ENOUGH TO FULLFILL THE NEED OF LOCAL INDUSTRIES

RECOMMENDATION PROCEDURES

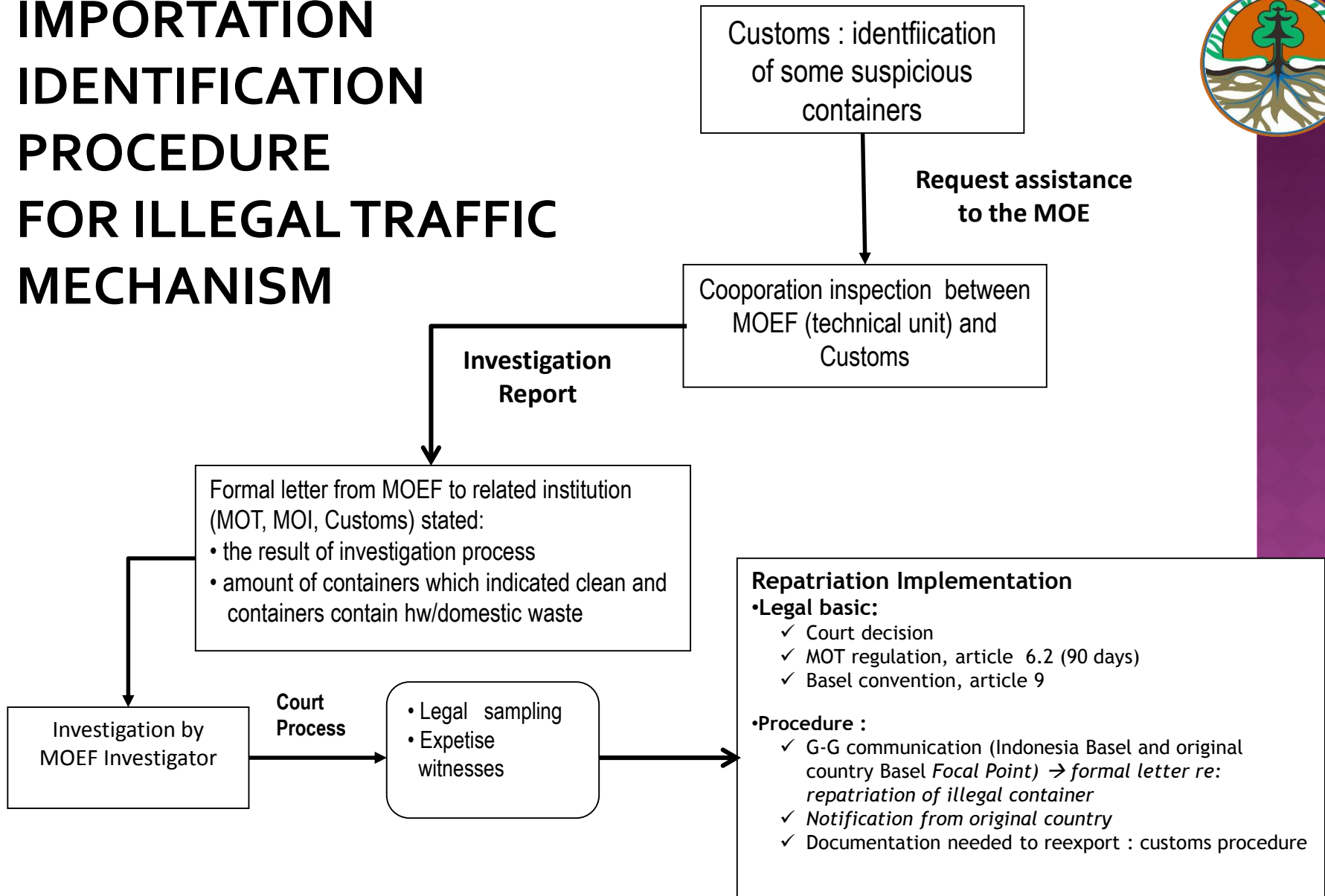


STEPS WHEN SUSPECTED ILLEGAL TRAFFICKING HAPPENS



- ◉ Customs contacts MOEF to request for joint inspection
- ◉ MOEF accompanied by Customs inspects the containers
- ◉ Sample taking to be evaluated/tested
- ◉ Legal processes
- ◉ The return of the contaminated containers to the countries of origin (or exported to a third country which has the ESM)

IMPORTATION IDENTIFICATION PROCEDURE FOR ILLEGAL TRAFFIC MECHANISM





NUMBERS OF CONTAINERS STILL UNDER PROCESSES OF RE EXPORT

Country of Origin	Number of Containers	Status
UK	115	ready to be returned (schedule December 2015)
Puerto Rico	10	Not responded
Suriname	8	Not responded
South Africa	43	Not responded
Philippines	16	not responded
Thailand	34	not responded



Country of Origin	Number of Containers	Status
Brazil	45	Not responded
Taiwan	1	Ready to bereturned
Korea (Rep. Of)	2	Rejected
Russia	40	Not responded
South Africa	11	Not responded
United Arab Emirates	15	Not responded
Taiwan	1	ready to be returned
Philippines	3	rejected

Successes Story



The countries which response the letter from our Competent Authority and Finally in year 2013 we make the repatriation of 113 container (24 Containeer to England and 89 Containers from Neiderland);

And again for the same case in 2013 we can repatriation 172 container to England and by December 2015 , 115 containers will be send back to England





CHALLENGES:

- ◉ No response from the Competent Authority of the Origin Country
- ◉ The response from the Competent Authority of the Origin Country take long time so the of storage and demurrage (containers) will be very high
- ◉ The Importer denying that the import material contaminated with hazardous waste since they already followed the PSI (Pre Shipment Inspection)
- ◉ The importer country is different from the loading country
- ◉ The exporter country regulation has different standards regarding the impurities



ALTERNATIVE FOR THE SOLUTION :

- ◉ Revised the Procedure for the Pre Inspection Shipment (Internal)
- ◉ Send The letter to The Basel Secretariate (end 2013 but still no response until now);
- ◉ Basel Convention; Article 9
In cases where the responsibility for the illegal traffic cannot be assigned either to the exporter or generator or to the importer or disposer, the Parties concerned or other Parties, as appropriate, shall ensure, through co-operation, that the wastes in question are disposed of as soon as possible in an environmentally sound manner either in the
State of export or the State of import or elsewhere as appropriate.
- ◉ Asked the importer (as the responsible) to look for other country which has the facility for processing of the waste in ESM



Thank You
Terima Kasih

