

# Summary of Questionnaire

## Session 1

Updates of National Regulations,  
Implementation Status of the Basel  
Convention

**6-8 September 2016**

**Semarang, Indonesia**

**The 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:**

**11 countries:** Brunei, *Cambodia, Japan, Republic of Korea, Lao PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand, Vietnam*

## **Contents:**

- ✓ Updates of National laws and Regulations after Asian Network Workshop in 2015
- ✓ Situations of each country's implementation of E-waste Guidelines in National Policies/Regulations on Control of UEEE and E-waste

# 1. Updates of National Laws and Regulations (1/2)

## ***Updates of national laws/regulations related to implementation of the Basel Convention since the Asian Network Workshop in 2015***

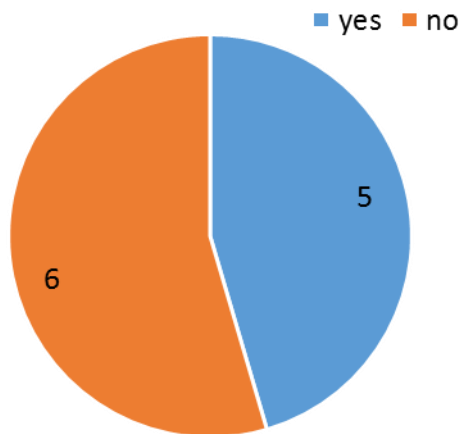
Country	Name of the new regulation	Contents of laws/regulations	Enforcement date
Cambodia	Sub decree on Management of Electronic and Electrical Wastes (E-Wastes)	-	2016/2/1
Korea	Waste Management Act	Revised principles of recycling to increase domestic recycling rate and to endure ESM	2016/7/21
	Act on the Control of Transboundary Movement of Hazardous Wastes and Their Disposal	Notification of MoE; revised list of hazardous Wastes subject to the Act on the Control of Transboundary Movement of Hazardous Wastes and Their Disposal	2016/1/27
Lao PDR	Prime Minister's Office Notice No. 829/PMO	Import and export of e-waste is prohibited in Lao PDR	2016/6/13
Myanmar	Order on Specifying Types of Hazardous Wastes	(1) Types of Hazardous Wastes (2) Hazardous Characteristics	On-going Stage
Thailand	Export and Import of Goods Act No. 2 B.E. 2558 (2015)	Addition of definition of "transit" and the relevant issues.	2015/9/10
	Draft Act on the Management of WEEE, B.E. ....	Specific law on WEEE management based on Extended Producer Responsibility (EPR) principles	Ongoing
	Draft Notification of Ministry of Commerce on Import of Municipal Waste, B.E..., defining Municipal Waste to be the prohibited goods	Prohibition the unclassified and mixed municipal waste (HS-CODE: 3825.10.00 municipal waste)	Ongoing
	Hazardous Substance Act, No..., B.E....	Addition of definition of "transit", "re-import", "re-export" and the relevant issues.	In the process of consideration of the Office of the Council of State

# 1. Updates of National Laws and Regulations (2/2)

Country	Name of the new regulation	Contents of laws/regulations	Enforcement date
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	2015/1/1
	Decree No. 187/2013 / ND-CP regarding the detail 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	International Buying and Selling of Commodities and Agent Activities	2014/2/20
	Decision No 73/2014/QĐ-TTg regulating the list of scraps subjected to permit for imports as secondary production materials	The list of scraps (34 types)	2015/2/5
	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	2015/6/15
	Circular No 36/2015/TT-BTNMT regarding hazardous waste management	Article 22. Transboundary movement of hazardous wastes Annex 1: The list of hazardous wastes	2015/9/1
	Circular 41/2015/TT-BTNMT regarding the activities of environmental protection for importing as secondary production materials	Permitting, environmental protection activities on scrap importing	2015/10/27

## 2. Implementation of the E-waste Guidelines – Policy Framework –

***Has your country already established or planned to introduce any policy framework to distinguish waste from non-waste?***



**Almost half of the responded countries have established or planned to introduce policy framework**

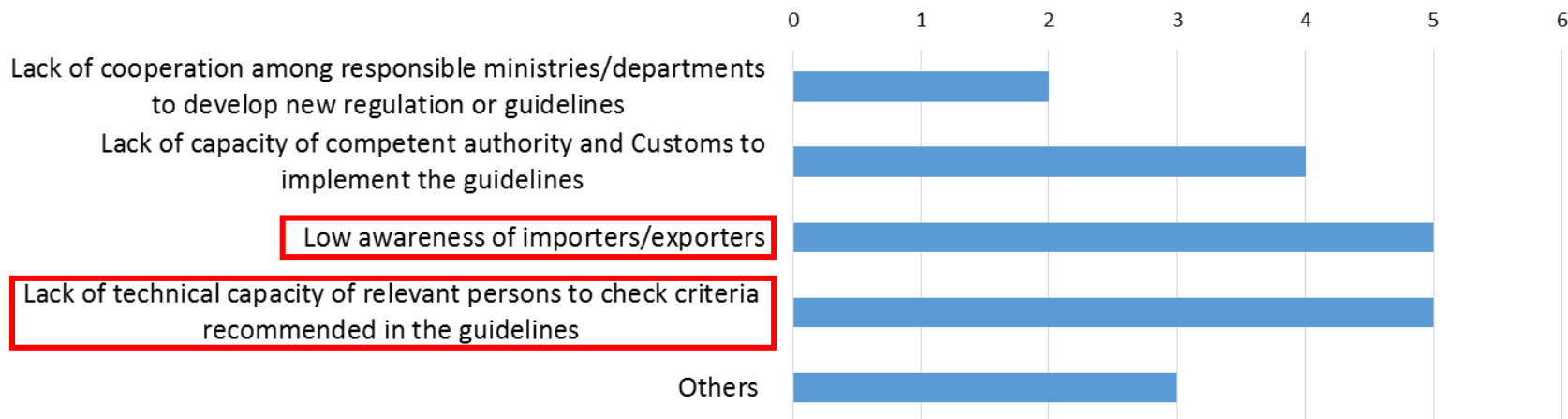
Country	Name of guidelines	Contents of guidelines	Year
Cambodia	E-waste guidelines	-	Draft
Japan	The evaluation criteria of second hand goods in order for the proper export of UEEE	<a href="http://www.env.go.jp/press/17151.html">http://www.env.go.jp/press/17151.html</a> (Only available in Japanese)	2013
Malaysia	Guidelines For The Classification of Used Electrical and Electronic Equipment in Malaysia	<a href="http://www.doe.gov.my/portalv1/en/info-untuk-industri/garis-panduan-buangan-terjadual/guidelines-for-the-classification-of-used-electrical-and-electronic-equipment-in-malaysia/311750">http://www.doe.gov.my/portalv1/en/info-untuk-industri/garis-panduan-buangan-terjadual/guidelines-for-the-classification-of-used-electrical-and-electronic-equipment-in-malaysia/311750</a>	Second edition, 2010
Philippines	Guidelines on the Environmentally Sound Management (ESM) of Waste Electrical & Electronic Equipment (WEEE)	*Framework mechanism for the proper management of WEEE *Institutionalize the principle of “extended producer responsibility” (EPR) *Distinction between second-hand or UEEE and WEEE *Requirements for importing second-hand or UEEE	Still in draft form
Singapore	Circular on Import and Export of E-wastes and Used Electronic Equipment	Requirements for importers/exporters of e-wastes and UEEE	2008

## 2. Implementation of the E-waste Guidelines

### – Status of implementation of the Guidelines –

***What are the difficulties to implement the Basel Convention E-waste guidelines in your country? (Multiple answer)***

	BRN	KHM	JPN	KOR	LAO	MYS	MMR	PHL	SGP	THA	VNM	Total
Lack of cooperation among responsible ministries/departments to develop new regulation or guidelines					X						X	2
Lack of capacity of competent authority and Customs to implement the guidelines	X		X			X					X	4
Low awareness of importers/exporters	X		X		X					X	X	5
Lack of technical capacity of relevant persons to check criteria recommended in the guidelines (e.g., functionality test, etc.)	X				X	X				X	X	5
Others		X					X				X	3



#### Others

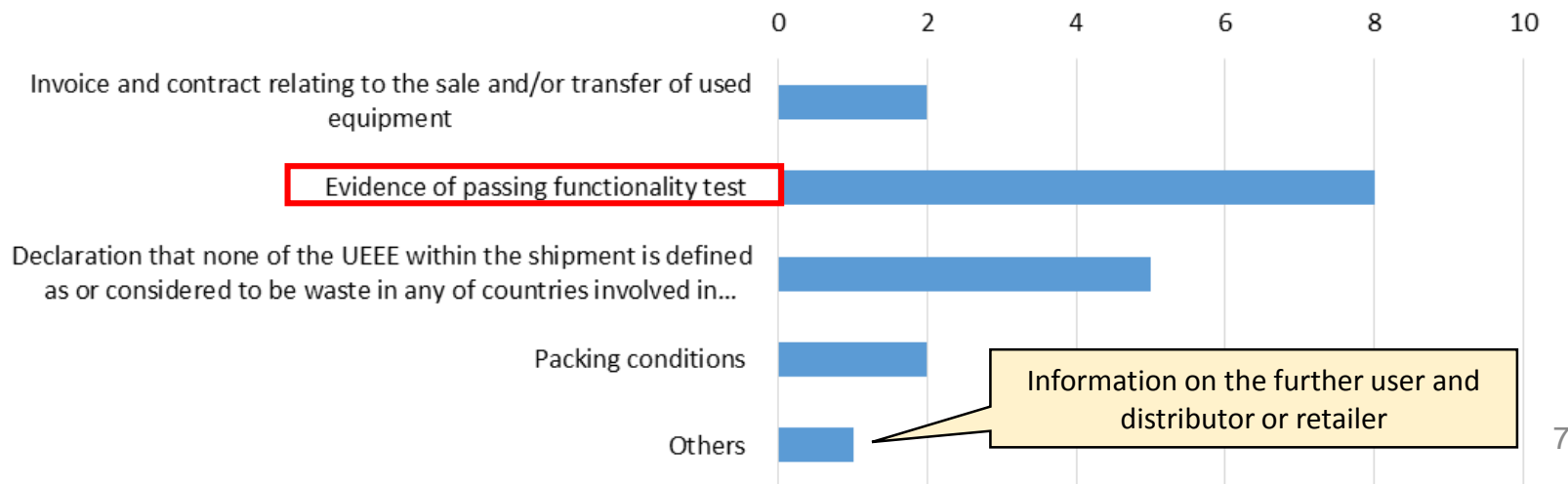
- ✓ Requirement for technical support to develop E-waste guidelines and procedures for implementation (Myanmar)
- ✓ No definition of e-waste and UEEE (Vietnam)

## 2. Implementation of the E-waste Guidelines

### – Status of implementation of the Guidelines –

***What are the conditions which are difficult to check to know the suitability for the direct reuse recommended in the para 31(a) of the Guidelines? (Multiple answer)***

	BRN	KHM	JPN	KOR	LAO	MYS	MMR	PHL	SGP	THA	VNM	Total
Invoice and contract relating to the sale and/or transfer of used equipment		X						X				2
Evidence of passing functionality test		X	X	X	X	X	X	X			X	8
Declaration that none of the UEEE within the shipment is defined as or considered to be waste in any of countries involved in transport		X				X		X		X	X	5
Packing conditions		X						X				2
Others								X				1



## 2. Implementation of the E-waste Guidelines

### – Status of implementation of the Guidelines –

#### ***Why is it difficult to get the evidence of functionality test?***

- ✓ Limited capacity to control
- ✓ The number of imported goods is too large to conduct the inspections
- ✓ Lack of the information of the certification body or the relevant agency that are able to carry out the functionality test
- ✓ No guidelines or detailed regulation for testing functionality of UEEE

#### ***Why is it difficult to declare that none of the UEEE in the shipment is defined as a waste?***

- ✓ Importers declare the imported goods as second hand
- ✓ Different definitions on the UEEE in the involving countries
- ✓ Time consuming to check and verify information

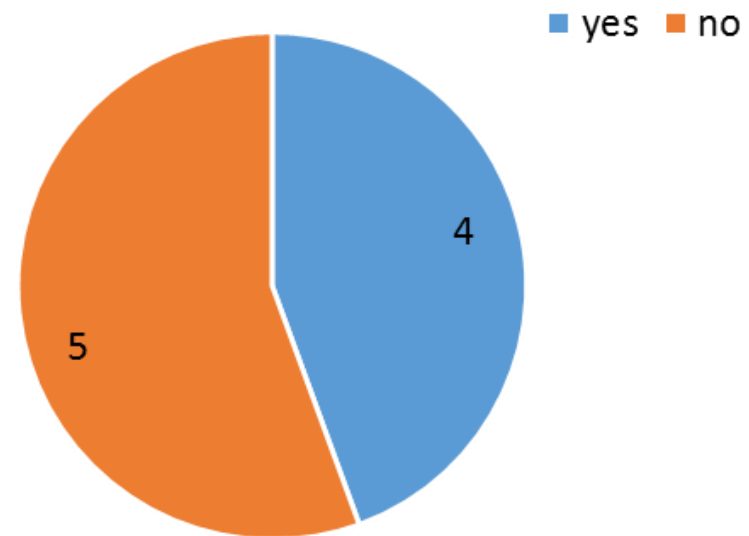


## 2. Implementation of the E-waste Guidelines

### – Status of implementation of the Guidelines –

***Does your country have facilities that import UEEE for failure analysis, repair and refurbishment and send back the equipment to the original uses in the State of Origin?***

Country	yes	no
Brunei		X
Cambodia		X
Japan		
Korea	X	
Lao PDR		X
Malaysia	X	
Myanmar		X
Philippines	X	
Singapore	X	
Thailand		
Vietnam		X
Total	4	5



## 2. Implementation of the E-waste Guidelines

### – Status of implementation of the Guidelines –

*The paragraph 31 (b) of the guidelines specifies that **UEEE that is destined for failure analysis, or for repair and refurbishment with the intention of reuse, or extended use by the original owner, should not be considered as waste** provided that a certain condition is met.*

***Does your country have any difficulties to implement the above provisions?***

Malaysia	Lack of understanding of people (exporter/importer/ if applicable, countries of transit) that involve in the TBM
Myanmar	(1) Low awareness of importers/exporters of TBM (2) Lack of Import and Export Procedures for TBM of Hazardous Wastes
Singapore	Not face any major difficulties in the implementation of the e-waste guidelines in Singapore and are currently reviewing our guidelines to be in line with the Technical Guidelines adopted at COP-12 on an interim basis

## 2. Implementation of the E-waste Guidelines

### – Status of implementation of the Guidelines –

***If repair/refurbishment facilities are located in your country, how the competent authority controls TBM of the UEEE, and ensure ESM of hazardous waste generated from the facilities? (Multiple answer)***

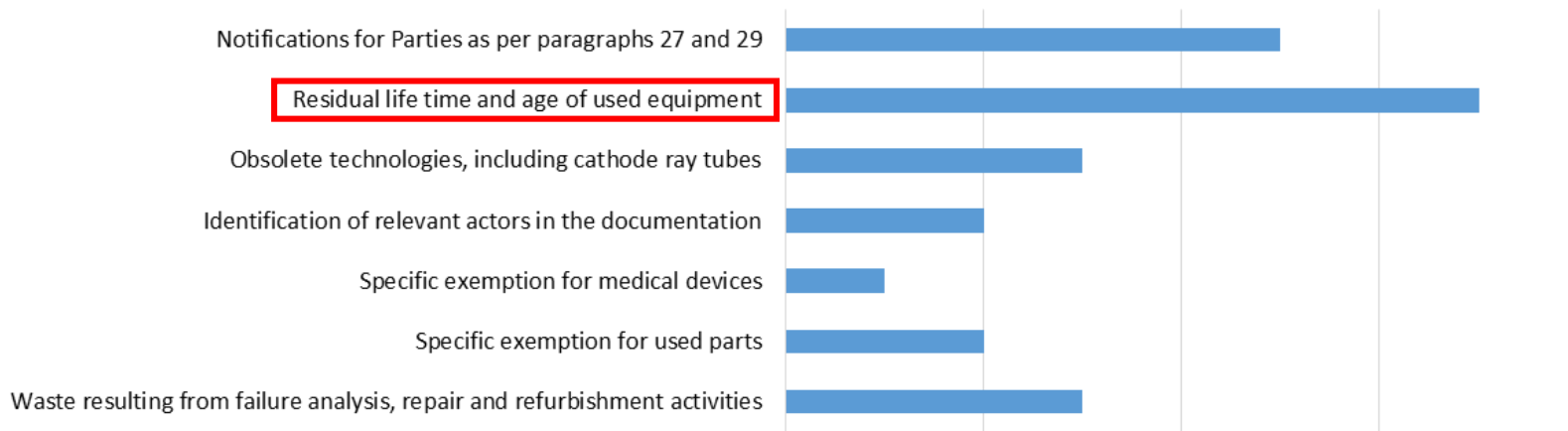
	BRN	KHM	JPN	KOR	LAO	MYS	MMR	PHL	SGP	THA	VNM	Total
Develop guidelines or criteria on UEEE (or parts) that could be imported into your country for the purpose of repair, refurbishment, or failure analysis in accordance with paragraph 31 (b) of the E-waste guidelines.		X		X				X	X			4
Require importers of such UEEE destined for failure analysis, repair or refurbishment to be licensed or certified by the competent authority		X						X				2
Conduct periodical inspections to facilities to check whether they comply the relevant national provisions for environmental protection and other environmental permits or licenses		X			X	X		X			X	5
Require facilities to keep record or inventory of UEEE that are repaired/refurbished, and submit report to the competent authority on a regular basis.		X			X	X	X	X				5
Require facilities to submit information on wastes generated after the operations (including hazardous contents), and to send wastes to the waste management facilities licensed by the competent authority.		X		X	X	X		X	X		X	7

## 2. Implementation of the E-waste Guidelines

### – Issues for further work –

***Among the outstanding issues (the issues for further work) in the Annex V of E-waste guidelines, what does your country/region think important to discuss further? (Multiple answer)***

	BRN	KHM	JPN	KOR	LAO	MYS	MMR	PHL	SGP	THA	VNM	Total
Notifications for Parties as per paragraphs 27 and 29			X	X		X		X	X			5
Residual life time and age of used equipment		X		X		X	X	X	X		X	7
Obsolete technologies, including cathode ray tubes						X		X			X	3
Identification of relevant actors in the documentation					X	X						2
Specific exemption for medical devices						X						1
Specific exemption for used parts		X				X						2
Waste resulting from failure analysis, repair and refurbishment activities			0		2	X	4	X	X 6		8	3



## 2. Implementation of the E-waste Guidelines

### – Issues for further work –

***Why is it important to discuss more on the notifications for the Parties as per para 27 and 29?***

- ✓ Clarifications of objected goods in each country will be useful in order to avoid troubles among related countries.
- ✓ The notifications are important to enable Parties to have clarity on the acceptance/non-acceptance of UEEE and E-waste by the respective countries. This would enable Parties to effectively meet their obligations under the Basel Convention.

***Why is it important to discuss more on the residual life time of used equipment?***

- ✓ There could be various factors to determine the residual life time and we do consider this criterion of guideline would not be sufficient to determine
- ✓ Disagree with the residual life of the equipment is no longer than 1/3 of the normal lifespan of this kind of new equipment. This is due to different equipment/brand has a different life span.

### 3. Priority issues in the future Asian Network

***What kind of issues should be given a priority in the future Asian Network?***

#### ***Short term***

- ✓ **Capacity building** of the government official relevant to the Basel Convention (3)
- ✓ Promoting **sharing of information** related to the Basel Convention (especially criteria of E-waste/UEEE) (2)
- ✓ Public **awareness raising** (1)
- ✓ **Pilot project** regarding HW treatment/disposal (1)
- ✓ Development of **TBM database** (1)
- ✓ Supporting ratification of **the Minamata Convention** on Mercury (1)

### 3. Priority issues in the future Asian Network

***What kind of issues should be given a priority in the future Asian Network?***

#### ***Long term***

- ✓ **Development of a harmonized framework for implementation of takeback procedures** among participants of the Network
- ✓ **Keep on discussing takeback issues**
- ✓ **Development of Asian courtiers' work plan** for the implementation of the Basel Convention
- ✓ **Development of a harmonized framework to communicate national definition** of HW among countries
- ✓ **Cooperating closely to combat illegal traffic**
- ✓ **Promote recycling facility establishment investment**
- ✓ **Supporting implementation of the Minamata Convention**

# 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 waste, particularly E-waste and UEEE.
- ✓ To understand the recent trend of TBM of E-waste in the participated countries.
- ✓ To understand the implications of the E-waste Guidelines on the control of transboundary movement of UEEE and E-waste.
- ✓ To share views or experience in implementing rules and regulations on the control of UEEE and E-waste.



**Have a good discussions!!**