Indonesia’s Regulations on The Transboundary Movements of Wastes and The Prevention of Illegal Trafficking of Wastes

Ministry of Environment and Forestry
Republic of Indonesia
Semarang, Indonesia
6 – 8 September 2016
Legal Basis

- Act No. 32/2009 on Environmental Protection and Management
- Act No. 18/2008 on Municipal Waste Management
- Government Regulation No. 101/2014 on Hazardous Waste Management
- Minister Trade’s Decree No. 31/2016 on The Regulations of The Importation of Non Hazardous Wastes
- Minister Environment and Forestry Decree No. 55/2015 on Characteristic Analisys for Determination of Wastes
- Presidential Decree No. 61/1993 on The Ratification of Basel Convention on The Control of Transboundary Movements of Hazardous Wastes and Their Disposal
National Regulations

Government Regulation No. 101/ 2014, Annex I

Hazardous waste based on sources:

- Hazardous waste from unspecific source
- Hazardous waste from expired chemical material, spills, package used, and rejected product which not comply to specification requirements
- Hazardous waste from specific source:
  - General specific source
  - Special specific source
HAZARDOUS WASTE (HW) MANAGEMENT CYCLE

- Every component of waste management shall be tracked and controlled with relevant permits to ensure the compliance of locations, facilities, technology and quality standard.
- Every activity concerning TBM of HW should be accompanied by manifest document to ensure the HW management is in accordance to **from cradle to grave** principle.
Government Regulation No. 101 / 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
Importation Of Waste

1. Act No. 32/2009 regarding Environmental Protection and Management, article 69:
   Everyone is prohibited to do the following:
   point (1.c). Bring in wastes from outside of Indonesia into the living environment of Indonesia (explanation: except for those governed by the law and regulations)
   point (1.d). Bring in HW into Indonesian territory

2. Act No. 18/2008 regarding Domestic Solid Waste Management, article 29: Everyone is prohibited to bringing in domestic solid waste into Indonesia territory
Exemption

Importation of Non Hazardous Waste is allowed as regulated by the Ministry of Trade (No. 31/2016), with provision:

- Non Hazardous Waste is imported in the form of waste, scrap or remnants that are not included in the classification / category B3 (scraps of metal, paper, plastic, rubber (latex), glass, cotton and fabric).
- HS code to be imported in accordance with the Regulation listed in Annex on Minister of Trade No. 31/2016.
- Waste imported used for raw materials and / or auxiliary materials industry for fulfillment / its own needs and not to be traded.
- Waste imported in clean and uncontaminated condition HW, Hazardous Substance and other wastes and not mixed with garbage and / or is not a waste and should not be re-exported with the same HS code.
- The application to obtain recognition as Non-Hazardous Waste Producer Importer (IPL-Non B3) of the Ministry of Trade according to the Regulation No. 31/2016, Article 6 paragraph (k) should attach a recommendation KLHK - Waste Management Director, Waste and B3 (no need recommendation for scraps of metal and paper).
# TYPE OF WASTE THAT CAN BE IMPORTED
## (DATA YEAR 2015)

<table>
<thead>
<tr>
<th>No.</th>
<th>Type of waste</th>
<th>Total Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Metal Scrap (aluminium scrap, steel scrap, etc.)</td>
<td>54</td>
</tr>
<tr>
<td>2.</td>
<td>Paper scrap</td>
<td>24</td>
</tr>
<tr>
<td>3.</td>
<td>Plastic waste</td>
<td>38</td>
</tr>
<tr>
<td>4.</td>
<td>Glass waste</td>
<td>5</td>
</tr>
<tr>
<td>5.</td>
<td>Cotton scrap</td>
<td>2</td>
</tr>
<tr>
<td>6.</td>
<td>Rubber scrap</td>
<td>3</td>
</tr>
</tbody>
</table>
Illegal on the Transboundary Movement

Transboundary movement of waste is considered illegal if:

- No documents were sent notifications to the concerned states.
- Without the consent of the country concerned.
- With the consent of the states concerned, but through forgery or misrepresentation.
- Material sent does not correspond to the information contained in the documents related.
- Aiming for the disposal of Hazardous waste or other waste in violation of the Convention or the fundamental principles of international law.
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 willing to accept).
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).
Scrap Plastic with contaminated garbage and domestic waste
Illegally trafficked waste misrepresented as fertilizer
Terima Kasih
Thank You

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