

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
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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 Analysis 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

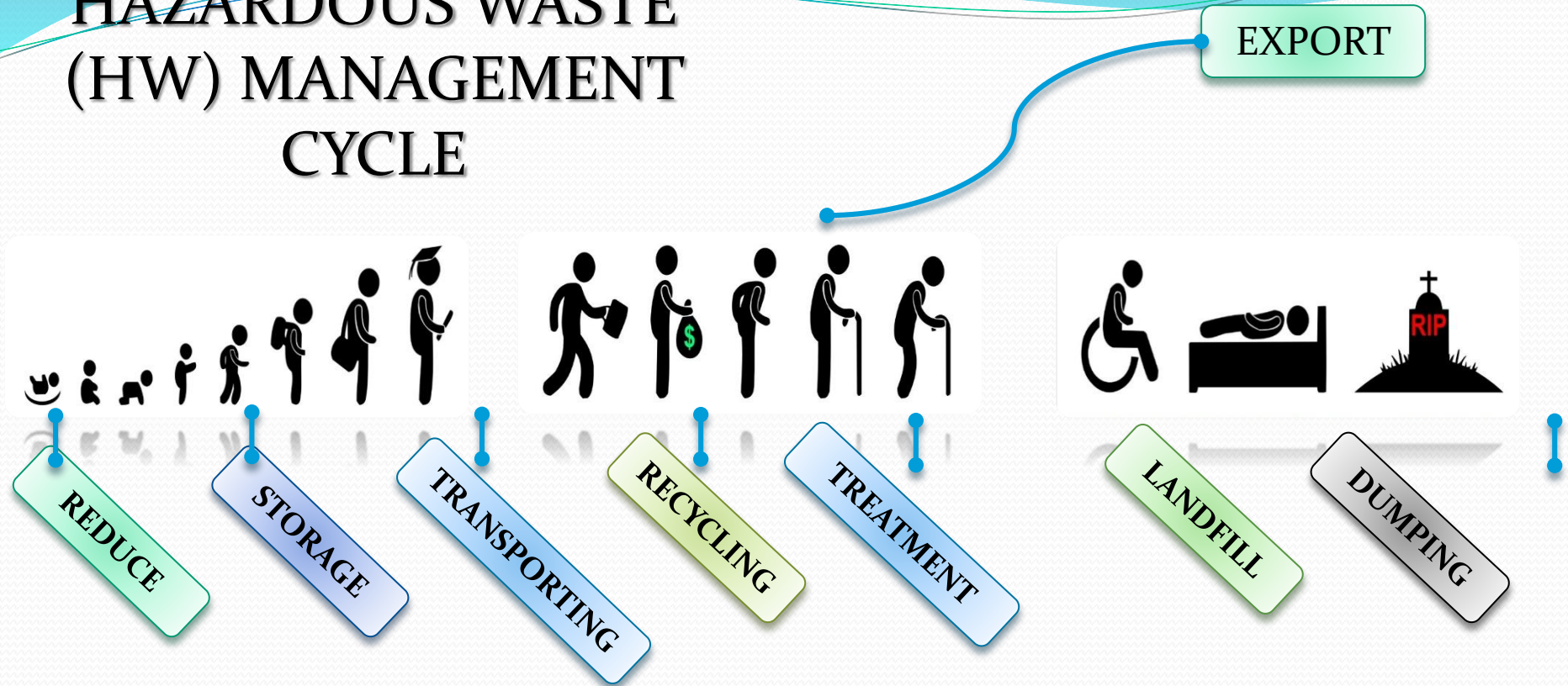
Government Regulation No. 101/ 2014, Annex I

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.

Notification for HW Exportation

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)

| No. | Type of waste | Total Recommendation |
|-----|--|----------------------|
| 1. | Metal Scrap (aluminium scrap, steel scrap, etc.) | 54 |
| 2. | Paper scrap | 24 |
| 3. | Plastic waste | 38 |
| 4. | Glass waste | 5 |
| 5. | Cotton scrap | 2 |
| 6. | Rubber scrap | 3 |

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).

Dokumentasi



**Scrap Plastic with
contaminated garbage and
domestic waste**



Illegally trafficked waste misrepresented as fertilizer

Terima Kasih
Thank You



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