



JABATAN ALAM SEKITAR  
DEPARTMENT OF ENVIRONMENT

# ASIAN NETWORK WORKSHOP 2016 SEMARANG, INDONESIA

## Session 2: Case of takeback in Malaysia



# OUTLINES

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1

**Case 1: Takeback is unsuccessful**

2

**Case 2: Takeback is completed and successful**



# SHARING INFORMATION FOR TAKEBACK

## Case 1: Takeback is unsuccessful (cont.)

### Background:

**Year of the case:**

- 2003-2004

**State of origin:**

- Non Party to the Basel Convention

**Type of wastes:**

- Sludges containing one or several metals (SW 204)

**Volume (kg):**

- Estimation: 12,500,000.0000 kg (625 containers)

**Status:**

- The takeback could not be implemented, waste was disposed in Malaysia

**Types of illegality:**

- Falsification, misrepresentation or fraud

# SHARING INFORMATION FOR TAKEBACK

## Case 1: Takeback is unsuccessful (cont.)

### Action Taken:



#### Investigated containers:

- Competent Authority (CA) importing country – DOE, Malaysia, DOE, State Office, Royal Customs Malaysia and Port Authority



#### Determined if the waste is hazardous wastes under:

- List of Scheduled Waste and managing the waste the Environmental Quality (Scheduled Wastes) Regulations 2005



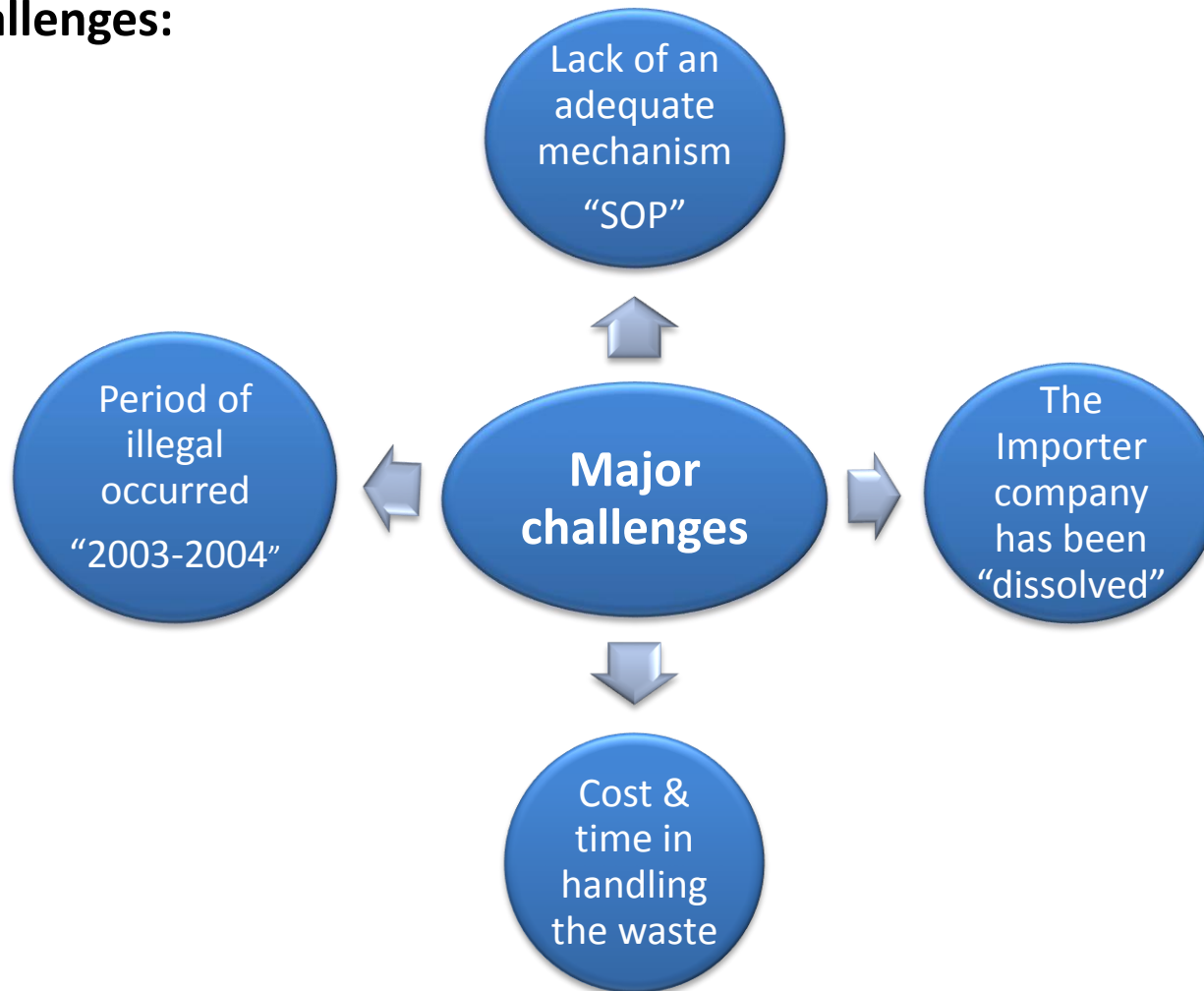
#### Other action taken:

- Seek advise/decision from the State Legal Advisor Office/ Attorney Chambers

# SHARING INFORMATION FOR TAKEBACK

## Case 1: Takeback is unsuccessful

### Major Challenges:



# SHARING INFORMATION FOR TAKEBACK

## Case 2: Takeback is completed and successful (cont.)

### Background:

#### Year of Notification:

- 2012

#### Year of takeback

- 2013

#### State of origin:

- Party to the Basel Convention – Annex VII Country

#### Type of wastes:

- Electronic and electrical Equipment (SW 110 / A1180)

#### Volume (kg):

- Gross weight: 11,000 kg (1291 pcs of LCD Monitor)

#### Status:

- Takeback procedure was successfully implemented and the waste was disposed in the State of origin in accordance with the paragraph 2(a) of Article 9.

#### Types of illegality:

- No notification pursuant to the provisions of the Basel Convention
- No consent pursuant to the provisions of the Basel Convention

# SHARING INFORMATION FOR TAKEBACK

## Case 2: Takeback is successful (cont.)

### Action Taken:



#### Investigation:

- Investigated containers by Competent Authority (CA) importing country – DOE, Malaysia, DOE, State Office, Royal Customs Malaysia and Port Authority
- Competent authority of exporting country carry out investigation and sent a report to CA Malaysia



#### Determined if the waste is hazardous wastes under:

- List of Scheduled Waste and managing the waste the Environmental Quality (Scheduled Wastes) Regulations 2005



#### Ordered the importer in Malaysia to re-export illegal waste:

- Section 31 (1) Environmental Quality Act 1974



#### Issued Notification according to Basel Convention:

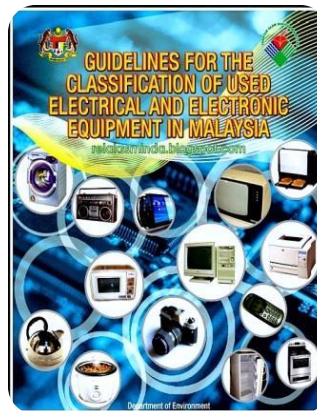
- Issued notification to the competent authority of the State of origin in accordance with paragraph 2 of Article 9.

# SHARING INFORMATION FOR TAKEBACK

## Case 2: Takeback is successful (cont.)

### Major challenges:

- Different opinions among involved parties (particularly definition or interpretation of waste or non-waste used EEE).
- One of the requirement importation used EEE in Malaysia:  
Age of the Used EEE less than 3 years from date of manufactured






# SHARING INFORMATION FOR TAKEBACK

## Case 2: Takeback is successful

### Takeback Successful - Lessons learnt:

- **Good cooperation** among competent authorities, the exporter, importer/consignee
- **Sufficient information and evidence** that had been collected during the investigation.
- **Sharing intelligence on TBM of hazardous waste** among the relevant authorities such as Customs is important.
- **Adequate mechanism in handling illegal shipment:** Standard Operating Procedures (SOP) Enforcement of Illegal Importation / Exportation of Scheduled Wastes (translation)



Thank You

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