

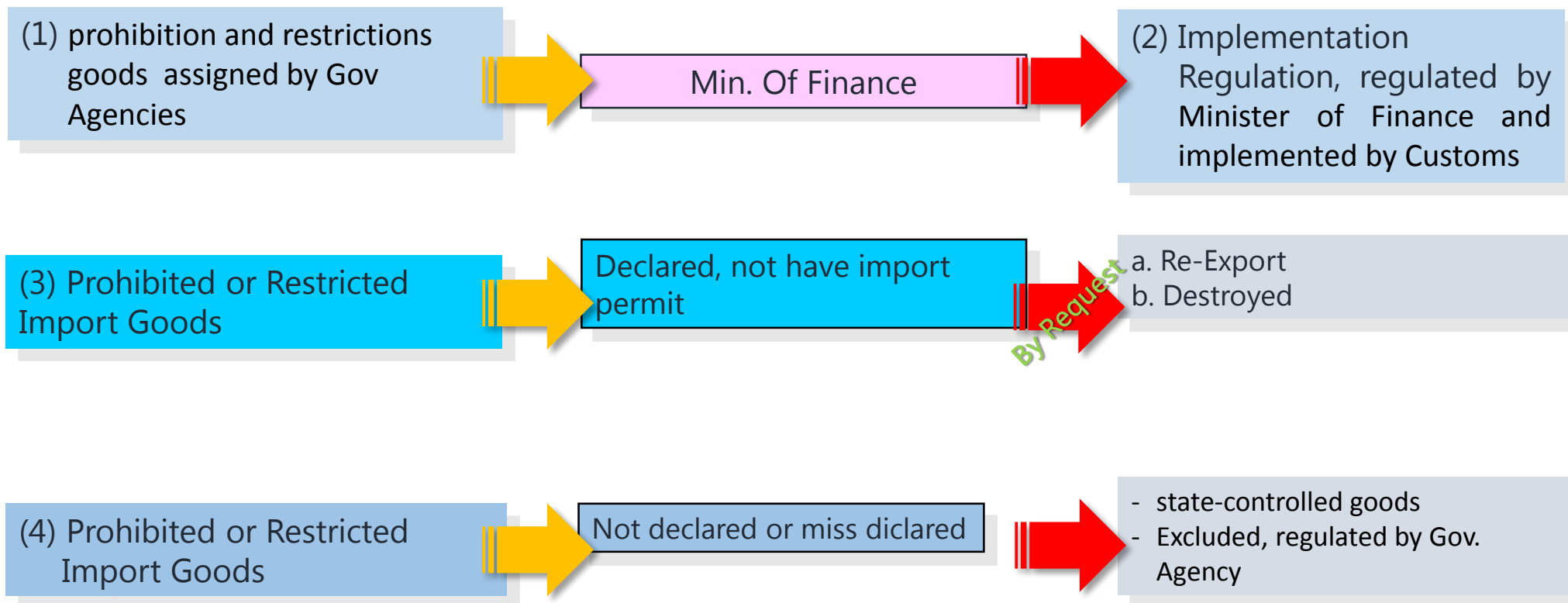


# **CONTROL OF IMPORT AND EXPORT OF HAZARDOUS WASTE**



# LEGAL BASIS OF PROHIBITION AND RESTRICTIONS

## Article 53 Law No 17/2006





# LEGAL BASIS OF IMPORT/EXPORT OF HAZARDOUS WASTE

- **Environmental Law No 32 / 2009**

**Article 69 paragraph (1) point d:**

“every person is prohibited from importing hazardous waste into the territory of the Republic of Indonesia”

- **Gov Regulation No. 101 /2014 on Hazardous Waste Management**

**Article 74 paragraph (1) point b:**

“In the case of each Person who produces Hazardous Waste is unable to do Utilization Hazardous Waste produces, can export the Hazardous Waste”

**Article 74 paragraph (4):**

“Export of Hazardous waste can be export if there are no available technology Hazardous Waste Utilization and / or Hazardous Waste Management in the country”

- **Gov Regulation No. 74/2001 on Hazardous Management**

**Article 6 paragraph (1) :**

“Every Hazardous goods must registered by producer or importer”

**Article 7 paragraph (1):**

“Who export Hazardous goods must submit notification to destination country authorities, transit, or who responsibility ”



## Ministry Of Trade Reg 31/M-DAG/Per/5/2016 Of Import Of Non Hazardous Waste

### Article 2:

- 1) Non Hazardous Waste goods can imported
- 2) Non Hazardous Waste goods which can be imported only Residu, Parings, and Scrap
- 3) Non Hazardous Waste goods listed in Annex consisting of Group A and Group B
- 4) Non Hazardous Waste goods can only be used for raw materials and / or auxiliary materials industry

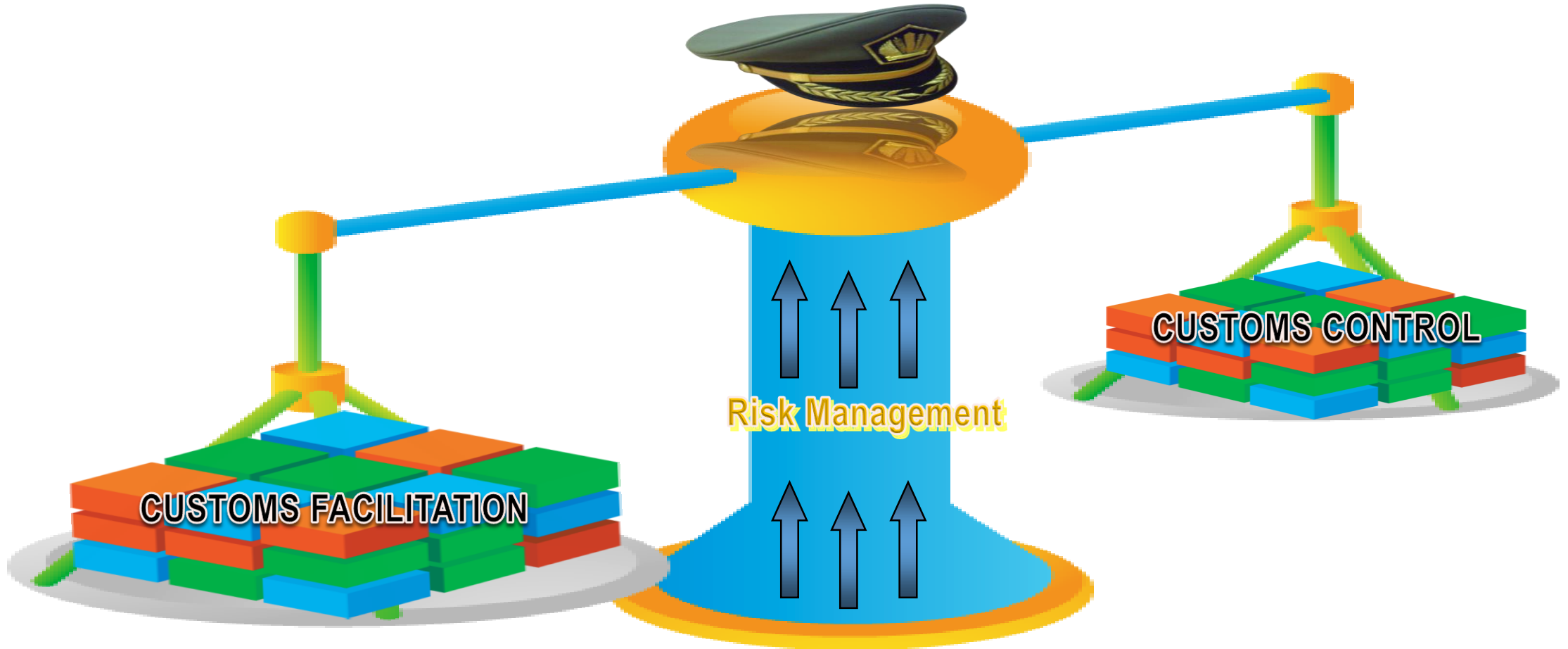
### Import Permit Document of Non Hazardous Waste :

- a) Import Permit (PI) of the Ministry of Trade
- b) Technical tracing in the port of loading as evidenced by Surveyor Report (LS)

### Article 6 paragraph (1) point h and i

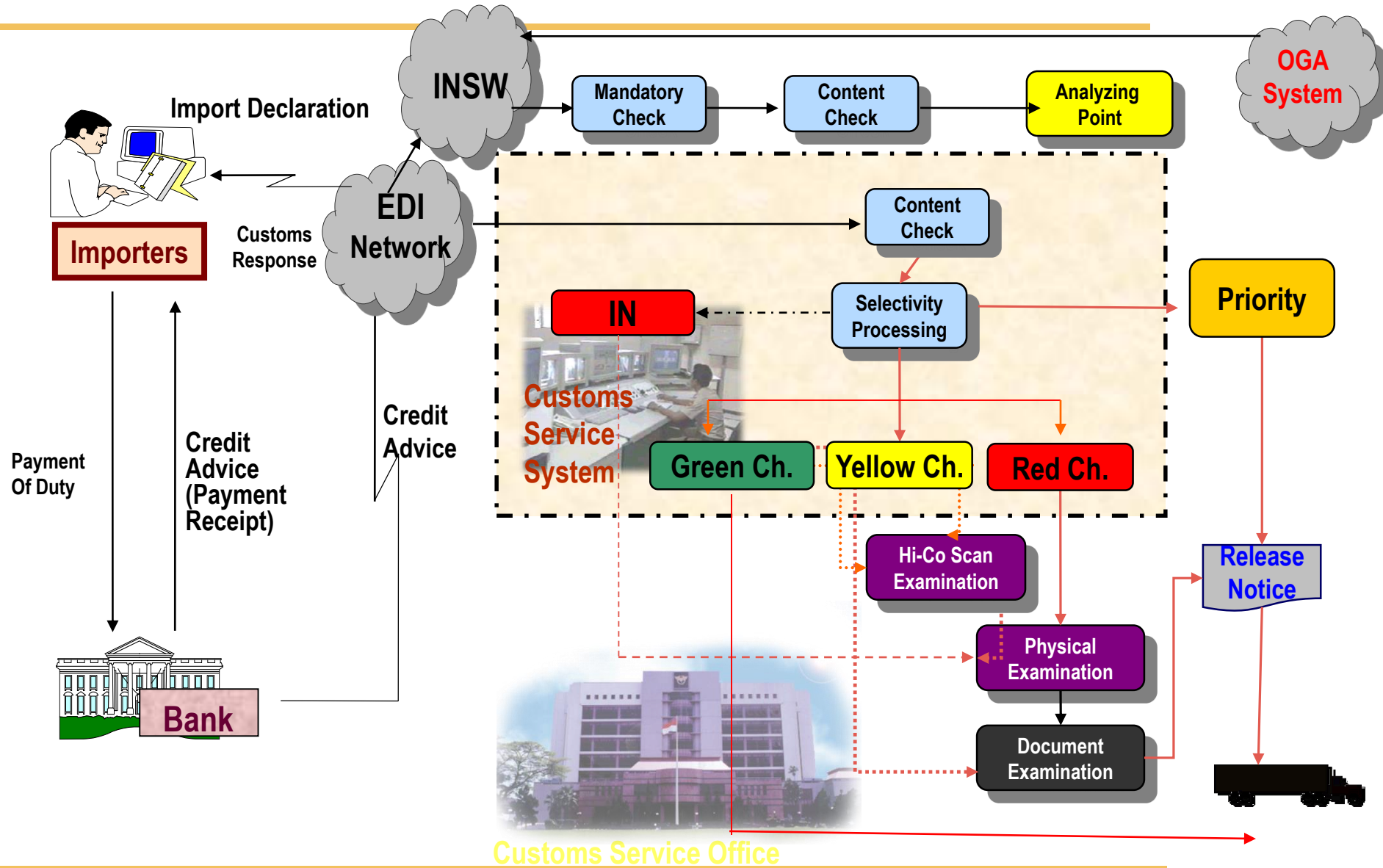
One of the requirements to obtain a Import Permit Statement from the exporter and importer of non hazardous waste that :

- Wastes in the import / export is absolutely non-hazardous waste; and
- Willing to take responsibility and accept the return / re-export of non hazardous waste which has been imported / exported its non hazardous waste if it is proven as non hazardous



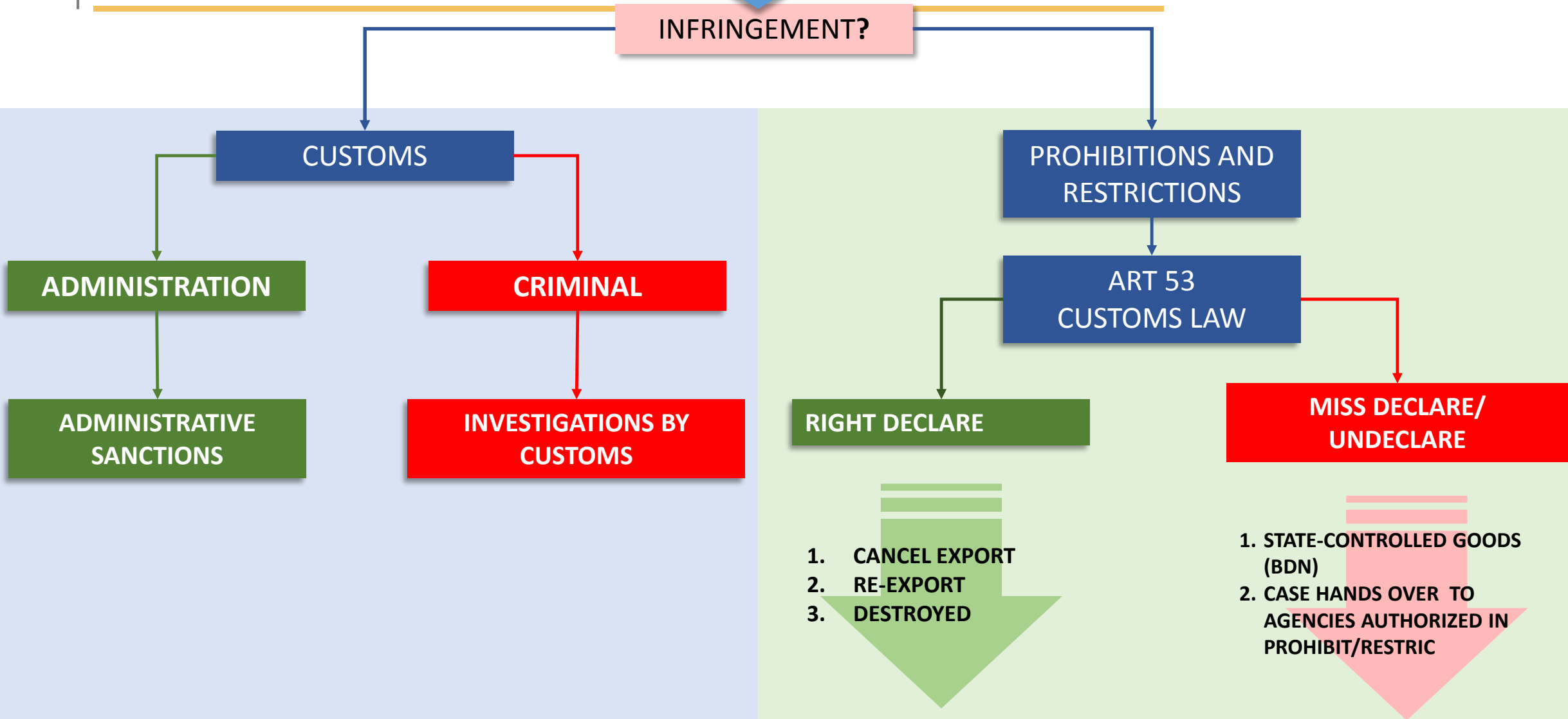


# CUSTOMS IMPORT CLEARANCE





# VIOLETION OF IMPORT / EXPORT





# **SAMPLE CASE OF IMPORT NON HAZARDOUS WASTE CONTAMINATED HAZARDOUS WASTE**





# SCRAP BESI MENGANDUNG LIMBAH B3

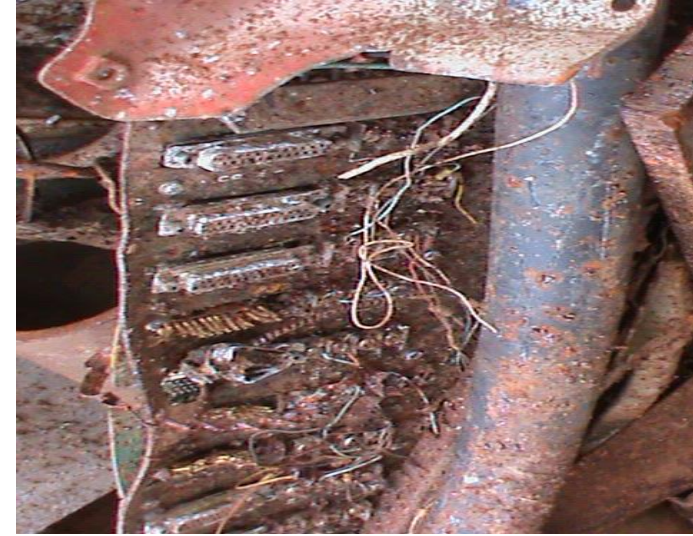






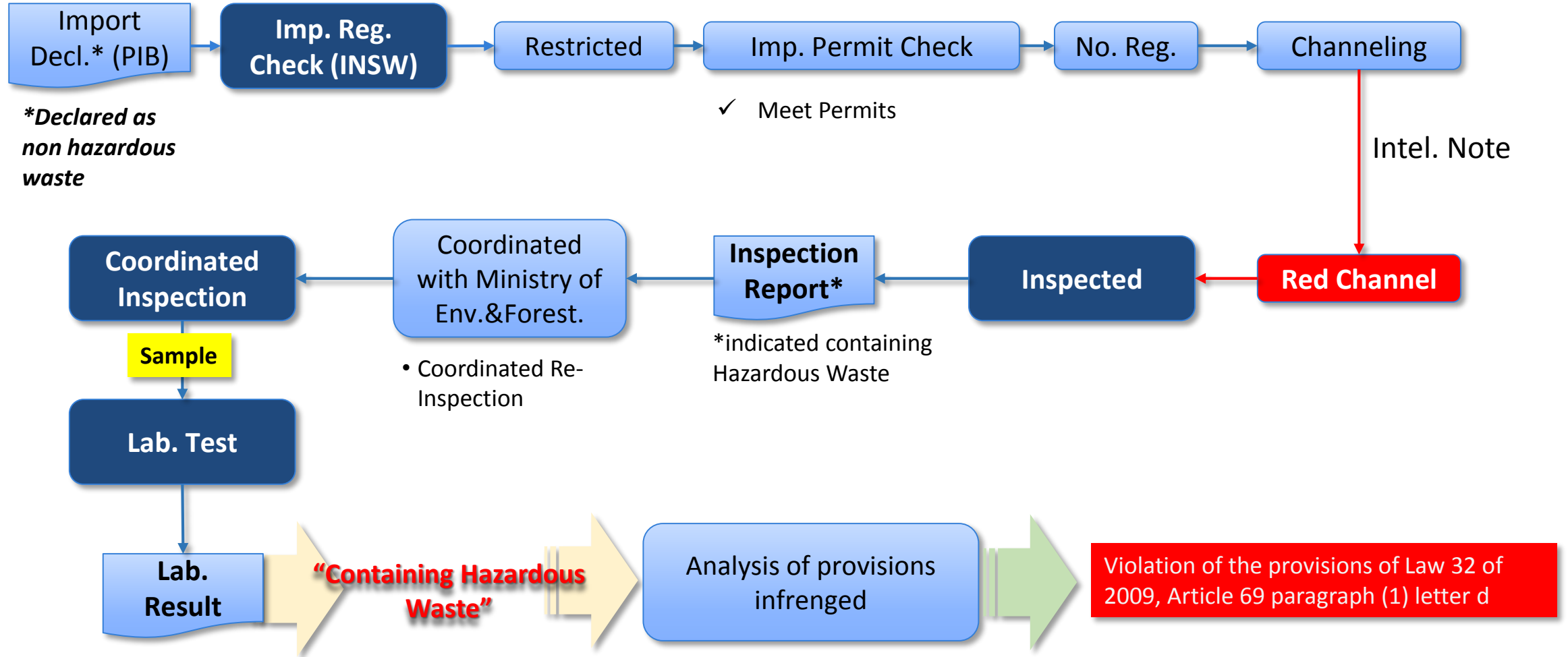








# Importation Case of Contaminated Waste





Sum of Import Declaration	Sum of Container
5	113
8	136
3	29
3	45
1	10
<b>20</b>	<b>333</b>

Country Of Origin : England, USA, Suriname, South Africa, Philippines, Thailand, Brazil, Korea, Taiwan, Japan, Rusia  
United Arab Emirates, Mauritania, Senegal, Togo, Belgium



## Handling Case

---

Conditions were violated :

Article 69 paragraph (1) letter d, of Law No. 32 of 2009 on Environment

### Sanction

“Article 106 Any person importing hazardous waste into the territory of the Republic of Indonesia as referred to in Article 69 paragraph (1) letter d, shall be punished with imprisonment of at least five (5) years and a maximum of 15 (fifteen) years and a fine bit Rp5,000,000,000.00 (five billion rupiah) and at most Rp15.000.000.000,00 (fifteen billion rupiah)”



Article 94 of Law No. 32 of 2009 on Environment :

“Authority for investigate crime of Environment is National Police Investigator or MoEF Investigators”



## Follow-up Case

---

- Handover to Ministry of Environmental and Forestry.
- Re-export of hazardous waste.
- Based on the provisions in the Criminal Code provisions are some evidence is use by investigators for the purpose of investigation and trial, and rest is re-export the base on court decisison.
- The export is done in coordination with the Ministry of Environment and Forestry through the mechanism base on the Basel Convention.
- Realization of re-export is done after the issuance of notification (Transboundary Movement) from exporting country and transit country.



