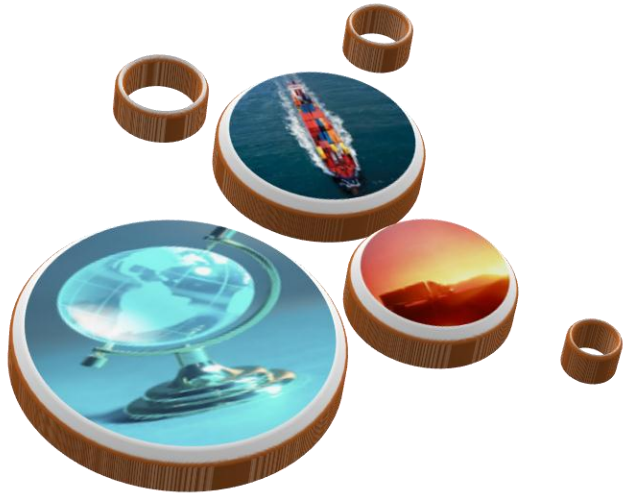


# ASIAN NETWORK WORKSHOP 2017

## HANOI, VIETNAM

### Updates of National Regulations to the Implementation of the Basel Convention In Malaysia



Section Convention  
Hazardous Substances Division  
Department of Environment Malaysia

# OUTLINES

1

**Updates on National Law/Regulation & Policy**

2

**Status of Recovery Facilities in Malaysia**

3

**Status of Transboundary Movement (TBM) of Scheduled Wastes (SW) /Hazardous Wastes (HWs)**

4

**Challenges and Way Forward**

# LAWS AND REGULATIONS IN MALAYSIA



1.	<p>Section 34B, Environmental Quality Act 1974</p> <p>i) Section 34B(1)(b) – Import &amp; Export -Receive or send, or cause or permit to be received or sent any scheduled wastes in or out of Malaysia; or</p> <p>ii) Section 34B(1)(c) – Transit -Transit or cause or permit the transit of scheduled wastes</p>	<ul style="list-style-type: none"> <li>▪ Written approval from the Director General of Environmental Quality, Malaysia.</li> </ul>
2.	<p>Environmental Quality (Scheduled Wastes) Regulations 2005</p>	<ul style="list-style-type: none"> <li>▪ List of Scheduled Waste and managing the waste.</li> </ul>
3.	<p>Basel Convention on the Control of Transboundary movements of Hazardous Waste and Disposal, 1989</p>	<ul style="list-style-type: none"> <li>▪ Categories of waste to be controlled under Basel Convention Annexes</li> <li>▪ Prior Informed Consent &amp; notification according to the provision of the Basel Convention</li> <li>▪ Ban Amendment</li> </ul>
4.	<p>Custom (Prohibition of Import) Order 2017</p> <ul style="list-style-type: none"> <li>▪ 3<sup>rd</sup> Schedule Part I item 54 for Toxic and/ or HWs</li> </ul> <p>Custom (Prohibition of Export) Order 2017</p> <ul style="list-style-type: none"> <li>▪ 3<sup>rd</sup> Schedule Part I item 31 for Toxic and/ or HWs</li> </ul>	<ul style="list-style-type: none"> <li>▪ Import/Export approval from the Director General of Environmental Quality, Malaysia.</li> </ul>



### Competent Authority (CA)

**Job title:** Director  
**Division/Department:** Hazardous Substances Division, Department of Environment  
**Institution:** Ministry of Natural Resources and Environment



### Country Contacts



**Competent Authority (CA)**  
**waste related to Y46- Waste collected from households (Annex II to BC)**  
**Job title:** Director General  
**Department:** Department of National Solid Waste Management  
**Institution:** Ministry of Urban Well being, Housing and Local Government

### Focal point (FP)

**Job title:** Director General  
**Department:** Department of Environment  
**Institution:** Ministry of Natural Resources and Environment

# Policy of Transboundary Movement (TBM) of SW/HW in Malaysia



**TBM for disposal/final disposal is prohibited.  
TBM of waste between parties and Non-parties is prohibited except with bilateral or multilateral.**

State of export does not have the **technical capacity** and **necessary facilities** to manage the waste in an **environmentally sound & Efficient manner**.



The wastes are required as a **raw material** for **recycling** or **recovery** in State of import.



The State of export **shall not allow TBM to commence** until it has received the **written consent** of the **State of transit**.

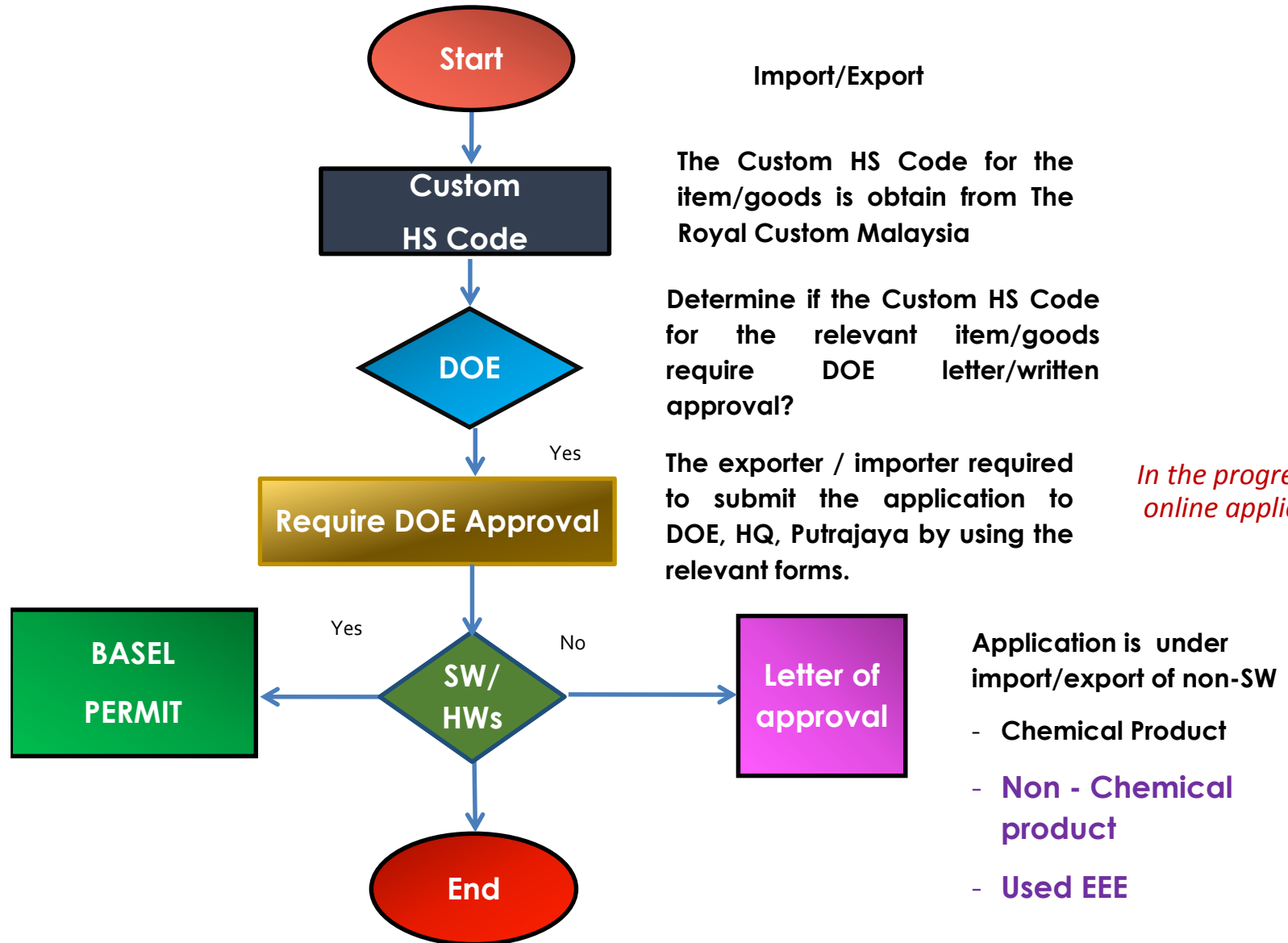


The TBM is in accordance with **other criteria decided by the Parties**, provided those criteria do **not differ** from the **objective of this convention**.



# Overview of Procedures for TBM in Malaysia

Application is under Basel Convention Procedure – Prior Informed Consent (PIC)



# Import/Export of Non-SW/Non-HW



## NON-HAZARDOUS WASTE

**Customs (Prohibition of Imports)  
Order 2017 & Customs (Prohibition  
of Exports) Order 2017 :**

- **Import Export Application of Non-Hazardous Waste/product except chemical product**
- **Import export of Used Electrical and Electronic (Used EEE) Item**

Third Schedule Part 1,  
Item 37-43, under the  
Customs (Prohibition  
of Exports) Order 2017

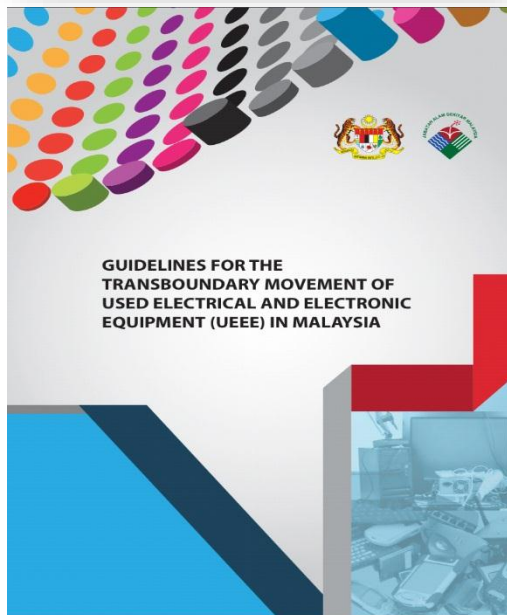
Third Schedule Part 1,  
Item 68, under the  
Customs (Prohibition  
of Imports) Order 2017

# Policy on TBM of Used EEE

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The Guidelines for the Classification of Used EEE in Malaysia, Second Edition, 2010 is revoked.

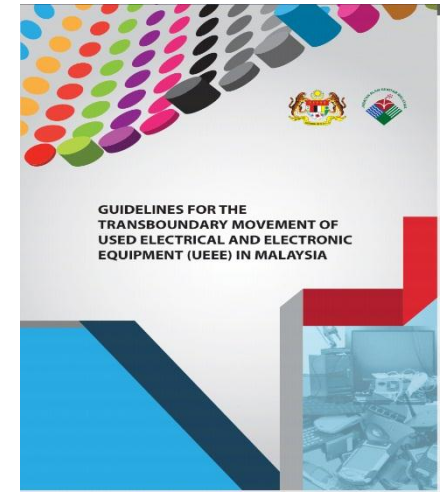


Guidelines for the Transboundary Movement of Used EEE in Malaysia



# CONTENT

- REVISED POLICY ON IMPORTATION OF UEEE
- DEFINITIONS & PERMITTED CRITERIA FOR IMPORTATION OF UEEE



# Revised Policy on Importation of UEEE

1

UEEE does not fulfil the definition of SW 110 or not contaminated with any scheduled waste under the provision of Environmental Quality (Scheduled Wastes) Regulations, 2005;

2

Age of equipment and components must be **five (5) years or less from the date of manufactured**;

3

The UEEE must be **protected appropriately against damage** during transport, loading and unloading, with focus on **suitable packaging and stacking of the load**;

4

Cooling equipment should not contain any **CFCs or HCFCs** (banned cooling agent);

5

Receiving facility must **comply to EQA, 1974** and relevant regulations; and

6

Importation for the purpose of **recovery and disposal is not allowed**.

# PERMITTED CRITERIA FOR TBM OF UEEE



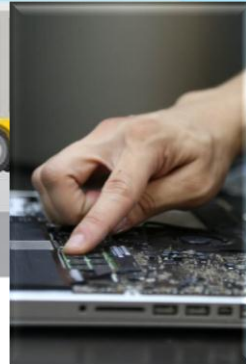
**DIRECT REUSE**



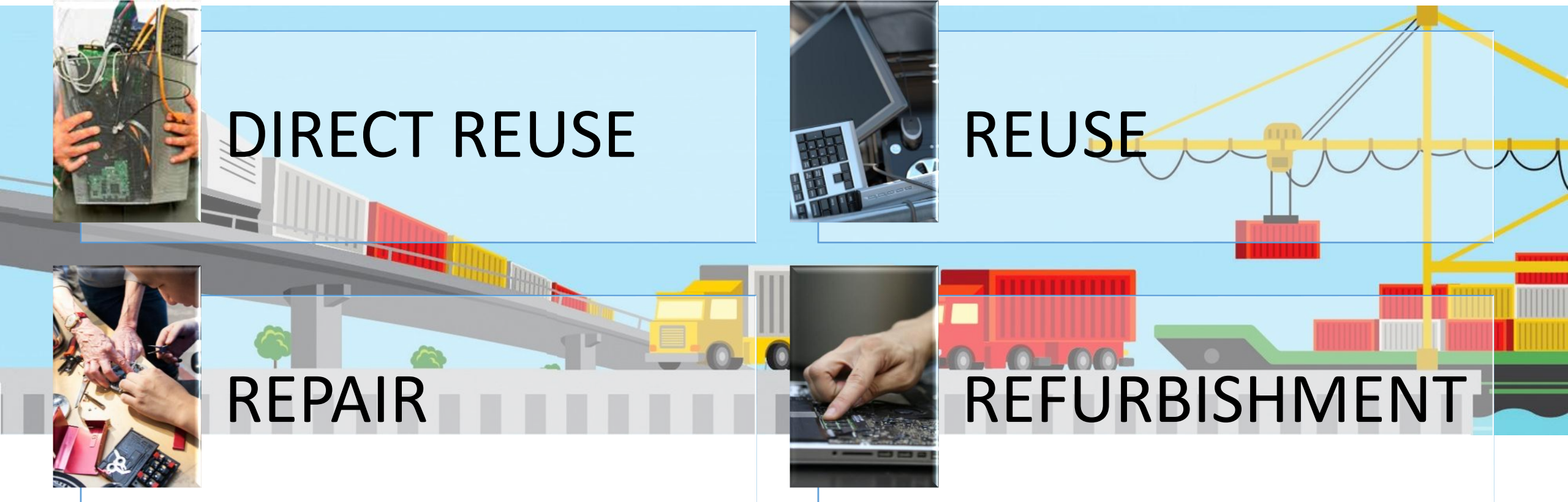
**REUSE**



**REPAIR**



**REFURBISHMENT**



# DEFINITION



## DIRECT REUSE

• Means using again, by a person other than its previous owner, of **computing equipment** and components that are not waste for the same purpose for which they were conceived **without the necessity of repair, refurbishment or hardware upgrading.**



## REUSE

• Means using again, by a person other than its previous owner, of used computing equipment or a functional components from used computing equipment that is not waste for the same purpose for which it was conceived, **possibly after refurbishment, repair or hardware upgrading.**



## REPAIR

• Means **Fixing** specified fault in computing equipment and/or replacing defective components of computing equipment **to bring the computing equipment into a fully functional condition.**



## REFURBISHMENT

• Means **modification** of used computing equipment to **increase its performance and functionality or to meet applicable technical standards or regulatory requirements,** including through such activities as cleaning, data sanitization and software upgrading.

# PERMITTED CRITERIA FOR IMPORTATION OF UEEE – DIRECT REUSE

POINT OF DIRECT REUSE	CONDITION
<b>1. Age of equipment</b>	<ul style="list-style-type: none"><li>• Five (5) years or less</li></ul>
<b>2. Purpose of Importation</b>	<ul style="list-style-type: none"><li>• Direct Reuse</li></ul>
<b>3. Management of hazardous waste</b>	<ul style="list-style-type: none"><li>• No residual/hazardous waste shall be produced for the importation destined for direct re-use.</li></ul>
<b>4. Operational Information</b>	<ul style="list-style-type: none"><li>• Certificate of Inspection from a competent authority or certification body or any other relevant agency for the status of the items to be imported (proof of functionality);</li><li>• Packing list &amp; specification of UEEE and their quantities to be imported (should include the brand name, model, serial number, year of manufacturing, status of equipment/component and date of inspection); and</li><li>• UEEE is individually packaged to protect against damage.</li></ul>

# PERMITTED CRITERIA FOR IMPORTATION OF UEEE - REUSE

POINT OF REUSE	CONDITION
<b>1. Age of equipment</b>	<ul style="list-style-type: none"><li>• Five (5) years or less</li></ul>
<b>2. Purpose of Importation</b>	<ul style="list-style-type: none"><li>• Reuse</li></ul>
<b>3. Management of hazardous waste</b>	<ul style="list-style-type: none"><li>• The importation of defective or non-functional UEEE or their parts and other hazardous waste resulting from failure analysis, repair and refurbishment activities should be the responsibility of the exporter, in case of non-availability of an environmentally sound manner facility in the importing country.</li></ul>
<b>4. Operation Information</b>	<ul style="list-style-type: none"><li>• Certificate of Inspection from a competent authority or certification body or any other relevant agency for the status of the items to be imported (proof of functionality)</li><li>• Packing list &amp; specification of UEEE and their quantities to be imported (should include the brand name, model, serial number, year of manufacturing, status of equipment/component and date of inspection); and</li><li>• UEEE is individually packaged to protect against damage.</li></ul>

# PERMITTED CRITERIA FOR IMPORTATION OF UEEE - REPAIR

POINT OF REPAIR	CONDITION
<b>1. Age of equipment</b>	<ul style="list-style-type: none"><li>• Under Warranty</li></ul>
<b>2. Purpose of Importation</b>	<ul style="list-style-type: none"><li>• Has been authorized as an OEM (Original Equipment Manufacturer) partner</li></ul>
<b>3. Management of hazardous waste</b>	<ul style="list-style-type: none"><li>• The importation of defective or non-functional UEEE or their parts and other hazardous waste resulting from failure analysis, repair and refurbishment activities should be the responsibility of the exporter, in case of non-availability of an environmentally sound manner facility in the importing country.</li></ul>
<b>4. Operational Information</b>	<ul style="list-style-type: none"><li>• Description of repair processes and the relevant flow diagrams of the imported UEEE;</li><li>• Operational licenses from relevant agencies;</li><li>• Valid contractual agreement between the importer and the Original Equipment Manufacturer (OEM) which consists of the responsibilities and obligations of both parties (e.g. management of hazardous waste, reporting, etc.);</li><li>• Packing list &amp; specification of UEEE and their quantities to be imported (should include the brand name, model, serial number, year of manufacturing, status of equipment/component and date of inspection);</li><li>• UEEE is individually packaged to protect against damage; and</li><li>• Signed declaration and documentation with full details of importer.</li></ul>

# PERMITTED CRITERIA FOR IMPORTATION OF UEEE - REFURBISHMENT

POINT OF REFURBISHMENT	CONDITION
<b>1. Age of equipment</b>	<ul style="list-style-type: none"><li>• Five (5) years or less</li></ul>
<b>2. Purpose of Importation</b>	<ul style="list-style-type: none"><li>• Refurbishment</li></ul>
<b>3. Management of hazardous waste</b>	<ul style="list-style-type: none"><li>• The importation of defective or non-functional UEEE or their parts and other hazardous waste resulting from failure analysis, repair and refurbishment activities should be the responsibility of the exporter, in case of non-availability of an environmentally sound manner facility in the importing country.</li></ul>
<b>4. Operational Information</b>	<ul style="list-style-type: none"><li>• Description of refurbishment processes and the relevant flow diagrams of the imported/exported UEEE;</li><li>• Operational licenses from relevant agencies;</li><li>• Valid contract exists between the exporter and refurbishment facility, which consists of the responsibilities and obligations of both parties (e.g. management of hazardous waste, reporting, etc.);</li><li>• UEEE is individually packaged to protect against damage;</li><li>• Packing list &amp; specification of UEEE and their quantities to be imported (should include the brand name, model, serial number, year of manufacturing, status of equipment/component and date of inspection); and</li><li>• Signed declaration and documentation with full details of importer.</li></ul>



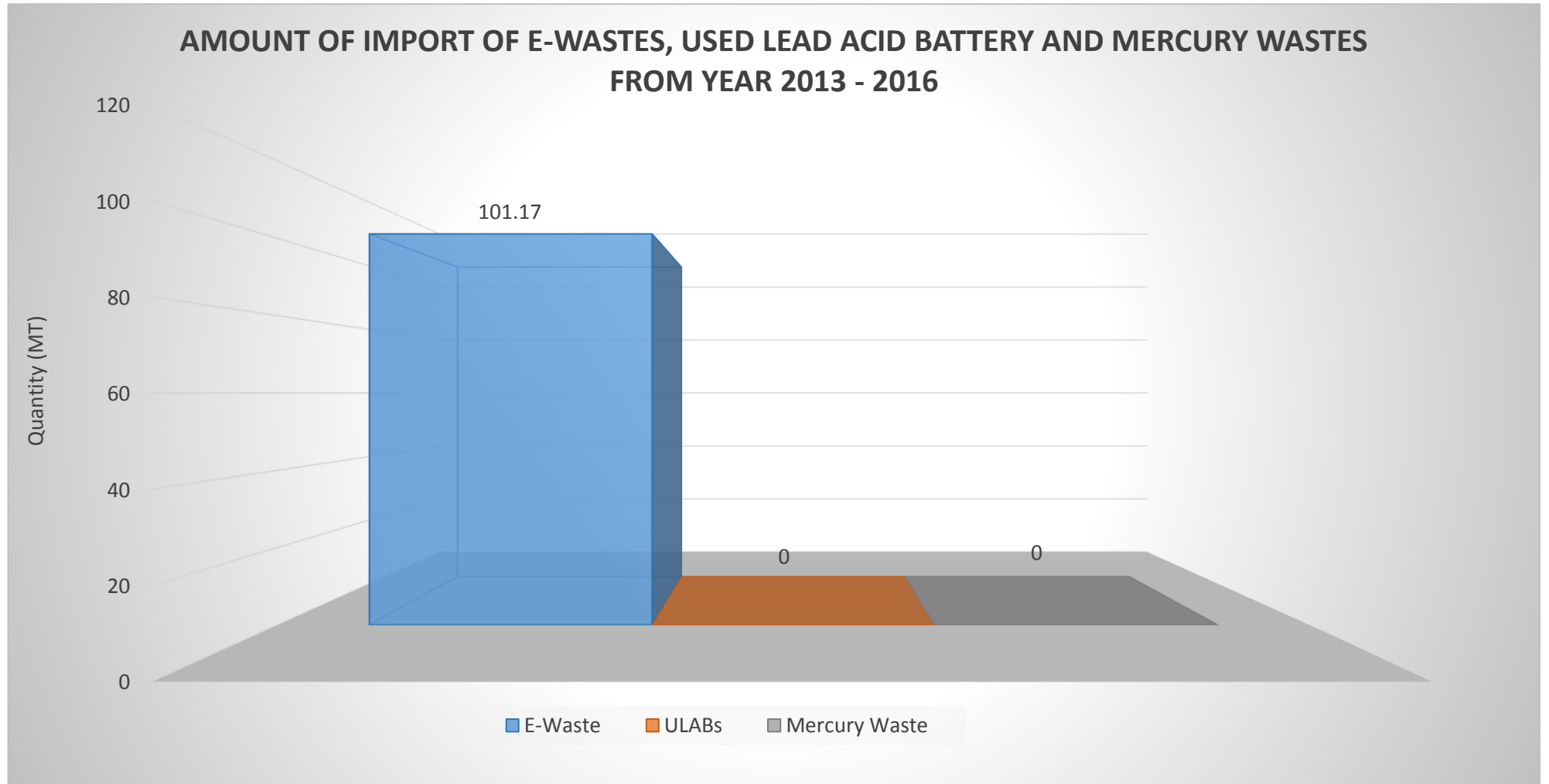
# STATUS OF RECOVERY FACILITIES IN MALAYSIA

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No.	Facility	Quantity
1	Full recovery facility (e-waste)	36
2	Partial recovery facility (e-waste)	81
3	Off-site recovery facility (mercury waste)	7
4	Off-site recovery facility (used lead acid battery)	6
	Total	130

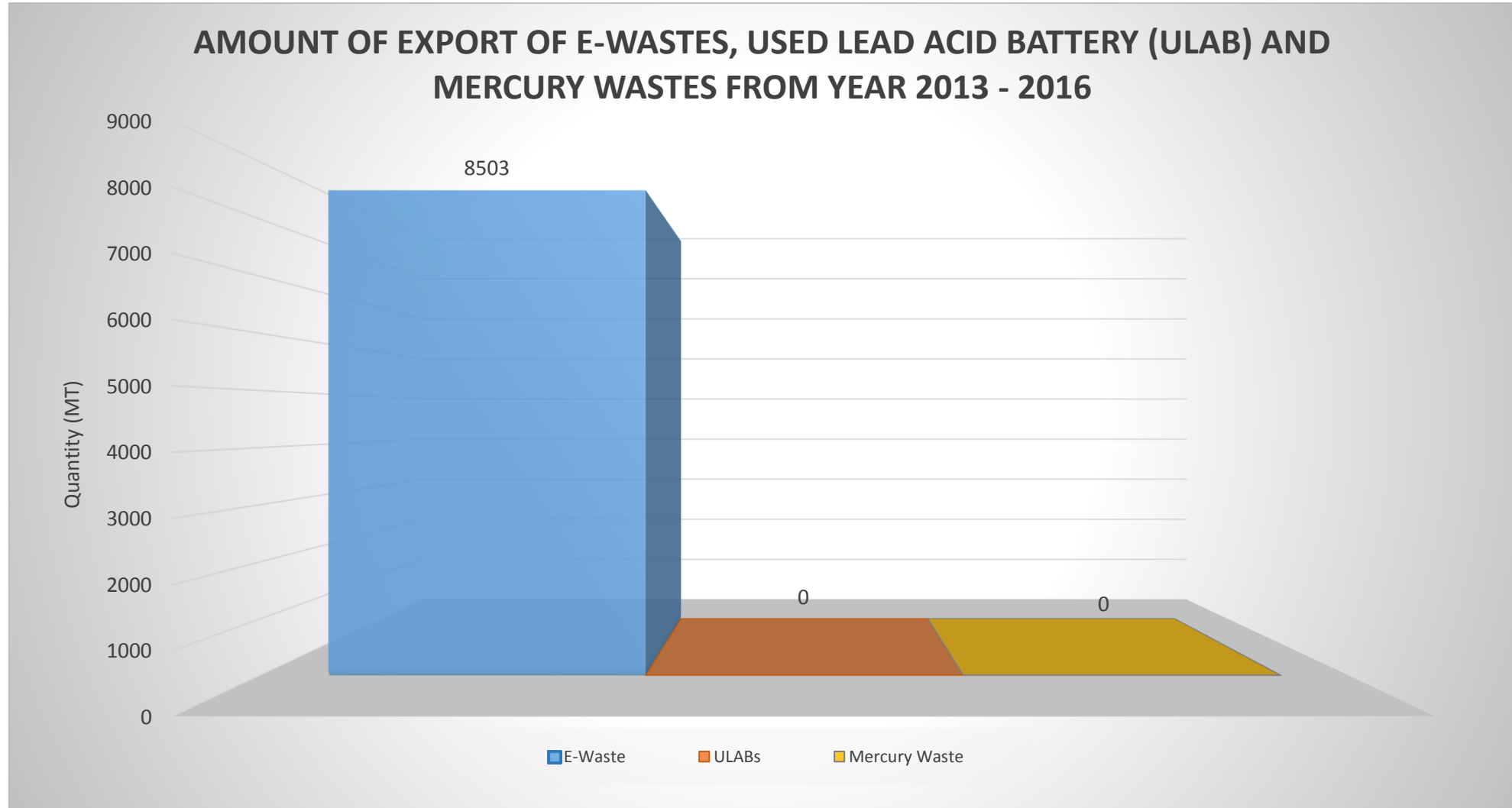
# Status Of Transboundary Movement (TBM) Of Scheduled Wastes (SW) /Hazardous Wastes (HWS)

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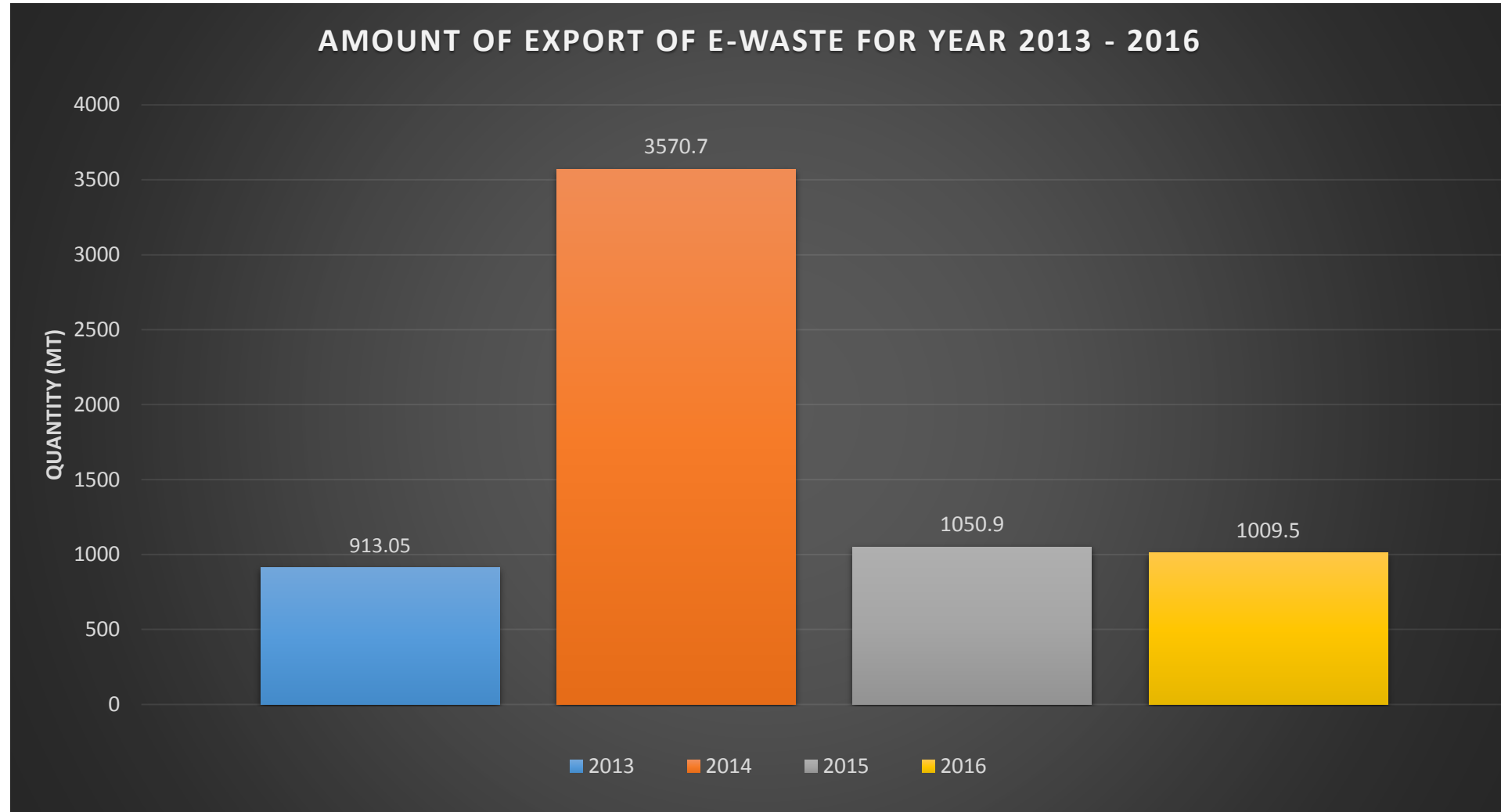
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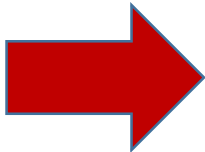
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# Status Of Transboundary Movement (TBM) Of Scheduled Wastes (SW) /Hazardous Wastes (HWS)

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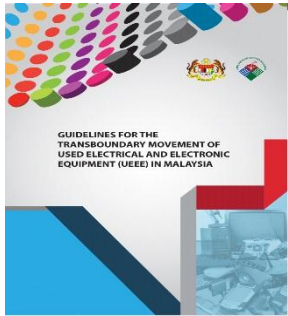




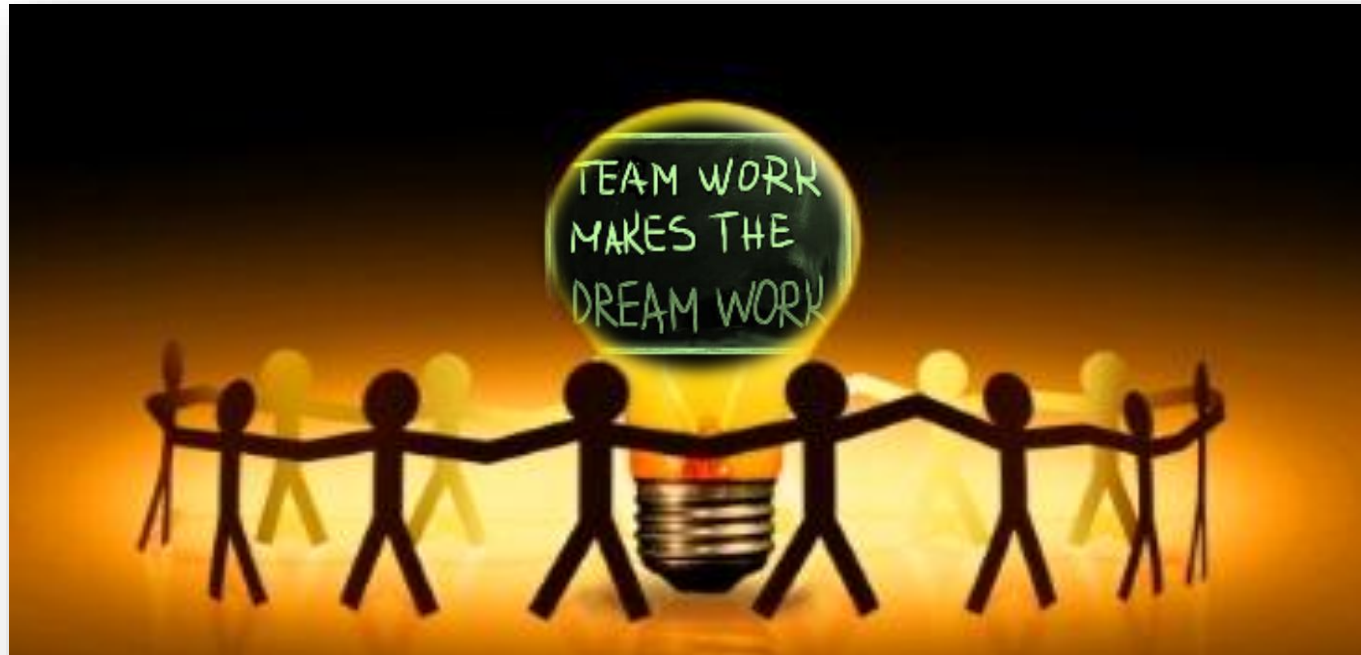
Revised on current policy

Inserted the UEEE custom HS code for the 6 targeted items

Institutionalization of the Household e-Waste Recycling Fund Management Mechanism in Malaysia



GIVE US  
NEW LIFE



# SYNERGIZE

Alone, we can do so little, but together we can accomplish a lot.

*Thank You*