



# ASEAN NETWORK WORKSHOP FOR PREVENTION OF ILLEGAL TRANSBOUNDARY MOVEMENT OF HAZARDOUS WASTE 2021

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Hazardous Substances Division,  
Department of Environment Malaysia  
10 – 11 November 2021



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# Country Contacts



HAZARDOUS SUBSTANCES DIVISION,  
DEPARTMENT OF ENVIRONMENT,  
MALAYSIA



**Focal point (FP)**

**Job title:** Director General

**Department:** Department of Environment

**Institution:** Ministry of Environment and Water



**Competent Authority (CA)**

**Job title:** Director

**Division/Department:** Hazardous Substances  
Division, Department of Environment

**Institution:** Ministry of Environment and Water



**Competent Authority (CA)**

**Job title:** Director

**Division/Department:** Enforcement Division,  
Department of Environment

**Institution:** Ministry of Environment and Water



## Related Law And Regulations in Malaysia

1.	Section 18, Environmental Quality Act 1974_ <ul style="list-style-type: none"> <li>▪ Prescribed Premises</li> </ul>	<ul style="list-style-type: none"> <li>▪ Disposal / treatment / recovery facility shall be licensed.</li> </ul>
2.	Section 34A, Environmental Quality Act 1974_ <ul style="list-style-type: none"> <li>▪ Environmental Impact Assessment</li> </ul>	<ul style="list-style-type: none"> <li>▪ Requirement for all disposal/ treatment / recovery facility</li> </ul>
3.	Section 34B, Environmental Quality Act 1974_ <ul style="list-style-type: none"> <li>▪ Section 34B(1)(b) – Import &amp; Export <ul style="list-style-type: none"> <li>- Receive or send, or cause or permit to be received or sent any scheduled wastes in or out of Malaysia; or</li> </ul> </li> <li>▪ Section 34B(1)(c) – Transit <ul style="list-style-type: none"> <li>- Transit or cause or permit the transit of scheduled wastes</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>▪ Director General (DG) Written Approval Prior to Shipment</li> </ul>
4.	Environmental Quality (Scheduled Wastes) Regulations 2005	<ul style="list-style-type: none"> <li>▪ List of Scheduled Waste and managing the waste.</li> </ul>
5.	Custom Prohibition (Import) Order 2017	<ul style="list-style-type: none"> <li>▪ Import/Export with the DG of Environment approval.</li> </ul>
6.	Guideline for the Transboundary Movement of Used Electrical and Electronic Equipment (UEEE)	<ul style="list-style-type: none"> <li>▪ Procedure to import UEEE</li> </ul>



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ILLEGAL IMPORTATION OF HAZARDOUS WASTE



In implementing the Convention, Malaysia has adopted the principles and basic obligations stated under the provision of Basel Convention to established the following policies:

- Transboundary movement of hazardous wastes for final disposal is **PROHIBITED**
- Exportation of hazardous waste is only allowed if:
  - there is **no local recovery facility or technology** which capable to process the waste
  - the importing country has better technology which will results in higher recovery rate than technology available in Malaysia;



- Importation of hazardous waste for the purpose of recovery process is **PROHIBITED**
- Importation of scheduled waste is only allowed for the purpose of **direct reuse** (raw reuse) as raw materials or alternative materials and such waste is not available in the country.
- Importation of hazardous waste from the countries listed in Annex VII to the Basel Convention is **PROHIBITED**, namely: -
  - i. OECD (Organization for Economic Co-operation and Development);
  - ii. EC (European Commission); and
  - iii. Liechtenstein





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## Distinction Between E-Waste and UEEE

### E-WASTE

- Categorized as scheduled wastes, code SW 110, First Schedule, Environmental Quality (Scheduled Wastes) Regulations 2005
- Defect that materially affects its functionality
- Physical damage that impairs its functionality or safety.
- Destined for recycling or recovery or dismantling or disposal or its fate is uncertain.
- Discarded, or are intended or are required to be discarded.
- Old or outdated or no regular market for the equipment to be reused or has poor resale value.
- Not complete or missing any parts and it cannot perform its full function.
- End-of-life.
- Age more than three (3) years from the year of manufacture.

### UEEE

- Destined for the purpose of repair that is still covered under the warranty from the OEM.
- Destined for the purpose of direct reuse for which it was originally intended.
- Age less than three (3) years from the date of manufactured.

### E-WASTE



VS

### UEEE





# Policy for transboundary movement of E-Waste and UEEE

## E-WASTE

1. The **importation of E-Waste** into Malaysia is **PROHIBITED**. Licensed recovery facility shall manage, and process E-waste generated and collected in the country.
2. The **exportation of E-Waste** from Malaysia is **allowed only if**:
  - (a) the importing country has better technology which will results in higher recovery rate than technology available in Malaysia;
  - (b) the company policy to return or export the E-Waste generated to designated facility due to intellectual property (IP).

## UEEE

The transboundary movement of UEEE is allowed subject to the following conditions:

- i. Age of equipment shall be three (3) years or less from the date of manufactured.
- ii. For the purpose of direct reuse for which it was originally intended.
- iii. For the purpose of repair under warranty. UEEE shall be covered under the warranty from the Original Equipment Manufacturer.
- iv. Individually protected appropriately against any damage during transport, loading and unloading.
- v. Receiving facility in Malaysia shall comply with the Environmental Quality Act 1974 and regulations thereunder.
- vi. Receiving facility for defective UEEE under warranty shall be equipped with tracking system.
- vii. Do not contaminated with any hazardous substances.
- viii. Does not consist of any telecommunication devices.
- ix. An inspection shall be done for every unit prior to the shipment in the origin country by third party inspection body accredited under ISO/IEC 17020



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# Current Control Of Plastic Waste

NATIONAL SOLID WASTE MANAGEMENT DEPARTMENT (NSWMD)	ROYAL MALAYSIAN CUSTOMS DEPARTMENT (RMCD)	DEPARTMENT OF ENVIRONMENT (DoE)
<p>Importation of plastic waste (HS3915) is required an approval permit (AP) from the NSWMD.</p> <p>Controlled under the Custom (Prohibition of Import) Order 2017 which the import manner required</p>	<p>Border enforcement</p>	<p>Any person who wishes to export, import or transit regulated plastic wastes (Y48 &amp; A3210) will require a permit/consent from the DoE, the national competent authority for Basel Convention in Malaysia.</p> <p>DoE is currently working with NSWMD and RMCD in revising the Standard Operating Procedure for the importation and exportation of plastic waste subject to the BC COP – 14 amendments</p> <p>Only premises that fully comply with Environmental Quality Act (EQA) 1974 to be allowed to import plastic waste destined for recycling in an environmentally sound manner (ESM)</p>

Importation of HS Code 3915 without AP, incompliance with AP condition and EQA 1974 is prohibited in Malaysia. The shipments will be returned to the exporting country.

# Implementation Of Basel Amendment



HAZARDOUS SUBSTANCES DIVISION,  
DEPARTMENT OF ENVIRONMENT,  
MALAYSIA

- Importers would need PIC for:
  - imports of mixed plastic waste with specifications (except mixtures of PE, PP and/or PET)(new requirement) : Y48
  - imports of hazardous plastic waste (existing requirement) : A3210
- No PIC would be needed for:
  - imports of [plastic waste almost exclusively consisting of one non-halogenated polymer] [single stream plastic waste]homogeneous plastic waste suitable for recycling with specifications
  - imports of mixtures of PE, PET and PP with specifications.
- PIC under Basel Amendment is not required for B3011. Hence, validation process of B3011 will be needed to ensure the importation of B3011 meet any standards for separation, contamination, and environmentally sound management where necessary.



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# Importation of Scrap Metal

Ferrous Metal Scrap: HS Code 7204 (Ferrous waste and scrap)		
No	Criteria Grouping	Requirement (% by weight)
1.	Solid Ferrous	Minimum: 94.75%
2.	Solid Non- Ferrous	Maximum: 5.0 %
3.	Other recoverable material including plastic	Maximum: 0.25%
4.	Scheduled waste including electrical and electronic	0%
	Total	100%

Non-Ferrous Metal Scrap: HS Code 7404 (Copper waste and scrap) HS Code 7602 (Aluminum waste or scrap)		
No	Criteria Grouping	Requirement (% by weight)
1.	Solid Non- Ferrous	Minimum: 94.75%
2.	Solid Ferrous	Maximum: 5.0 %
3.	Other recoverable material including plastic	Maximum: 0.25%
4.	Scheduled waste including electrical and electronic	0%
	Total	100%

Importation of scrap metal can only be made by:

- i. Manufacturers approved with Manufacturing License from MITI. Or Manufacturers who are exempted from Manufacturing License from MITI but issued with Exemption from Manufacturing License from Malaysian Investment Development Authority (MIDA) (ICA10).
- ii. Trader is not allow to import scrap metal.

Pre-shipment inspection is required





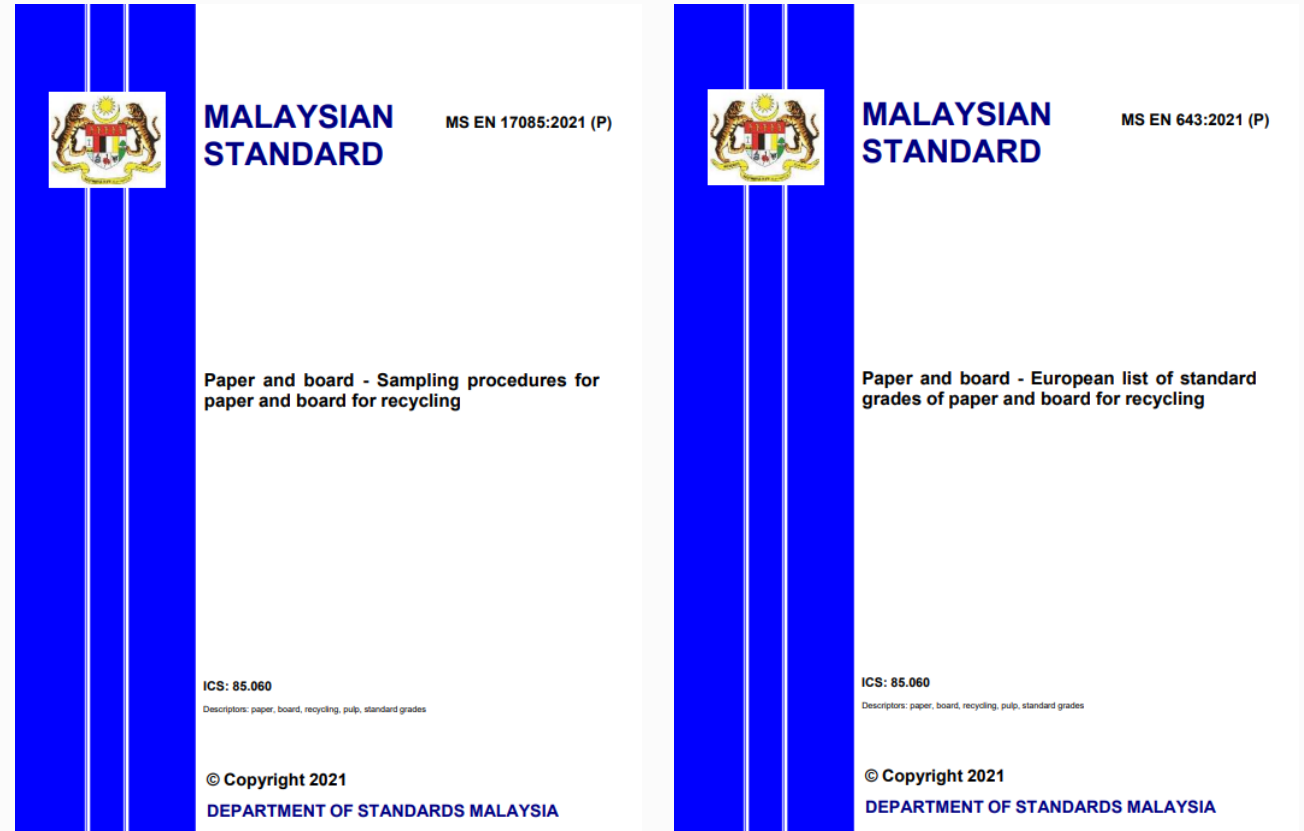
# Importation of Waste Paper

Importation of waste paper can only be made by:

- i. Manufacturers approved with Manufacturing License from MITI. Or Manufacturers who are exempted from Manufacturing License from MITI but issued with Exemption from Manufacturing License from Malaysian Investment Development Authority (MIDA) (ICA10).
- ii. Trader is not allowed to import paper waste.

Mixed /unsorted waste paper

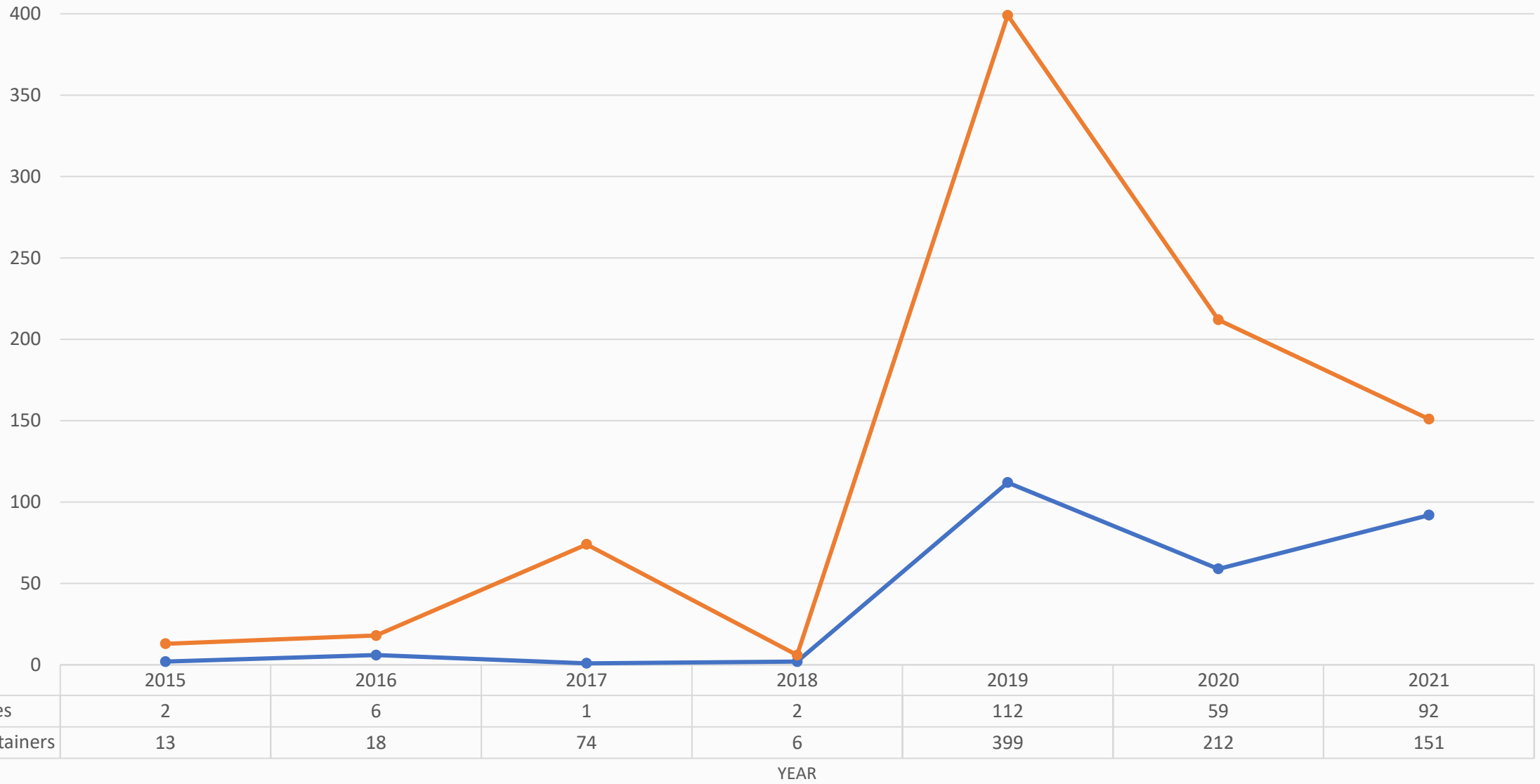
Pre-shipment inspection is required





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## ILLEGAL SHIPPMENT OF HAZARDOUS WASTE IN MALAYSIA



—●— No. of Cases    —●— No. of Containers

# Way Forward In Managing Illegal Shipment



HAZARDOUS SUBSTANCES DIVISION,  
DEPARTMENT OF ENVIRONMENT,  
MALAYSIA

1

Enhance collaboration between relevant agencies such as customs and port authority

2

Enhance international cooperation such as Competent Authority (CA), Interpol and Europol (networking)

3

Continuously review the policy, guideline and procedure

# Success Story for Repatriation



HAZARDOUS SUBSTANCES DIVISION,  
DEPARTMENT OF ENVIRONMENT,  
MALAYSIA

- DOE received information from Customs Department. 1 unit container has been detained by Customs.
- Customs has conducted an inspection and the container is found to contain e-waste

**February 21, 2021**

- DOE notified the CA of Basel Convention for Hong Kong regarding the illegal shipment and request to take back the containers.
- Repatriation took place

**April 8, 2021**



- The container arrived in Hong Kong – Confirmed by the CA Hong Kong.

**May 6, 2021**

**September 14, 2021**



- CA Hong Kong informed DOE that the exporter has been convicted and fined.



Original seal number



New seal number



Wide view of the container





Closed up view inside the container

Closed up view of e-waste





# Issues And Challenges

1. Ignorance of exporting country regarding the legal requirement of importing country
2. Difference in legal definition/classification of hazardous waste between countries/Parties
3. False declaration - e.g. importation of dross declared as aluminum foil
4. Most of illegal traffic dealt with forwarding agent which not the actual importer or end user
5. Difficulties to monitor and confirm the repatriation of container

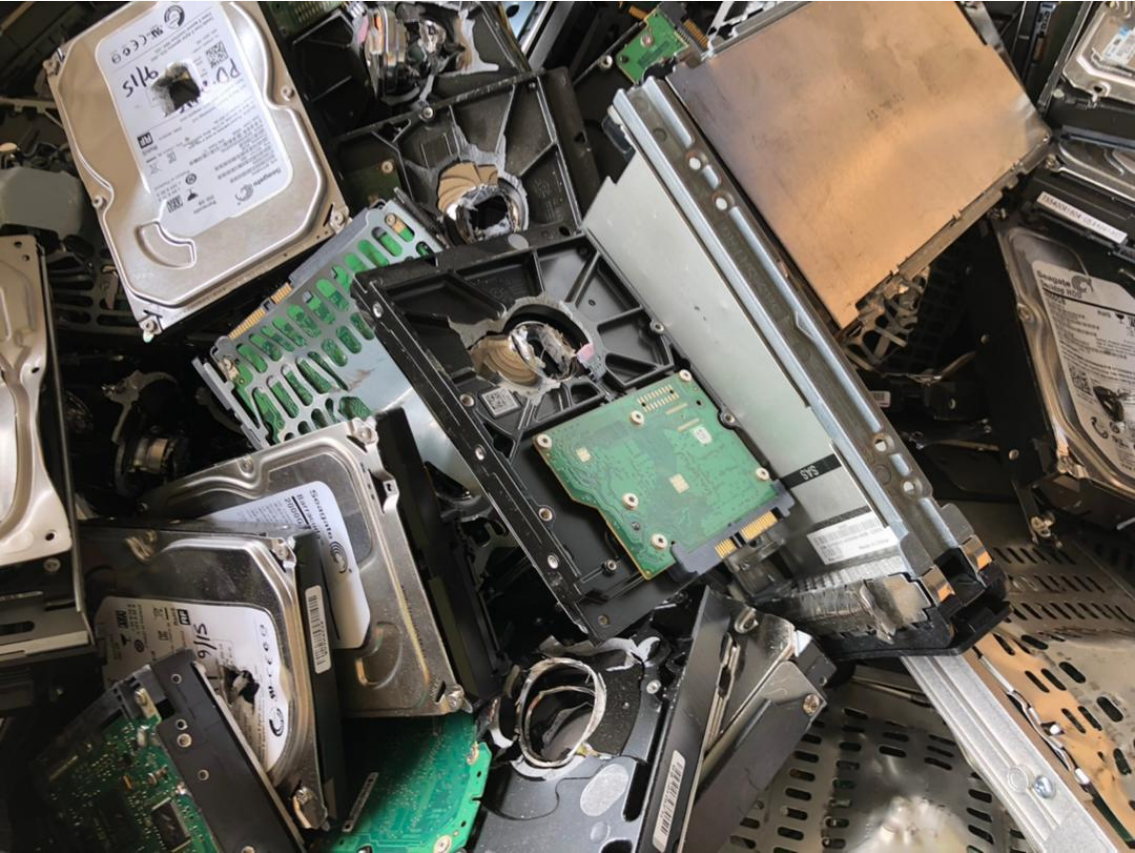


# Photos Of Detained Containers





# Photos Of Detained Containers





Thank You

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