

Discussion of the previous workshops on plastic wastes and results of the questionnaire

Asian Network Workshop 2020
19-20 November 2020
The Secretariat of the Asian Network



The Asian Network for Prevention of Illegal Transboundary Movement of Hazardous Wastes

Asian Network is informal information exchange network of the competent authorities to the Basel Convention in Asia led by MOEJ since 2004

Objectives

- Promote common understandings on the situation of illegal TBM of HW
- Exchange information on legal frameworks, statistical data, cases, etc
- Maintain close relationship among CA/FP* by face to face meeting

Participated Countries In the past workshop

Australia	Lao PDR
Brunei Darussalam	Malaysia
Cambodia	Myanmar
China and Hong Kong	Philippines
Indonesia	Singapore
Japan	Thailand
Korea (Rep.)	Vietnam

*note:
CA: Competent authority
FP: Focal point

The Asian Network for Prevention of Illegal Transboundary Movement of Hazardous Wastes

2004	Tokyo	Update on Legal Framework	TOR of the Asian Network
2005	Tokyo		Trends of TBM
2007	Beijing		Definition of waste/non-waste
2008	Tokyo		Criteria for new/secondhand/waste
2009	Kuala Lumpur		TBM of HW in Asia
2010	Yokohama		Frontline enforcement activities
2010	Siem Reap		Takeback issues/ESM standard
2011	Shenzhen		COP10/ESM
2012	Cebu		Takeback/collaboration
2013	Bangkok		Inter-regional collaboration/ESM
2014	Okayama		National regulations and border control
2015	Singapore		E-waste guidelines and takeback issues
2016	Semarang		Case studies on takeback
2017	Hanoi		Waste specific discussion (E-waste, ULAB, mercury waste) and EPR
2018	Akita		TBM of plastic and recyclable wastes/ESM



Dec 7-8 2004, Tokyo, Japan



Nov 29-Dec 1 2011, Shenzhen, China



Nov 26-30 2017, Hanoi, Vietnam

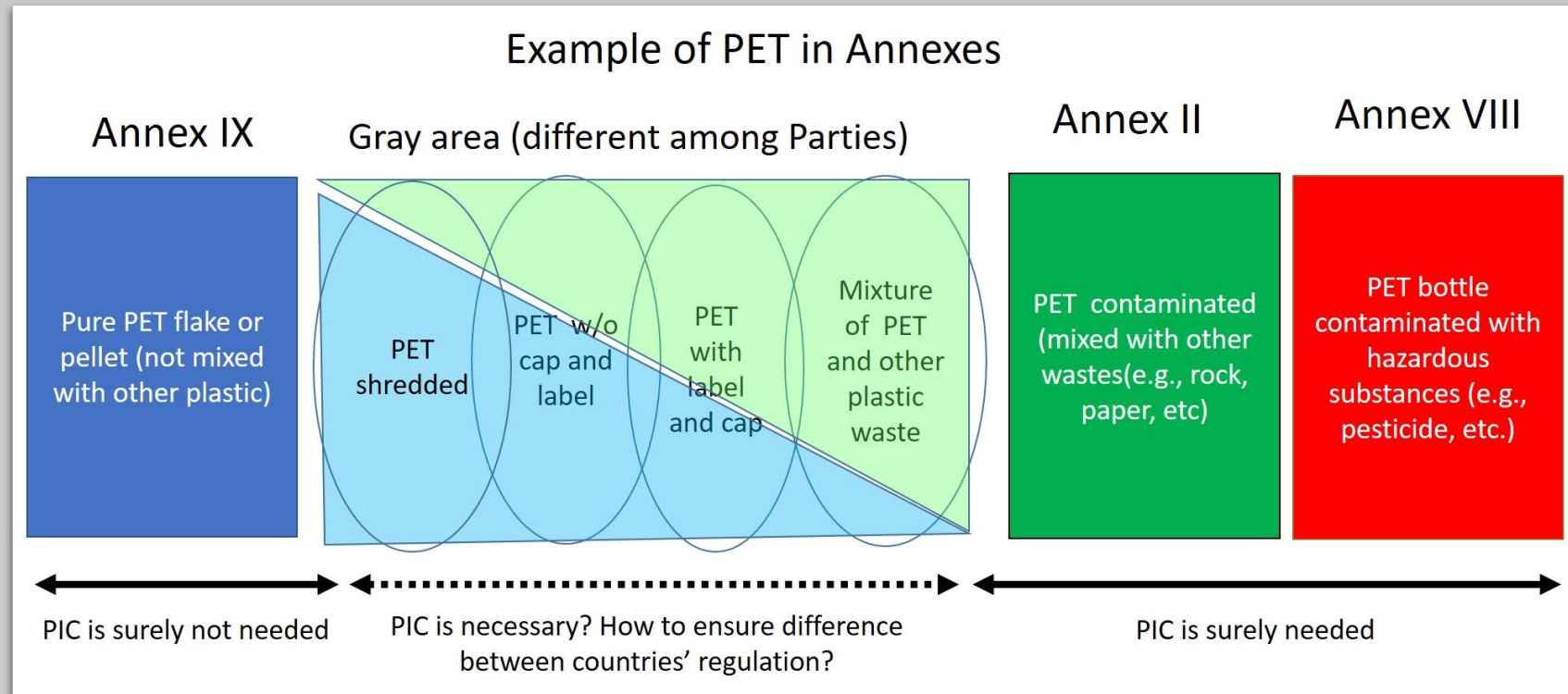
Discussion at the workshop 2019 in Malaysia



- Statistics show that the import of plastic waste has significantly increased in many Asian countries since the import ban of China. In response to this situation, some countries have already developed or are planning to introduce import regulations on plastic waste.
- Questionnaire survey found that different approaches to restrict/limit the import of plastic waste have been taken by countries in the region (e.g., total ban, licensing, pre-shipment inspection, restriction of certain type of plastic waste corresponding to HS code, quota).
- Many countries are now in the process of reviewing and revising national regulations in accordance with the amendment of Annex II (Y48), Annex VIII (A3210) and Annex IX (B3011) adopted by the COP14 to the Basel Convention.

Basel Plastic Amendments

- COP14 to the Basel Convention, held on 29 April - 10 May 2019, decided to adopt the following amendments to the Annexes regarding plastic wastes.
 - Y48 (Annex II): plastic waste other than A3210 and B3011 (non-hazardous plastic which needs special consideration)
 - A3210 (Annex VIII): hazardous plastic waste
 - B3011 (Annex IX): non-hazardous and suitable for immediate recycling.
- These amendments are scheduled to enter into force on 1st January 2021.



Outline of the questionnaire survey

- Questionnaire survey was conducted prior to the workshop
 - Responded: 12 countries/region(Brunei, Cambodia, Hong Kong SAR, Indonesia, Japan, Lao PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand, Vietnam)
- Questionnaire survey consists;
 - ✓ Updates on National Laws/Regulations
 - National law/regulation for the implementation of the Basel Convention
 - Import regulation on UEEE and E-waste
 - Import regulation on plastic waste
 - ✓ Responses to the amendments of the Basel Convention Annexes regarding plastic waste

Please see **“Summary of Questionnaire” (EXCEL file) saved at google drive** for more comprehensive and detail information!

Update of National Regulation

Only countries which reported update of national regulation are listed.

Country	Name of the new law/regulation	Contents	Enforcement date
Cambodia	Sub-Decree No.17 on the Enforcement of the List of Prohibited and Restricted goods	Import and expoert	2020/2/26
Japan	Ministerial Ordinance of Japanese Basel Act	Addition of the plastic wastes in the list of the wastes covered under Japanese Basel Act	2021/1/1
Philippines	Chapter 10 of DENR Administrative Order (DAO) 2013-22 entitled "Revised Procedures and Standards for the Management of Hazardous Wastes" (Revising DAO 2004-36).	Import of Recyclable Materials containing Hazardous Substances and Export of Hazardous Wastes: Possible Amendments: 1. The importation of wastes or other forms of garbage to be used as alternative fuel are prohibited. 2. Recovered papers are excluded from the ban on waste and recyclable materials. 3. Only recycling and cement co-processing facilities are allowed to register as Importer of secondary raw (recyclable) materials. 4. Importation of "Neutralized Phosphogypsum" (or synthetic gypsum) to be used as retarder in cement production is not regulated under RA 6969". 5. Export of recyclable materials containing hazardous substances specifically used lead-acid batteries ULABs) and used or waste (industrial and vegetable) oil shall not be allowed.	October 2021 (Target)
	Guidelines on the Environmentally Sound Management of WEEE	Proposed amendments: 1. Enhance the definition to distinguish waste EEE from used or second-hand EEE 2. Allow importation of used or second-hand EEE for repair and refurbishment purposes	August 2021 (Target)
Singapore	Hazardous Waste (Control of Export, Import and Transit) Act* *Note: This is not a new Act though amendments have been made to the Act.	The Hazardous Waste (Control of Export, Import and Transit) Act was amended to incorporate the plastic waste amendments adopted at the 14th Meeting of the Conference of the Parties (COP-14) to the Basel Convention. The amendments would allow Singapore to effectively fulfil its obligations under the Basel Convention.	2020/10/1
Thailand	Notification of the Ministry of Industry Subject: Specifying the type and origin of raw materials that will be used in the factory, B.E. 2563 (2020)	Factory is prohibited to use electrical and electronic parts or scraps, imported from abroad as raw materials in the factory	29-May-20
	Notification of the Ministry of Commerce Subject: Electronic waste is prohibited from importing into the Kingdom, B.E. 2563 (2020)	Electronic waste in accordance with the customs tariff section 84 and part 85, only for statistics code 899 according to the account attached to this announcement. They are forbidden to import into the Kingdom.	15-Sep-20
Vietnam	Circular No. 27/2019/TT-BCT dated 15 November, 2019 of the Minister of Industry and Trade for the list of scrap on the temporary suspension from the temporary import for re-export and border-gate transfer business	The list includes 32 scraps.	2020/1/1
	Circular No. 25/2019/TT-BTNMT dated 31 December, 2019 of the Minister of Natural Resources and Environment for the implementation of a number of articles of the Government's Decree No. 40/2019/ND-CP dated May 13, 2019 on amending and supplementing a number of Decrees articles on guidelines for the implementation of the Law on Environmental Protection and regulations on management of environmental monitoring services	Environmental protection in the import of scrap for using as production materials (Chapter III) - Inspecting and certifying the eligibility for environmental protection in import of scrap for using as production materials; - Actual capacity assessment organizations registering to participate in activities of assessment of standard conformity for scrap imported as raw production materials	2020/2/15
	Decision No. 28/2020/QĐ-TTg dated 24 September, 2020 of the Prime Minister for the list of import scrap for using as production materials.	The list includes only 23 scraps (a decrease of 13 scraps in comparison to Decision No. 73/2014/QĐ-TTg)	2020/11/15

Country	Legal basis	Policy for importing UEEE					Criteria for distinguishing UEEEs from E-wastes						
		Scope	Competent authority	Requirement	① For reuse (including direct-use) ② For repairing/refurbishment		①	②	③	④	⑤	⑥	⑦
Indonesia	Ministry of Trade Regulation Number 37/2020 Amending on Number 118/2018 concerning on Importation Used Capital Goods (April, 2020)	Used Capital Goods are Goods those could still valuable to produce something or still usable or business capital or to produce something, still useable, or to be reconditioned, remanufactured, re-functioned and not as a scrap) Note: article 5, Ministry of Trade Regulation Number 118/2020 Appendix II including monitor are not for remanufactured purpose	Directorate General of Foreign Trade, Ministry of Trade	Used Capital Goods that may be imported shall cover the goods in the list of this Regulation. Only used capital goods are permitted to import by direct user companies and reconditioning companies in bonded areas. The condition should be useable in one packaging, still function, not more than 5 years from production year and latest specification. Any importation of used capital goods must obtain approval t from the Director of the Directorate of General of Foreign Trade of Ministry of Trade.		✓	-	✓	✓	✓	-	-	
Japan	The Criteria for Distinguishing UEEE as Secondhand Goods as Its Exportation (Sep, 2013)	All type of UEEE	Ministry of the Environment	① No regulation on import of UEEE. Only UEEE fulfilled the criteria can be exported for direct reuse purpose. ② No regulation for import and export of UEEE for repair / refurbish purpose		✓	✓	-	✓	✓	✓	✓	
Lao PDR				No Regulation		No Criteria							
Malaysia	Guidelines for the transboundary movement of used electrical and electronic equipment in Malaysia	UEEEs or its components does not fulfill the definition of the code SW 110 or not contaminated with any scheduled waste under the provision of Environmental Quality Regulations, 2005		① UEEE less than 5 years after the date of manufacturing can be imported for direct reuse purpose ② Operational licensed from relevant agencies - Description of the processes and the relevant flow diagrams of the imported UEEEs - Valid contractual agreement between the importer and the Original Equipment Manufacturer which consists of the responsibilities and obligations of both parties (e.g. management of hazardous waste, reporting) - Signed declaration and documentation with full details of importer		✓ Up to 5 years	-	✓	✓	✓ For reuse	-	-	
Myanmar	Ministry of Commerce Notification 36/2020	Imported Used Machine	Department of Trade, Ministry of Commerce	① The Notification mainly focus for the Micro, Small and Medium Enterprise to enhance and support for increase production and capacity and to decrease the cost of investment. ② The equipment that not concern with the production process such as home appliances (refrigerator, air-conditioner, washing machine, copier, television) are not allowed to import ③ The Imported used machine must be only for direct-used in production process and are not allowed to import for the purpose of redistribution and retailing. ④ Directorate of Industrial Supervision and Inspection is the focal for inspection procedure.		✓	✓	✓	-	✓	✓	-	
Philippines	DENR Administrative Order 2013-22: Revised Procedures and Standards for the Management of Hazardous Wastes	Waste Electrical and Electronic Equipment (WEEE)/E-waste or Used/Second-hand Electrical and Electronic Equipment (UEEE)	Department of Environment and Natural Resources - Environmental Management Bureau	① For reuse (including direct-use) and recycling/recovery		No distinction between WEEE and UEEE. Both are classified as E-waste.							
Singapore	Import and export of E-wastes and used electronic equipment	UEEEs	National Environment Agency (NEA)	① Surveyor report by an authorized third-party inspection body (issued in country of export) indicating that all UEEE are in good working condition prior to shipment. Importer shall prove that UEEE purchased are for re-use purposes (i.e. ready market for the equipment) ② Importer has contractual agreement with EEE manufacturers to repair and refurbish their equipment. Importer shall have repair facility. Importer shall prove that equipment repaired and refurbished have an outlet (i.e. ready market for the equipment). The import of UEEE for the purpose of final disposal is not allowed.		-	-	-	-	✓	✓	✓	
		Used telecommunication equipment	Info-communications Media Development Authority (IMDA)	① Importers / users shall ensure that used telecommunication equipment imported for direct reuse by individual / company complied with the relevant IMDA technical specifications before use. ② Importers are required to obtain a relevant Telecommunication Dealer's Licence from IMDA for sale, offer for sale or rental of repaired / refurbished telecommunication equipment in local market or for re-export purposes.		No Criteria							

Country	Legal basis	Policy for importing UEEE				Criteria for distinguishing UEEEs from E-wastes						
		Scope	Competent authority	Requirement ① For reuse (including direct-use) ② For repairing/refurbishment	①	②	③	④	⑤	⑥	⑦	
Thailand	Notification of the Department of Industrial Works on the Criteria for the approval of the import of used electrical and electronic equipments into the Kingdom of Thailand (Sep, 2007)	32 UEEEs and 31 parts or components of UEEEs with Import Customs Tariff	Department of Industrial Works (DIW)	<p>① UEEE or parts or components which have special qualification which are necessary for unique purpose by showing the reasonable necessity and its application as well. Used parts or components which still be kept as original manufactured form and import as spare parts for replacement the broken part by showing a replaceable evidence and reasonable necessity together with the application as well. They must have the standard equivalent to Thailand Industrial Standard (TIS).</p> <p>[Importers must have the following qualification:]</p> <ul style="list-style-type: none"> In case importing UEEE, importers must be the same juristic person or same business operation and necessity to be used in a particular case for their own business. In case importing parts or components of UEEE, they must be a manufacturer, manufacturing agent, or distributor of EEE and also doing repair business of UEEE or bring out parts and components of UEEE to be repaired outside Thailand. <p>② In case of UEEE are exported for repairing or improving and mean to be brought back to Thailand, a copy of re-entry paper or a copy of exporting of those products from Customs Department must be shown. In case of UEEE, parts or components of UEEE are temporary imported for repairing or improving in Thailand, a period of reparation has to be informed and guarantee paper must be shown that these products will be sending out of the country which exporters must get the consent from origin country to send back those broken parts <u>which unable to be reused anymore</u>. Importers have to present documents regarding those broken parts or components within 30 days from exporting date. For UEEE that are manufactured in Thailand, those broken parts are not required to be sent back, but a treatment plan of those broken parts has to be shown.</p> <p>[Importers must have the following qualification:]</p> <ul style="list-style-type: none"> In case importing UEEE, sending parts or components out to be repaired and bring them back into Thailand, the importers must be the same person or juristic person as the exporters. In case importing UEEE, parts or components of UEEE to be repaired temporarily into Thailand, the importers must be a manufacturer of EEE or parts or components of EEE and also operate business regarding reparation of UEEE or parts or components of UEEE 	✓	-	-	-	-	-	-	
Vietnam	Decree No.69/2018/ND-CP on Guidelines for the Law on Foreign Trade Management (May, 2018)	Imported goods in Appendix I of the List of Prohibited Imports	Ministry of Industry and Trade Ministry of Information and Communications	Goods in Appendix I of the List of Prohibited Imports are prohibited to import.	No Criteria							
	Decision No. 18/2019/QĐ-TTg on Import of Used Machinery, Equipment and Technological Lines	Used machinery and equipment classified in HS Code 84 in Appendix I	Ministry of Science and Technology, Local Customs Department	<p>Used machinery and equipment may be imported when they meet the following criteria:</p> <p>1. Device age should not exceed 10 years. For machinery and equipment in some specific fields, the age of the equipment is specified in Appendix I of this Decision.</p> <p>2. Manufacturing according to the following standards:</p> <p>a) In accordance with regulations of national technical regulations (QCVN) on safety, energy saving and environmental protection;</p> <p>b) In the absence of QCVN related to imported machinery and equipment, imported machinery and equipment must be manufactured in accordance with the technical specifications of Vietnam's national standards (TCVN) or standards. national standard of one of G7 countries, Korea on safety, energy saving and environmental protection.</p>	✓	-	✓	-	✓	-	-	
	Circular No. 11/2018/TT-BTTTT on detailed list of used information technology products prohibited from import with their HS codes	UEEE classified in HS (Chapter 84 and 85) in Appendix	Ministry of Information and Communications, Local Customs Department	<ul style="list-style-type: none"> This is an important legal basis to prevent the importing of UEEE. List of used information technology appliances banned from import (Appendix): used printers, computers, mobile phones, LCD/CRT screens... 	No Criteria							

Appendix II : Import regulation of plastic waste in Asian countries (as of December 2020)

The following table summarizes import regulation of dirty plastic waste (plastic waste not suitable for immediate recycling) of the Asian Network countries and do not cover import regulation of hazardous plastic waste. The table is prepared by the Asian Network Secretariat based upon available information (mostly from presentation materials of the past workshop). It will be updated on a regular basis and shared among countries in order to enhance mutual understanding of import regulation of plastic waste in the region.

- *Import control measure: (1) Import ban
 (2) Allowed with conditions such as being homogeneous or clean with no residue contained
 (3) Importer/exporter license is required for importation/exportation
 (4) no regulation

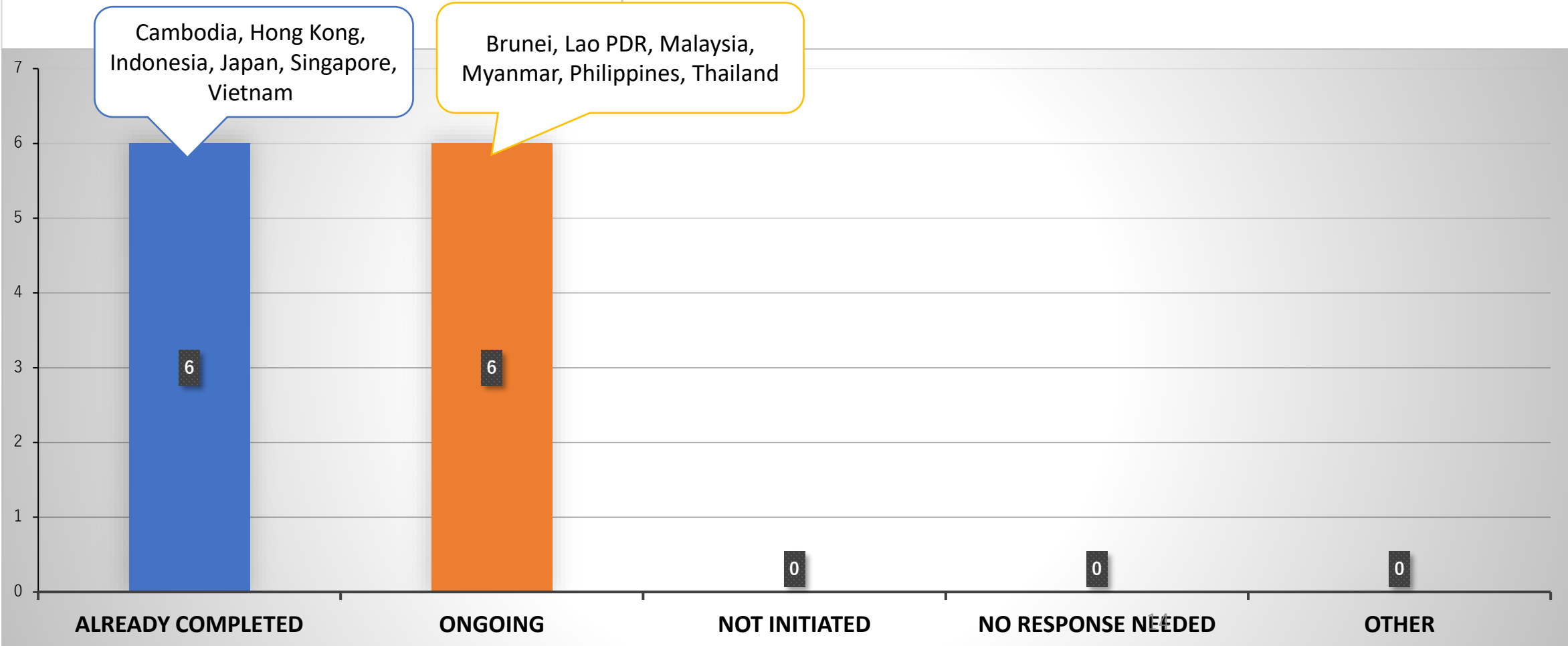
Country/ Region	Legal Basis	Focal point for inquiries	Overview of import regulation	Import control measure*				Note (e.g. conditions for import)
				(1)	(2)	(3)	(4)	
Brunei	No regulations	Department of Environment, Parks and Recreation, Ministry of Development	Currently, no specific regulation regarding plastic waste import is in place, however import of plastic waste is not administratively allowed. Consultation among the relevant government agencies on the said matter is on-going.				✓	-
Cambodia	Sub-Decree No. 36 on Solid Waste Management (dated 27 April 1999)	Ministry of Environment (MOE)	Import of plastic waste is strictly prohibited	✓				Not only plastic waste but also all types of wastes are not allowed to import into Cambodia.
Hong Kong, China	Waste Disposal Ordinance (Cap. 354)	Environmental Protection Department (EPD)	Starting from January 1, 2021, any person who imports, exports or re-exports "regulated waste plastics" (i.e. waste plastics subject to control as "other waste" under the Basel Convention) into, from or via Hong Kong must apply for the relevant waste import/export permit in accordance with the Waste Disposal Ordinance (WDO) or obtain consent from the EPD in advance. As for importing, exporting or re-exporting "non-regulated waste plastics" (i.e. all other waste plastics outside of the scope of "regulated waste plastics") into, from or via Hong Kong, a declaration form and relevant documents should be submitted before commencement of shipments to prove the shipments comply with the WDO. Full detail available from EPD webpage: http://www.epd.gov.hk/epd/english/environmentinhk/waste/guide_ref/guide_wier_tcs6.html		✓	✓		-
Indonesia	Ministry of Trade Regulation No. 84/2019 (Regulation above was partially amended by Ministry of Trade Regulation No. 92/2019 amended by No.58/2020 amended by No.83/2020)	Ministry of Trade (MOT), in cooperation with Ministry of Environment and Forestry (MOEF) and Ministry of Industry (MOI)	Import of plastic waste should comply with the following requirements; <ul style="list-style-type: none"> importation should be done by importer producer that hold Importer license from MOT Importation should be used directly by importer producer and could not be distributed to other company Importer producer should already have the facility and already operational by domestic scrap plastic Product of the importer should be final product Every non hazardous waste importer should provide statement letter from the exporter to make sure non hazardous waste being imported is not hazardous waste Note: (i) Before getting importation permit from MOT, importer producer should get recommendation from MOEF and MOI. (ii) Pre-shipment inspection should be conducted at State of Origin and the report should be submitted. Only those surveyors authorized by MOT can conduct pre-shipment inspection.		✓	✓		Plastic scrap which can meet the following conditions are allowed to import according to MOT regulation. <ul style="list-style-type: none"> It is not generated from landfill or not in the form of garbage It is not mixed with other waste unregulated It is not contaminated with hazardous material/waste It is homogeneous The types of plastic wastes (e.g. PP, PE, PET) are defined based upon HS code and listed in the Appendix of the MOT Regulation.
Japan	Japanese Basel Act Wastes Disposal and Public Cleansing Act	Ministry of the Environment	If plastic wastes fall under Y48 in Annex II of the Basel Convention, PIC (prior informed consent) procedure is necessary. If plastic wastes fall under B3011 in Annex IX of the Basel Convention, PIC procedure is not necessary.		✓			Criteria for distinguishing plastic wastes subject to control under the Japanese Basel Act from others has been released.
Laos PDR	No regulation	Pollution Control Department, Ministry of Natural Resource and Environment	No specific regulation on plastic waste importation.				✓	-

Country/ Region	Legal Basis	Focal point for inquiries	Overview of import regulation	Import control measure*				Note (e.g. conditions for import)
				(1)	(2)	(3)	(4)	
Malaysia	Solid Waste and Public Cleansing Management Act 2007 (Act 672)	National Solid Waste Management Department (JPSPN), in cooperation with Department of Environment (DOE)	In principle, plastic waste import is allowed if it can contribute to upgrade local recycling industry. Importer is given quota for import (generally up to 70% of total capacity of facility). JPSPN controls plastic waste import and issues import permit (AP: Approved Permit). DOE issues a Compliance letter to JPSPN if importer complies with related environmental regulation.		✓	✓		There are 18 criteria for Import permit (AP). AP is not required for import of segregated single type plastic, pellet and flake. There are no legally defined criteria for conditions of plastic waste allowable for import, however, JPSPN has internal guideline to distinguish clean and homogenous plastic waste.
Myanmar	Notification 22/2019 by the Ministry of Commerce (Import Negative List)	Department of Trade, Ministry of Commerce (MOC) in cooperation with Environmental Conservation Department under Ministry of Natural Resources and Environmental Conservation (ECD-MONREC)	Approval from MOC is necessary for import of plastic scrap. ECD-MONREC gives recommendation for MOC for its consideration of approval.		✓	✓		Recyclable Plastic Scrap can be imported if; (a) it is clean, homogenous and ready to use as raw material without generating residual materials in the production process. (b) It must be free from contamination and other types of wastes (c) recycling facility or factory must have approval for environmental management plan or initial environmental examination or environmental impact assessment issued by ECD-MONREC. Notification of Import Prohibited List is ongoing development.
Philippines	DENR Administrative Order 2013-22: Revised Procedures and Standards for the Management of Hazardous Wastes	Department of Environment and Natural Resources - Environmental Management Bureau	Importers are required to register with the Environmental Management Bureau with all compliance documents i.e., Environmental Compliance Certificate (ECC); Treatment, Storage and Disposal (TSD) Registration Certificate, Permit to Operate (if applicable), Environmental Guarantee Fund (EGF), etc	×	✓	✓	×	Secure an Importation Clearance (IC) at least thirty (30) days prior to shipment's arrival
Singapore	Hazardous Waste (Control of Export, Import and Transit) Act	Chemical Control and Management Department, National Environment Agency (NEA)	Plastic waste listed as Y48 in Annex II and A3210 in Annex VIII are subject to transboundary movement control under the Basel Convention, while plastic waste listed in B3011 in Annex IV are exempted. Thus, a Basel import permit is required under the Hazardous Waste (Control of Export, Import and Transit) Act for the import of plastic waste classified under Annex II and VIII of the Basel Convention. Notwithstanding, any plastic waste containing Annex I constituents to an extent causing it to exhibit Annex III hazardous characteristics will be subjected to the Prior Informed Consent (PIC) procedure under the Basel Convention and will require a Basel import permit for its importation.		✓	✓		Plastic waste can be imported if: (a) it is clean and not contaminated by hazardous waste or other waste; (b) it is homogeneous or single stream without mixture with other types of plastic (exception for mixtures consisting of polyethylene (PE), polypropylene (PP) and polyethylene terephthalate (PET)); and (c) it is destined for recycling in an environmentally sound manner.
Thailand	Notification of Ministry of Industry Re: Criteria for permission of importation plastics, either used or unused, and its scraps into Thailand B.E. 2551(2008)	Department of Industry Works, Ministry of Industry (DIW) in cooperation with Pollution Control Department, Ministry of Natural Resources and Environment (PCD)	Import of plastic waste shall be approved by DIW; <ul style="list-style-type: none"> The applicant shall be a factory which main business is to produce plastic products. Imported plastic scraps shall be used as a raw material in a factory only. Its import for commercial purposes (e.g. sell or distribute) is prohibited. The applicant shall submit a yearly plan of importing plastic scraps to DIW Import quota shall be the amount that is indispensable to a factory and not exceeding the installed capacity of the production process. DIW only permits the import of plastic scraps from Parties to the Basel Convention." 		✓			The conditions of plastic scrap that is allowed to import are as follows: <ul style="list-style-type: none"> Sorted into each type of plastic material Processed into small pieces of approximately less than 2 centimeters in length. Applied directly into the production process without pre-washing step.
	Notification of the Ministry of Industry Re: Delaying consideration of importing into Thailand (2017)	Ministry of Industry	MOI decided to cancel import and delay the consideration of allowing the import of plastic waste or scraps and E-waste or UEEE by 2020 (temporary ban of import). Recycling of plastic waste locally generated will be promoted. Decisions will be made by the Subcommittee on plastic waste and E-waste management preside by Minister of Natural Resources and Environment	✓				-

Country/ Region	Legal Basis	Focal point for inquiries	Overview of import regulation	Import control measure*				Note (e.g. conditions for import)																							
				(1)	(2)	(3)	(4)																								
Vietnam	<ol style="list-style-type: none"> 1. Law on Environmental Protection (LEP) (55/2014/QH13) 2. Decision No. 28/2020/QĐ-TTg dated September 24, 2020 of the Prime Minister promulgates the list of import scrap for using as production materials. 3. Decree No. 40/2019/ND-CP dated May 13, 2019 of the Government on amendments to Decrees on guidelines for the Law on Environment Protection. 4. Circular No. 25/2019/TT-BTNMT dated December 31, 2019 of the Minister of Natural Resources and Environment promulgates the implementation of a number of articles of the Government's Decree No. 40/2019/ND-CP 5. Directive No.27/2018/CT-TTg dated September 17, 2018 of the Prime Minister on a number of urgent solutions for enhancement of management of scrap import and use of imported scrap for production purpose 6. Decision No. 35/2019/QĐ-TTg dated December 19, 2019 of the Prime Minister for the Regulation on interdisciplinary coordination in the management of scrap import activities. 7. Circular No.08/2018/TT-BTNMTdated September 14, 2018 of the Minister of Natural Resources and Environment promulgates the Circular for national technical regulations on environment. 	Ministry of Natural Resources and Environment (MONRE)	<ol style="list-style-type: none"> 1. All types of wastes are not allowed to import in accordance with LEP-1993. After amendment of LEP in 2014, certain types of scraps, including plastics, can be imported if they are used for production process. 2. PM Decision No. 28/2020/QĐ-TTg listed types of importable scraps subject to production process. 3. Government Decree No. 40/2019/ND-CP amended guidelines for the LEP in relation to scrap import and defines more stringent requirement for environmental protection and stipulates necessary procedures 4. MONRE Circular No. 25/2019/TT-BTNMT focus on inspecting and certifying the eligibility for environmental protection in import of scrap for using as production materials 5. PM Directive No.27/2018/CT-TTg defines measures to ensure control on import of plastic scrap and use of imported scraps into production process (guidelines on inspection of illegal import is to be developed by the Government) 6. PM Decision No. 35/2019/QĐ-TTg provides for the principles, purposes, contents, modes and responsibilities of coordination among the Ministries: Finance, Natural Resources and Environment, Transport, Public Security, Defense, Industry and Trade, Foreign Affairs, Science and Technology and People's Committees of provinces and central cities in state management for the import of scrap from abroad into Vietnam. 7. National Technical Regulation on environment for imported plastic scraps for production (QCVN 32:2018/BTNMT) 				<p>Decision No. 28/2020/QĐ-TTg lists the importable plastic scraps as follows;</p> <table border="1"> <thead> <tr> <th>Types of plastic scrap</th> <th colspan="3">HS code</th> </tr> </thead> <tbody> <tr> <td>Polime Etylen (PE)</td> <td>3915</td> <td>10</td> <td>10</td> </tr> <tr> <td>Polime Etylen (PE)</td> <td>3015</td> <td>10</td> <td>90</td> </tr> <tr> <td>Polime styren (PS)</td> <td>3915</td> <td>20</td> <td>90</td> </tr> <tr> <td>Polime Vinyl Clorua (PVC)</td> <td>3915</td> <td>20</td> <td>20</td> </tr> <tr> <td>Polyethylene Terephthalate (PET); Polypropylen (PP); Polycarbonat (PC); Polyamit (PA); Acrylonitrin Butadien Styren (ABS); High Impact Polystyrene (HIPS); Poly Oxy Methylene (PCM); Poly Methyl Methacrylate (PMMA); Expanded Polystyrene (EPS); Thermoplastik; Polyurethane (TPU); Ethylene Vinyl Acetate (EVA); Silicon resin is removed from the manufacturing process and has not been used</td> <td>3915</td> <td>90</td> <td>00</td> </tr> </tbody> </table> <p>National Technical Regulation (QCVN32/2018/BTNMT) defines requirements on plastic scraps that are allowed to import including the followings;</p> <ul style="list-style-type: none"> - Washed - Not dirty - Crushed/shredded - Segregated and not mixed with impurities 	Types of plastic scrap	HS code			Polime Etylen (PE)	3915	10	10	Polime Etylen (PE)	3015	10	90	Polime styren (PS)	3915	20	90	Polime Vinyl Clorua (PVC)	3915	20	20	Polyethylene Terephthalate (PET); Polypropylen (PP); Polycarbonat (PC); Polyamit (PA); Acrylonitrin Butadien Styren (ABS); High Impact Polystyrene (HIPS); Poly Oxy Methylene (PCM); Poly Methyl Methacrylate (PMMA); Expanded Polystyrene (EPS); Thermoplastik; Polyurethane (TPU); Ethylene Vinyl Acetate (EVA); Silicon resin is removed from the manufacturing process and has not been used	3915	90	00
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Polime styren (PS)	3915	20	90																												
Polime Vinyl Clorua (PVC)	3915	20	20																												
Polyethylene Terephthalate (PET); Polypropylen (PP); Polycarbonat (PC); Polyamit (PA); Acrylonitrin Butadien Styren (ABS); High Impact Polystyrene (HIPS); Poly Oxy Methylene (PCM); Poly Methyl Methacrylate (PMMA); Expanded Polystyrene (EPS); Thermoplastik; Polyurethane (TPU); Ethylene Vinyl Acetate (EVA); Silicon resin is removed from the manufacturing process and has not been used	3915	90	00																												

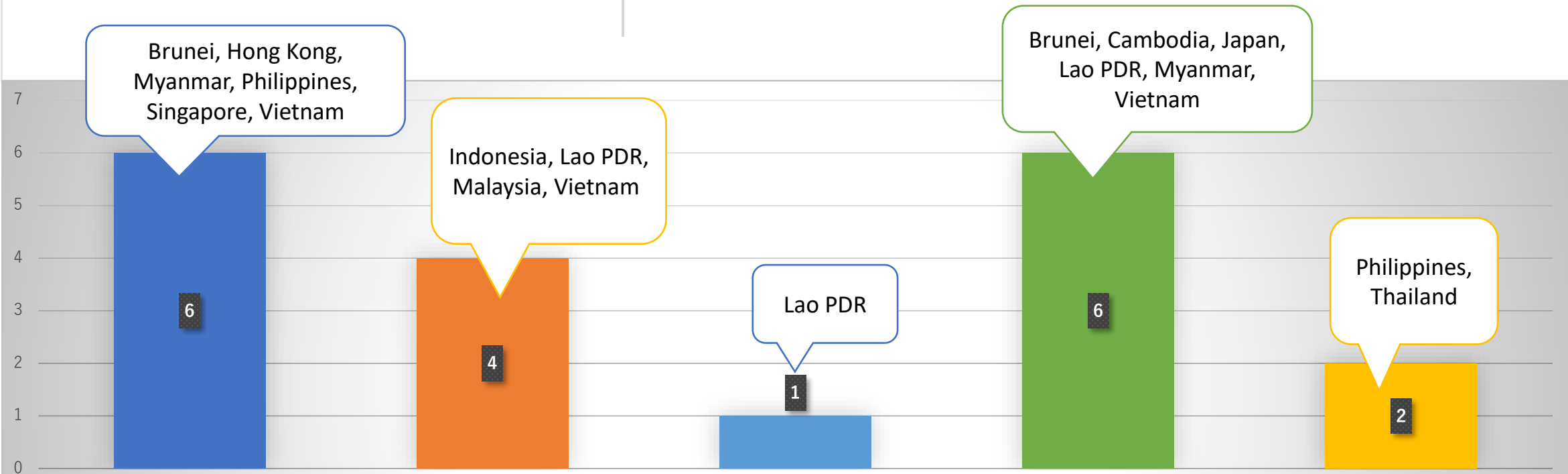
Responses to the Plastic Amendments

Status of country's response to the plastic amendments of the Basel



Responses to the Plastic Amendments

Challenges for the implementation of the plastic amendment domestically



■ Difficult to interpret the terminology of the Annexes

■ Difficult to coordinate domestically with related authorities and/or industry stakeholders for the amendment and/or implementation of laws and regulations

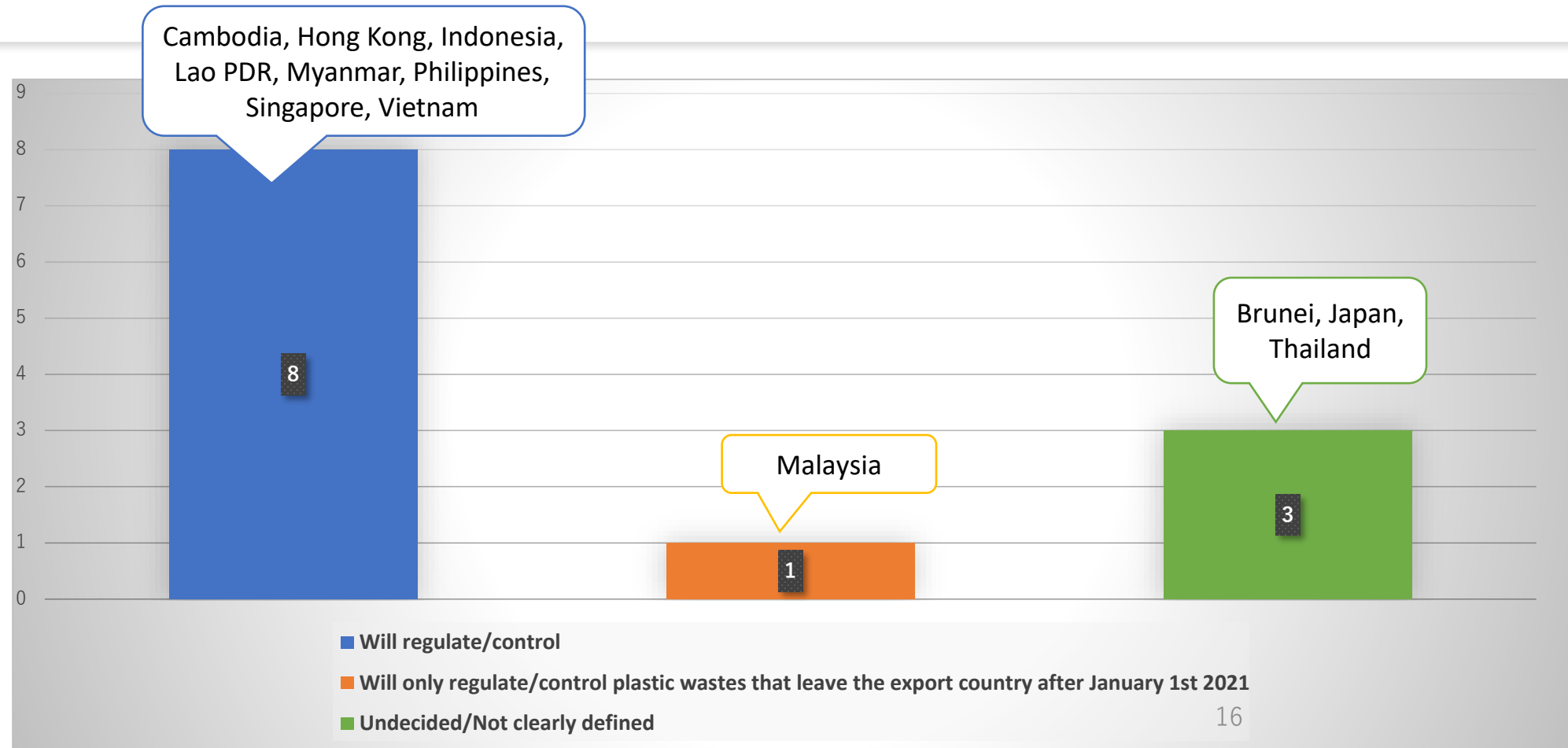
■ Difficult to enforce by the Competent Authorities to the Basel Convention

■ Difficult to distinguish controlled/regulated waste plastic by relevant implementation agencies, such as Customs Department

■ Other

Responses to the Plastic Amendments

Will your country also regulate import of plastic wastes that leave State of Origin in 2020 and will arrive at your country after January 1st 2021?



Interpretation of some tricky terms of Y48 & B3011

“Almost free from contamination and other types of wastes”

Country	Interpretation
Brunei	100% free from contamination
Indonesia	Annex IX
Japan	<ul style="list-style-type: none"> - Free from contamination such as food and drink, dirt, oils and others - Not mixed with substances other than plastic PET bottle wastes <ul style="list-style-type: none"> - Sorted, and not containing plastic resins other than bottles, caps, and labels or other materials - Washed, and free from contamination such as drinks, dirt, and other
Lao PDR	As stipulated by the Ministerial Instructions for operation of factories for recycling of plastic waste No. 0682/MoIC.DIH. Date: July 17, 2020, all plastic waste imported to Lao PDR for commercial reprocessing must be 1) properly packaged in a suitable container 2) clean 3) contain no more than 20% contaminants with 80% of the raw material able to be reprocessed. These Instructions specify the following types of plastic waste as permitted for import: <ol style="list-style-type: none"> 1) Acrylonitrile Butadiene Styrene (ABS); 2) Low Density polyethylene (LDPE); 3) High Density polyethylene (HDPE); 4) Polyamide6 (nylon) (pA6); 5) Polyamide66 (nylon) (pA66); 6) Polyethylene (PE); 7) Polyphenylene ether (PPE); 8) Polycarbonate (PC); 9) Polybutylene terephthalate (pBT); 10) Polyvinyl chloride (pVC); 11) Polyethylene terephthalate (pET); 12) Methyl Methacrylate (MMA); 13) Polymethyl methacrylate (pMMA); 14) Polypropylene (PP); 15) Cross linked polyethylene (XLPE).
Malaysia	Criteria for Annex IX (B3011) :- <ol style="list-style-type: none"> 1. It is zero percent contaminated with unwanted material for recycling including plastic bag/film, wood, glass, oils and grease, rocks, stones, mud, dirt, food waste, labels, caps. 2. Mixtures of clean PP, PE and PET provided each plastic is destined for recycling. 3. Ready to be recycled without sorting and cleaning process at the recycling facilities Criteria for Annex II (Y48) :- <ol style="list-style-type: none"> 1. It is zero percent contaminated with unwanted material for recycling including plastic bag/film, wood, glass, oils and grease, rocks, stones, mud, dirt, food waste, labels, caps. 2. Less than 5% contaminated with other types of plastic is acceptable. 3. Cleaning process at recycling facilities is allowed only for the purpose to separate plastic.
Myanmar	It must be clean, homogenous and direct-used as raw materials in production process.
Philippines	In the Philippines, importation of Solid Plastic Materials (SPMs) has a condition that the material should be homogenous and not contaminated with any types of hazardous wastes listed in our domestic law/regulation (DENR Administrative Order 2013-22). Further, the term used in the said policy is “Solid Plastic Materials” instead of “plastic wastes”.
Singapore	Plastic waste shall not be contaminated by hazardous wastes and/or other types of wastes such that it contains Annex I constituents to an extent that it exhibits Annex III hazardous characteristics.
Thailand	Y48. This is because wastes are “almost free not totally free”, so it needs to consider from the visible contamination or visual inspection.
Vietnam	In each block of imported plastic scrap cargo, it is allowed to mix the small quantity of plastic scrap with different HS code (on the List of plastic scrap allowed to import) compared with HS code declared in the import dossier. Percentage of volume of plastic scrap with other HS codes does not exceed 20% of the total volume of imported plastic scrap cargo. Imported plastic scrap must be eliminated substances, materials, goods banned from import according to the provisions of Vietnamese law and international treaties which Vietnam is a member, ensuring that it does not contain banned plastics, chemicals, hazardous wastes, radioactive substances, grease ... In each shipment of imported plastic scrap, the total volume of impurities (adhesion impurities such as dust, soil, sand, rope and materials used to pack imported plastic scrap) does not exceed 2 % volume of the shipment.

Interpretation of some tricky terms of Y48 & B3011

“Almost exclusively consisting of…”

Country	Interpretation
Brunei	100% consist of ONLY one...
Hong Kong	Only “uncontaminated waste plastics” may qualify as plastic waste falling within B3011, meaning waste plastics that are clean and contain no more than 0.5% impurities by weight. Impurities include other types of waste plastics, waste paper, waste glass, etc. See paragraphs 4 to 8 from EPD’s Guidelines on Import and Export Control of Waste Plastics for detail.
Japan	- Generally, plastic waste should consist of single a single type of resin. - The exception is when the plastic waste has a minimal amount of other type of plastic resins even after undergoing a sorting process.
Malaysia	1. It is homogeneous with one type of polymers / resins listed in Annex IX. 2. It is separated plastic.
Myanmar	Not so clear
Philippines	This means that the importation of Solid Plastic Materials (SPMs) should only contain one (1) type of plastic and should not be mixed with other types of recyclable material or waste.
Singapore	Plastic waste shall be fully homogeneous or single stream without mixture with other types of plastic or other types of waste.
Thailand	We allow only single type of plastics.
Vietnam	Imported plastic scrap includes one or several blocks of plastic scrap cargo that have been separately classified according to each HS code on the List of imported scrap for using as production materials issued by the Prime Minister.

Interpretation of some tricky terms of Y48 & B3011

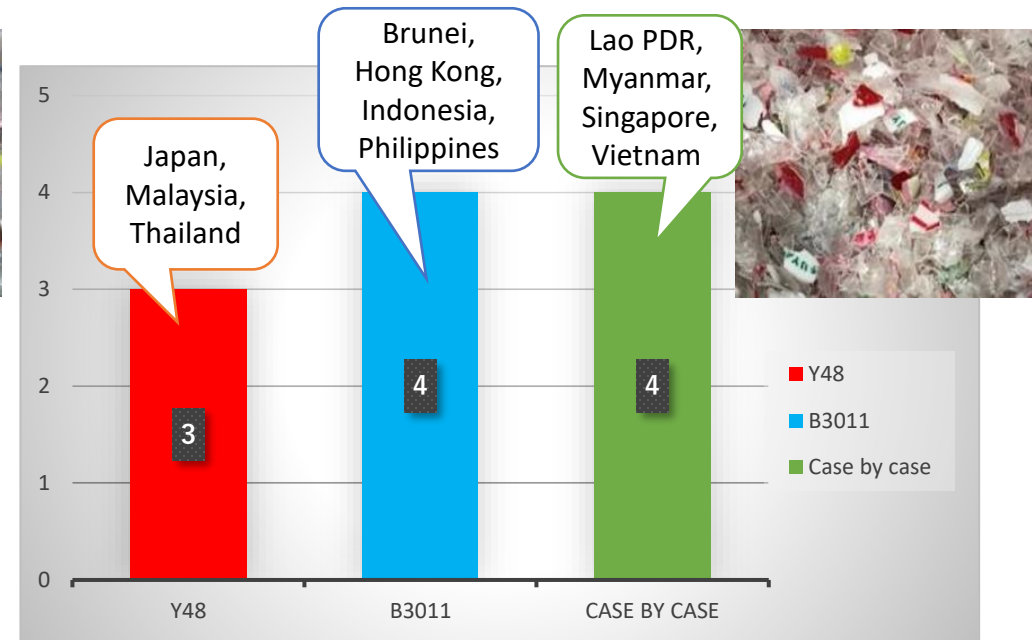
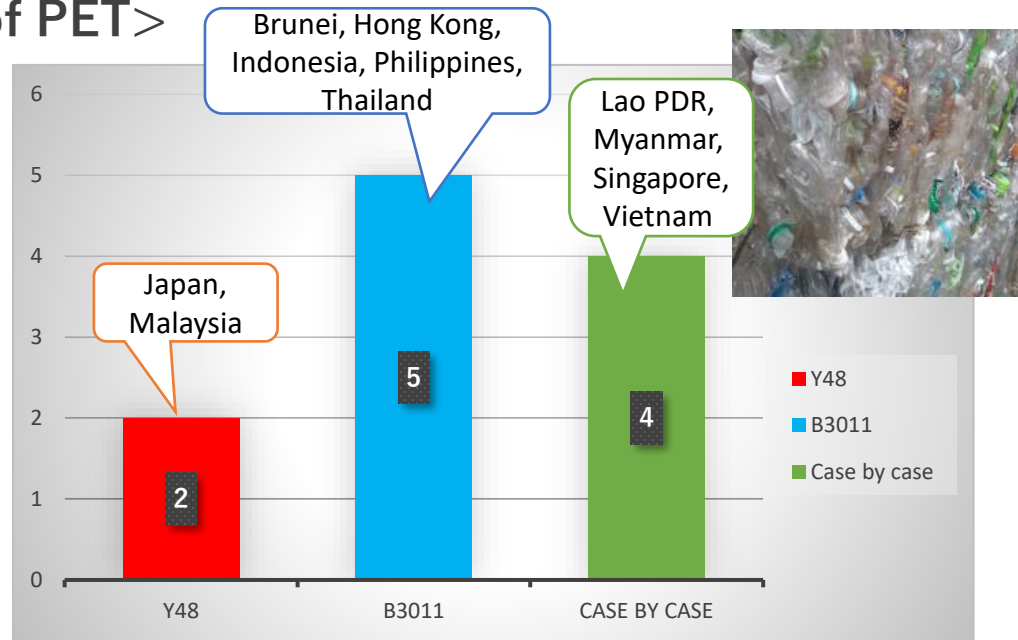
“Destined for recycling in an environmentally sound manner”

Country	Interpretation
Brunei	Recycling activities to be carried out by authorized facilities in the country of destination (show proof of certificate/authorization issued by the relevant authority)
Hong Kong	The following will be considered, - the principle of minimizing transboundary movement of waste, - whether sufficient environmental pollution control is in-place See paragraph 9 from EPD’s Guidelines on Import and Export Control of Waste Plastics for detail. EPD is aware that the “Technical guidelines on the identification and environmentally sound management of plastic wastes and for their disposal” is being updated and will incorporate any applicable guidelines when available.
Indonesia	Annex IX - Processed or arranged for recycling
Japan	PET bottle wastes - Shredded and in the form of flakes
Lao PDR	Ministerial Instructions stipulate that all commercial facilities for reprocessing of plastic waste must comply with industrial environmental and technological standards under the laws and regulations of Lao PDR.
Malaysia	1. The recycling facilities must comply to Environmental Quality Act 1974 and other regulations or requirements by other State Authorities. 2. Cleaner Production to increase recycling rates without considering landfill as the final disposal. 3. Equipped with Best Available Technology to control pollution.
Myanmar	The recycling facilities in Myanmar must have approval Environmental Management Plan or Initial Environmental Examination or Environmental Impact Assessment by Environmental Conservation Department, Ministry of Natural Resources and Environmental Conservation.
Philippines	All imported Solid Plastic Materials (SPMs) are destined for recycling (i.e. extrusion and pelletizing). A big percentage of plastic products in the country come from recycled plastics. The Environmental Management Bureau (EMB) monitors and inspects the companies or entities that intend to import (SPMs) as their secondary raw material. Importers’ facilities are required to be inspected to determine their capability and capacity to process and recycle the SPM and validate their compliances with the existing local environmental laws/regulations.
Singapore	Recycling/reclamation of organic substances that are not used as solvents (R3 in Annex IV, sect. B) or, if needed, temporary storage limited to one instance, provided that it is followed by operation R3 and evidenced by contractual or relevant official documentation.
Thailand	Importer must be a factory with ISO14001 certificate.
Vietnam	Imported scrap must be transported to facilities/factories that use scrap as production materials and be granted a certificate of eligibility for environmental protection in scrap import.

Is this plastic waste Y48 or B3011?

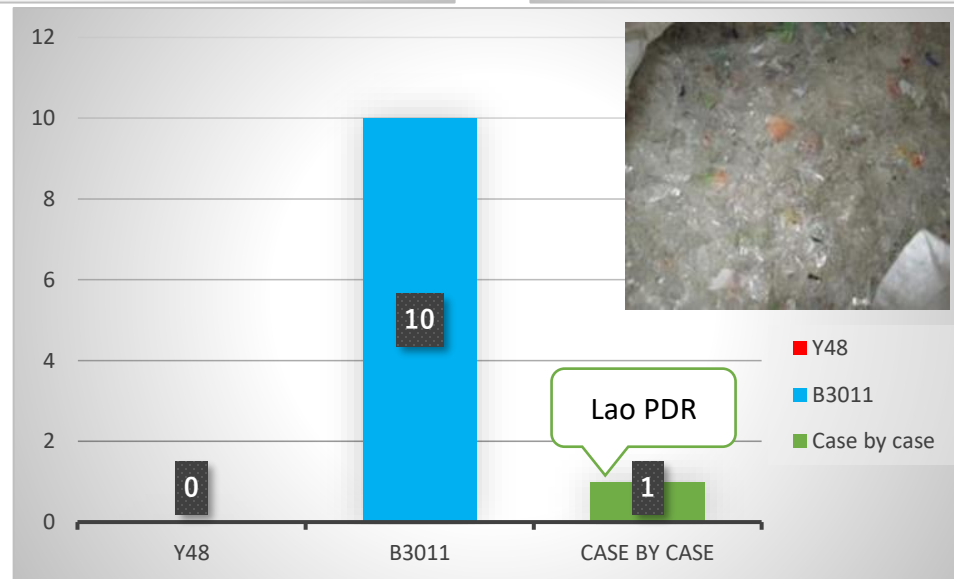
<Case of PET>

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②

****This is not official position of countries (including personal view of Competent Authorities)***



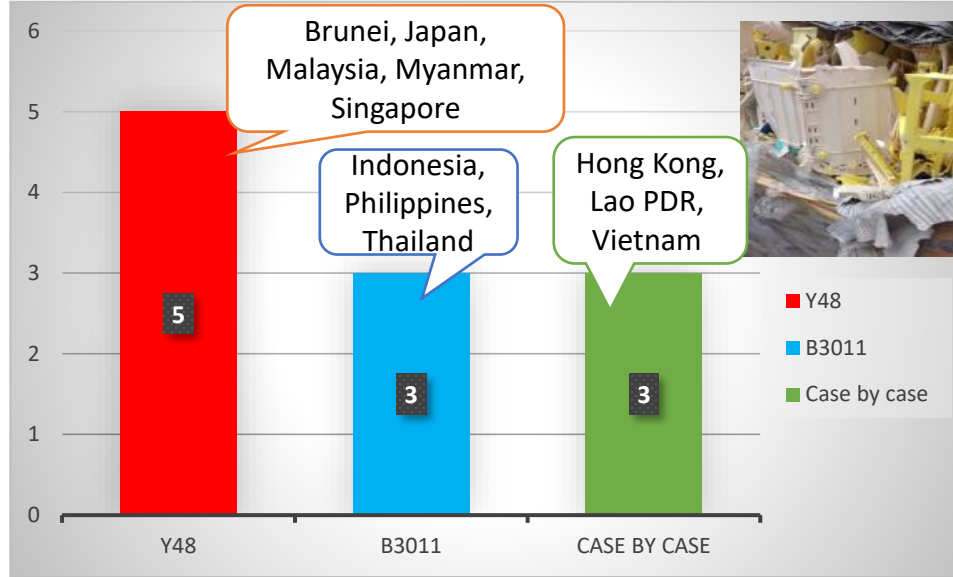
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Is this plastic waste Y48 or B3011?

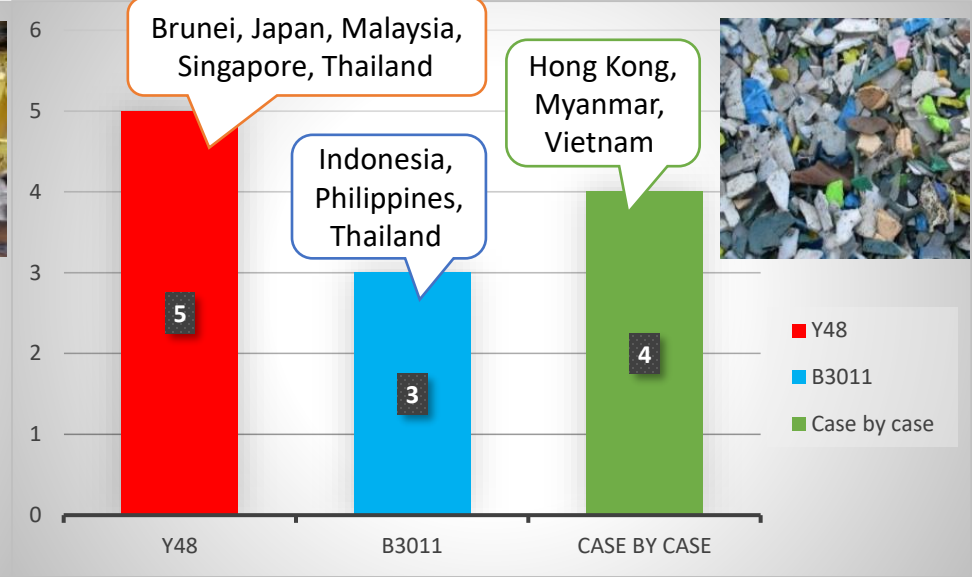
<Case of plastic wastes that were generated from the process other than product manufacturing>

**This is not official position of countries (including personal view of Competent Authorities)*

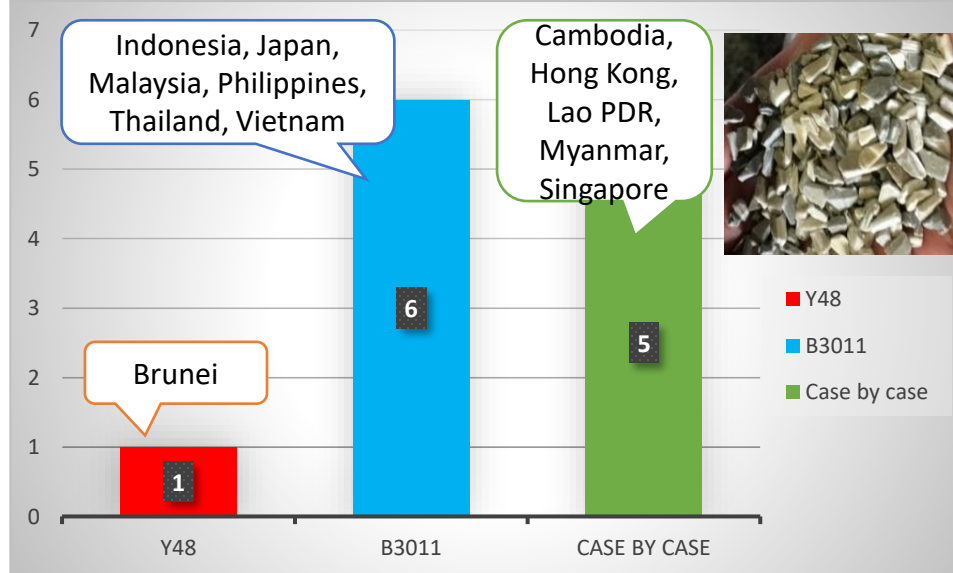
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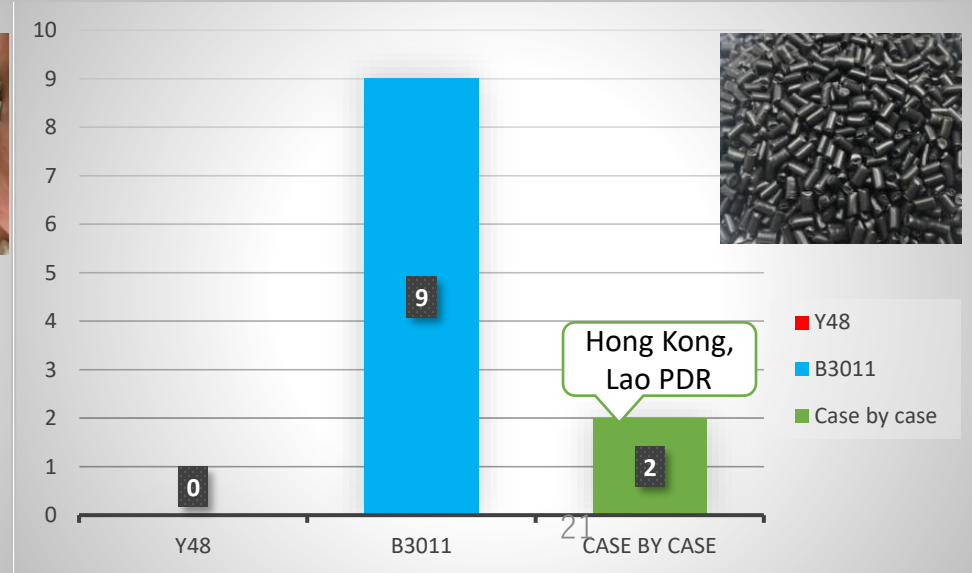
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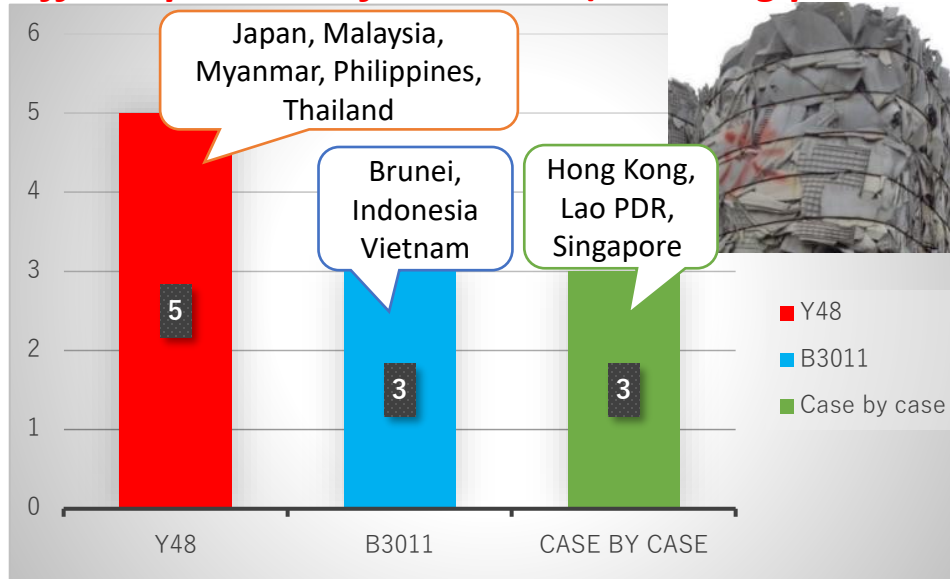


Is this plastic waste Y48 or B3011?

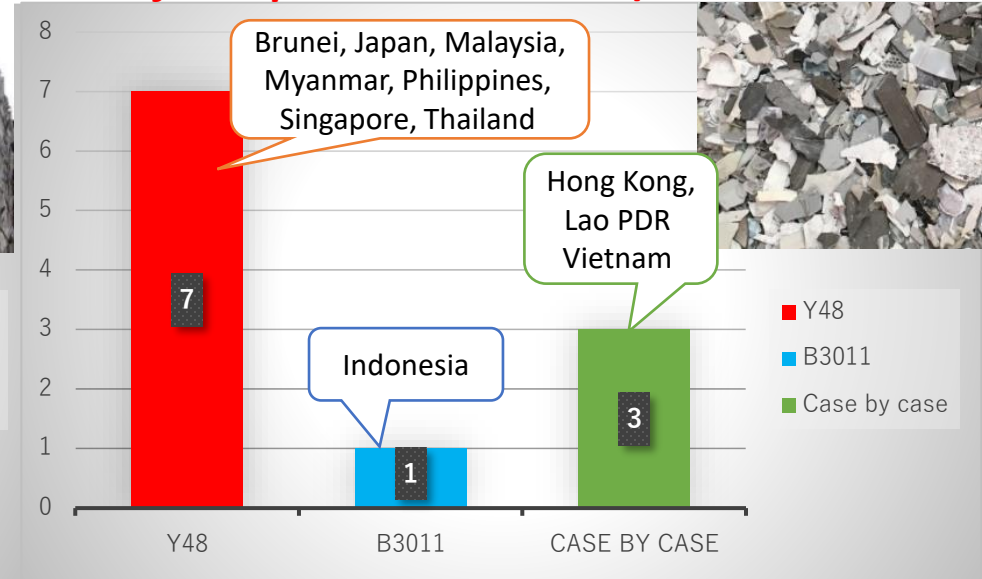
<Case of plastic wastes derived from UEEE or E-waste>

**This is not official position of countries (including personal view of Competent Authorities)*

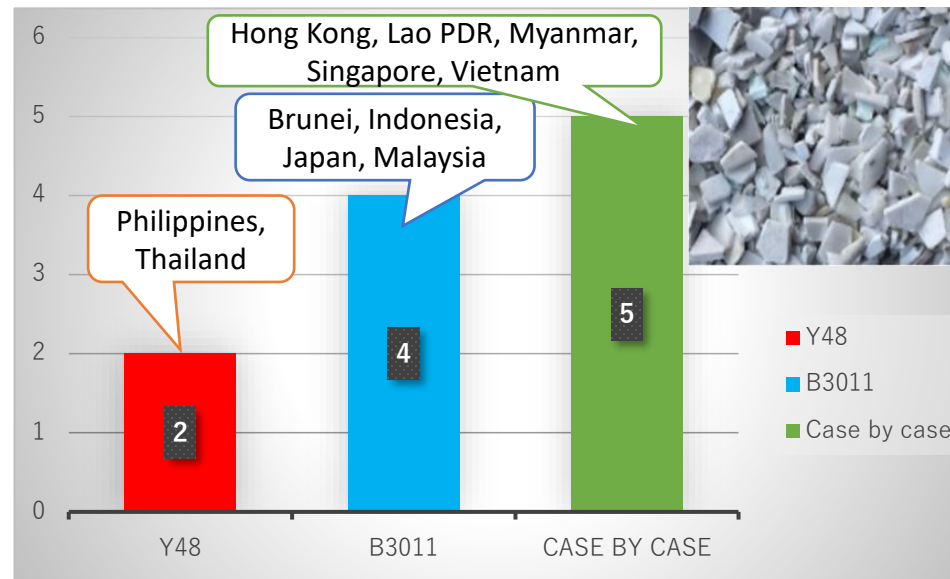
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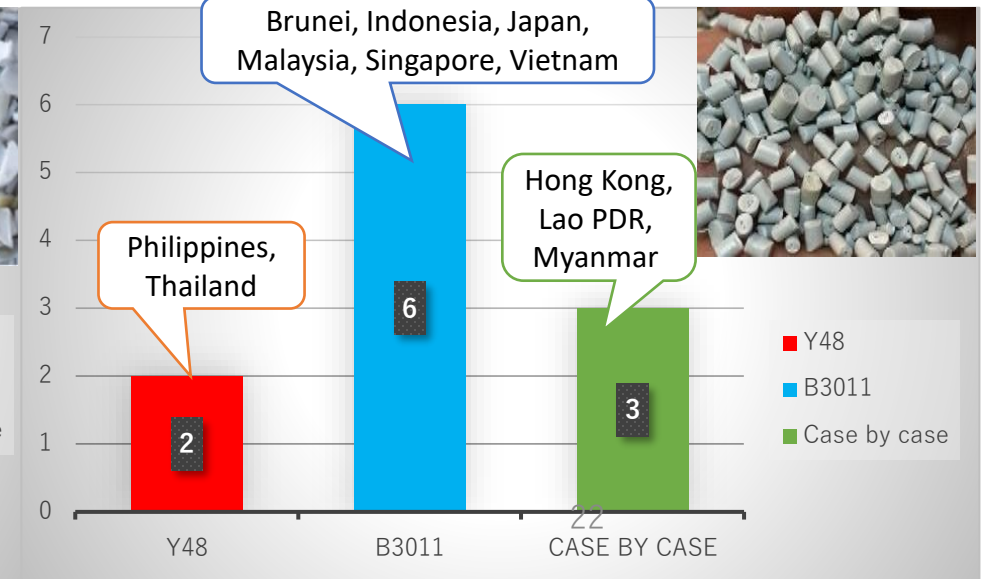
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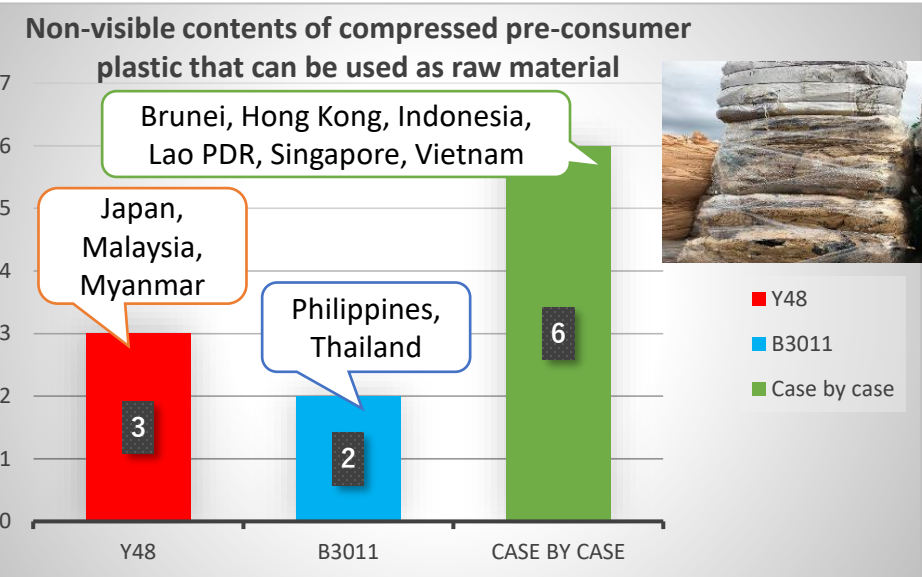
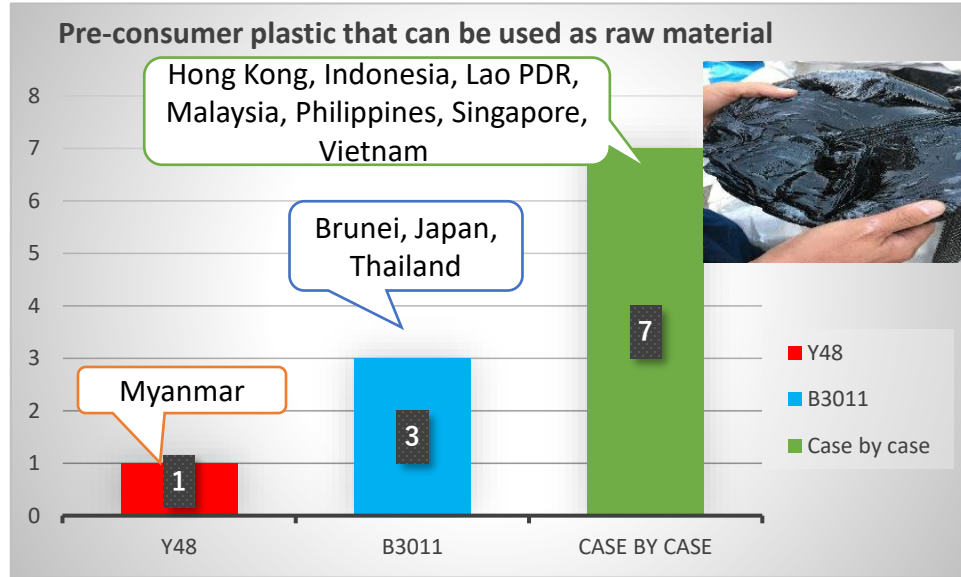
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Is this plastic waste Y48 or B3011?

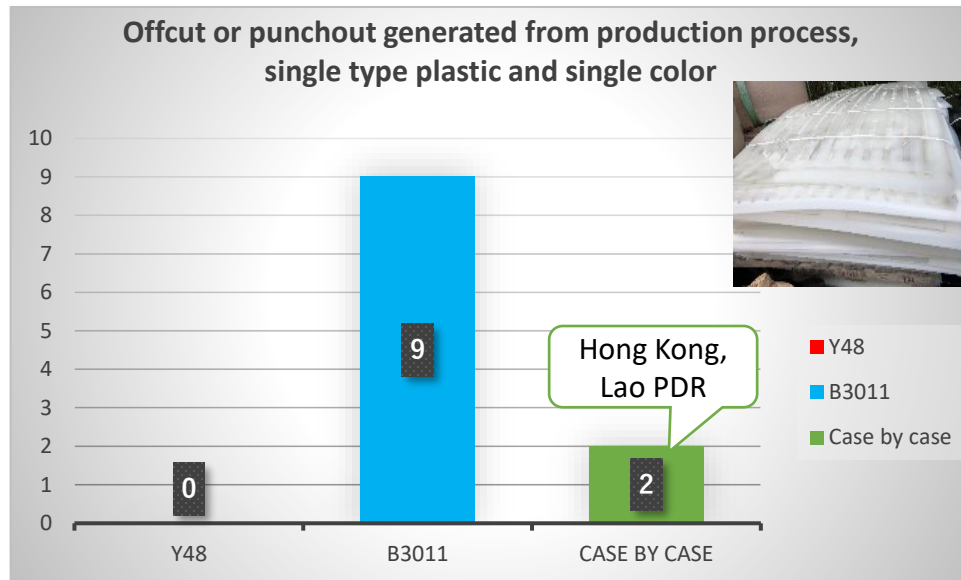
<Other Cases>

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****This is not official position of countries (including personal view of Competent Authorities)***

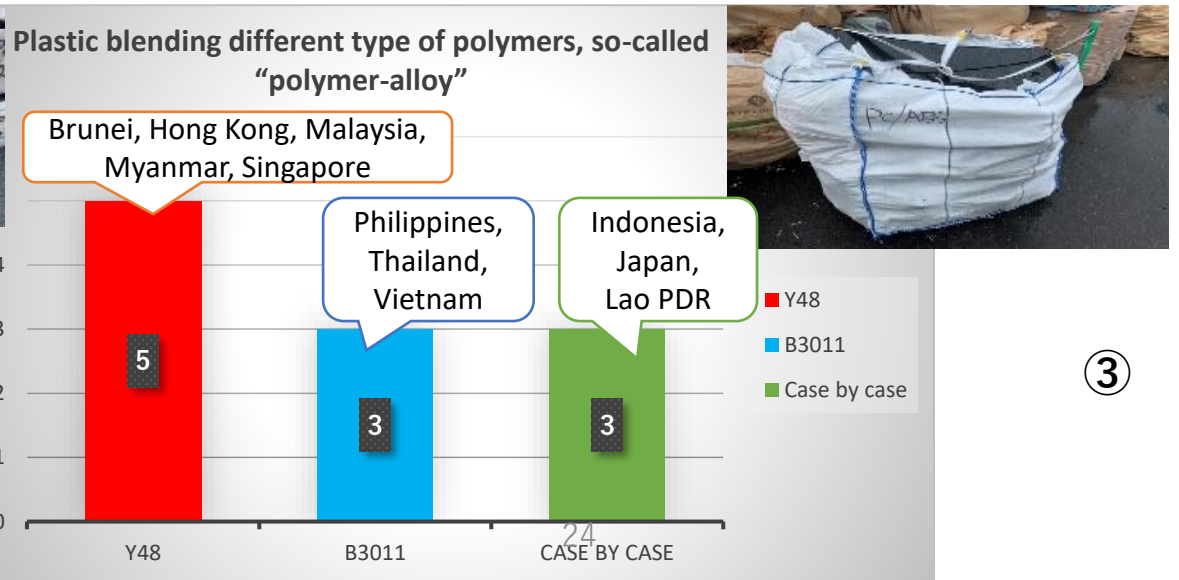
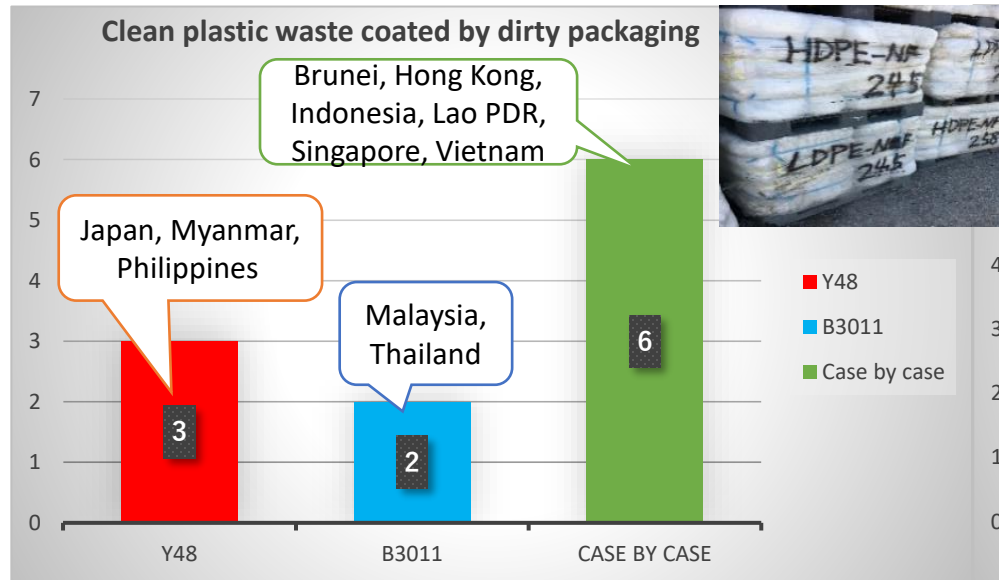
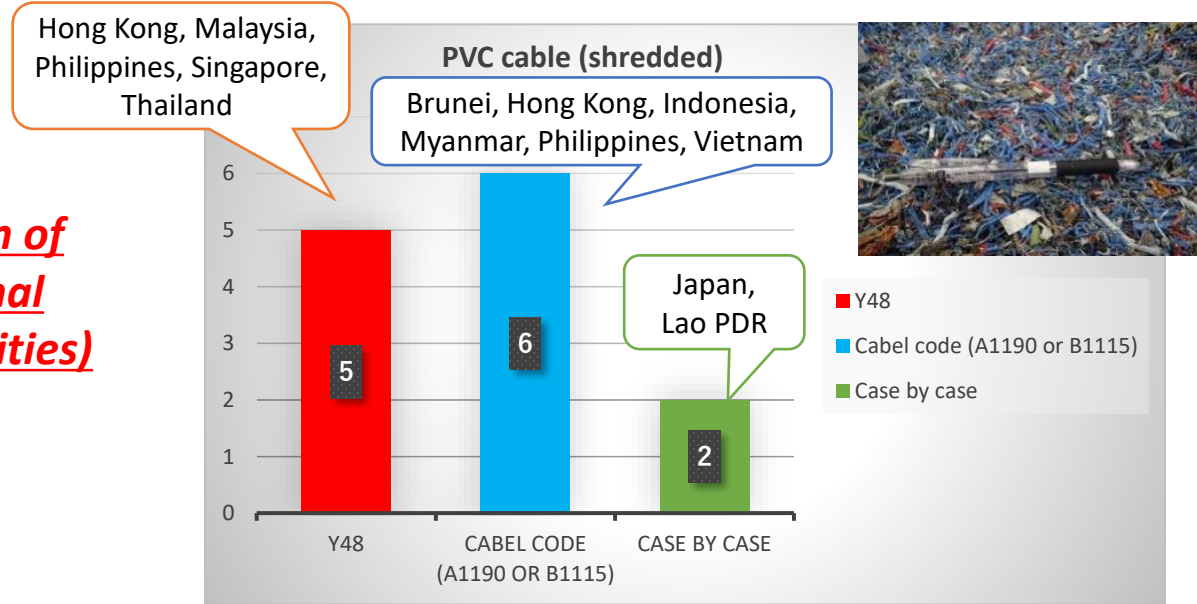


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Is this plastic waste Y48 or B3011?

<Other Cases>

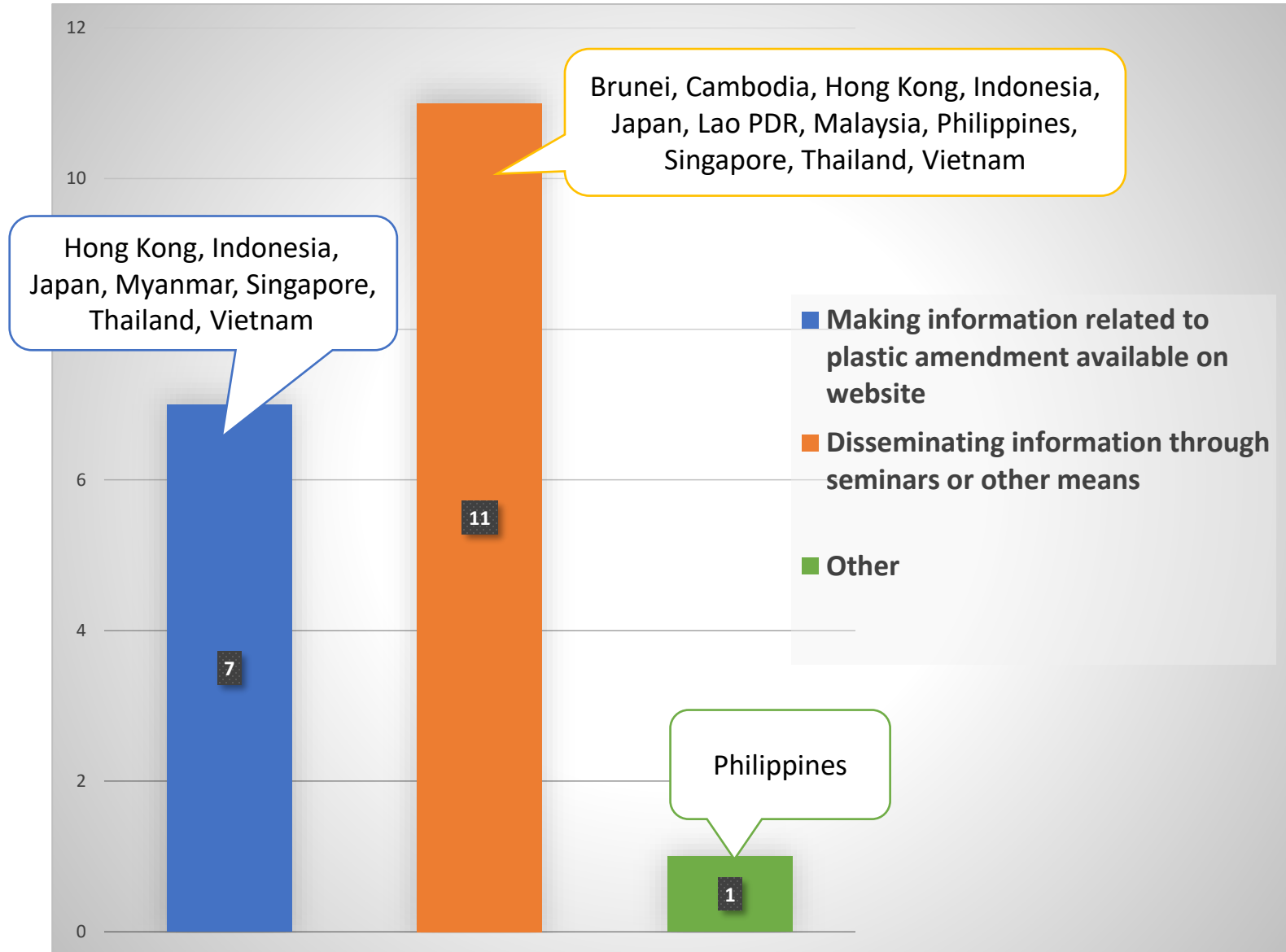
***This is not official position of countries (including personal view of Competent Authorities)**



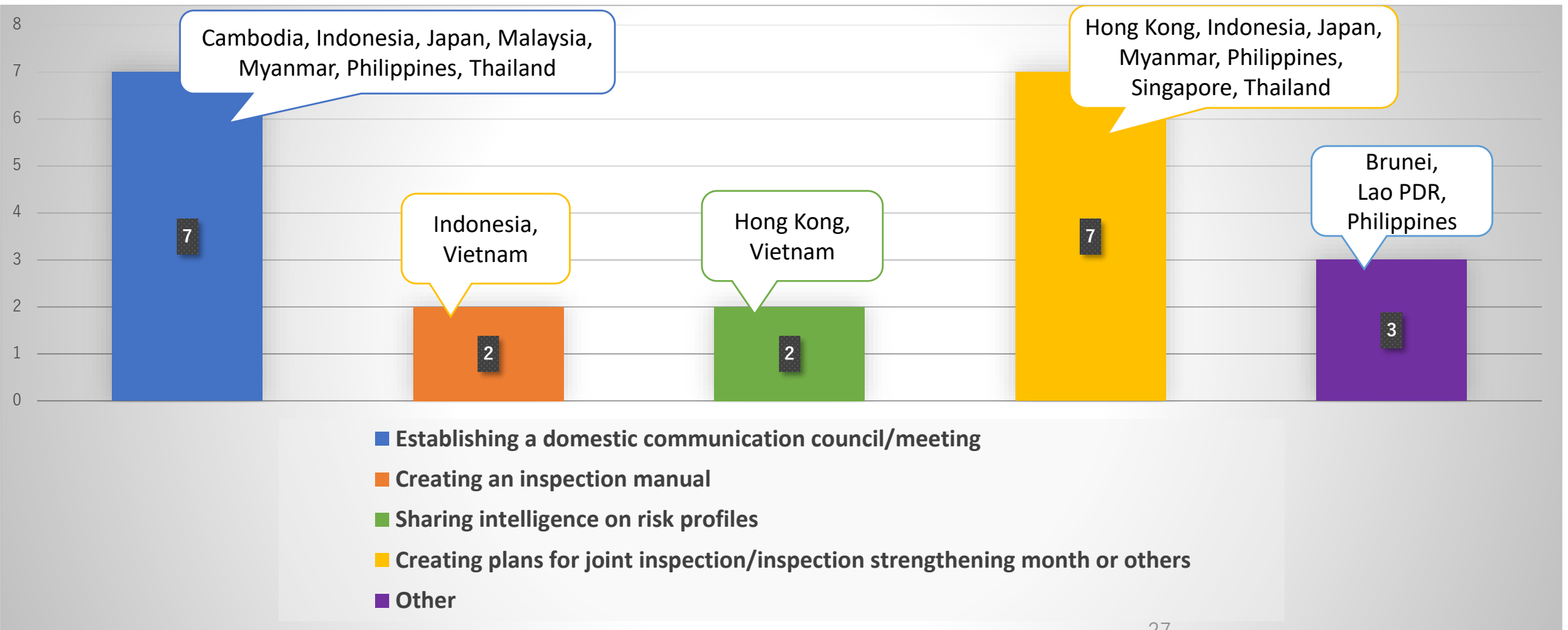
Important information other than visual appearance to distinguish Y48 from B3011

Country	Type of Information
Hong Kong	Importers / exporters are required to either submit a declaration (with document supporting their claim on the type of waste plastic being shipped) or to apply for a permit for import / export of waste. EPD will consider all information available (including field inspection and analysis, and document submission) to determine whether the subject shipments are subject to control under the Basel Convention.
Indonesia	We categorized the lump as hazardous waste if from resin process. Dirty packaging could be tolerated by visual identification just for small percentage and if the impurities are not categorize as hazardous waste, hazardous substance or other liquid. Used plastic packaging even though it comes from the type of plastic allowed under B3011 but once it is contaminated of hazardous waste then it will be included under Annex VIII. All the case by case issue, we might need PIC procedure.
Japan	Information on the sources of the plastic wastes, whether or not they have undergone a aborting process, or how to recycle them in the imported country.
Lao PDR	We look forward to additional guidance on this during the next workshop.
Malaysia	B3011 should be directly recycled without cleaning process and do not contaminated with other types of plastic unless it is a mixture of PE, PET or PP.
Myanmar	Myanmar only allows the recyclable plastic scraps (PET, PP, PE) and plastic pellets. They must be clean, homogenous, direct-used and free from contamination and free from other types of wastes.
Philippines	If possible, the country of export through the Basel Competent Authority in coordination with the Customs Bureau will issue a Certification that the contents of the shipment to be exported are not wastes. An inspection by the authorities on the contents of the shipment should be done as basis for the certification or any applicable document. This will be an additional document aside from the prior-informed consent.
Singapore	Besides visual inspection of plastic waste, reviewing information on the physical and chemical characteristics of the plastic waste such as polymer types, sources etc and provision of a surveyor report/inspection certificate by authorised third-party inspection body will be useful to distinguish between plastic waste classified under Annex II or Annex IX of the Basel Convention.
Thailand	Other criteria are source and type of plastic waste. Plastic wastes allowed to import are 1) from production process and 2) PET bottle/flakes from household, which are already segregated.
Vietnam	In addition to the direct visual inspection, we need additional documents on the origin of the plastic waste shipment (origin, type of plastic on the declaration) and practical experience to distinguish.

Awareness raising of importers & exporters



Information sharing with related implementation agencies such as Customs



Proposed agenda at future Asian Network Workshop

Country	Comments
Hong Kong	EPD would like to seek clarification on whether specific plastic polymers that are NOT explicitly listed in Decision BC-14/12 fall within the scope of B3011, provided it is destined for recycling in an environmentally sound manner and almost free from contamination and other types of wastes.
Indonesia	Regarding proposal for amendment the WEEE as Swiss Ghana Proposal.
Lao PDR	1)Guidance on distinguishing between Y48 and B3011 waste 2)Follow up on project proposal on Data Collection and Analysis to Support National Plastics Action Plan in Lao PDR that was submitted to the Secretariat of Basel Convention and is pending their comments and approval for implementation.
Myanmar	WCO H.S Code for identifying the clean, homogenous and recyclable plastic scrap.
Philippines	Importation of mixed wastes in the Philippines has been a recurring problem in recent years due to false declarations made. The Philippines share with the stand of other Asian countries on the proposal of Norway to require exporting countries to obtain prior-informed consent from transit and importing countries prior to the transboundary movement of scrap plastic commences. In fact, the Philippines had supported the proposal of Norway prior to its adoption during the last Basel COP14. Exchange of information between and among Parties in the Asian Region must be established through the initiation of this Network the to know the restrictions, conditions, requirements and procedures being implemented in relation to the importation of scrap plastics in other Asian countries.
Singapore	In addition to understanding more about other countries' national legislative framework for plastic waste, Singapore's National Environment Agency (NEA) would like to learn more on whether other countries have implemented requirements for the import and export of plastic waste as well as their inspection procedure to comply with the upcoming obligations on plastic waste under the Basel Convention.
Vietnam	Provide detailed guidance to help distinguish plastic waste under the entry Y48 or B3011 under the provisions of the Basel Convention.



Thank you for your
attention!