



Aftereffect of the Basel Convention Amendment And Future Directions

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PLASTIC AMENDMENTS

Basel Convention Plastic Waste Amendment Effective as of 1 January 2021

ANNEX II

ANNEX VIII ANNEX IX

Mixed Plastic Waste
Require cleaning
process due to
contamination of
foreign materials
(ex: PET bottles)

materials (ex: pesticides, heavy metals)

Plastics contaminated

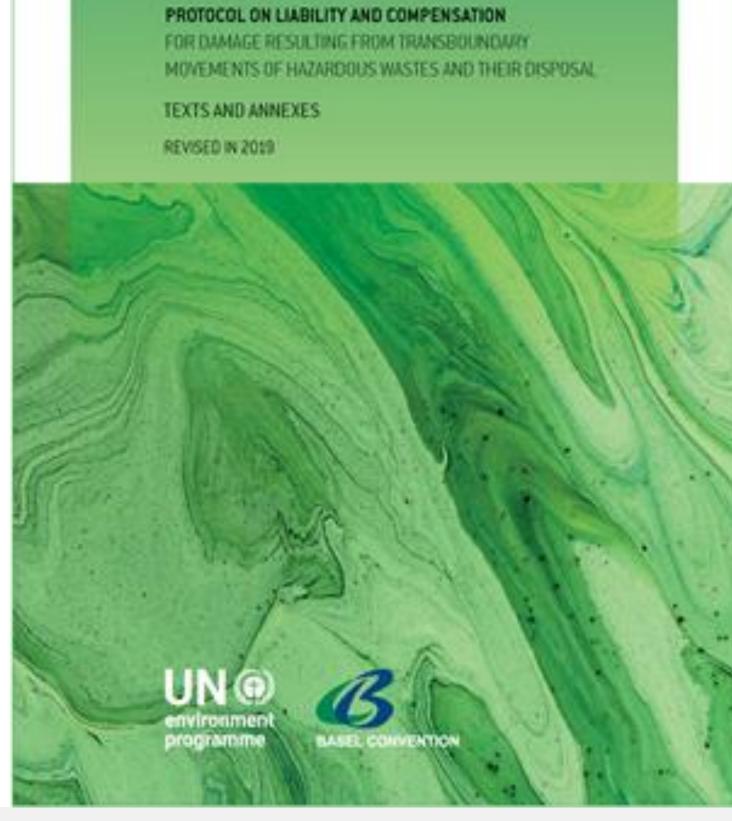
with hazardous

"Clean" or
"Uncontaminated" plastic
for direct recycling (ex:
PET flake or pellet –
homogenous)

subject to the PIC procedure

subject to the PIC procedure

Applies to plastic waste that is destined for recycling in an environmentally sound manner and almost free from contamination and other types of wastes.



ON THE CONTROL OF TRANSBOUNDARY MOVEMENTS.

OF HAZARDOUS WASTES AND THEIR DISPOSAL

BASEL

COUNTRY'S POLICY

- I. The construction of recycling plant (solid waste) is subjected to the Environmental Quality (Prescribed Activities) (Environmental Impact Assessment) Order 2015, under Activity 14(b)(ii): Any person who intends to carry out the activity is required to submit a report on the **EIA** to the Director General of Environment for consideration, as mentioned under Section 34A of the Environmental Quality Act, 1974.
- II. Department of Environment (DOE) only allows premises that **fully comply** with Environmental Quality Act (EQA) 1974 to import plastic waste to be recycled at their premises.
- III. Plastic waste is a controlled item under the Solid Waste and Public Cleansing Management Act 2007 [Act 672] by the National Solid Waste Management Department (NSWMD). The importation of plastic waste under the HS Code 3915 is controlled under the Custom (Prohibition of Import) Order 2017 which the import manner required an **approved permit (AP)** from the NSWMD.

^{*}DOE as the Focal Point to the Basel Convention has **transmitted** information to the Secretariat of the Basel Convention on the controlling of plastic waste that required special consideration (i.e. approved permit requirement) when subjected to transboundary movement.

MALAYSIA: CURRENT CONTROL OF PLASTIC WASTE TBM



Importation of plastic waste (HS3915) is required an approval permit (AP) from the NSWMD.

Controlled under the Custom (Prohibition of Import) Order 2017 which the import manner required



Border enforcement



DEPARTMENT OF ENVIRONMENT (DoE)

Any person who wishes to export, import, or transit regulated plastic wastes Y48 will require a permit/consent from the DoE, the national competent authority for Basel Convention in Malaysia.

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

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)

POLICY FOR THE IMPORTATION OF PLASTIC WASTE

- 1. Importation of plastic waste (HS 3915) will require an approved permit (AP) from the National Solid Waste Management Department (NSWMD).
- 2. Importation of plastic waste will require a letter of consent from the Department of Environment (DOE).
- 3. The recycle premises must comply with the Environmental Quality Act 1974.
- 4. Trading company is not allowed to import plastic waste.
- 5. Plastic waste B3011 or Y48 must comply with the criteria standard
- 6. Importation of A3210 is prohibited.
- 7. Every shipment requires a preloading inspection report and e-permit from NSWMD prior to exportation.

CRITERIA OF PLASTIC WASTE IMPORTATION IN MALAYSIA

All types of imported plastic wastes whether B3011 or Y48 must be in accordance with the criteria below:

- 1. 95% of the imported plastic waste can be recycled;
- 2. Must not exceed 5% of plastic contaminants and non-plastic contaminants provided that all contaminant must be able to be recycled and should not be hazardous waste. Dirt such as soil or dust are only allowed on the surface bale only and not inside the plastic bale
- 3. Pre-loading inspection This is to determinate if plastic waste designated to be shipped is in compliance with Malaysia import requirements





BASIC INFORMATION FOR PLASTIC WASTE IMPORTATION APPLICATION IN MALAYSIA

Company profile of the waste generator

2 Contract between waste generator and importer

Proforma invoice

Photos of plastic waste

Information on the waste

Preloading

a) characteristic

b) composition

c) source of waste

d) reason for export

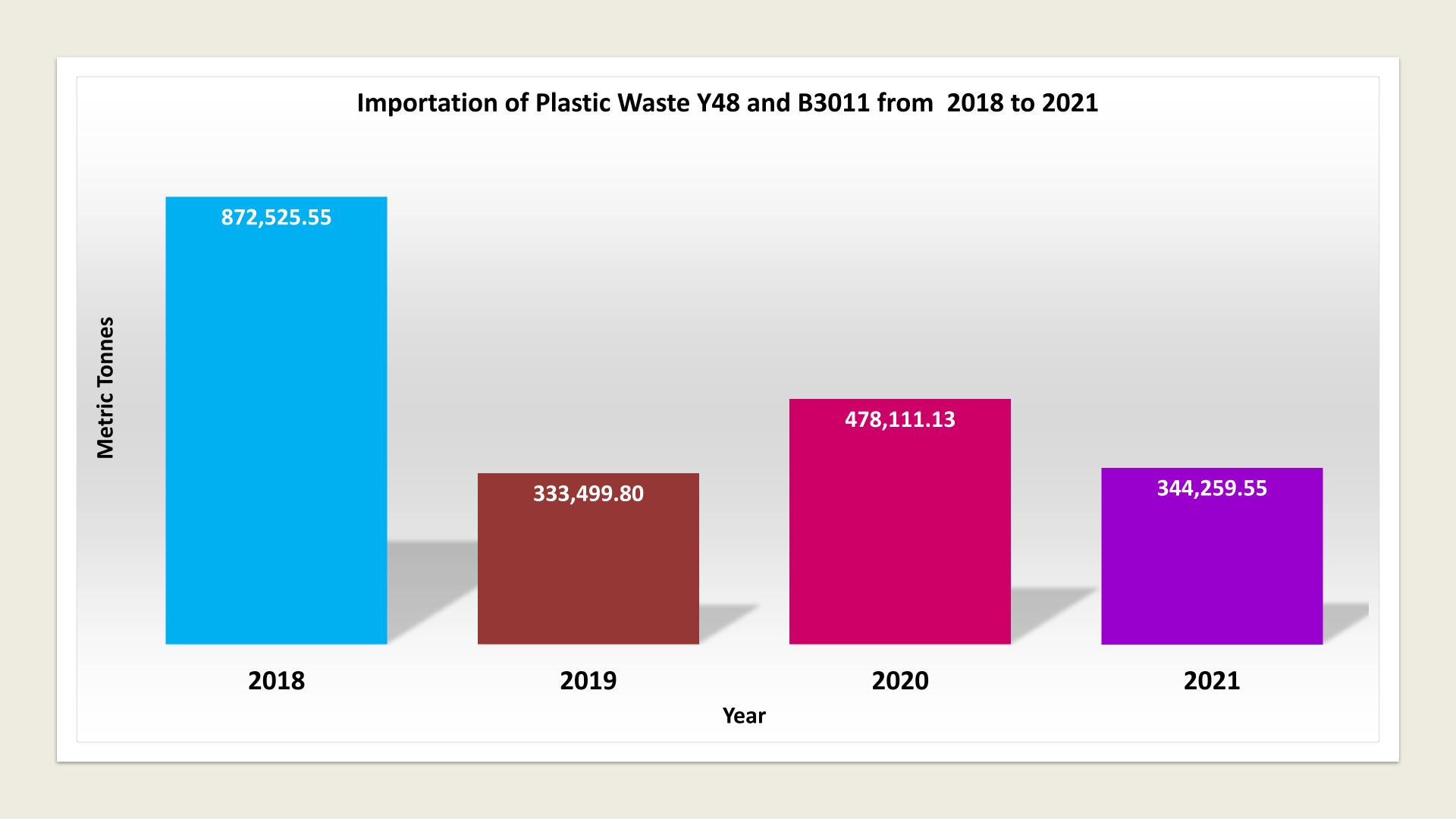
e) lab analysis report

6 Approved Permit from NSWMD

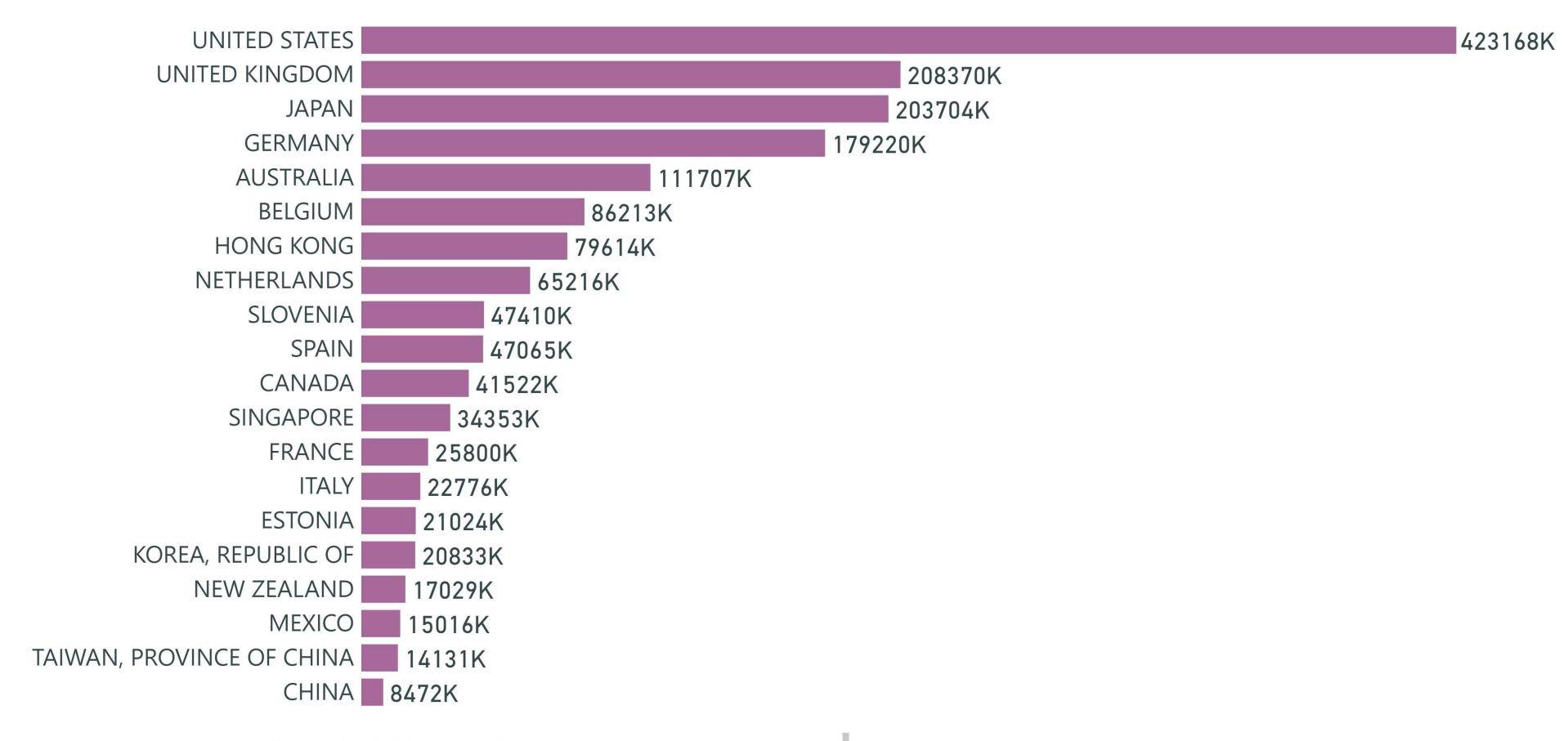
8 Certificate of liability insurance / Bank Guarantee

by the accredited / authorized inspectors body in the exporting country

inspection report



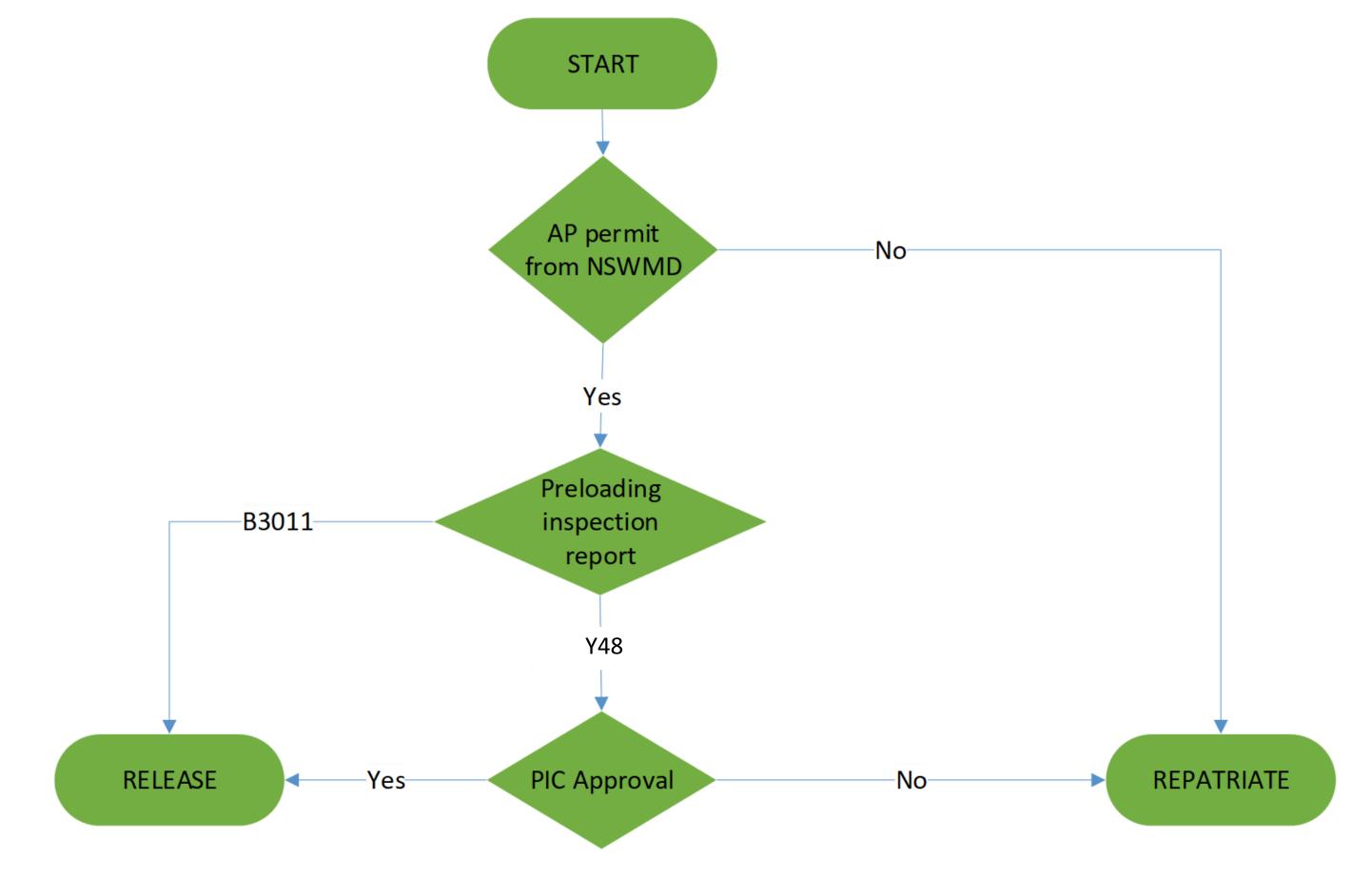
QUANTITY (KG) OF PLASTIC WASTE (HS3915) EXPORTED TO MALAYSIA BY TOP 20 EXPORTING COUNTRIES, 2018 TO JAN 2021



Source: Department of Statistics Malaysia, DOSM

Enforcement at Port





E-WASTE AMENDMENTS

CURRENT POLICY OF TRANSBOUNDARY MOVEMENT (TBM) OF SW/HW IN MALAYSIA



Malaysia (State of export)
does not have the technical
capacity and necessary
facilities (e.g. recycling
/recovery) to manage the
waste in an environmentally
sound & efficient manner.



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



The State of export shall not allow TBM to commence until it has received the written consent from Malaysia (State of transit). No off-loading of the wastes is allowed.



The TBM is in accordance with other criteria decided by the Malaysia law & policy, provided those criteria do not differ from the objective of this convention.



Current Policy of Transboundary Moment (TBM) of SW/HW in Malaysia







- For disposal/final disposal purposes.
- Between Parties and non-Parties except with bilateral or multilateral (e.g. Malaysia to U.S.A).
- Countries listed in Annex VII to the convention (Parties and others States which are members of the OECD, EC (European Commission), Liechtenstein) is prohibited to export to all the countries (non-Annex VII countries including Malaysia).

E-WASTE (SW 110) FIRST SCHEDULE, ENVIRONMENTAL QUALITY (SCHEDULED WASTES) REGULATIONS 2005

e-Waste

 Waste from electrical and electronic assemblies containing components such as accumulators, mercury-switches, glass from cathode-ray tubes and other activated glass polychlorinated biphenyl-capacitors, or contaminated with cadmium, mercury, lead, nickel, chromium, copper, lithium, silver, manganese or polychlorinated biphenyl

USED ELECTRIC AND ELECTRONIC EQUIPMENT (UEEE) DOES NOT FULFILL THE DEFINITION OF SW 110

UEEE

Scope:

- Direct Reuse;
- Reuse;
- Repair; or
- Refurbishment

POLICY TRANSBOUNDARY MOVEMENT (TBM) UEEE IN MALAYSIA



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;

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

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

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

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

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

AFTEREFFECT OF BASEL CONVENTION AMENDMENT – PLASTIC WASTE

- In 2019 to 2020, Malaysia was faced with illegal importation of plastic waste that involved almost 3,737 metric tonnes of plastic waste in 150 containers returned to the exporting country.
- The amendment of Basel Convention, which is a legally binding framework, provide great assistance in ensuring a transparent global trade of plastic wastes to all State members.
- Furthermore, the amendment "introduce" a form of restriction on the importation of the plastic waste into the country via "Prior Informed Consent" (PIC) procedure in order to prevent the dumping of plastic waste to developing country.
- Thus, with the Basel Convention plastic waste amendment that was effective on 1st January 2021, Malaysia had improvised the importation procedure for Y48 and B3011 and prohibit the importation of plastic waste for dumping purposes and ensure the wastes were recycled and produce products such as resin and flakes.

AFTEREFFECT OF BASEL CONVENTION AMENDMENT – E-WASTE

- Malaysia had addressed its concerned in written to Basel Convention about the implementation of the amendment regarding e-waste.
- Malaysia requires time to prepare for the implementation of the Basel Convention amendment on e-waste in terms of understanding the criteria, the capability of facilities in the country, enforcement, inspection, manpower, financial, training etc.
- Future Planning
 - > To conduct research study on criteria of 'non hazardous e-waste'
 - Establish Expert Group to develop criteria/ policy/ guidelines/ Standard Operating Procedure
 - Participate in workshops, training and meetings with other parties to gain information, technology and experience on the implementation of the amendment.

CHALLENGES

- i. To enhance technical capacity of the custom officers and the competent authority officers, especially in the field of wastes identification & analysis, and in environmental crime investigation & enforcement.
- ii. To strengthen links/networks/communications between the enforcement agencies, such as the Port Authorities, Customs and the Department of Environment in order to deter illegal trafficking.
- iii. Efficient and effective exchange of information among the exporting and importing countries.

TERIMA KASIH THANK YOU