

Objectives of Workshop 2021 and results of the questionnaire

Asian Network Workshop 2021 10-11 November 2021 The Secretariat of the Asian Network



# Contents of presentation

### **History of Asian Network**

### **Background information**

- Plastic amendment of the Basel Convention
- Trend of plastic waste trade according to statistics

### **Result of questionnaire survey**

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 and online meeting

Participated Countries	s In the past workshop	
Australia	Lao PDR	
Brunei Darussalam	Malaysia	
Cambodia	Myanmar	
China and Hong Kong	Philippines	
ndonesia	Singapore	
lapan	Thailand	*note:
Korea (Rep.)	Vietnam	CA: Compete FP: Focal poi

Asian Network

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

2004	Tokyo	
2005	Tokyo	
2007	Beijing	
2008	Tokyo	
2009	Kuala Lumpur	
2010	Yokohama	
2010	Siem Reap	Update
2011	Shenzhen	e on
2012	Cebu	1 Legal
2013	Bangkok	
2014	Okayama	Framework
2015	Singapore	ewo
2016	Semarang	řk
2017	Hanoi	
2018	Akita	
2019	Kuala Lumpur	
2020	Online	
2021	Online	

TOR of the Asian Network	14 · ·
Trends of TBM	
Definition of waste/non-waste	
Criteria for new/secondhand/waste	
TBM of HW in Asia	
Frontline enforcement activities	
Takeback issues/ESM standard	
COP10/ESM	
Takeback/collaboration	
Inter-regional collaboration/ESM	
National regulations and border control	
E-waste guidelines and takeback issues	
Case studies on takeback	
Waste specific discussion (E-waste, ULAB, mercury waste	e)
TBM of plastic and recyclable wastes/ESM	
TBM of plastic wastes and E-waste	
Response to plastic amendment of Basel Convention	
Response to plastic amendment of Basel Convention	
	Trends of TBMDefinition of waste/non-wasteCriteria for new/secondhand/wasteTBM of HW in AsiaFrontline enforcement activitiesTakeback issues/ESM standardCOP10/ESMTakeback/collaborationInter-regional collaboration/ESMNational regulations and border controlE-waste guidelines and takeback issuesCase studies on takebackWaste specific discussion (E-waste, ULAB, mercury wasteTBM of plastic wastes and E-wasteResponse to plastic amendment of Basel Convention



Dec 7-8 2004, Tokyo, Japan



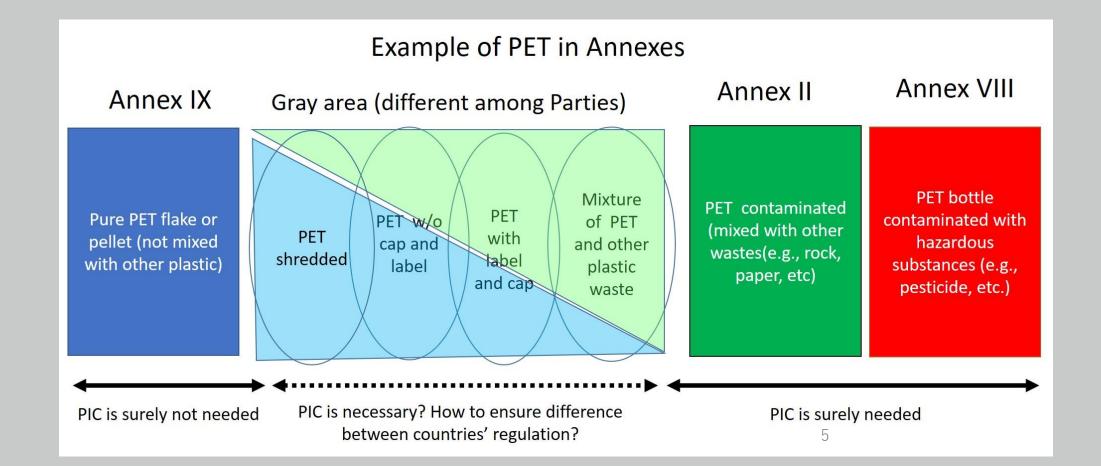
Nov 29-Dec 1 2011, Shenzhen, China



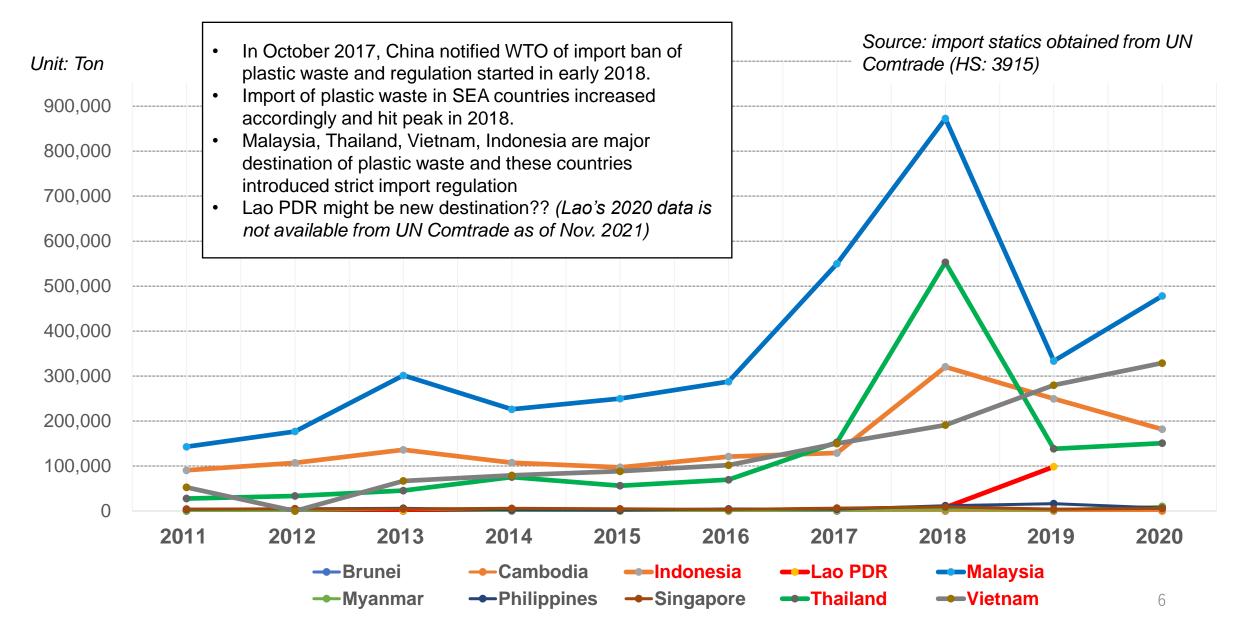
Nov 12-14 2019, Kuala Lumpur, Malaysia

### 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 entered into force on 1<sup>st</sup> January 2021.



### Trend of plastic waste import in SEA countries



### Trend of trade balance of plastic waste in SEA countries

#### Red is trade deficit (import > export)

Source: import statics obtained from UN Comtrade HS: 3915

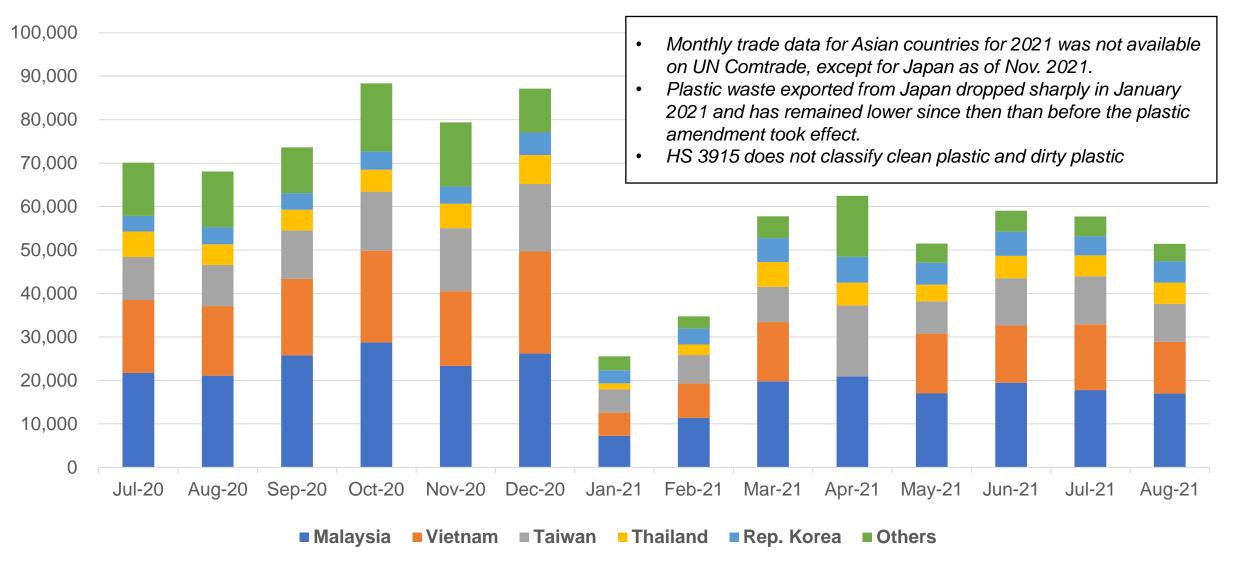
	Brunei	Cambodia	Indonesia	Lao PDR	Malaysia	Myanmar	Philippines	Singapore	Thailand	Vietnam
2011	395	3,056	75,895	-221	11,005	24,289	80,225	58,260	204,393	49,360
2012	198	5,726	97,755	177	20,819	-976	58,231	64,643	229,648	N/A
2013	286	7,056	95,754	-1,162	-50,626	-1,777	22,982	87,615	272,127	156,606
2014	423	7,814	86,419	-582	21,022	-513	69,717	75,196	271,594	122,851
2015	149	14,257	51,588	-394	-67,670	-613	52,760	57,484	209,338	30,927
2016	285	16,440	82,607	739	-124,051	1,098	55,671	57,919	22,905	174,488
2017	282	10,938	64,593	-2,556	-383,959	37,793	30,738	54,312	144,102	152,231
2018	231	3,861	-221,935	-7,059	-826,416	8,250	27,810	35,076	-362,107	5,724
2019	-42	7,996	-176,341	-96,337	-294,135	3,431	78,311	30,423	89,808	-224,698
2020	-253	6,949	-138,009	N/A	-459,063	-3,025	48,139	30,546	-65,487	-291,699

Unit: Ton

Note that HS 3915 does not classify clean plastic and dirty plastic

### Monthly export data of Japan

(before and after plastic amendment entered into force)



Source: import statics obtained from UN Comtrade (HS: 3915)

Unit: Ton

### **Outline of the questionnaire survey**

- Questionnaire survey was conducted prior to the workshop
  - Response rate: **100%!!** (12/12 countries/region responded)
- 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

 $\checkmark$  Responses to the amendments of the Basel Convention Annexes regarding plastic waste

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### **Update of National Regulation**

Only countries which reported update of national regulation are listed.

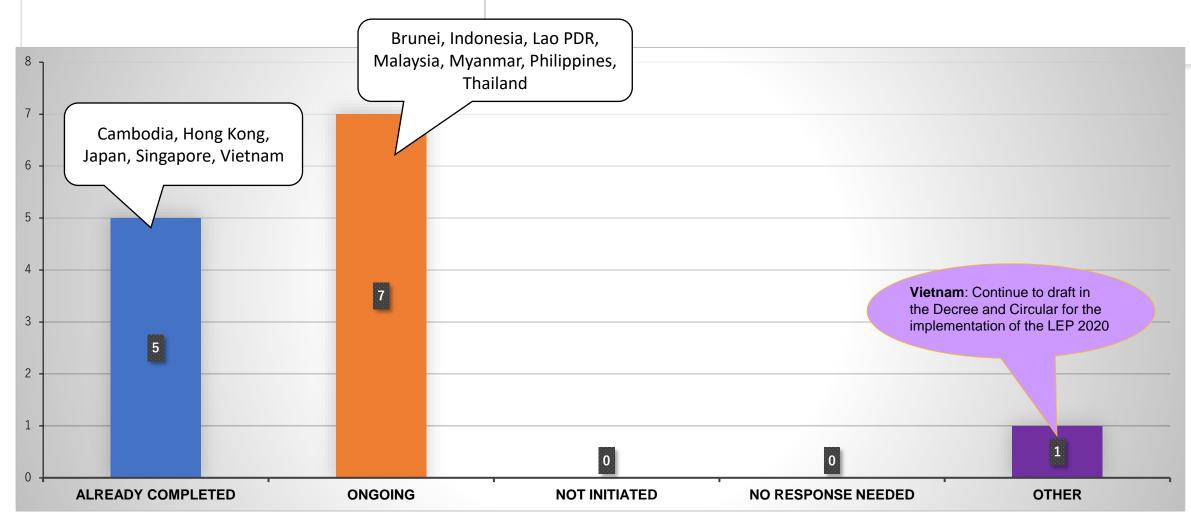
Country	Name of the new law/regulation	Contents	Enforcement date
,	Government Regulation No.22/2021	Regarding the Implementation of Environmental Prevention and Management including Hazardous and Nonhazardous Management	2 Feb, 2021
·   · ·	Government Regulation No.27/2020	Regarding Specific Domestic Solid Waste Management including household e-waste	Jun-20
Indonesia	44/2021	Concerning the Third Amendment to the Regulation of the Minister of Trade No.118/2018 concerning Provisions on the Import of Capital Goods in Non-New Conditions	Jul-21
	No.100/2020	Regarding Provision for the Importation of Used Lithium Battery As Raw Material For The Lithium Battery Industry To Support The Acceleration of The Battery-Based Electric Motor Vehicle Industry Development	Dec-20
'		Concerning the Third Amendment to the Regulation of the Minister of Trade No. 84/2019 concerning Provisions on the Import of Non-Hazardous and Toxic Waste as Industrial Raw Materials	Oct-20
	Ministerial Ordinance of Japanese Basel Act	Addition of the plastic wastes in the list of the wastes covered under Japanese Basel Act	01/01/2021
Lao PDR	Ministerial Instruction on Plastic Waste Processing Factory (No.0682/MOIC)	<ul> <li>The contents that related to plastic waste import:</li> <li>5.2 Plastic waste materials will be imported, the plastic should be sheet, plastic bag, bar, must be clean, and can recycle to be a product at least 80% and more.</li> <li>5.3 No import the plastic waste materials that don't determine in 5.2 and the plastic waste there are characteristics: 1) contain or contaminate the disease; 2) unclean, smell; 3) contain the toxic or hazardous chemical; 4) non-recyclable.</li> </ul>	17-Jul-20
		Article 8, Prohibition of hazardous and toxic waste import such as chemical contaminate waste, radioactive, electronic waste, unused battery, including waste as Basel Convention.	7-May-21
		Sections 2: "waste materials not acceptable for co-processing: 2) ALL WEE or e-wastes except dismantled and segregated PBDE-containing plastic waste as defined in Section 3. 3) Unsegregated municipal solid wastes except those segregated at source and/or at any intermediate collection, consolidation and/or sorting station"	21/09/2021
	Chapter 10 of DENR Administrative Order (DAO) 2013-22 entitled "Revised Procedures and Standards for the Management of Hazardous Wastes" (Revising DAO 2004-36).	<ul> <li>Import of recyclable materials containing Hazardous Substances and Export of Hazardous Wastes:</li> <li>Possible Amendments: <ol> <li>The importation of wastes or other forms of garbage to be used as alternative fuel are prohibited.</li> <li>Recovered papers are excluded from the ban on waste and recyclable materials.</li> <li>Only recycling and cement co-processing facilities are allowed to register as Importer of secondary raw (recyclable) materials.</li> <li>Importation of "Neutralized Phosphogypsum" (or synthetic gypsum) to be used as retarder in cement production is not regulated under RA 6969".</li> <li>Export of recyclable materials containing hazardous substances specifically ULABs and used or waste (industrial and vegetable) oil shall not be allowed.</li> </ol> </li> </ul>	March 2022 (Target)
	,	Proposed amendments: Enhance the definition to distinguish waste EEE from used or second-hand EEE Allow importation of used or second-hand EEE for repair and refurbishment purposes	March 2022 (Target)
Vietnam	The Law on Environmental Protection 2020	The Law on Environmental Protection 2020 introduces numerous breakthrough policies concerning environmental criteria-based classification of investment projects, environmental licenses, circular economy, response to climate change, responsibility for environmental incident prevention and response, application of best available techniques, environmental audit, and mechanisms to enhance environmental protection law compliance. As provided in the Law, an environmental license integrates the contents of all existing environmental permits and certificates regarding discharge of wastewater, discharge of emissions, treatment of hazardous wastes, import of scraps, and registration of hazardous waste generators. This change will help reduce licenses and <u>0</u> licensing procedures as well as costs for investors while ensuring the unified state management of the environment.	01/01/2022

# Summary of import regulation of Asian Network countries

- Summaries of import regulations for the following items in Asian Network countries are stored in Google Drive.
  - E-waste and UEEE (used electrical and electronic equipment)
  - Plastic waste
- The summaries will be uploaded on the Asian Network website after the workshop.

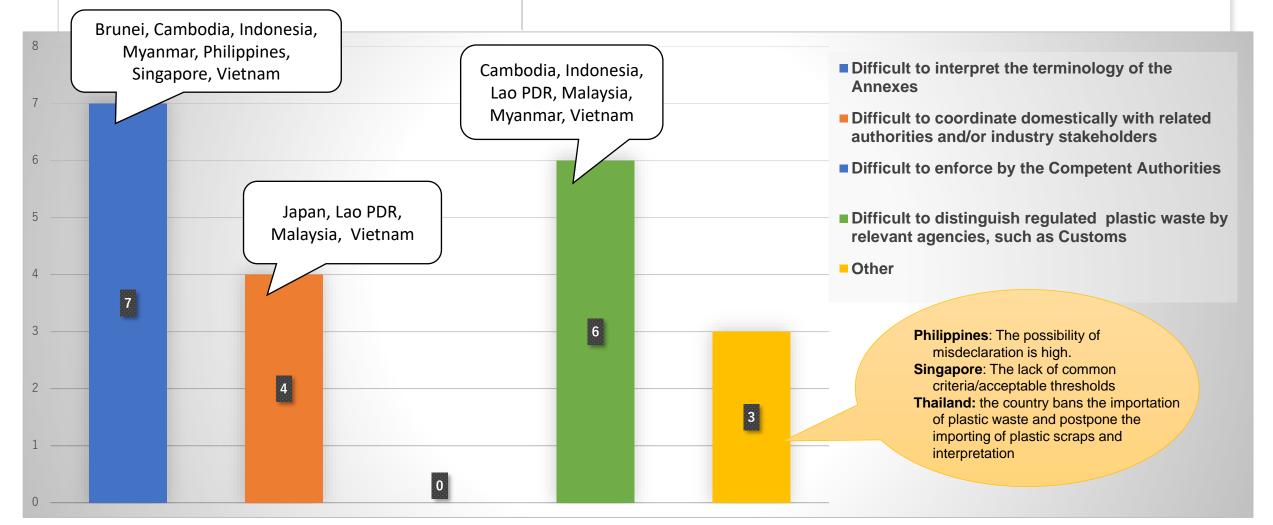
### **Responses to the Plastic Amendments**

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



### How to address the challenge(s)

Country	How to address the challenge
Brunei	<ul> <li>By benchmarking and making comparison of other countries' interpretation and/or guidelines on the terminology, and available international guidelines on quality standards for plastic recycling.</li> </ul>
Indonesia	Need more time to arrange the schedule for inspection, since Indonesia has more than one destination port
Japan	<ul> <li>For plastic wastes exporters who are not familiar with the regulation under the Basel Law, we have prepared manuals to follow in order to get necessary approvals. Additionally, we have provided a guidance video on our website on how to distinguish controlled plastic wastes from others.</li> </ul>
Lao PDR	<ul> <li>Dissemination of laws and regulations to concerned sectors</li> <li>Establish specific regulations and guidelines on plastic import management.</li> </ul>
Malaysia	<ul> <li>DOE will propose to the government of Malaysia to appoint the relevant authority that capable to control the TBM of plastic waste at ports in terms of domestic regulation and human resources. Plastic waste will be included in the customs regulation for enforcement.</li> </ul>
Myanmar	<ul> <li>To implement the plastic amendment domestically, we have the difficult to interpret the terminology of the Annexes.</li> </ul>
Philippines	Submitted documents are carefully evaluated. Recycling facilities are continuously monitored.
Singapore	<ul> <li>A set of domestic technical guidelines was developed to serve as a reference document for local waste/recycling industry on the import and export requirements for plastic waste listed in Annex IX of the Basel Convention. The domestic technical guidelines have been published on Singapore's <u>NEA's website</u>. Nonetheless, the technical guidelines do not exempt the local waste/recycling industry from the need to comply with the importing countries' domestic regulations and requirements on plastic waste.</li> </ul>
Thailand	<ul> <li>Domestic plastic waste and scrap are needed to be in appropriate quality and quantity to be a raw material in the facilities. However, plastic waste collection system in Thailand cannot support the requirement of the plastic recycling facilities.</li> <li>Types and amounts of the plastic scrap that will be allowed to import to Thailand is still under discussion.</li> <li>When to phase down and phase out the import of plastic scrap is also under consideration by the Sub-committee of Plastic Waste and E-waste Management.</li> </ul>

### What could be help in addressing the challenge(s)

Country	What could be help to address
Brunei	<ul> <li>By providing better clarity on the (quantitative) specifications for the plastic waste, particularly those fall under Y48 and B3011, such as by prescribing allowable thresholds on the homogeneity and contamination levels.</li> </ul>
Indonesia	• Guideline for containers inspection may should be supported by pictures and procedure of onsite testing (finger print test)
Lao PDR	Establish the National Committee on Basel Convention Implementation
Malaysia	<ul> <li>A regional workshop on the environmentally and legally sound importation of plastic waste will be useful. It will provide an opportunity to discuss and exchange information on the important aspects of the environmentally and legally sound importation of plastic waste. Sharing on commercially available plastic waste recycling technologies and their requirements on the quality of the plastic waste feedstock will be useful too.</li> </ul>
Myanmar	The identification of clean, homogenous and recyclable plastic waste.
Philippines	<ul> <li>With the implementation of PIC, importation of misdeclaration wastes or noncompliance to the limiting conditions will be avoided or minimized.</li> </ul>
Singapore	<ul> <li>A set of regional technical guidelines for the TBM of plastic waste to differentiate between Annex IX and non-Annex IX plastic waste comprising acceptable threshold limits on contamination and homogeneity level and requirements (e.g. packaging, labelling, types of test reports and test parameters, visual checks etc.) would be useful to curb any illegal traffic of plastic waste within the Asia/ASEAN region and help facilitate the TBM of plastic waste for recycling and resource recovery initiatives. This will also provide clear guidance to Parties on the region's requirements for the importation and exportation of plastic waste.</li> </ul>

#### Interpretation of some tricky terms of Y48 & B3011 "Almost free from contamination and other types of wastes"

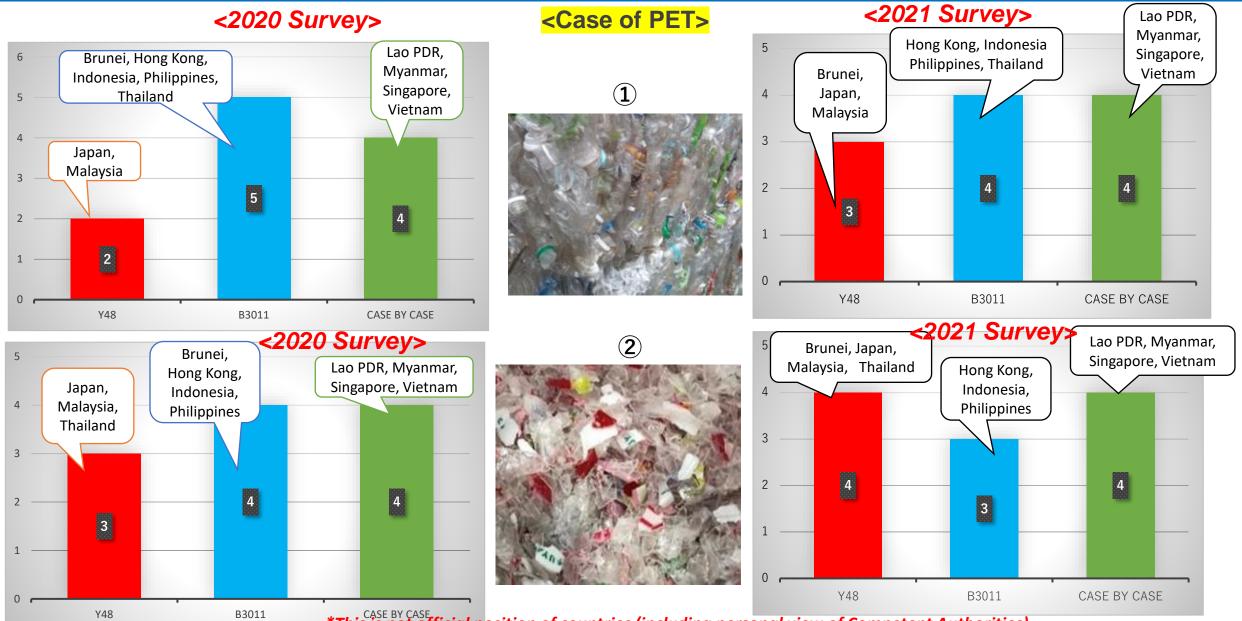
Country	Interpretation
Brunei	100% free from any contamination such as drink, dirt, stones, food waste, oil, etc.
Indonesia	Y48: Indonesia has implemented this code for plastic types that not include under B3011 such as PVC and PVA. For this kind of plastics we need PIC before issuing the consent letter B3011: Indonesia has implemented this code as business as usual without any PIC procedure
Japan	For general plastic wastes - Free from contamination such as food and drink, dirt, oils and others - Not mixed with substances other than plastic For PET bottle wastes - 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
Malaysia	Separated plastic that is homogeneous with one type of polymers / resins listed in Annex IX.
Myanmer	It must be clean, homogenous and direct-used as raw materials in production process.
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 (DAO 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. The developed domestic technical guidelines for TBM of plastic waste has provided some guidance to the local industry on the threshold limits for contamination by various non-plastic contaminants.
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% homogenous (single type of plastic)
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.
Japan	<ul> <li>Generally, plastic waste should consist of single a single type of resin.</li> <li>The exception is when the plastic waste has a minimal amount of other type of plastic resins even after undergoing a sorting process.</li> </ul>
Malaysia	Separated plastic that is homogeneous with one type of polymers / resins listed in Annex IX.
Myanmar	Not so clear
Philippines	This means that the importation of Solid Plastic Materials (SPMs) should only contain one 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, except for mixed plastic waste comprising only PP, PE and/or PET. The developed domestic technical guidelines for TBM of plastic waste has provided some guidance to the local industry on the threshold limit for contamination by other types of plastic 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, (1) the principle of minimizing TBM of waste, and (2) whether the concerned recycling facilities have sufficient environmental pollution control in-place EPD is aware that the Basel COP decided to update "Technical guidelines on ESM of plastic waste" and will incorporate any applicable TG when available.
Indonesia	All the plastic importers should be recycling industry that should fulfilled some conditions as: 1. having process facility 2. having environmental facility (as waste water treatment) 3. having end product 4. submitting environmental report regularly
Japan	<ul> <li>Processed or arranged for recycling</li> <li>PET bottle wastes</li> <li>Shredded and in the form of flakes</li> </ul>
Malaysia	The recycling facilities must comply to Environmental Quality Act 1974 and other regulations or requirements by other State Authorities.
Myanmer	Recycling facilities must have the approval of Environmental Management Plan or Initial Environmental Examination or Environmental Impact Assessment by ECD-MONREC.
Philippines	This does not include export for final disposal and there should be significant recoverable materials to ascertain its recyclability. Recycling facilities are compliant to environmental laws of respective countries. 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 DENR-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 or approved by Ministry of Industry.
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.



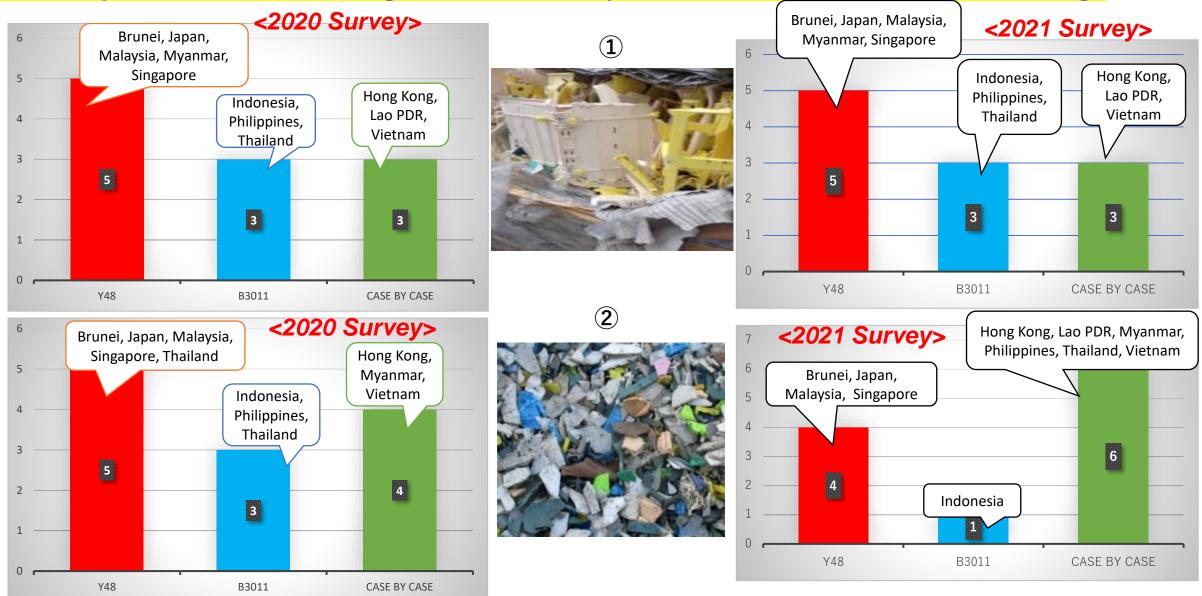
<Case of PET>

#### <2020 Survey>

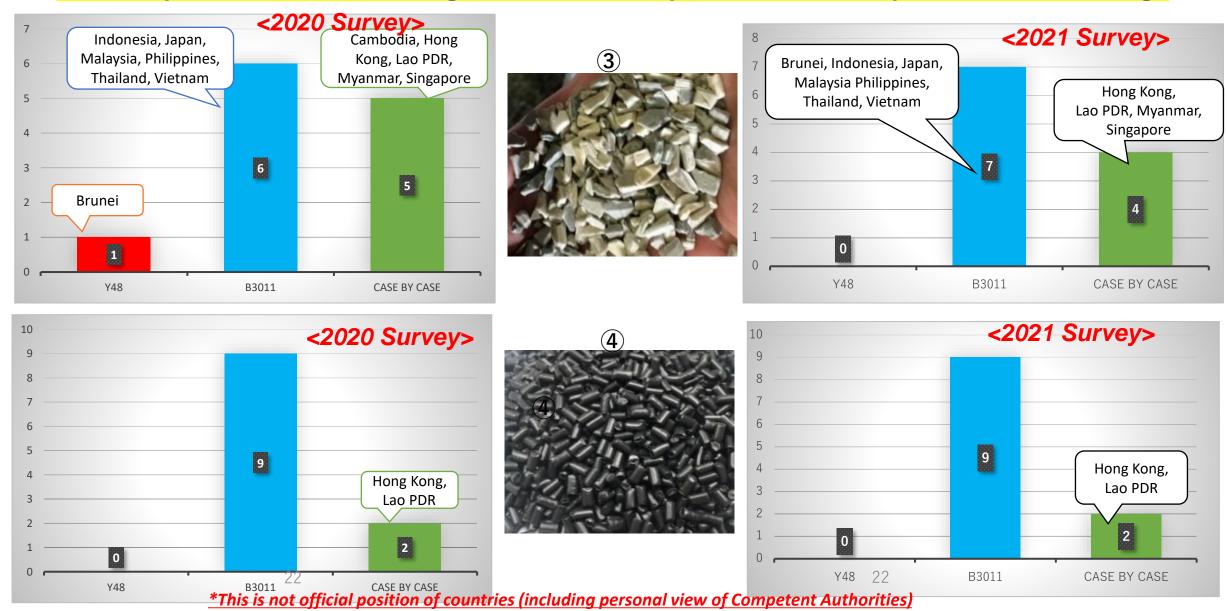
#### <2021 Survey>



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



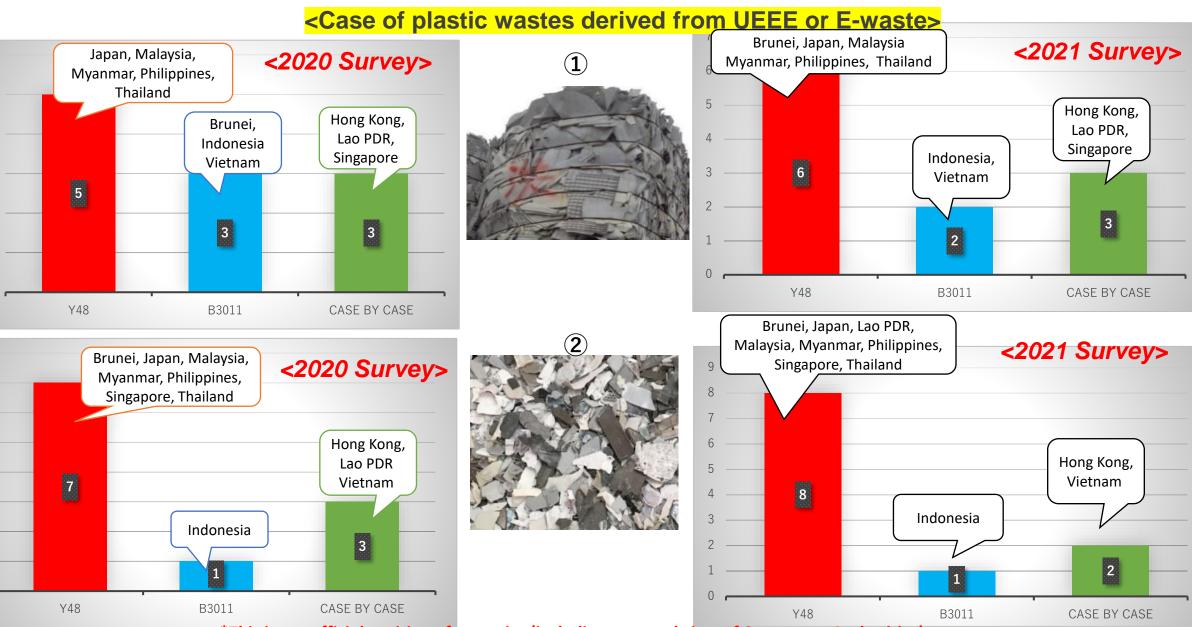
<Case of plastic wastes that were generated from the process other than product manufacturing>



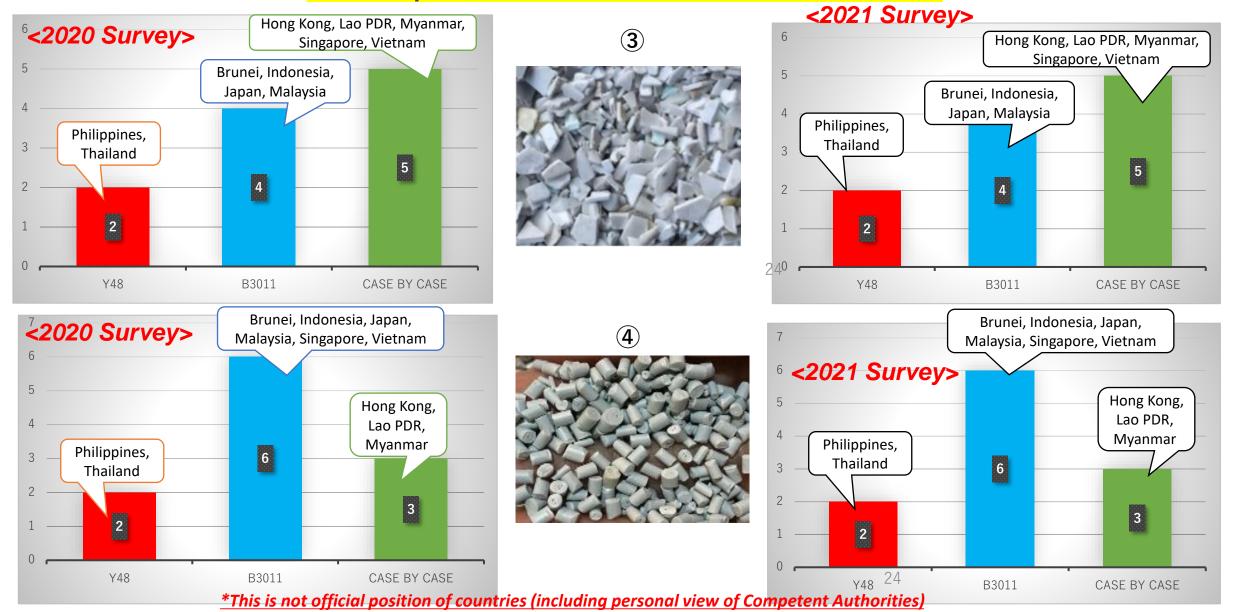
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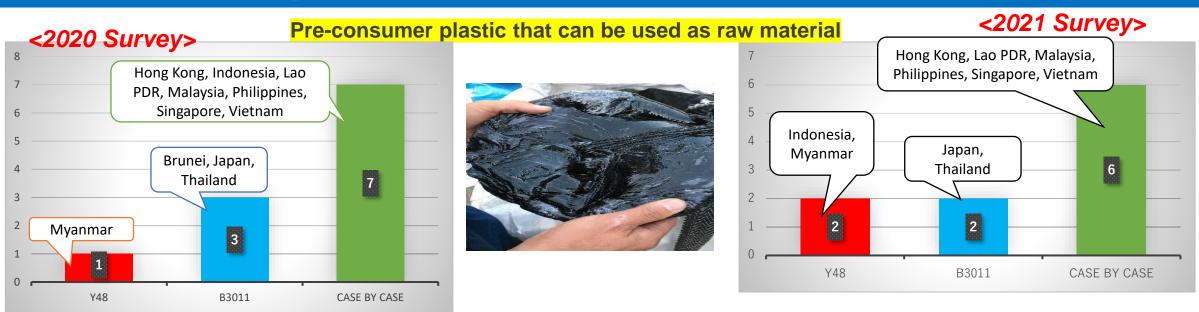
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#### <Case of plastic wastes derived from UEEE or E-waste>

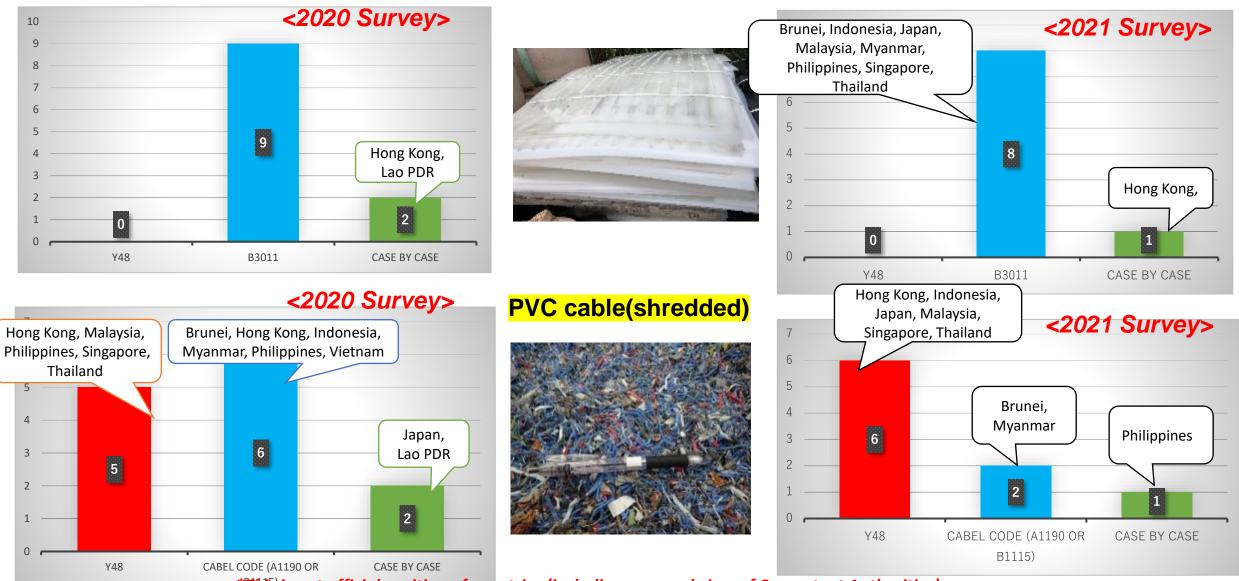




#### Non-visible contents of compressed pre-consumer plastic that can be used as raw material



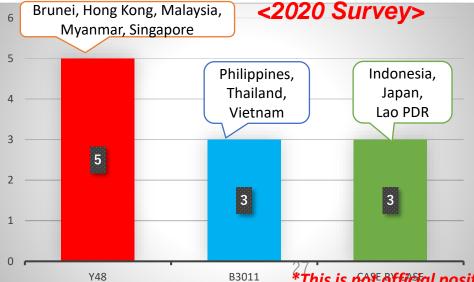
Offcut or punchout generated from production process, single type plastic and single color



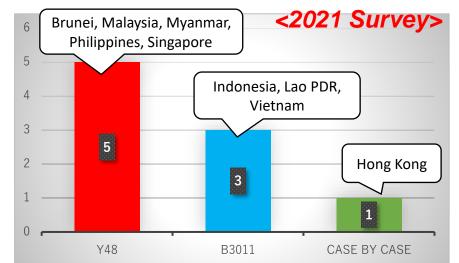
#### Clean plastic waste coated by dirty packaging



#### Plastic blending different type of polymers, so-called "polymer-alloy"



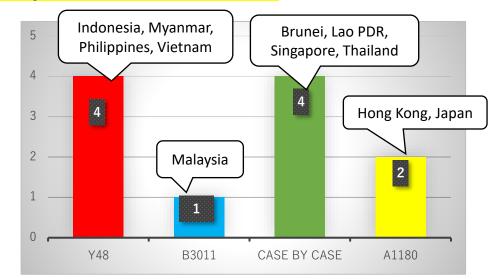




#### Electronic board with plastic covered wire etc.

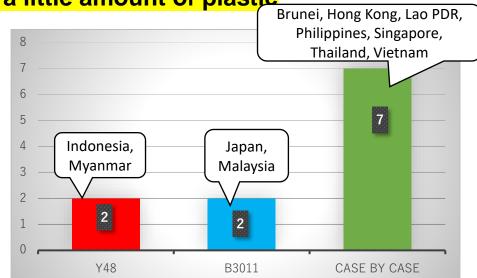
#### <2021 Survey only>





<2021 Survey only> Metal scrap mixed by a little amount of plastic

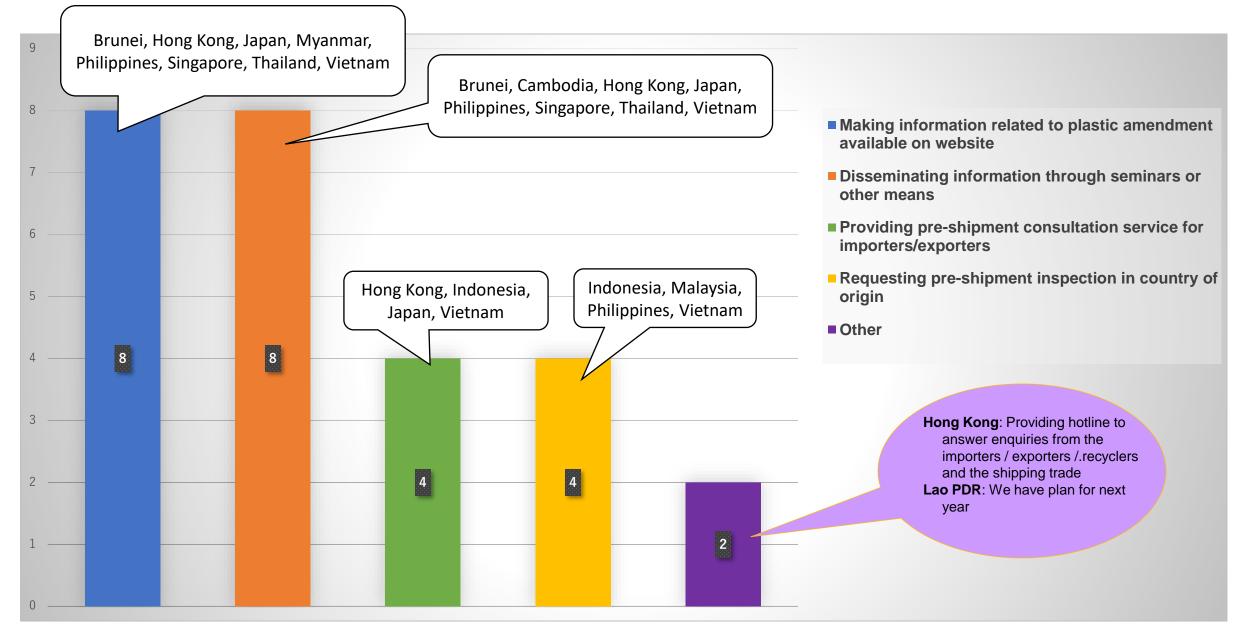




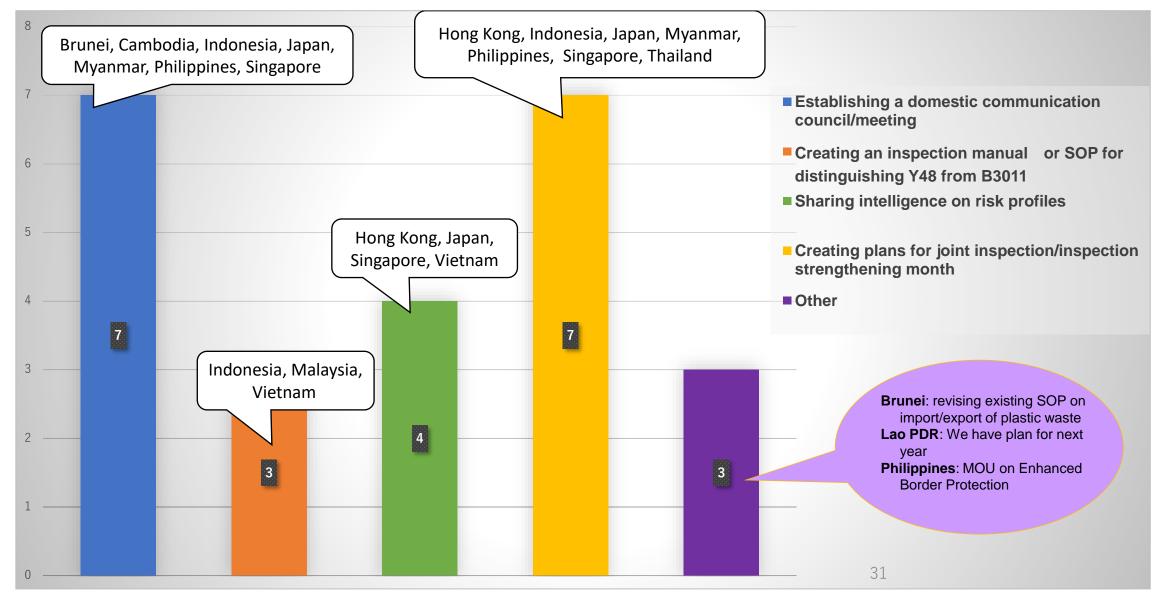
#### Important information other than visual appearance to distinguish Y48 from B3011

Country	Type of Information
Brunei	In addition to visual inspection, exporters will be required to submit information such as sources, original application and process involved prior to export (e.g. washing, shredding, baling), and declaration.
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	Referring to national regulations, it is prohibited to import plastic waste from landfills, not rubbish and not mixed with rubbish, not contaminated with hazardous and toxic substances and hazardous and toxic waste and homogeneous
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
Malaysia	Any plastic waste generated from electrical / electric equipment is defined as Y48.
Myanmer	Myanmar only allows the recyclable plastic scraps (PET, PP, PE) and plastic pellets. It must be clean, homogenous and ready to use as raw material without generating residual materials in the production process. It must be free from contamination and other types of wastes
Philippines	<ul> <li>Declaration from the competent authority of the exporting country as to the categorization of the material to be exported and the applicable policy stating the same would help the importing country assess how to properly manage such materials.</li> <li>Nature of the sources such as the types of manufacturing activities being done, and materials produced.</li> <li>An inspection by the authorities on the contents of the shipment should be done as basis for the certification or any applicable document.</li> </ul>
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 authorized 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 scrap allowed to import are: - generated production process - PET bottle/flakes from household, which are already segregated. - Single type of plastic or segregated plastics scrap - Not contaminated with heavy metal, chemical etc. - Still in usable or recyclable condition - No unwanted smell or bad odors
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 actual assessment results of the assessment agency (based on the environmental regulation of imported scrap)

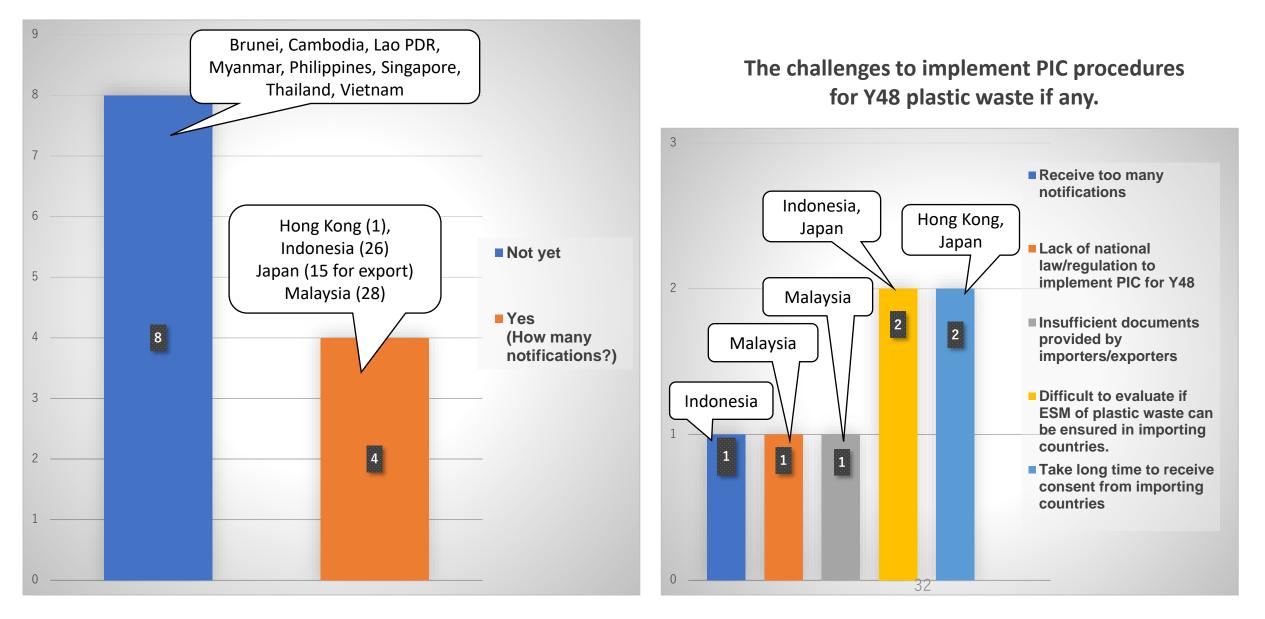
## **Raise awareness of importers and exporters**



# Information sharing with related implementation agencies such as Customs



# Has your country already sent notification for export or received notification for import of Y48 plastic waste since January 1st 2021?



Proposed agenda at future Asian Network Workshop

Country	Comments
Cambodia	Clarification of interpretation of terminology of the annexes concerning plastic waste.
Indonesia	<ul> <li>PIC procedure for B3011</li> <li>Indonesia has implemented mechanism of registered exporter in origin country before importing plastics waste to Indonesia</li> </ul>
Myanmer	• WCO H.S Code for identifying the clean, homogenous and recyclable plastic scrap.
Philippines	<ul> <li>Capacity building on the visual inspection of types of plastics</li> <li>Possible types of plastics being used in electronic technologies that we be cautious about</li> <li>Current technologies being employed to manage E-waste plastics</li> <li>Cases being filed against countries who found to have misdeclaration</li> </ul>
Singapore	<ul> <li>NEA would like to learn more on whether other countries have implemented requirements for the import and export of plastic waste to comply with the obligations on plastic waste under the Basel Convention.</li> <li>We would also like to share that even though Singapore has not sent any notification for export or received notification for import of Y48 plastic, NEA has been conducting random audit checks on shipments involving the import and export of B1110 plastic waste via TradeNet* to ensure compliance with the obligations under the Basel Convention.</li> </ul>
Thailand	<ul> <li>Guidelines for clarification between Y48 and B3011</li> <li>Cooperate with import parties</li> </ul>
Vietnam	• Provide detailed guidance to help distinguish plastic waste under the entry Y48 or B3011 under the provisions of the Basel Convention.



# Have a good discussion!!