

**PUBLICATION OF ASEAN MEMBER STATES (AMS)'  
ADMINISTRATIVE AND TECHNICAL REQUIREMENTS AS WELL AS  
PRACTICES ON PLASTIC WASTE CONTROL FOR AMS'  
AWARENESS**

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## INTRODUCTION

According to the Basel Convention website, plastic waste pollution as a major global environmental problem has reached catastrophic proportions with an estimated 100 million tons of plastic now found in the oceans, 80 – 90 percent of which comes from land-based sources. This problem is especially acute in ASEAN, particularly Malaysia, Indonesia, Vietnam and Thailand, which has seen imports of plastic waste from wealthier nations to the region rise sharply following a Chinese ban on waste imports at the start of 2018.

ASEAN Foreign Ministers expressed their concern over the adverse effects to human health and the environment posed by the increased movement of hazardous waste into Southeast Asia and agreed the ASEAN Foreign Ministers' Statement on Illegal Transboundary Movement of Hazardous Waste and Other Wastes in Southeast Asia during the 20th ASEAN Plus Three Foreign Minister Meeting, on 2 August 2019 in Bangkok, Thailand.

During the 28<sup>th</sup> ASEAN Directors General (DGs) of Customs Meeting on 11-13 June 2019 in Vientiane, Lao PDR, the DG of Cambodia raised the concern on plastic waste importation to some countries in the region. Indonesia and Malaysia also proposed to include this issue as a new agenda on the 26th ASEAN Customs Enforcement and Compliance Working Group Meeting, on 27-29 August 2019 in Medan Indonesia.

The purpose of the *Publication of Asean Member States (AMS)' Administrative and Technical Requirements as well as Practices on Plastic Waste Control for AMS' Awareness* is to provide guidance for the customs administrations of the ASEAN Member States on the requirements for the plastic waste control into ASEAN region.

This publication was prepared based on numerous consultation and series of discussion including discussions conducted during the ASEAN Regional Workshop on Combating Plastic Waste Dumping held in Kuching, Sarawak from 20 to 22 June 2023. The Workshop was held with the participation of AMS, namely Brunei Darussalam, Cambodia, Indonesia, Malaysia, Myanmar, The Philippines, Singapore and Thailand. This Publication was also prepared by taking into consideration the Basel Convention Plastic Waste Amendments.

This publication may be reviewed from time to time to accommodate changes in policies, law or regulations involving the plastic waste control. The latest edition of this publication shall be applied whenever it is available.

## **SCOPE**

The scope will be on plastic waste importation under heading 39.15.

At ASEAN level, this publication is under the purview of Customs Enforcement and Compliance Working Group (CECWG) with the support of Trade Facilitation Division (TFD) and ASEAN Working Group on Chemicals and Waste (AWGCW) with the support of Environment Division.

## **EXPORT CONTROL MEASURE: PROCEDURE FOR PRIOR INFORMED CONSENT (PIC) UNDER BASEL CONVENTION PLASTIC WASTE AMENDMENTS**

The amendment on the plastic waste importation requirement under Basel Convention took effect on 1 January 2021. The amendment introduced new entries under three (3) annexes of the Basel Convention, namely, Annex II (Categories of Waste Requiring Special Consideration), Annex VIII (Wastes characterized as hazardous under Article 1 paragraph 1(a) of the Basel Convention), and Annex IX (Non-hazardous wastes i.e. outside the scope of the Convention unless they are contaminated by constituents rendering them hazardous or are regulated by national legislation as hazardous wastes).

Following the amendment, importation of plastic waste under the Annexes except B3011 requires PIC (Prior Informed Consent) procedure. For more detailed specification of the types of plastic waste identified under the Basel Convention Annexes, please refer to the Basel Convention text.

### **Prior Informed Consent**

PIC procedure is a mandatory procedure for the importation of all plastic waste except B3011.

The PIC procedure is based on four key stages:

- a. Notification
- b. Consent & Issuance of Movement Document
- c. Transboundary movement
- d. Confirmation recovery / recycling of wastes

All AMS are signatories to Basel Convention, and adhere to PIC procedure under Basel Convention for exportation of plastic waste. Please refer to the Basel Convention website for the forms for the notification and movement documents, including the instructions for completing these forms for PIC procedure.

## **IMPORT CONTROL MEASURE: NO REGULATION**

### **BRUNEI DARUSSALAM**

#### **FOCAL POINT / CONTROLLING AGENCY**

Department of Environment, Parks and Recreation (JASTRE), Ministry of Development.

#### **ADMINISTRATIVE REQUIREMENTS**

JASTRE is in the process of amending their laws on Hazardous Waste (Control of Export, Import and Transit) Order, 2013 to include the requirements of the Basel Convention on plastic waste amendments.

As of 2023, there is no importation of plastic waste ever recorded for the past 3 years.

# IMPORT CONTROL MEASURE: ALLOWED WITH CONDITIONS

## CAMBODIA

### FOCAL POINT / CONTROLLING AGENCY

Ministry of Environment (MOE).

### ADMINISTRATIVE REQUIREMENTS

**Royal Kram No. 0623/007 “On Environment and Natural Resources Code” June 29, 2023 and (come into force in July 2024):**

#### **Article 237. Importation of Solid Waste**

The importation of solid waste from foreign countries into the Kingdom of Cambodia shall be prohibited unless the solid waste that is the importation subject fulfills the additional need of domestic waste processing investment projects. In such cases, solid waste importation shall receive permission from the government by following applicable procedures.

#### **Article 264. Prohibition of Hazardous Waste Importation**

Hazardous waste importation from any foreign country to the Kingdom of Cambodia is prohibited unless the hazardous waste fulfills the need for a dangerous domestic waste processing investment project. In this case, the format and procedure of hazardous waste importation shall be determined by a sub-decree.

- Government Sub-decree No. 370, dated 28 December 2023, List of Prohibited and Restricted goods (Waste, parings and scraps, of Plastics HS heading 39.15, prohibited for importation) \*.

\* Those commodities are prohibited for importation. However, in case of necessity or national interest, the Royal Government may authorize import, export or transit of those items. Relevant importers/exporters shall request the permission from the Royal Government through the relevant competent ministry.

### TECHNICAL REQUIREMENTS

Import license from MOE and import permit from Customs are required.

## **PRACTICES**

### **A. PHYSICAL EXAMINATION UPON IMPORTATION**

Physical examination is based on high-risk goods.

### **B. DISCOVER OF NON-COMPLIANCE UPON IMPORTATION**

Plastic waste importation is generally prohibited. However, if the importation is licensed by the MOE and does not fulfil the requirements, the goods can be subjected to re-exportation and penalty or other decisions by the government.

## **REFERENCES**

Royal Kram no. 0623/007 “On Environment and Natural Resources Code” June 29, 2023 and (come into force in July 2024).

Law on Customs July 20, 2007.

Government Sub-decree No. 370, dated 28 Dec 2023, on List of Prohibited and Restricted goods (effective May 1, 2024).





# **IMPORT CONTROL MEASURE: ALLOWED WITH CONDITIONS**

## **INDONESIA**

### **FOCAL POINT / CONTROLLING AGENCY**

Ministry of Trade (MOT), in cooperation with Ministry of Environment and Forestry (MOEF) and Ministry of Industry (MOI).

### **ADMINISTRATIVE REQUIREMENTS**

Indonesia requires both import approval (PI) and a Surveyor's Report for the plastic waste importation.

To process the application of PI, MOT requires recommendation from both MOEF and MOI. MOEF provides recommendation based on environmental compliance, while MOI gives recommendation related to the quotation.

The Surveyor's Report (LS) / Pre-Shipment Inspection contains at least the following data elements and/or information:

- Number and date of issuance of the Surveyor's Report;
- Tariff post/harmonized system;
- Quantity and unit of Goods; and
- Port of destination, except for the Surveyor's Report issued at Special Economic Zone or Bonded Zone.

### **TECHNICAL REQUIREMENTS**

#### **A. TYPES OF PLASTIC WASTE ALLOWED TO BE IMPORTED**

According to MOT regulation, plastic waste which can meet the following conditions are allowed to import:

- It is not B3 (hazardous, toxic and dangerous).
- It is generated from industry (not household or landfill).
- It is not mixed with other waste.
- 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.

## **B. IMPORT APPROVAL CONDITIONS**

Import Approval requirements are regulated in Annex 1 Chapter VI Non-Hazardous Waste as Industrial Raw Material of MOT Regulation.

There are 5 documents required to get Import Approval:

- Proof of being as a Registered Exporter (BET) endorsed by the representative of the Republic of Indonesia in Origin Country
- A statement letter from the Exporter in the origin country which at least states that
  - Non-hazardous waste was exported as industrial raw materials: 1) does not come from landfill activities; 2) is not garbage and is not mixed with garbage; 3) is not contaminated with B3 and B3 Waste; and 4) is homogeneous.
  - willing to take responsibility and accept the return of Non-Hazardous Waste used as Industrial Raw Material that has been exported in the event that it does not comply with the regulation.
  - name and address of the importer; and
  - reference to regulations
- A statement letter signed by the person in charge of the importer submitting the application.
- Recommendation/Report of Verification Results from the Ministry of Environment and Forestry (MOFE).
- Recommendation/Masterlist/Verification Report from the Ministry of Industry (MOI)

## **C. PROCESS OF IMPORT APPROVAL AND IMPORT PERMIT**

Import/Export Technical Verification and Tracing (VPTI/E)\* should be conducted at State of Origin and the report should be submitted. Only those surveyors authorized by MOT can conduct technical verification. The exporter must have the proof that their company has registered from the Indonesia Representative (Indonesian Embassy) in the exporter's country.

## **PRACTICES**

### **A. PHYSICAL EXAMINATION UPON IMPORTATION**

- Goods imported under the category of plastic waste will be subject to physical examination by Customs officer.
- The importer/agent must prepare the goods for inspection no later than 12:00 on the following day from the issuance of the Physical Examination notification.

### **B. DISCOVER OF NON-COMPLIANCE UPON IMPORTATION**

Plastic waste importation which do not fulfil the requirement to be imported, and has been declared in customs declaration, upon the request of the importer, are:

- re-export; or
- destroyed under the supervision of the customs officer;

unless the prevailing regulation determines differently toward the concerned goods.

The importers who do not fulfil their obligation to submit the Import realization and/or distribution realization report are subject to administrative sanctions in the form of warnings; suspension of Business Licenses in the form of Registered Importers or Producer Importers; deferment of Import Approval; suspension of Import Approval; or recommendation for suspension of Verification or Technical Tracking, for Importers who only have a Surveyor's Report.

Goods prohibited or restricted for import or export that have not been declared or not truthfully declared shall be notified as goods claimed by the state as referred to in Article 68, unless the prevailing regulation determines differently toward the concerned goods.

*"Prohibited or restricted goods that do not meet the requirements"* means the imported or exported goods have been declared in customs declaration, but do not meet the requirements specified in the regulation of prohibition and restriction of such goods.

### **C. SCHEDULED INSPECTION ON THE IMPORTER / PROCESSING PLANT**

Indonesia Customs conduct the supervision for importers in the form of surveillance activity, monitoring and evaluation, specifically for the Non-Hazardous Waste Plastic imported into Bonded Zone for further processing.

## **REFERENCES**

Minister of Trade Regulation No. 36/2023 concerning Import Policy and Procedure (Regulation above was partially amended by Ministry of Trade Regulation No. 3/2024).

Article 53 of Customs Law Number 10 Year 1995 jo. Customs Law Number 17 Year 2006.

Minister of Finance Regulation No. 185/PMK.04/2022 concerning Customs Inspection of imports.

Director General of Customs and Excise Regulation No. PER-1/BC/2023 concerning Implementation Guidelines for Physical Inspection of Imported Goods.

# **IMPORT CONTROL MEASURE: ALLOWED WITH CONDITIONS**

## **LAO PDR**

### **FOCAL POINT / CONTROLLING AGENCY**

Pollution Control Department, Ministry of Natural Resource and Environment.

### **ADMINISTRATIVE REQUIREMENTS**

Approval needs to be obtained from Ministry of Natural Resource and Environment and Ministry of Industrial and Commerce.

### **TECHNICAL REQUIREMENTS**

#### **A. TYPES OF PLASTIC WASTE ALLOWED TO BE IMPORTED**

Lao PDR allows importation of Acrylonitrile Butadiene Styrene (ABS), Low Density Polyethylene (LDPE), High Density Polyethylene (HDPE), Polyamide6 (nylon) (PA6), Polyamide66 (nylon) (PA66), Polyethylene (PE), Polyphenylene ether (PPE), Polycarbonate (PC), Polybutylene terephthalate (PBT), Polyvinyl chloride (PVC), Polyethylene terephthalate (PET), Methyl Methacrylate (MMA), Polymethyl methacrylate (PMMA), Polypropylene (PP) and Cross-linked polyethylene (XLPE).

#### **B. IMPORT APPROVAL CONDITIONS**

Plastic waste raw materials imported from abroad must be in the form of plastic sheets, bags, hard rubber into sticks, sheets or lumps. The plastic waste must also be clean and can be produced as a product of at least 80%.

#### **C. PROCESS OF IMPORT APPROVAL AND IMPORT PERMIT**

Approval needs to be obtained from authorized government agencies or government issued permits.

## **PRACTICES**

### **A. PHYSICAL EXAMINATION UPON IMPORTATION**

Goods imported under the category of plastic waste will be subjected to physical examination by Lao Customs and thoroughly scanned by scanners.

### **B. DISCOVER OF NON-COMPLIANCE UPON IMPORTATION**

Lao PDR does not permit of importation or exportation of plastic waste or materials EXCEPT for processing plants with permits as stated in *INSTRUCTION ON PLASTIC WASTE PROCESSING PLANTS Ministry of Industry and Commerce ref.no: 0682/MOIC.DoIH Vientiane date: 17 July 2020.*

Any violation of the law by importer will be re-exported immediately.

### **C. SCHEDULED INSPECTION ON THE IMPORTER / PROCESSING PLANT**

Lao Customs does not conduct inspections of processing plants. However, importers must declare relevant documents specifying their import intent and obtain the necessary government approval permits before being allowed to import plastic waste.

## **REFERENCES**

*Law on Customs (Amended) No.81/NA Vientiane Capital, date: 29 June 2020*

*Chapter 7 Restricted and Prohibited Goods*

- *Article 57 (Amended) Restricted Goods.*
- *Article 58 Prohibited Goods*

*Ministerial Instructions on Hazardous Waste Management Ministry of Natural Resources and Environment No: 0744/MONRE Vientiane February 11, 2015*

*Instruction on Plastic Waste Processing Plants Ministry of Industry and Commerce Ref. No: 0682/MOIC.DoIH Vientiane, date: 17 July 2020.*

# **IMPORT CONTROL MEASURE: ALLOWED WITH CONDITIONS**

## **MALAYSIA**

### **FOCAL POINT / CONTROLLING AGENCY**

Department of Environment (DOE) and National Solid Waste Management Department (JPSPN).

### **ADMINISTRATIVE REQUIREMENTS**

Malaysia requires both import approval and import permit/license for plastic waste importation.

### **IMPORT APPROVAL**

- Import approval for plastic waste importation is under the purview of DOE and JPSPN. The import approval, once granted, may have the validity period of one (1) year.
- In considering granting import approval, applicant is required to furnish documents as below:
  - Company Profile of the Waste Generator
  - Company Profile of the Importer/End-User
  - Documents on Land Transporter
  - Contractual Agreement
  - Detailed information on the waste
  - Justification for import
  - Bank Guarantee
  - Emergency Response Procedure (ERP)
  - Technical information on the waste recovery/reuse/recycle process
  - Percentage on residue generated from the process and its further disposal
  - Notification letter from the Competent Authority of the exporting country

### **IMPORT PERMIT**

- Import permit for plastic waste importation is under the purview of JPSPN and is required for each shipment of plastic waste.

- In considering granting import permit, applicant is required to furnish documents as below:
  - Real, clear picture of the goods and the category of the imported plastic waste
  - Verification of the premise from the Department of Environment (DOE) through JPSPN National Solid Waste Management Department (JPSPN)
  - The approval letter of the exporter (supplier) along with the exporter and importer's the ISO 14000 certificate
  - The letter by authority, accreditation body or certified body of the exporting country confirming that the exporter is carrying out plastic waste exporting activities
  - A valid business license from the Local Authority
  - A stamped and signed invoice
  - Practice orderly and good housekeeping in the factory
  - Factory must have organized storage, i.e roofed and concrete floors
  - Obtained approval to install and operate machinery from the Department of Occupational Safety and Health (JKKP)
  - Provide confirmation of the actual capacity of the processing machine certified by SIRIM
  - Verify that the ratio of the import resource to be 70% of factory capacity to encourage the use of local plastic waste
  - Only homogenous and clean plastic waste generated from industrial factories and post-consumer is allowed
  - Provide the location for the disposal of waste generated by the factory.
  - Provide the list of final product buyers
  - Provide the list of factories under the company's ownership
  - Restrictions on the importation of plastic waste from developing countries.
  - The location of the plastic waste factory must be appropriate; in the industrial zone
  - Fee imposed on waste importation must be paid
  - Bank Guarantee for the waste importation must be presented

## **TECHNICAL REQUIREMENTS**

### **A. TYPES OF PLASTIC WASTE ALLOWED TO BE IMPORTED**

General conditions for the plastic waste allowed for import are, the allowable contamination must not exceed 5%, the plastic waste imported must be clean and homogenous, and the waste must be wrapped properly.



## **B. IMPORT APPROVAL CONDITIONS**

When granting import approval, DOE shall consider the conditions below:

- the plastic waste imported can contribute to upgrade local recycling industry;
- The quota for plastic waste importation has been set at 350,000mt/year;
- Importer is also given quota for import (generally up to 70% of total capacity of facility);
- DOE only allows premises that fully comply with Environmental Quality Act (EQA) 1974 to import plastic waste to be recycled at their premises.

## **C. PROCESS OF IMPORT APPROVAL AND IMPORT PERMIT**

Import permit is processed electronically through e-permit under an environment under National Single Window (NSW) integrated with Customs Information System (CIS).

CIS links with e-permit once received declaration under 39.15 (mandatory import permit).

Import license is granted in physical form

## **PRACTICES**

### **A. PHYSICAL EXAMINATION UPON IMPORTATION**

Goods imported under the category of plastic waste will be subjected to inspection by The Solid Waste and Public Cleansing Management Corporation (SWCorp), accompanied by Customs officer and the importer/agent.

The agent must make the appointment with SWCorp for the inspection. Customs clearance is granted after the agent submitted SWCorp's inspection report.

### **B. DISCOVER OF NON-COMPLIANCE UPON IMPORTATION**

In case of non-compliance, the goods will be repatriated to exporting countries. DOE as Malaysia's Basel Convention Competent Authority shall communicate with its counterparts for repatriation.

## **C. SCHEDULED INSPECTION ON THE IMPORTER / PROCESSING PLANT**

DOE conducts regular inspection on the importer / processing plant in order to ensure compliance.

### **REFERENCES**

Environmental Quality Act 1974

Solid Waste and Public Cleansing Management Act 2007

Custom (Prohibition of Import) Order 2017

# **IMPORT CONTROL MEASURE: ALLOWED WITH CONDITIONS**

## **MYANMAR**

### **FOCAL POINT / CONTROLLING AGENCY**

Ministry of Natural Resources and Environmental Conservation (ECDMONREC) and Ministry of Commerce (MOC).

### **ADMINISTRATIVE REQUIREMENTS**

Myanmar requires import license for importation of plastic waste. MOC shall issue import licence upon recommendation from ECDMONREC.

### **TECHNICAL REQUIREMENTS**

#### **A. TYPES OF PLASTIC WASTE ALLOWED TO BE IMPORTED**

Plastic scrap can be imported if;

- it is homogenous
- clean with no residue contained
- ready to use as raw material without generating residual materials.

#### **B. IMPORT APPROVAL CONDITIONS**

MOC shall issue import licence upon recommendation from ECDMONREC. Recycling facility or factory must have the Initial Environment Examination (IEE) and Environmental Impact Assessment (EIA) from ECDMONREC.

#### **C. PROCESS OF IMPORT APPROVAL AND IMPORT PERMIT**

- Myanmar requires both import approval and import permit/license for plastic waste importation.
- Regarding the process, the import permit shall be granted by the Ministry of Commerce (MOC) and then Myanmar Customs Department (MCD) shall assess or examine relevant documents by using Myanmar Automated Cargo Clearance System (MACCS).
- MCD shall examine the documents for the importation of plastic waste and if it is correct, document examinations shall be completed immediately.

### **PRACTICES**

## **A. PHYSICAL EXAMINATION UPON IMPORTATION**

The importation of plastic wastes shall be subject to physical examination by relevant Customs officer of MCD.

## **B. DISCOVER OF NON-COMPLIANCE UPON IMPORTATION**

For any non-compliance upon importation of plastic scrap, it will be subject to take actions by the existing laws and regulations specified by relevant departments such as MCD, Environmental Conservation Department (ECD) and MOC.

## **C. SCHEDULED INSPECTION ON THE IMPORTER / PROCESSING PLANT**

Environmental Conservation Department (ECD) conducts regular inspection on the importer in order to ensure compliance.

## **REFERENCES**

- Law on Environmental Protection 2012.
- Notification of the Ministry of Natural Resources and Environmental Protection No. (74/2023) on Procedures for Cross-Border Transportation of Hazardous Waste and Other Waste.

# **IMPORT CONTROL MEASURE: ALLOWED WITH CONDITIONS**

## **THE PHILIPPINES**

### **FOCAL POINT / CONTROLLING AGENCY**

Department of Environment and Natural Resources – Environmental Management Bureau

Solid Waste Management Bureau (DENR-EMB)

### **ADMINISTRATIVE REQUIREMENTS**

The Philippines requires import clearance for plastic waste importation and requires importation clearance for each shipment

- Bill of Lading must be submitted to the DENR-EMB for their evaluation
- Application of Registration Certificate

The Philippines being a signatory to the Basel Convention ensures compliance with it implementing guidelines, these include matters such as but not limited to:

- Acceptance of plastic imports coming from other member countries, states, and/or administrations to the Basel Convention.
- Requiring importers of plastic scrap and/or waste to register as an “importer of recyclable/hazardous material” with the DENR-EMB
- Importers must secure an Importation Clearance with the DENR-EMB, the same must be applied for at least thirty (30) days from actual importation (ONLY REGISTERED IMPORTERS MAY APPLY FOR THIS)
- In instances, wherein importation is conducted inside FREEZONES, the locator, consignee, and/or importer must secure the necessary permits from the Freezone Ecology Center in addition to the pertinent clearances/permits issued by the DENR and other regulatory agencies.

### **TECHNICAL REQUIREMENTS**

#### **A. TYPES OF PLASTIC WASTE ALLOWED TO BE IMPORTED**

- DAO 2013-22 identifies the classification of importable plastic providing the pertinent rules and regulations for the transboundary movement of these goods within Philippine Territory.

- Plastic should be homogenous or clean without any residue contained

The Philippines, in compliance with the guidelines of the Basel Convention, allows the importation of plastic waste and/or scrap provided these are homogenous in nature. Likewise, DAO 2013-22 provides that (i) No importation of Heterogenous and unsorted plastic shall be allowed; and (ii) All plastics shall have no traces of toxic materials like asbestos.

However, it must be noted that the DENR ensures that importers have a proper Transport, Storage, Disposal (TSD) facility and/or registered Hazardous Waste Generator who have complied with the requirements of the DENR.

## **B. IMPORT APPROVAL CONDITIONS**

- Importation clearance will be given based on the capacity of the recycling facility
- Clearance is valid for a period six (6) months.

Prior to importation, a Prior Informed Notification which shall be confirmed by a Prior Informed Consent shall be conducted between parties involved in the movement of plastic waste. It is imperative that REGISTRATION be made by the importer and thereafter secures the necessary IMPORTATION CLEARANCE from the DENR-EMB before importation is approved.

## **C. PROCESS OF IMPORT APPROVAL AND IMPORT PERMIT**

Violations of provisions of the importation clearance shall be subject to the penalty provisions of RA 6969

Importers register by submitting their applications to the DENR-EMB for approval, which must contain the following documents as stated under DAO 2013-22, namely:

- Names and address of waste importer and recycling facilities
- Types and quantities of the imported recyclable material
- Physical and chemical characteristics
- Justification to import
- Methods of handling, including collection, packaging, labelling, transportation, and route which must conform with internationally accepted standards

- Listing of personnel who will be responsible for supervising the collection, transport and unpacking of the recyclable materials and their respective qualifications
- Emergency response plan describing steps to be taken by parties concerned in case of spill or accident which may occur during transport from the premises of the recyclable material generator to the importer

Thereafter, once REGISTRATION IS CONFIRM AND/OR APPROVED by the DENR-EMB, an Importation Clearance (IC) must be secured for each shipment to imported by submitting application form to the DENR-EMB which must contain the following information, to wit:

- Names and addresses of waste importer and receiving parties
- Types and quantities of the imported materials
- Registry Reference Code
- Affidavit of Undertaking

The approved IC shall be submitted to the BOC for clearance and release of the shipment of plastic waste and/or scrap.

## **PRACTICES**

### **A. PHYSICAL EXAMINATION UPON IMPORTATION**

Physical Examination of shipments are only conducted in the event an Alert Order or Pre-Lodgement Control Order has been issued by the District Collector based on derogatory information. The examination is conducted in the presence of the importer, broker, representative, or in some cases representative from the CCBPI. During the same, the shipment is subject to K-9 inspection.

In the event that the physical examination confirms the derogatory information on which the Alert Order or PLCO was issued, BOC officials shall request the importer to present a copy of their Importation Clearance, failure to do so shall result to the recommendation of a Warrant of Seizure and Detention.

### **B. DISCOVER OF NON-COMPLIANCE UPON IMPORTATION**

- Goods not properly treated and disposed in a sound environmental manner shall be shipped back to the State of Export.

- In cases of misdeclaration or heterogenous goods, the export shall be liable to re-export the shipment to its country of origin.

In the event of non-compliance, a Warrant of Seizure and Detention shall be issued by the District Collector for the forfeiture of the goods and/or articles in favor of the government. Thereafter, these shall be disposed of in accordance to the recommendation of the DENR-EMB in compliance with Section 1148 of the CMTA.

To further elaborate on the disposal procedures of the Bureau of Customs, the agency may dispose of the goods in several modes, such as:

- Public Auction
- Bidders must be registered with the DENR-EMB
- Donation
- Official Use of the Bureau
- Negotiated Sale
- Re-Exportation - At the expense of the importer
- Destruction or Condemnation - It must be conducted in an environmentally sound manner
- Turn-over to the Proper Government Agencies

### **C. SCHEDULED INSPECTION ON THE IMPORTER / PROCESSING PLANT**

The EMB-DENR shall, upon receipt of the registration application, determine the completeness of the submission and coordinate with the concerned EMB Regional Office to INSPECT THE RECYCLING/ RECEIVING PLANT. Upon determination that the applicant has the capability to recycle the imported material in an environmentally accepted manner, the EMB DENR shall consider the importer as “REGISTERED”

### **REFERENCES**

Republic Act 6969 “Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990”.

Department of Environmental and Natural Resources (DENR) Administrative Order No. 2013-22 on Revised Procedures and Standards for the Management of Hazardous Wastes, revising DAO 29-1992.



## **IMPORT CONTROL MEASURE: ALLOWED WITH CONDITIONS**

### **SINGAPORE**

#### **FOCAL POINT / CONTROLLING AGENCY**

Chemical Control & Management Department, National Environment Agency (NEA)

#### **ADMINISTRATIVE REQUIREMENTS**

All plastic waste listed under HS 39.15 are classified as (a) non-hazardous or (b) hazardous waste.

- (a) Non-hazardous plastic waste: Plastic waste listed under entry B3011 in Annex IX of the Basel Convention are exempted from the transboundary movement control under the Basel Convention. Hence, a Basel Import permit is not required under the Hazardous Waste (Control of Export, Import and Transit) Act. Notwithstanding, importers of B3011 plastic waste are required to provide relevant supporting documents upon its import declaration via TradeNet, a Singapore Customs website for trade declaration, and obtain a Cargo Clearance Permit (CCP). Please refer to Section 3.2 and 3.3 for more information related to the import requirements through TradeNet.
  
- (b) Hazardous plastic waste: Other types of plastic waste listed under entry Y48 in Annex II (i.e. Categories of Wastes Requiring Special Consideration) or entry A3210 in Annex VIII (i.e. plastic waste containing Annex I material to an extent causing it to exhibit hazardous characteristics) of the Basel Convention will be subjected to transboundary movement control. The exporting country will first need to obtain Prior Informed Consent (PIC) procedure from NEA, and thereafter the importer of such waste will be required to obtain a Basel Import permit from NEA prior to shipments.

#### **TECHNICAL REQUIREMENTS**

##### **A. TYPES OF PLASTIC WASTE ALLOWED TO BE IMPORTED**

Plastic waste listed under entry B3011 of the Basel Convention is generally allowed for import without a Basel permit if it meets the conditions as stated in the Technical Guidelines for the Import and Export of Plastic Waste published by NEA at

<https://www.nea.gov.sg/corporate-functions/resources/legislation-international-law/multilateral-environmental-agreements/chemical-safety/basel-convention>.

Some of these key conditions\* in the guidelines include but are not limited to:

- Cleanliness (total allowable non-plastic contaminants not more than 2.5% by weight);
- Homogeneity (mixture of other plastic types not more than 0.5% by weight); and
- Availability of relevant supporting documents (e.g. bill of lading, invoice, approval letters, photographic evidence, etc.).

\*Conditions are currently not regulated through legislation but imposed administratively.

Singapore generally does not allow the import of controlled/hazardous waste (e.g. plastic waste listed under entry Y48 or A3210 of the Basel Convention).

## **B. IMPORT APPROVAL CONDITIONS**

Approval can be granted for the import of plastic waste classified under the entry B3011 of the Basel Convention if the information of the declarations in TradeNet is assessed to be valid and accurate through its submitted supporting documents: -

- Bill of Lading
- Invoices
- Photographic evidences

Other supporting documents, as required by NEA

## **C. PROCESS OF IMPORT APPROVAL AND IMPORT PERMIT**

Similar to any import of goods into Singapore, importers are required to make a declaration on TradeNet for the plastic waste it is importing. Declarations involving HS codes 39.15 (i.e. plastic waste) will be routed to the Chemical Control & Management Department of NEA for review prior to the issuance of a Cargo Clearance Permit (CCP).

## **PRACTICES**

### **A. PHYSICAL EXAMINATION UPON IMPORTATION**

Inspection of the containers may be conducted by Singapore Customs, the Immigration and Checkpoints Authority (ICA) and/or NEA if there are discrepancies found in the declarations of the plastic waste and/or anomalies found during Customs scanning.

### **B. DISCOVER OF NON-COMPLIANCE UPON IMPORTATION**

For plastic waste that do not meet the specified criteria, NEA (as Singapore's CA overseeing plastic waste) will perform the following:

- Follow up with the local importer to clarify on the discrepancy; and
- (a) Allow import if company is able to furnish additional information to meet the requirements, or (b) inform competent authority of exporting country to discuss the next steps (e.g. repatriation of containers to country of origin).

### **C. SCHEDULED INSPECTION ON THE IMPORTER / PROCESSING PLANT**

NEA conducts regular inspection on the facilities handling recyclables to ensure compliance.

## **REFERENCES**

Hazardous Waste (Control of Export, Import and Transit) Act.

# IMPORT CONTROL MEASURE: ALLOWED WITH CONDITIONS

## THAILAND

### FOCAL POINT / CONTROLLING AGENCY

Department of Industry Works, Ministry of Industry (DIW) in cooperation with Pollution Control Department, Ministry of Natural Resources and Environment (PCD), Ministry of Commerce.

Customs Department (in case of bringing plastic scraps into a Free Zone).

### ADMINISTRATIVE REQUIREMENTS

In case of importing plastic scraps into the country, Thailand requires import permit for importation of plastic waste. Import permit for plastic waste importation is under the purview of DIW.

\*\*However, Ministry of Industry (MOI) decided to delay the consideration of allowing the import of plastic waste or scraps and E-waste or UEEE (temporary ban of import). Recycling of plastic waste locally generated will be promoted.

In case of bringing plastic scraps into a Free Zone, an approval of annual plastic scraps amounts and an approval for each shipment from the Customs Department is required.

### TECHNICAL REQUIREMENTS

#### A. TYPES OF PLASTIC WASTE ALLOWED TO BE IMPORTED<sup>1</sup>

<sup>1</sup> Under the Cabinet Resolution dated 21 February 2023, the Cabinet approved a proposal from the Ministry of Natural Resources and Environment, through the National Environment Board to regulate plastic scrap import. This new regulation enforces a ban on importing plastic scrap, effective from 1 January 2025 and is awaiting Cabinet review and approval. Once the new regulation takes effect, Thailand will prohibit the importation of plastic waste under customs tariff code 39.15 as of 1 January 2025. However, the regulation will not apply to the transit of plastic waste through Thailand. In case of illegal plastic scrap under customs tariff 39.15 occurs, it will be under The Customs Act B.E. 2560 section 244 which is restriction and prohibitions avoidance, and it provides authority to re-export the illegal goods (Under Basel Convention) back to the sender country. However, Thailand Customs works as the representative of the authority unit in each specific issue such as the Department of Industrial Work or the Department of Foreign Trade.

In case of importing plastic scraps into the country:

The conditions of plastic scrap that is allowed to import are as follows:

- 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.

\*\*However, Ministry of Industry (MOI) decided to delay the consideration of allowing the import of plastic waste or scraps and E-waste or UEEE (temporary ban of import). Recycling of plastic waste locally generated will be promoted.

In case of bringing plastic scraps into a Free Zone:

Plastic scraps are allowed to be brought into a Free Zone only if those plastic scraps are:

- sorted into each type of plastic material;
- unmixed; and
- able to be applied directly into the production process of a factory without requiring pre-washing process.

## **B. IMPORT APPROVAL CONDITIONS**

In case of importing plastic scraps into the country:

- 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. to 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.

\*\*However, Ministry of Industry (MOI) decided to delay the consideration of allowing the import of plastic waste or scraps and E-waste or UEEE (temporary ban of import). Recycling of plastic waste locally generated will be promoted.

In case of bringing plastic scraps into a Free Zone:

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Plastic scraps are allowed to be brought into a Free Zone only if those plastic scraps are;

- imported by a Free Zone Operator which is a factory operator registered accordingly to the Factory Act B.E.2535 (1992) and intends to use plastic in manufacturing plastic products or products with plastic parts
- sorted into each type of plastic material, unmixed and able to be applied directly into the production process of a factory without requiring pre-washing process
- used as materials for producing plastic products or products with plastic parts on only the purpose of exportation, not for sale, transfer or other purposes
- of the amount not exceeding the production capacity of plastic products or products with plastic parts that an Operator has applied and the Customs Department has approved each year

### **C. PROCESS OF IMPORT APPROVAL AND IMPORT PERMIT**

In case of importing plastic scraps into the country:

At present, there is no new import permit issued by the DIW due to the Notification of the Ministry of Industry Re: Delaying consideration of importing into Thailand (2018).

In case of bringing plastic scraps into a Free Zone:

The process of granting approval for plastic scraps import:

- An authorized Free Zone Operator which intends to bring plastic scraps into a Free Zone shall apply for production capacity verification at the responsible regional customs office
- The Operator shall submit application for approval of annual plastic scraps amount to the Free Zone Audit Section, the Tax Incentives Division, with relevant documents and evidence.
- \* For each shipment, the Operator also have to submit application for approval and regional customs officers responsible for the Free Zone shall check the amount of plastic scraps before allowing bringing in.

## **PRACTICES**

### **A. DISCOVER OF NON-COMPLIANCE UPON IMPORTATION**

In case that contaminated plastic waste or other waste under the control of the Basel Convention is found, the Customs Department will contact the DIW which is the Competent Authority (CA) in the Basel Convention for a coordination with CA in an exporting country and proceeding with repatriation to be conducted by the DIW.

## REFERENCES

Notification of the Ministry of Commerce on Importation of Goods into the Kingdom of Thailand (No.112) B.E.2539 (1996)

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)

Notification of the Ministry of Industry Re: Delaying consideration of importing into Thailand (2018)

Notification of the Customs Department No. 59/2564 on the Amendment of the Notification of the Customs Department No. 114/2561 (2021)

# **IMPORT CONTROL MEASURE: ALLOWED WITH CONDITIONS**

## **VIETNAM**

### **FOCAL POINT / CONTROLLING AGENCY**

Ministry of Natural Resources and Environment (MONRE).

### **ADMINISTRATIVE REQUIREMENTS**

All types of wastes are not allowed to import in accordance with LEP-2020.

According to the provisions of Article 71 of the Law on Environmental Protection, "Scrap imported from abroad into Vietnam must meet environmental technical regulations and be on the List of scrap permitted to be imported from abroad as raw production materials." promulgated by the Prime Minister". Currently, the List of scrap allowed to be imported from abroad as raw production materials is specified in Decision No. 13/2023/QĐ-TTg dated May 22, 2023 of the Prime Minister, including a number of Plastic scraps belong to the List.

Organizations and individuals may only import scrap from abroad as raw materials for their production facilities and must meet the following environmental protection requirements:

- Have production facilities with recycling and reuse technology and equipment, warehouses and yards dedicated to gathering scrap to meet environmental protection requirements; Have a plan to handle impurities suitable for imported scrap;
- Have an environmental license;
- Environmental protection deposit to ensure that organizations and individuals are responsible for environmental restoration, handling risks and environmental pollution arising from activities;
- Have a written commitment to re-export or process scrap in case imported scrap does not meet environmental protection requirements.

The Ministry of Natural Resources and Environment is the environmental licensing agency - licensing the import of scrap from abroad as production materials and is the management agency for waste and scrap.

### **TECHNICAL REQUIREMENTS**



## A. TYPES OF PLASTIC WASTE ALLOWED TO BE IMPORTED

PM Decision (13/2023) lists the importable plastic scraps as follows;

Plastic scraps and scraps are allowed to be imported		HS code		
PE	Soft and not hard plastic	3915	10	10
	Other types of plastic	3915	10	90
PS	Of polymers based on styrene: Other: Polymer Styrene (PS), Acrylonitrile Butadiene Styrene (ABS); High Impact Polystyrene (HIPS); Expanded Polystyrene (EPS)	3915	20	10
PVC	Of polymers of vinyl chloride: Other	3915	30	90
Other types of plastic	Of poly ethylene terephthalate (PET)	3915	90	10
	Of polypropylene (PP)	3915	90	20
	Of polycarbonate (PC)	3915	90	30
Other: Polyamide (PA); Poly Oxygen Methylene (POM); Poly Methyl Methacrylate (PMMA); Thermoplastic Polyurethanes (TPU); Ethylene Vinyl Acetate (EVA); Silicon resin removed from the production process and unused		3915	90	90

MONRE Circular (09/2018) published National Technical Regulation on import on plastic scraps subject to production process (QCVN32/2018/BTNMT).

National Technical Regulation (QCVN32/2018/BTNMT) defines requirements on plastic scraps that are allowed to import including the followings;

- Washed
- Not dirty
- Crushed/shredded
- Segregated and not mixed with impurities

## B. IMPORT APPROVAL CONDITIONS

According to the provisions of the Law on Environmental Protection 2020 and Decree No. 08/2022/ND-CP dated January 10, 2022 of the Government detailing a number of articles of the Law on Environmental Protection, conditions for approval the import of scrap is as follows:

- Imported scrap is only allowed to be unloaded at the port when it meets the following requirements:
  - Organizations and individuals receiving goods on the Goods Manifest (E-Manifest) have an environmental license or component environmental license specified in Clause 4 of this Article that is still valid and has a volume of imported scrap;
  - Organizations and individuals receiving goods on E-Manifest must have a written confirmation that they have deposited a security deposit for imported scrap for the scrap recorded on E-Manifest according to the provisions of Point b, Clause 3, Article 46 of this Decree.
  
- In addition to the documents prescribed by customs law, imported scrap documents must contain the following documents:
  - Quality certificate of the exporting country (if any); Certificate of origin (if any); photos or descriptions of scrap;
  - Document confirming deposit has been made to secure imported scrap;
  - Certificate of quality inspection of imported scrap shipments: assesses the conformity with environmental technical regulations for imported scrap (Imported plastic scrap must meet national technical regulations on the environment to be approved). stipulated in Circular No. 08/2018/TT-BTNMT dated September 14, 2018 of the Ministry of Natural Resources and Environment (amended and supplemented in Circular No. 01/2019/TT-BTNMT));
  - Written commitment to re-export or process scrap in case imported scrap does not meet environmental protection requirements.

## **C. PROCESS OF IMPORT APPROVAL AND IMPORT PERMIT**

Documents, order and procedures for granting environmental permits comply with Article 43 of the Law on Environmental Protection and Article 29 of Decree No. 08/2022/ND-CP.

Customs clearance processes and procedures comply with the provisions of the Customs Law and guiding documents.

## **PRACTICES**

### **A. PHYSICAL EXAMINATION UPON IMPORTATION**

Imported scrap shipments will be physically inspected and sampled (if any) by the customs authority.

## **B. DISCOVER OF NON-COMPLIANCE UPON IMPORTATION**

Decision 35/2019 on inter-sectoral coordination regulations to manage scrap import activities. In particular, the Decision stipulates the coordination between the Ministries: Finance, Natural Resources and Environment, Transport, Police, National Defence, Industry and Trade, Foreign Affairs, Science and Technology and the People's Committee. People of provinces and centrally run cities in state management of scrap import activities from abroad into Vietnam. It stipulates the relevant agencies:

- Coordinate and discuss operating methods and tricks of organizations and individuals violating the law, serving the verification, investigation and handling of violations in scrap import activities (except for information and documents that are not allowed to be provided according to regulations of the State, ministries, and branches in charge).
- Coordinate in preventing, stopping, detecting and handling violations of the law in scrap import activities.

## **C. SCHEDULED INSPECTION ON THE IMPORTER / PROCESSING PLANT**

The customs authority's inspection plan is carried out according to the annual inspection and inspection plan and post-customs clearance inspection activities. In addition, the customs agency also coordinates with other relevant agencies such as the Ministry of Natural Resources and Environment and local agencies when required.

## **REFERENCES**

- Law on Environmental Protection 2020;
- Decree No. 08/2022/ND-CP dated January 10, 2022 of the Government detailing a number of articles of the Law on Environmental Protection;
- Decision No. 13/2023/QD-TTg dated May 22, 2023 of the Prime Minister promulgating the List of scrap allowed to be imported from abroad as production materials.
- Circular No. 02/2022/TT-BTNMT dated January 10, 2022 detailing the implementation of a number of articles of the Law on Environmental Protection.

- Decision No. 35/2019/QĐ-TTg dated December 19, 2019 of the Prime Minister regulating inter-sectoral coordination mechanism for managing scrap import activities
- Circular No. 08/2018/TT-BTNMT dated September 14, 2018 of the Ministry of Natural Resources and Environment promulgating national technical regulations on environment.
- Circular No. 09/2018/TT-BTNMT dated September 14, 2018 of the Ministry of Natural Resources and Environment promulgating national technical regulations on environment.
- Circular No. 01/2019/TT-BTNMT dated March 8, 2019 Suspending the implementation of a number of regulations of Circular No. 08/2018/TT-BTNMT and Circular No. 09/2018/TT-BTNMT dated March 14 /9/2018 of the Minister of Natural Resources and Environment promulgating national technical regulations on environment.