

Translation of letter from Department of Environment, Putrajaya [Ref No: JAS.600-7/1/24(29) dated 10 February 2021] to President, Sahabat Alam Malaysia (SAM).

RE: SEEK INFORMATION REGARDING MALAYSIA'S MEASURES IN RELATION TO THE BASEL CONVENTION PLASTIC WASTE AMENDMENTS

With all due respect, I was directed to refer to the abovementioned matter.

2. As a party to the 'Basel Convention', Malaysia will ensure full adherence to the proposed amendments of The Fourteenth Meeting of the Conference of the Parties to the Basel Convention which is, to control the transboundary movements of plastic waste through the Prior Informed Consent (PIC) procedure beginning 1st January 2021.

3. For your information, there are no changes made to the current laws whether it's the Environmental Quality Act 1974, Solid Waste and Public Cleansing Management Act 2007 or Customs (Prohibition of Imports) Order 2017 to implement the amendments. However, there are few measures which will be implemented to ensure compliance towards the Basel Convention amendments, which are: -

- 3.1 All types of imported plastics whether B3011 (separated plastic wastes / mixed plastic PP, PE and PET) or Y48 (mixed plastics other than PP, PE and PET) must be in accordance with the criteria of plastics mentioned below: -
 - 3.1.1 Must have 95% recycling rate, i.e. 95% of the imported plastic waste can be recycled.
 - 3.1.2. Must not exceed 5% of plastic contaminants and non-plastic contaminants provided that all contaminants must be able to be recycled and should not be hazardous waste.
 - 3.1.3. Dirt such as soil or dust are only allowed on the surface of the plastic bale only and not inside the plastic bale.
- 3.2. The Department has set that each importation of B3011 and Y48 requires a pictorial inspection report of the traded goods by the Inspecting Body appointed by the exporting country to verify the type of plastics (Annex II or IX) which complies with the criteria set by Malaysia. This was intended to control the importation traffic of B3011 without PIC and false declaration incidents at the country's entry points.
- 3.3. Plastic waste under Annex VIII is categorized as hazardous waste and the procedure of importing and exporting is similar to the procedure of PIC of existing hazardous waste; and
- 3.4 All imports of plastic waste categorized as HS 3915 or under B3011 or Y48 must have Approved Permit, AP along with e-permit approval from the National Solid Waste Management Department in advance.

4. The Department of Environment has issued a guideline on the importing of plastics which is known as National Action Plan for The Enforcement on the Importation of Plastic Waste (HS 39.15) especially for HS3915 plastic waste, launched on 10th February 2020. However, these guidelines were meant specifically as guidance for the work procedures and enforcements on the

imports of plastic waste HS3915. In this regard, these guidelines will be amended so that the enforcement procedures will incorporate all types of plastic wastes which involves importing and exporting. Besides this, pursuant to the addition of plastic waste classification in the amendment of the Basel Convention on Transboundary Movement of Hazardous Waste, the Customs (Prohibition on Exports) Order 2017 has to be amended to determine the HS Codes which is involved in the amendment, mainly to differentiate between Annex II and Annex IX.

5. Your attention and cooperation in this matter is highly appreciated. Thank you.

Yours truly,

SHAFE'EE BIN YASIN

f(Director General of Environmental Quality)

cc. Deputy Secretary-General
Ministry of Environment and Water Malaysia