



OPERATIONAL COODINATION CENTER ON ILLEGAL ACTIVITIES RELATED TO PLASTIC WASTE

OCC, 21-25 OCTOBER 2019
SINGAPORE

FENNY WONG NYUK YIN
ENFORCEMENT DIVISION
DEPARTMENT OF ENVIRONMENT
MINISTRY OF ENERGY, SCIENCE, TECHNOLOGY, ENVIRONMENT &
CLIMATE CHANGE (MESTECC)
MALAYSIA



INTRODUCTION

The Operational Coordination Centre (OCC) established by INTERPOL at its Global Complex for Innovation in Singapore within the framework of Operation 30 Days at sea 2.0 focused on operational Target 3.1 – “Illegal import/export of plastic waste through ports”. This targets addressed emerging enforcement challenges after the implementation of the Chinese restrictions on waste imports in 2018 caused a sudden shift in the movement of waste, resulting in the rise of illegal import/export of plastic waste.

As a result, target 3.1 was identified as a major pollution threat to the environment. Recognizing the recent changes in criminal trends of the illicit waste market, the OCC gathered national delegates of major waste import and export countries with the **objective to exchange real-time intelligence and advance investigative cooperation** on cases detected during the operation, and other ongoing transnational cases of offences



PARTICIPATING COUNTRIES

- AUSTRALIA
- BANGLADESH
- CAMBODIA
- INDONESIA
- IRELAND
- ITALY
- MALAYSIA
- NETHERLANDS
- ROMANIA
- SPAIN
- THAILAND
- TURKEY



COUNTRY EXPECTATIONS FROM THE OCC

- **Improve communication** and understanding on how to deliver information to export countries; who are the relevant authorities, who are the officers on the ground etc.
- **Clear understanding** of the national legislation of major import countries when handling plastic waste
- Developing new methodologies and tactics to share information and exchange best practices to approach illegal waste
- Develop a channel of communication with major destination and origin countries
- Better understanding of the Chinese restrictions on waste imports – the policy and the impact



CURRENT SITUATION SINCE THE CHINESE RESTRICTIONS ON WASTE IMPORTS

Increase in Plastic Shipments from Europe to Asia

It is more economical to move plastic waste in empty containers already bound to Southeast Asia. However, this solution has resulted in significant consequences for major Southeast Asian ports.

Involvement of Third Parties/Countries

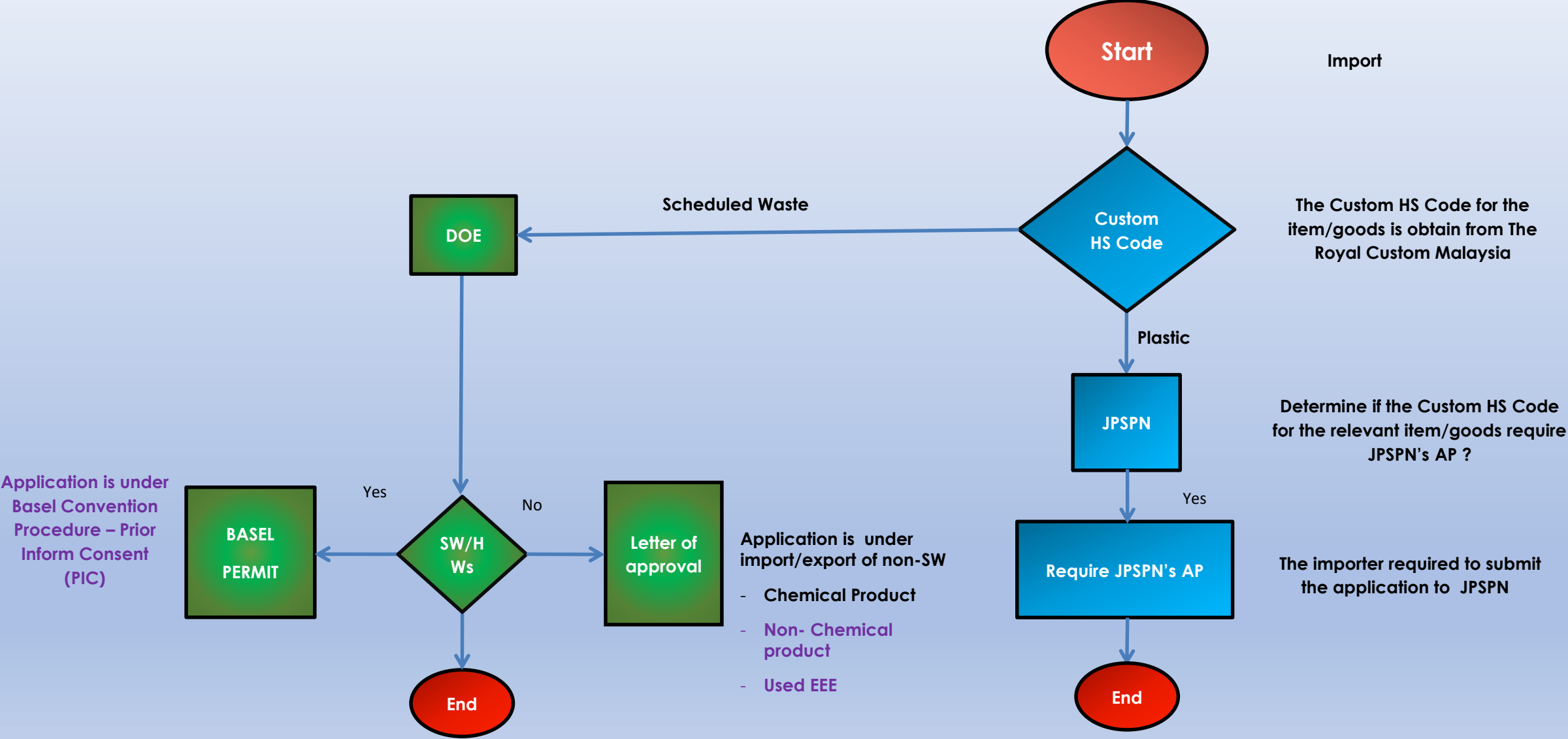
Singapore and Hong Kong have been frequently identified as transit countries between Europe and Asia, which has made the detection of the state of origin of illicit shipment challenging.



MAJOR CHALLENGES IN COMBATING THE ILLICIT PLASTIC TRADE

INFORMATION GAP	MULTILATERAL COOPERATION	RESOURCE RESTRICTIONS	LACK OF VISIBILITY: LEGISLATION AND PROCEDURES
Three Types of information gaps: <u>Identifying the shipment:</u> How to determine the legality of the shipment <u>Definition of Waste:</u> Certain products of plastic are considered waste in one country or scraps/reusable materials in another. Lack of familiarity with the Basel waste code <u>Identifying the network behind the shipment:</u> Lack of financial data/ company information to trace or identify links to the perpetrators.	Inter-Agency Cooperation: While some countries have stated that there is a strong inter-agency cooperation, several other indicated that there is lack of cooperation/communication between agencies. <i>In Turkey for example, manual searches on containers can be conducted only based on strong intelligence, which has to come from the relevant Ministry or licensing authority. If the information is not disseminated, no checks will be conducted.</i>	Lack of Capacity: Some import countries don't have the necessary capacity or resources to investigate and monitor all cases of illegal waste trafficking and management. Additionally, not all Environmental authorities have enforcement capacity and rely on other agencies when dealing with illegal cases. <i>In Indonesia there are a 150 investigators for all environmental crime areas but only 8 investigator designated for pollution crime activities across the nation.</i>	National Import Legislation and Policies Export countries are not fully aware of the legislative framework of import countries and what they consider illegal. As a result, export countries approve the shipment of products that are not necessarily illegal in their state but possibly in the destination country. Rapidly emerging new legislations on the import/export of waste: Restrictions on waste imports by current import countries, upcoming ban on metal scraps.
Movement of Waste: Export countries do not have accurate information about the where the waste is being sent to after it reaches the ports of import countries	International Cooperation: Export countries rarely report the shipment of illicit waste containers unless specifically requested to do so. Once the containers leave their waters, the notion is that the responsibility falls on the import countries	Lack of Priority: Due to the volume of plastic shipments entering ports across the world, it has become increasingly difficult for authorities to prioritise the monitoring of plastic shipment against more serious offences like weapons/drug trafficking, smuggling of humans etc. Cases related to the trade of waste don't often reach the prosecution stage due to weak/slow justice system when concerning this issue, corruption, poor understanding of the legislation etc.	Repatriation Process: The biggest challenge is convincing export countries that a violation has taken place regarding a waste container. They require you to provide proof that it is actually coming in from the stated export country – photos, sale number, shipment documentation like the bill of landing, delivery order etc. which often are quite challenging to obtain and confirm the accuracy of information as different countries require different documentation

IMPORT PROCEDURES ON PLASTIK WASTES TARIFF CODE 39.15 INTO MALAYSIA





JABATAN PENGURUSAN SISA PEPEJAL NEGARA
(DEPARTMENT OF NATIONAL SOLID WASTE MANAGEMENT)
KEMENTERIAN PERUMAHAN DAN KERAJAAN TEMPATAN
(MINISTRY OF HOUSING AND LOCAL GOVERNMENT)
ARAS 23 & 24
NO. 51, PERSIARAN PERDANA
PRESINT 4
PUSAT PENTADBIRAN KERAJAAN PERSEKUTUAN
62100 PUTRAJAYA

Telefon : 03-8000 8000
Faks (Pentadbiran) : 03-8891 3190
Laman Web : jpspn.kpkt.gov.my

Ruj. Kami: KPKT/JPSPN/1008/SI/JH46 Jld.2(6)
Tarikh: 29 Mac 2019

Pengarah Urusan
OCK Recycle Sdn. Bhd.
No 18, 20, 22,24 Jalan Kenanga 7
Seksyen BB 11
48300 RAWANG
Selangor Darul Ehsan

Tuan,

KELULUSAN LESEN IMPORT (AP) SKRAP PLASTIK HS KOD 39.15

Saya dengan hormatnya diarah merujuk kepada perkara di atas dan lawatan pemeriksaan oleh Kementerian Perumahan dan Kerajaan Tempatan (KPKT) ke premis tuan adalah berkaitan.

2. Sukacita dimaklumkan bahawa permohonan tuan untuk mengimport dan memproses skrap plastik HS Kod 39.15 di alamat premis di atas telah **diluluskan** oleh Kementerian ini dengan kapasiti sebanyak **1,670 tan/bln** iaitu 70% daripada kapasiti sebenar selaras dengan syarat baharu yang ditetapkan oleh pihak Kementerian kepada semua pemegang AP. Tempoh kelulusan lesen import tuan adalah bermula daripada tarikh surat Jabatan ini dan berakhir pada 31 Disember 2019.

3. Pihak tuan bertanggungjawab memastikan skrap plastik yang diimport adalah bersih dan *homogeneous* serta tidak bercampur dengan bahan-bahan berbahaya sebagaimana diperihalkan di bawah Akta Kualiti Alam Sekeliling 1974 (Akta 127). Pihak tuan perlu mematuhi semua undang-undang dan peraturan-peraturan semasa yang berkuatkuasa dalam menguruskan pengimportan dan pemprosesan skrap plastik. Sehubungan itu, permohonan AP skrap plastik boleh



APPROVED PERMIT (AP)

- The importation of plastic waste under the HS Code 3915 is controlled under the Custom (Prohibition of Import) Order 2017 which requires an Approved Permit (AP)
- AP is issued by Department of National Solid Waste Management, Malaysia
- AP is given per shipment
- Shipment should be completed within validated period of AP

CONDITIONS FOR IMPORT LICENCE (AP) ON PLASTIC WASTES TARIFF CODE 39.15

- i) Manufacturers who undertake recycling activities of plastic wastes for their own use;
- ii) Manufacturers must submit a letter of approval (compliance) issued by Department of Environment (DOE) to carry out recycling activities;
- iii) Imported plastic wastes which are not listed as Scheduled waste or Hazardous under the Environmental Quality Act, 1974;
- iv) AP is required for every consignment or each time plastic wastes are imported under tariff code 39.15
- v) AP issued carries a validity period of 6 months from the date of issue.



Consignee
(AP Holder)

Description of goods

HS Code

Permit No.

Weight

Validated period

J&A YOUNG (LEICESTER) LTD
BROOK HOUSE, HAMBLETON ROAD,
EGLETON, NR. OAKHAM, RUTLAND
LE15 8AE

DIYOU FIBRE (M) SDN BHD
LOT 89, JALAN PERMATA 2/3
ARAB MALAYSIAN INDUSTRIAL PARK
71800 NILAI, NEGERI SEMBILAN
B 4 6 5 4 0 6 - D

WORLD COMMERCE FREIGHT SERVICES S/B
NO.22 JALAN BAYU TINGGI 2A,
TAMAN BAYU TINGGI, 41200 KLANG
SELANGOR

1

2

1. PLASTIC WASTE (PET)

1. 3915.10 9000

KGM

220000.00000000

1.16000

255200.00

JAB. PENGURUSAN SISA PEPEJAL NEGARA, Putrajaya

J S P 1 6 1

JPSPN/465406-D/31004

JSP161112S13802018

2 3 0 6 2 0 1 9

2 3 1 2 2 0 1 8

App. ID: JSP1612018031267
Permit No.: JSP161112S13802018

CHENG LEE WAH

Page 1

5 9 1 1 1 1 - 0 1 - 6 4 6 8

PENGARAH SYARIKAT

G B

S O U

UNITED KINGDOM

SOUTHAMPTON

G B

UNITED KINGDOM

PORT KLANG

M Y P K G

B F 0 5 8 5 PORT KLANG

M Y P K G

Contract : JAY 5608

10x40' Green PET Bottles







25/02/2019 09:24

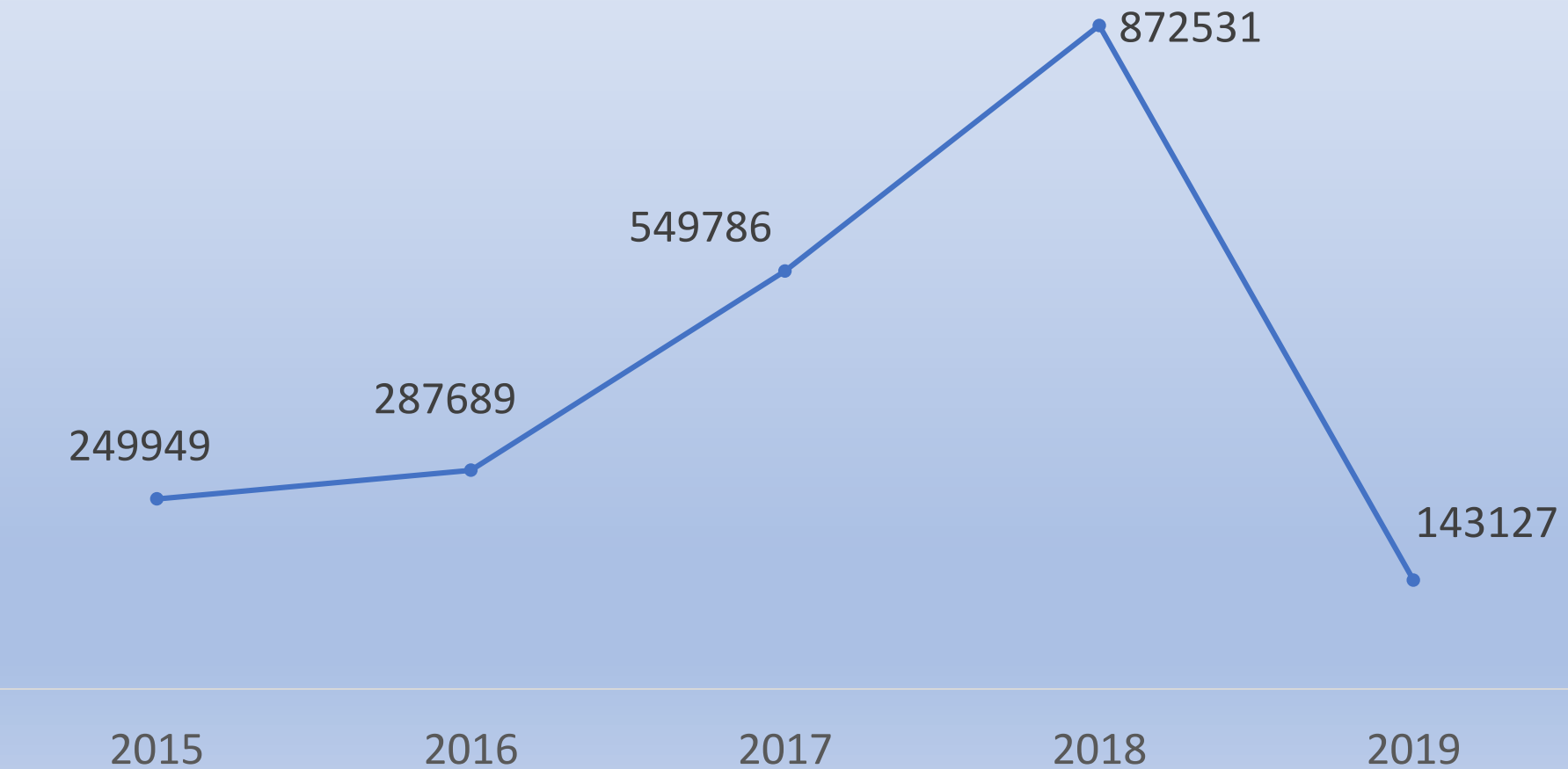


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CURRENT SITUATION

Imported Plastic Waste in Malaysia (tonnes)



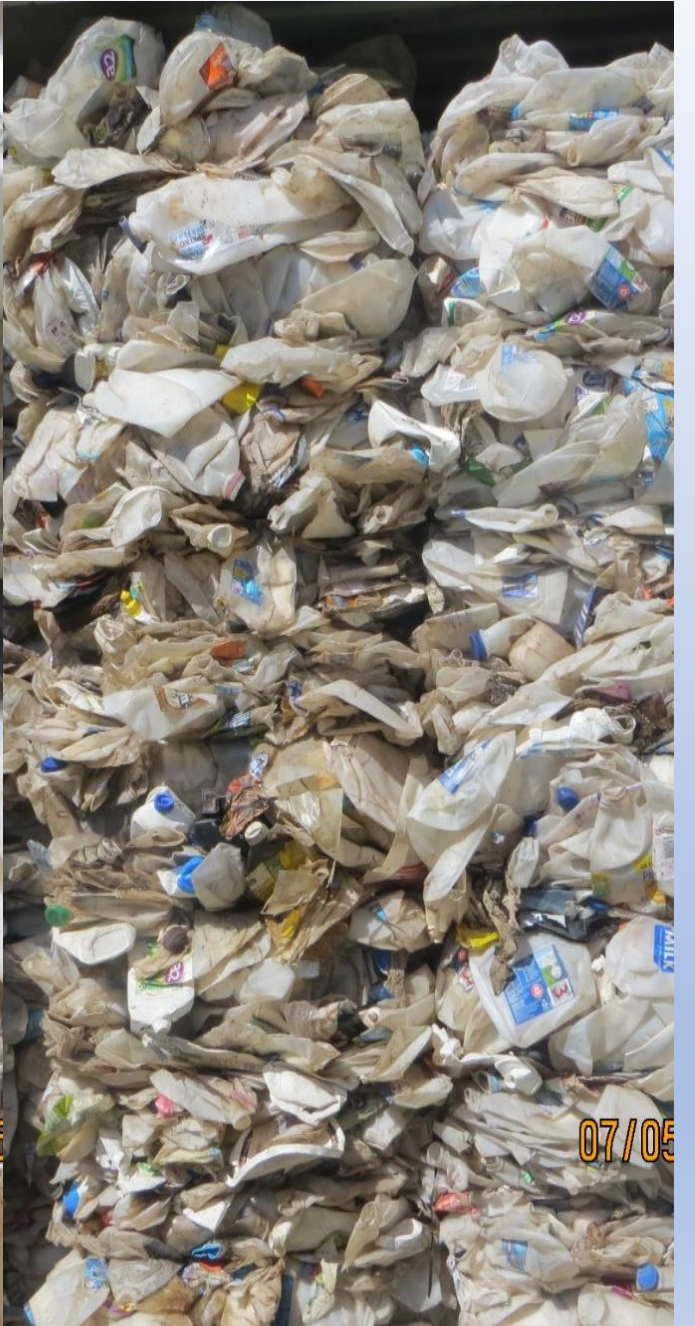


ILLEGAL SHIPMENT OF PLASTIC WASTE

- China's ban on plastic waste import → Southeast Asian countries
- Plastic imports to Malaysia have tripled since 2016, to 870,000 tonnes last year
- Illegal shipments of plastic waste to Malaysia with no AP
- Unclaimed containers containing plastic waste at Malaysian ports
- 22nd August 2019, DOE taken over 79 cases of illegal shipments involving 198 containers from 14 consignees and 12 countries.
- Illegal premises had been shut down and Malaysia is committed to sent back all containers of plastic waste not complying to domestic legal requirements as well as Basel Convention

HS CODE 3915





HS CODE
3915





08/



12/03/2019 11:36





JUSTIFICATION OF ILLEGAL SHIPMENT OF CONTROLLED PLASTIC WASTE

- 1) Consignees (facility) were **not an Approved Permit holder** under the Department of National Solid Waste Management, Malaysia.
- 2) The receiving facility do **not comply to requirements of EQA 1974**, and DOE has a reason to believe that this plastic scrap will not be managed in an environmentally sound manner and against the EQA 1974.
- 3) DOE as the focal point to the Basel Convention will ensure only premises which fully complied to the provision under the EQA 1974 will be allowed to import clean plastics for recycling.
- 4) As a Party to the Basel Convention, Malaysia will impose strict requirements in line with the Article 4(11) of the Convention for all importation of mixed plastic waste to ensure that any transboundary movements are conducted in a manner which will protect human health and the environment.



TERIMA KASIH THANK YOU



fenny@doe.gov.my

