



JABATAN ALAM SEKITAR

**Malaysia's Comments on the Draft Report On Study On
Used And End-Of-Life Goods**

Referring to the above draft document received by Malaysia through your letter dated 23rd May 2012, I would like to forward the following comments from Malaysia :

1.0 To ensure environmentally sound management of hazardous waste, Malaysia formally launched its hazardous waste management program in 1989 with the enactment of the Scheduled Waste Regulations, 1989 which were subsequently repealed and replaced by the Scheduled Waste Regulation 2005. The Scheduled Waste Regulation 2005 has included e-waste as waste that need to be controlled as scheduled wastes. Malaysia acceded to the Basel Convention on 8 October 1993. The Convention came into force in Malaysia on 6 January 1994 after the amendment of the Customs (Prohibition of Import) Order 1988 and the Customs (Prohibition of Export) Order 1988 to include the list of waste to be controlled as stipulated under the Basel Convention. The Environmental Quality Act 1974, was amended in 2007 to introduced more deterrent penalty for offences committed on illegal movement and transit of scheduled wastes in and out of Malaysia.

2.0 In enforcing the above provision, among the difficulties encountered by Malaysia are as follows:

- i) Lack of awareness of relevant entities
- ii) Lack of coordination/cooperation at the national level among relevant entities
- iii) Challenges in concluding that the illegal traffic is the result of the conduct on the part of the generator or exporter and/or identification of the relevant generator or exporter

- iv) Difficulties in identifying, communicating and getting cooperation from entities in the State of Export and transit state;
- v) Difficulties in ensuring that the return shipment is received by the exporting country/parties;
- vi) Difficulties in classifying whether imported used good is waste or non waste due to different terminology and definition used by different countries on UELG;
- vii) Difficulties in implementing the return back shipment;
- viii) Different interpretation of waste between one country to another

3.0 In dealing with the problem posed by used and end of life goods, Malaysia is currently practicing mechanism which is close to **Option 2** in the draft document where used goods destined for direct re-use as non-waste subject to certain conditions. Malaysia has also published "Guidelines for the Classification of Used Electronic and Electrical Equipment in Malaysia". The scope of this guideline is to assist parties of concerned in identifying and classifying a used electrical and electronic equipment or component, to categorized the used electronic and electrical equipment as an e-waste or not waste which can be used for direct reused or for warranty repair.

Recommendation

4.0 Based on the four options given in the draft document, Malaysia would like to support for **Option 4 where new provision not dependent on waste status** for further deliberation and implementation in dealing with e-waste and UELG

Regards,



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