



GUIDELINES FOR THE TRANSBOUNDARY MOVEMENT OF USED ELECTRICAL AND ELECTRONIC EQUIPMENT (UEEE) IN MALAYSIA



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FOREWORD



Large quantities of Used Electrical and Electronic Equipment (UEEE) are produced globally each year. The growth in their consumption pattern indicates a manifold increase in the volume of e-waste and calls for immediate attention to the management of e-waste. Furthermore, material recovery and recycling of e-waste has become a lucrative business due to electronic products contain substantial amount of metal value (e.g. precious metals). E-waste also contains toxic substances that poses adverse impact to human health and the environment. Therefore, it is of high concern, to find ways that could control the importation and exportation of UEEE in an Environmental Sound Management (ESM).

These guidelines are essential to improve the ESM of UEEE, enhance the resource efficiency and contribute to a circular economy. It is also intended to inform all parties concerned involved in the importation and exportation of UEEE and also specify the permitted criteria and general description of the rules on transboundary movements of UEEE. The management and control of UEEE would ensure Malaysia towards achieving the environmental sustainability of e-waste management as part of the Sustainable Development Goals.

A handwritten signature in black ink, appearing to read 'Dr. Ahmad', written over the printed name of the Director General.

DATO' DR AHMAD KAMARULNAJUIB BIN CHE IBRAHIM
Director General of the Environment, Malaysia

INTRODUCTION

The transboundary movement of UEEE should be first evaluated to determine whether it is suitable for direct reuse, reuse, repair or refurbishment. UEEE that is suitable for these activities should be further tested for its functionality along with appropriate documentation (Annex A) and declaration of testing result, prior to any transboundary movement.

In Malaysia, end-of-life electrical and electronic assemblies or otherwise commonly known as e-waste are categorized as scheduled wastes under the code SW 110, First Schedule, Environmental Quality (Scheduled Wastes) Regulations 2005.

The e-wastes are also listed as code A1180 and code A2010 under Annex VIII, List A of the Basel Convention on the control of Transboundary Movements of Hazardous Wastes and their Disposal 1989. Malaysia as the party to the Basel Convention, the importation and exportation of e-wastes must follow the procedures of the Convention. Transboundary movement of e-wastes require prior written approval from the Department of Environment as mandated under Section 34B(1)(b) and (c), of the Environmental Quality Act, 1974.

Any person who contravenes this section shall be guilty of an offence and shall on conviction be punished with imprisonment for a term not exceeding five years and shall also be liable to a fine not exceeding five hundred thousand ringgit.

SCOPE

These guidelines provide guidance for the purpose of transboundary movement of UEEE or its components for direct reuse, reuse, repairing, and refurbishment.

The scope of these guidelines is to assist all parties involved in transboundary movement of UEEE whether it is categorized as an e-waste and thus prescribed under the First Schedule of the Environmental Quality (Scheduled Wastes) Regulations 2005 or otherwise.

The parties concerned are:

- Waste generators;
- Waste transporters;
- Importers or exporters of UEEE; and
- Relevant authorities involved in the management of UEEE.

DEFINITION

The definitions for the purpose of these guidelines are:

“Direct reuse” means using again, by a person other than its previous owner, of computing equipment and components that are not waste for the same purpose for which they were conceived without the necessity of repair, refurbishment or hardware upgrading.

“Reuse” means using again, by a person other than its previous owner, of used computing equipment or a functional component from used computing equipment that is not waste for the same purpose for which it was conceived, possibly after refurbishment, repair or hardware upgrading.

“Repair” means fixing specified fault in computing equipment and/or replacing defective components of computing equipment to bring the computing equipment into a fully functional condition.

“Refurbishment” means modification of used computing equipment to increase its performance and functionality or to meet applicable technical standards or regulatory requirements, including through such activities as cleaning, data sanitization and software upgrading.

POLICY ON TRANSBOUNDARY MOVEMENT OF USED ELECTRICAL AND ELECTRONIC EQUIPMENT OR ITS COMPONENT IN MALAYSIA

The policy of transboundary movement of Used Electrical and Electronic Equipment (UEEE) or its components in Malaysia are as follows:

- a) UEEE does not fulfil the definition of SW 110 or not contaminated with any scheduled waste under the provision of Environmental Quality (Scheduled Wastes) Regulations, 2005;
- b) Age of equipment and its components must be five (5) years or less from the date of manufactured;
- c) The UEEE must be protected appropriately against damage during transport, loading and unloading, with a focus on suitable packaging and stacking of the load;
- d) Cooling equipment should not contain any CFCs or HCFCs (banned cooling agent);
- e) Receiving facility must comply with the Environmental Quality Act, 1974 and relevant regulations; and
- f) Importation for the purpose of material recovery and disposal is not allowed.

PERMITTED CRITERIA FOR TRANSBOUNDARY MOVEMENT OF USED ELECTRICAL AND ELECTRONIC EQUIPMENT OR ITS COMPONENTS IN MALAYSIA

Used electrical and electronic equipment or its components shall fulfil the following criterias:

Table 1 : Permitted Criteria for Direct Reuse

Point of Direct Reuse	Condition
Age of equipment	<ul style="list-style-type: none"> Five (5) years or less
Purpose of Importation	<ul style="list-style-type: none"> Direct Reuse
Management of hazardous waste	<ul style="list-style-type: none"> No residual/hazardous waste shall be produced for the importation destined for direct re-use.
Operational Information	<ul style="list-style-type: none"> Certificate of Inspection from a competent authority or certification body or any other relevant agency for the status of UEEE to be imported (proof of functionality); Packing list & specification of UEEE and their quantities to be imported (should include the brand name, model, serial number, year of manufacturing, status of equipment/component and date of inspection); and UEEE is individually packaged to protect against damage.



Table 2 : Permitted Criteria for Reuse

Point of Reuse	Condition
Age of equipment	<ul style="list-style-type: none"> Five (5) years or less
Purpose of Importation	<ul style="list-style-type: none"> Reuse
Management of hazardous waste	<ul style="list-style-type: none"> The importation of defective or non-functional UEEE or their parts and other hazardous wastes resulting from failure analysis, repair and refurbishment activities should be the responsibility of the exporter, in case of non-availability of environmentally sound management facility in the importing country.
Operation Information	<ul style="list-style-type: none"> Certificate of Inspection from a competent authority or certification body or any other relevant agency for the status of the UEEE to be imported (proof of functionality); Packing list & specification of UEEE and their quantities to be imported (should include the brand name, model, /serial number, year of manufacturing, status of equipment/component and date of inspection); and UEEE is individually packaged to protect against damage.

Table 3 : Permitted Criteria for Repair

Point of Repair	Condition
Age of equipment	<ul style="list-style-type: none"> Under Warranty
Purpose of Importation	<ul style="list-style-type: none"> Has been authorized as an OEM (Original Equipment Manufacturer) partner
Management of hazardous waste	<ul style="list-style-type: none"> The importation of defective or non-functional UEEE or their parts and other hazardous wastes resulting from failure analysis, repair and refurbishment activities should be the responsibility of the exporter, in case of non-availability of environmentally sound management facility in the importing country.
Operational Information	<ul style="list-style-type: none"> Description of repair processes and the relevant flow diagrams of the imported UEEE; Operational licenses from relevant agencies; Valid contractual agreement between the importer and the Original Equipment Manufacturer (OEM) which consists of the responsibilities and obligations of both parties (e.g. management of hazardous waste, reporting, etc.); Packing list & specification of UEEE and their quantities to be imported (should include the brand name, model, serial number, year of manufacturing, status of equipment/ component and date of inspection); UEEE is individually packaged to protect against damage; and Signed declaration and documentation with full details of importer.

Table 4 : Permitted Criteria for Refurbishment

Point of Refurbishment	Condition
Age of equipment	<ul style="list-style-type: none"> • Five (5) years or less
Purpose of Importation	<ul style="list-style-type: none"> • Refurbishment
Management of hazardous waste	<ul style="list-style-type: none"> • The importation of defective or non-functional UEEE or their parts and other hazardous wastes resulting from failure analysis, repair and refurbishment activities should be the responsibility of the exporter, in case of non-availability of environmentally sound management facility in the importing country.
Operational Information	<ul style="list-style-type: none"> • Description of refurbishment processes and the relevant flow diagrams of the imported/exported UEEE; • Operational licenses from relevant agencies; • Valid contract exists between the exporter and the refurbishing facility, which consists of the responsibilities and obligations of both parties (e.g. management of hazardous waste, reporting, etc.); • UEEE is individually packaged to protect against damage; • Packing list & specification of UEEE and their quantities to be imported; (should include the brand name, model, serial number, year of manufacturing, status of equipment/component and date of inspection); and • Signed declaration and documentation with full details of importer.

REVOCATION

The Guidelines for the Classification of Used Electronic and Electrical Equipment in Malaysia, Second Edition, 2010 published by the Department of Environment is revoked.



TRANSBOUNDARY MOVEMENT OF USED ELECTRICAL AND ELECTRONIC EQUIPMENT/COMPONENTS

1. Exporter details: i. Company name: ii. Address: iii. Contact person: iv. Position: v. Tel.: vi. Fax: vii. E-mail:	
2. Importer details: i. Company name: ii. Address: iii. Contact person: iv. Position: v. Tel.: vi. Fax: vii. E-mail:	
3. Receiving facility: i. Company name: ii. Address: iii. Contact person: iv. Position: v. Tel.: vi. Fax: vii. E-mail:	
4. Person who arranges the transport: i. Company name: ii. Address: iii. Contact person: iv. Position: v. Tel.: vi. Fax: vii. E-mail:	
5. Description: i. Types of Used Electrical and Electronic Equipment or components: ii. Custom Tariff Code: iii. Port of Entry: iv. Country of Origin: v. Port of Discharge:	
6. Purpose of importation/exportation (Please tick (✓) <i>the relevant</i> box below as appropriate) <input type="checkbox"/> Direct Reuse (Refer to Checklist 1) <input type="checkbox"/> Reuse (Refer to Checklist 2) <input type="checkbox"/> Repair (Refer to Checklist 3) <input type="checkbox"/> Refurbishment (Refer to Checklist 4) Note: The entire documents above are compulsory to be submitted to DOE HQ for processing application.	

CHECKLIST 1

FOR THE DIRECT REUSE APPLICATION

1.	Cover letter for the application (with company's letterhead)	
2.	Company Profile(Importer & Exporter)	
3.	Description of production processes and the relevant flow diagrams of the imported/ exported material:	
4.	Operational licenses from relevant agencies, e.g. Local Authority, MITI, DOE, ROC/ROB, etc.	
5.	Justification for application (specify the reasons for import/export):	
6.	Age of equipment (supporting document)	
7.	Certificate of Inspection from a competent authority or certification body or any other relevant agency for the status of the UEEE to be imported/exported *:	
8.	Management of hazardous waste	
9.	Packing list & specification of used electrical and electronic equipment/components and their quantities to be imported/exported *:(should include the brand name, model, serial number, year of manufacturing, status of equipment/component and date of inspection)	
10.	Contractual agreement with concerned parties (purpose of direct reuse)	
11.	Invoice or Performa Invoice, Catalogue & Photos	
12.	Signed declaration and Tracking Information system with full details of importer/exporter by filling out the form in Annex B	

CHECKLIST 2

FOR THE REUSE APPLICATION

1.	Cover letter for the application (with company's letterhead)	
2.	Company Profile (Importer & Exporter)	
3.	Description of production processes and the relevant flow diagrams of the imported/exported material:	
4.	Operational licenses from relevant agencies, e.g. Local Authority, MITI, DOE, ROC/ROB, etc.	
5.	Justification for application (specify the reasons for import/export)	
6.	Age of equipment	
7.	Certificate of Inspection from a competent authority or certification body or any other relevant agency for the status of the UEEE to be imported/exported *	
8.	Management of hazardous waste (Documents or explanations related to the management of waste resulting from the repair works e.g.; percentage and type of residue generated from repair process and its further disposal, if any)	
9.	List & specification of used electrical and electronic equipment/components and their quantities to be imported/exported *: (should include the brand name, model, serial number, year of manufacturing, status of equipment/component and date of inspection)	
10.	Contractual agreement with concerned parties (purpose of reuse)	
11.	Invoice or Performa Invoice, Catalogue & Photos	
12.	Signed declaration and Tracking Information system with full details of importer/exporter by filling out the form in Annex B	
13.	Additional Information (Final product after reuse process (end product), end of sale product brand, market demand for the equipment)	

FOR THE REPAIR APPLICATION

1.	Cover letter for the application (with company's letterhead)	
2.	Company Profile (Importer & Exporter)	
3.	Description of production processes and the relevant flow diagrams of the imported/exported material:	
4.	Operational licenses from relevant agencies, e.g. Local Authority, MITI, DOE, ROC/ROB, etc.	
5.	Justification for application (specify the reasons for import/export):	
6.	The equipment must be under warranty. Document to confirm the used equipment is still within warranty period.	
7.	Management of hazardous waste (Documents or explanations related to the management of waste resulting from the repair works e.g.; Percentage and type of residue generated from repair process and its further disposal, if any)	
8.	Description of repair processes and the relevant flow diagrams of the imported/exported UEEE;	
9.	Valid contractual agreement between the importer and the Original Equipment Manufacturer (OEM);	
10.	Valid contract exists between the importer (repairing facility), containing provisions such as management of hazardous waste, allocation of responsibilities, providing feedback report, etc.	
11.	Packing List & specification of UEEE and their quantities to be imported (should include the brand name, model, serial number, year of manufacturing, status of equipment/component and date of inspection)	
12.	Signed declaration and Tracking Information system with full details of importer/exporter by filling out the form in Annex B	
13.	Additional Information (Final product after repair process (end product), end of sale product brand, market demand for the specific equipment, photos etc.)	

CHECKLIST 4

FOR THE REFURBISHMENT APPLICATION

1.	Cover letter for the application (with company's letterhead)	
2.	Company Profile (Importer & Exporter)	
3.	Description of production processes and the relevant flow diagrams of the imported/exported material:	
4.	Operational licenses from relevant agencies, e.g. Local Authority, MITI, DOE, ROC/ROB, etc.	
5.	Justification for application (specify the reasons for import/export):	
6.	Age of equipment	
7.	Management of hazardous waste (Documents or explanations related to the management of waste resulting from the refurbishment works e.g.; Percentage and type of residue generated from refurbishment process and its further disposal, if any)	
8.	Description of refurbishment processes and the relevant flow diagrams of the imported/exported UEEE	
9.	Valid contract exists between the importers exporter and the refurbishing facility, which consists of the responsibilities and obligations of both parties (e.g. management of hazardous waste, reporting, etc.)	
10.	Signed declaration and Tracking Information system with full details of importer/exporter by filling out the form in Annex B	
11.	Additional Information (Final product after refurbishment process (end product), end of sale product brand, market demand for the specific equipment, photos etc.)	

TRACKING INFORMATION OF THE TRANSBOUNDARY MOVEMENT OF USED ELECTRICAL AND ELECTRONIC EQUIPMENT (UEEE) IN MALAYSIA

1. Person who arranges the transport: Name: Address: Contact person: Tel.: Fax: E-mail:	2. Receiving facility/premise: Name: Address: Contact person: Tel.: Fax: E-mail:	3. Description of the equipment (e.g. name):
4. Purpose of importation/exportation <input type="checkbox"/> Direct Reuse <input type="checkbox"/> Reuse <input type="checkbox"/> Repair <input type="checkbox"/> Refurbishment		5. Intended period of time for shipment
6. Actual quantity:		
Individual / Multiple Shipment: (Quantity)		
7. Countries/States concerned: Specific ports of exit or entry (border crossing or port)		
State of export	State of (entry & exit)	State of import destination
8. Declaration of the person who arranges the transport of the equipment: I declare that I am entitled to represent my company and that: a) The equipment in this transport is equipment that is not defined as SW110 or not contaminated with any scheduled waste under the provision of Environmental Quality (Scheduled Wastes) Regulations, 2005; or considered to be waste in any of the countries involved in the transport. b) A contract fulfilling the conditions set out in paragraph 3 of this guideline, c) Upon request from the relevant authorities, I will make available underlying documentation (e.g., contracts or equivalent documents) that can be used to verify the statements contained in subparagraphs (a) and (b) above. d) The above information is complete and correct, to the best of my knowledge. Name: _____ Position: _____ Date: _____ Signature & _____ Company Stamp		
TO BE COMPLETED BY THE RECEIVING FACILITY		
9. Movement received at the receiving facility: <input type="checkbox"/> Quantity/volume received: Name: _____ Date: _____ Signature & Company Stamp: _____		



REFERENCES

1. Guideline on Environmentally Sound Testing, Refurbishment & Repair of Used Computing Equipment
2. Guidance on Transboundary Movement (TBM) of Used and End-of-Life Computing Equipment
3. Technical Guidelines on Transboundary Movements of Electrical and Electronic Waste and Used Electrical and Electronic Equipment, In Particular Regarding the Distinction between Waste and Non-Waste under the Basel Convention.

**Hazardous Substances Division
Department of Environment
Putrajaya**



DEPARTMENT OF ENVIRONMENT
Ministry of Natural Resources & Environment
Level 1 - 4, Podium 2 & 3,
Wisma Sumber Asli No.25, Persiaran Perdana, Presint 4,
Pusat Pentadbiran Kerajaan Persekutuan,
62574 Putrajaya, Malaysia.