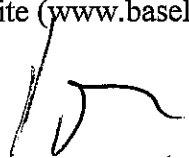


COMMUNICATION

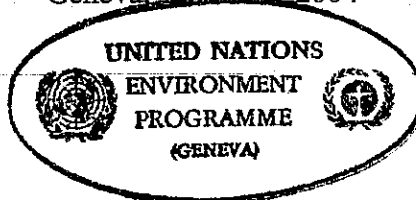
CLARIFICATION CONCERNING THE NOTIFICATION OF NATIONAL DEFINITION OF HAZARDOUS WASTES PURSUANT TO ARTICLE 3 OF THE BASEL CONVENTION

The Secretariat of the Basel Convention hereby transmits to Parties and Signatories, pursuant to Article 3 of the Basel Convention, a copy of the clarification dated 30 August 2004 received from Malaysia. The Communication clarifies the scope of the "Requirement concerning the transboundary movement procedures" and the schedule of wastes contained in the Government of Malaysia's communication of 31 January 2004.

All communications formally transmitted to the Secretariat of the Basel Convention pursuant to Article 3 may be reviewed at the Basel Convention website (www.basel.int).



Secretariat of the Basel Convention
Geneva, 1 October 2004



To Focal Points of Parties and
Signatories to the Basel Convention

cc: Permanent Missions to the United Nations in Geneva

SECRETARIAT OF THE BASEL CONVENTION
ON THE CONTROL OF TRANSBOUNDARY MOVEMENTS OF HAZARDOUS WASTES AND THEIR DISPOSAL
15, chemin des Anémones, 1219 Châtelaine (Geneva), Switzerland

Tel: [41 22] 917 8218 • Fax: [41 22] 797 3454 • Email: sbc@unep.ch • Web: www.basel.int



DEPARTMENT OF ENVIRONMENT
MINISTRY OF SCIENCE,
TECHNOLOGY AND THE ENVIRONMENT
LEVEL 3-7, BLOCK C4,
FEDERAL GOVERNMENT ADMINISTRATIVE CENTRE
62662 PUTRAJAYA

DEPARTMENT OF ENVIRONMENT
MINISTRY OF NATURAL RESOURCES AND ENVIRONMENT
LEVEL 3-7 BLOCK C4
FEDERAL GOVERNMENT ADMINISTRATIVE CENTRE
62662 PUTRAJAYA
MALAYSIA

Telephone: 03-88858200
Telefax: 03-88889987

Our Ref: AS (S) 91/110/619/030

Your Ref: Jld. 12 (24)

Date: 30 August 2004



Madam Sachiko Kuwabara-Yamamoto
Executive Secretary
Secretariat of the Basel Convention
15, chemin des Anemones
1219 Chatelaine, Geneve
SWITZERLAND

Fax: (4122) 797 3454

Dear Madam,


National Definition of Hazardous Waste

I would like to refer to your facsimile, reference National definitions (2.8.2.1.) Country file, dated 16th June 2004 regarding the above matter.

2. Thank you for seeking further clarification on the Malaysian notification of its national definition of hazardous waste pursuant to Article 3 of the Basel Convention. Enclosed herewith please find our response to the specific queries as in the Attachment.

Thank you.

Yours sincerely,


(Ir. LEE HENG KENG)
Deputy Director General
for the Director General of Environment
Malaysia

Tel DID: 603-8885 8204
E-mail: lee@jas.sains.my

ATTACHMENT

1. With reference to the attachment sent in January 2004 by Malaysia entitled *Environmental Quality (Scheduled Waste) Regulations, First Schedule*, please indicate which wastes in the list provided are in addition to those covered under the Basel Convention?

Answer:

These wastes are; slags from copper processing, oil tanker sludges, granulated slag, and spent industrial catalysts.

2. Does the part of the attachment outlining "Requirement Concerning Transboundary Movement Procedures" apply to both the Article 1 (1)(a) Basel wastes as well as the Article 1 (1)(b) wastes identified as per question 1 above?

Answer:

Yes.

3. If the restrictions imposed on import of hazardous wastes for final disposal or recovery apply to all hazardous waste:

- a) Does this mean that no hazardous wastes can be exported from any Party to the Basel Convention that is an OECD country to Malaysia for final disposal?

Answer:

Yes. Import of hazardous wastes from an OECD country which is a Party to the Basel Convention to Malaysia for final disposal is totally prohibited.

- b) Does this mean that export of hazardous wastes from any Party to the Basel Convention that is an OECD country for recovery could take place upon receipt of written approval from Malaysia?

Answer:

Yes.

- c) Is prior written approval from Malaysia required for transit of hazardous wastes through areas under Malaysia's national jurisdiction?

Answer:

Yes.

1