



Regional Action Plan

Recommendations from the Asia-Pacific Plastic Waste Project

Asia-Pacific Plastic Waste Project

Date: 31 May 2023



This regional action plan demonstrates the shared understanding on recommendations for actions to address the illegal trade in plastic waste and facilitate legal trade in plastic waste, by the following Customs Administrations:

- Cambodia
- Indonesia
- Laos
- Malaysia
- Philippines
- Thailand
- Sri Lanka
- Vietnam
- Australia (observer)



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Acronyms

ASEAN Economic Community	AEC
Asia-Pacific Plastic Waste Project	APPW Project
Basel Convention	BC
Basel and Stockholm Conventions Regional Centre for Southeast Asia	BSCRC-SEA
Business Process Mapping	BPM
Circular Economy	CE
Closed User Group	CUG
Container Control Programme	CCP
Customs Enforcement and Compliance Working Group	CECWG
European Union	EU
Green Customs Initiative	GCI
Japan International Cooperation Agency	JICA
Least Developing Countries	LDCs
Norwegian Agency for Development Cooperation	NORAD
Organisation for Economic Cooperation and Development	OECD
Regional Action Plan	RAP
Regional Intelligence Liaison Office	RILO
Regional Office for Capacity Building	ROCB
Risk Management	RM
Small Island Developing States	SIDS
Southeast Asia Regional Program on Combating Marine Plastics	SEA-MaP
Single Window	SW
Association of Southeast Asian Nations	ASEAN
United States	US
World Customs Organization	WCO
World Trade Organization	WTO



1. Introduction

Trade in waste is transboundary in nature and requires international regulatory framework. The regulatory framework of trade in waste, including for plastic waste, is complicated. On the one hand, there is the *Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal*, (the Basel Convention), which, in regard to the plastic waste, adopted three amendments to the convention's annexes and became effective as of January 2021. The amendments do not impose a ban on the cross-boundary movements of plastic waste; instead, they clarify what constitutes hazardous plastic waste under the Basel Convention, as well as plastic waste requiring special consideration, the control procedures for transboundary movements, the provisions around waste minimisation and sound waste management. The principle of the Basel Convention is that Parties can have stricter definitions of hazardous wastes under their national legislation. On the other hand, plastic waste not covered by the scope of the Basel Convention (non-hazardous plastic waste), is regulated by domestic legislation.

National policies, regulatory frameworks and operational principles should provide for effective enforcement of applicable bans, requirements and restrictions as provided for by the Basel Convention, while for non-hazardous plastic waste national provisions should clarify the conditions for trade.

The European Union (EU) took a stringent approach, where the European Commission adopted a set of rules in December 2020 banning exports of hazardous and plastic waste requiring special consideration to non-OECD countries. These rules only allow exports of what is classified as 'clean plastic waste' for recycling from EU member states to non-OECD countries. Exports of hazardous or plastic waste requiring special consideration to OECD countries is only allowed if authorisation has been received from both sending and receiving parties via Prior Informed Consent procedure as defined by the Basel Convention.

Countries that are not a Party to the Basel Convention, such as the United States (US), need to have bilateral or multilateral agreements in place with countries that are a Party to the Basel Convention in order to engage in trading activities of waste covered by the Basel Convention.

It is often that the responsibility lies on the waste receiving countries in the Asia and the Pacific Region or other non-OECD countries to only accept waste that they are capable of processing. This creates an environment for illegal trade in plastic waste if there are opportunities for profits to be made by unscrupulous traders. Countries that do not have the necessary infrastructure to manage their own wastes in an environmentally sound manner, are forced to rely on trading hazardous and other wastes which can lead to a higher risk of harmful impacts to human health and the environment. However, waste is also a resource that can be recycled to reduce the use of virgin materials and generate energy. Finding a balance between allowing plastic waste trade versus restricting or prohibiting the imports of plastic waste, involves a wide-arching assessment of a country's capacity and resources. This includes looking into matters such as availability of technologies and capabilities to deal with the waste in an environmentally sound manner, socio-economic impacts and access to raw or secondary raw materials for production purposes.

The ongoing negotiations towards a global treaty on plastic pollution¹ offer the opportunity to reflect on the AP region capacities to deal with plastic waste and consider a more harmonised approach.

In 2021 the World Trade Organization (WTO) launched the Dialogue on Pollution and Environmentally Sustainable Plastics Trade². A Ministerial Statement was issued in December 2021, which sets out a roadmap and identifies some key areas on which the Dialogue will focus. These include: how to improve transparency of plastic trade flows, supply chains and trade policies; strengthening regulatory cooperation with other international bodies; identifying environmentally sustainable trade policies and mechanisms; and strengthening trade-related technical assistance for vulnerable economies, including least-developed countries (LDCs) and Small Island Developing States (SIDS). This has resulted in three workstreams:

1. Workstream – Crosscutting issues

Topics include capacity building and technical assistance; fostering international cooperation on transparency and data; cooperation and collaboration with other international organizations and processes, and collective approaches.

2. Workstream – Promoting Trade to Tackle Plastic Pollution

Topics include environmentally sustainable waste management technologies; environmentally sustainable and effective substitutes and alternatives; reused and recycled plastics, including by incentivizing increased reuse and recycling of plastics (considering evidence of their long-term impacts); and technologies for environmentally sustainable and effective substitutes and alternatives of interest to developing members and least developed members including SIDS which are especially vulnerable to marine litter and plastic pollution, and opportunities for their MSMEs.

3. Workstream – Circularity and Reduction to Tackle Plastic Pollution

Topics include how trade-related cooperation could help to support efforts to reduce unnecessary or harmful plastics and plastic products, including single-use plastics and plastic packaging associated with international trade; and sharing experiences of effective approaches to move towards more circular resource efficient and environmentally sustainable plastics trade.

Trade representatives of WCO Members are encouraged to join the WTO Dialogue on Plastics Pollution.

Asia-Pacific Plastic Waste Project

The WCO Asia-Pacific Plastic Waste (APPW) Project is a regional initiative aimed at supporting the implementation of the Basel Convention, particularly with regard to plastic waste. The project is funded by the Government of Japan.

The project focuses on strengthening the capacity of Customs Administrations in the Asia-Pacific region, in particularly in Cambodia, Indonesia, Laos, Malaysia, Philippines, Sri Lanka, Thailand and Vietnam to prevent illegal trade in plastic waste and promote sustainable waste management practices.

¹ In February 2022, at the resumed fifth session of the United Nations Environment Assembly (UNEA-5.2), a historic resolution (5/14) was adopted to develop an international legally binding instrument on plastic pollution, including in the marine environment with the ambition to complete the negotiations by end of 2024. For further information on the negotiations, please consult: <https://www.unep.org/about-un-environment/inc-plastic-pollution>

² Ministerial statements on the Plastic Pollution and Environmentally Sustainable Plastic Trade Dialogue under the WTO: <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:WT/MIN21/8R2.pdf&Open=True>

The key objectives of the project include:

- Capacity building: To enhance the capacity of Customs Administrations in the region to effectively enforce customs and other environmental regulations related to the import and export of plastic waste.
- Information exchange: To improve information exchange between Customs Administrations in the region and with other countries to facilitate the detection, interdiction and prevention of illegal trade in plastic waste.
- Harmonisation of customs procedures: To support the harmonisation of customs procedures related to the import and export of plastic waste across the region to facilitate legal trade and prevent illegal activities.

Among the activities of the project are the performance of diagnostic missions at each of the participating Customs Administrations, where the findings and recommendations are included in the mission reports and National Implementation Plans (NIPs) and are used in the development of tools and guidance materials and the implementation of capacity building workshops.

The results of this project demonstrated the need for enhanced awareness raising on the risks of plastic waste in general, and the role of Customs Administrations in tackling illegal trade, while facilitating legal trade. Tools were developed to facilitate these needs as well as the delivery of practical capacity building activities.

Following the findings and recommendations of the APPW Project, one of the deliverables was the development of the Regional Action Plan (RAP). The RAP outlines a number of aims and proposed actions for the participating Members in the project to advance and achieve a regional and more harmonised approach to managing plastic waste trade. The proposed actions are dependent on the commitment of the AP region and individual Members, but also on the availability of funding and resources. The actions can therefore be seen as a proposal for next steps, including the design and development of new projects but also to find synergies with other activities.



2. Rationale

The actions outlined in this RAP were developed as a result of the diagnostic missions that were carried out in each of the eight members and the drafting of the individual National Implementation Plans (NIPs). In addition, the Conference Statement issued as an outcome of the WCO Asia-Pacific Plastic Waste Conference held in February 2022³, which identified areas of common interest, shared challenges, and opportunities, and provided further direction in the development of the proposed actions.

The principal areas of challenges and areas for improvement transcending national topics, included:

- Better understanding of the Basel Convention requirements for plastic waste.
- Use of Single Windows approaches to facilitate the exchange of information and requirements for legal plastic waste trade.
- Regional Risk Management approaches.
- Joint and targeted training on plastic waste.
- Improved cooperation and collaboration between Customs Administrations.
- Increased transparency concerning import, transit and export requirements.

The RAP on plastic waste seeks to address the challenges posed by illegal trade in plastic waste in the region.

To achieve this, the participating members have committed to enhancing their customs control mechanisms and developing a coordinated regional approach to combating illegal trade in plastic waste. This includes strengthening border controls, strengthening partnerships and collaboration with environmental agencies, and possibly other relevant agencies, and improving cooperation and information sharing among customs officials across the region.

In addition to customs enforcement, the RAP also seeks to facilitate the legal trade in plastic waste. This involves streamlining import and export procedures, harmonising regulations, and promoting the development of sustainable plastic waste management practices.

By promoting legal trade and cracking down on illegal trade, the RAP aims to reduce the amount of plastic waste that ends up in the environment, while also supporting the growth of a circular economy (CE) for plastics in the region.

Linkages with other initiatives

Linking this RAP with other initiatives on plastic waste in the region can help to strengthen and amplify the impact of these efforts. The members can create a more effective and coordinated approach to addressing plastic waste, promoting the development of sustainable plastic waste management practices, and facilitating trade in technologies needed to implement sustainable plastic waste management practices.

³ Link to the statement: [statement-of-the-wco-asia-pacific-plastic-waste-conference-appw-statement.pdf](https://www.wcoomd.org/statement-of-the-wco-asia-pacific-plastic-waste-conference-appw-statement.pdf) ([wcoomd.org](https://www.wcoomd.org))

Here are some ways to link the RAP with other initiatives:

- **Coordination**

The participating members can implement actions within the framework of other regional initiatives, such as the ASEAN Single Window⁴, the ASEAN Framework on Circular Economy⁵, the ASEAN Customs Enforcement and Compliance Working Group (CECWG) and the ASEAN Joint Declaration on Hazardous Chemicals and Wastes Management⁶, to ensure a more comprehensive and integrated approach to addressing plastic waste. Adopted in October 2021, the Circular Economy Framework provides a structured pathway for stakeholders to progressively adopt the CE model in achieving the sustainable economic development objective under the ASEAN Economic Community (AEC) Blueprint 2025. The Framework is ASEAN’s first strategic move towards promoting CE for long-term resilience. It sets out an ambitious long-term vision of CE, building on the strengths of existing ASEAN initiatives, and identifies priority focus areas for action along with enablers, to accelerate the realisation of CE in ASEAN. Another option is to identify linkages with the ASEAN Regional Action Plan for Combating Marine Debris in the ASEAN Member States (2021 – 2025) and the Southeast Asia Regional Program on Combating Marine Plastics (SEA-MaP).

- **Leveraging partnerships**

The members can leverage partnerships with international organizations (such as Aid-for-Trade as coordinated by the WTO), NGOs, and the private sector to support the implementation of the RAP and other initiatives on plastic waste.

- **Data and research**

The members can collaborate on data collection and research on plastic waste to inform the development and implementation of the RAP and other related initiatives.

Examples of relevant project and initiatives in the region concern:

- BRS Conventions Secretariat Marine Litter Project
- UNODC Unwaste project
- UNODC-WCO CCP Hazardous and Plastic Waste Project
- World Bank SEA-MAP
- Basel and Stockholm Conventions Regional Centre for Southeast Asia (BSCRC-SEA) Plastic Waste Project
- Framework Agreement on Facilitation of Cross-border Paperless Trade in Asia-Pacific.
- National projects on plastic waste supported by international donors, such as NORAD, JICA and the World Bank

Risks and mitigation measures

While a RAP can be an effective tool for addressing illegal trade in plastic waste in a coordinated and comprehensive manner, there are also risks associated with its implementation.

Some of these risks include:

⁴ ASEAN Single Window: <https://asean.org/our-communities/economic-community/asean-single-window>

⁵ ASEAN Framework for Circular Economy: <https://asean.org/asean-adopts-framework-for-circular-economy/>

⁶ ASEAN Joint Declaration: <https://asean.org/asean-joint-declaration-on-hazardous-chemicals-and-wastes-management/>

- Limited participation or commitment: If some members do not fully participate or commit to the implementation of the RAP, it may be difficult to achieve the desired impact. The desired impact at the regional level would require a level of uptake and commitment that exceeds the eight beneficiaries of the project.
- Insufficient funding: Implementation of the RAP may require significant financial resources, and if there is insufficient funding, it may be challenging to achieve the desired outcomes.
- Resistance from stakeholders: There may be resistance from stakeholders, such as businesses or local communities, who may be affected by the implementation of the RAP.

To mitigate these risks, the following steps can be taken:

- Ensuring broad participation and commitment: All members should be encouraged to fully participate and commit to the implementation of the RAP. This is foreseen to happen at the closing meeting of the APPW Project in May 2023 in Australia by seeking endorsement of the plan by the heads of the Customs Administrations of the eight Members involved in the project.
- Mobilizing adequate resources: Adequate financial and technical resources should be mobilized to support the implementation of the RAP.
- Engaging stakeholders: Stakeholders should be engaged throughout the implementation of the RAP to ensure their buy-in and support.
- Reviewing and evaluating: The RAP should be regularly reviewed and evaluated to ensure its effectiveness and identify areas for improvement.
- Considering the setting up of a regional coordination body, such as under the umbrella of the RILO AP and/or ROCB AP.

What is the role of the WCO in the RAP?

As the global intergovernmental organization responsible for customs matters, the WCO may provide technical assistance and capacity building to Customs Administrations to help them implement the action plan effectively.

Some specific roles of the WCO in this process may include support for:

- Capacity building: Based on Members request and available funding, the WCO may provide technical assistance and capacity building to Customs Administrations to strengthen their ability to enforce customs regulations related to the import and export of plastic waste.
- Joint enforcement operations such as operation DEMETER series that aims to intercept illegal shipments of hazardous and other waste, including plastic waste and through capacity building, risk analysis, intelligence sharing and inter-agency, bilateral or multilateral cooperation enhance the efficiency of Customs enforcement.

- Leveraging existing instruments and tools related to plastic waste through its partnerships such as Green Customs Initiative⁷, Environmental Network for Optimizing Regulatory Compliance on illegal Traffic (ENFORCE)⁸, Plastic Waste Partnership (PWP)⁹.
- Information exchange: The WCO facilitates information exchange between Customs Administrations to improve their ability to detect and prevent illegal trade in waste. For example, by using CENcomm or a Closed User Group (CUG) on Plastic Waste.

Governance of the RAP

The Governance of the RAP is in the first instance depending on the uptake and commitment by the individual members – not Customs Administrations solely, but also other agencies who have a mandate in controlling plastic waste trade. Further, assistance could be considered by other stakeholders in the region, such as the WCO Asia-Pacific Regional Vice-Chair and the Regional Heads of Customs Administrations in the Asia-Pacific, the RILO Office for the Asia-Pacific, the ASEAN Secretariat and relevant Working Groups, and the WCO Asia Pacific Regional Office for Capacity Building (ROCB A/P).

The proposed time frame for the RAP is for three years. It is understood that certain actions would require a longer time frame for their development and implementation. The scope of the RAP is for now on the plastic waste trade but could be expanded to other waste streams if the members do wish so.

Some proposed actions could be implemented in synergy with already ongoing initiatives, which are indicated in the table of actions below. Other actions may require new or additional funding.

⁷ Link to the Green Customs Initiative: <https://www.greencustoms.org/>

⁸ More information: <http://www.basel.int/Implementation/TechnicalAssistance/Partnerships/ENFORCE/Overview/tabid/4526/Default.aspx>

⁹ More information: <http://www.basel.int/Implementation/Plasticwaste/PlasticWastePartnership/tabid/8096/Default.aspx>

3. Regional Actions

Aim	Proposed topic	Actions	With possible assistance from / in synergy with	Proposed timeframe
1	Aim: Establish sufficient mandate and legal basis for Customs Administrations to assume their responsibility in the plastic waste trade			
	Development of a minimum legislative framework for Customs – in close partnership with environmental agencies.	1.1 Carrying out analysis of Members' existing legal frameworks, in collaboration with environmental authorities and Basel Convention Focal Points.	UNODC Unwaste project, UNEP, WCO, BSCRC-SEA, relevant activities from NORAD projects and the small grant projects under the BRS conventions	Short term
		1.2 Developing model provisions for Customs legislation ensuring the implementation of environmental legislation and policies.	WCO, Basel Secretariat, UNEP, Project opportunity ¹⁰	Middle term for the design of model provisions. Long term for the actual implementation into national legislation.
	Legal clarity on quality requirements	1.3 Developing common regional quality standards for plastic waste and scrap (in partnership with environmental authorities).	BSCRC-SEA, World Bank, ASEAN	Middle term
2	Aim: Design a joint and uniform response to illegal plastic waste trade to avoid port hopping and evasive behaviour			
	Regional understanding of the trends, threats and risks	2.1 Developing a regional risk management approach for the region including regular collection of plastic	WCO, RILO A/P	Ongoing / short term

¹⁰ This action has been indicated as a new project opportunity, pending on funding.

Aim	Proposed topic	Actions	With possible assistance from / in synergy with	Proposed timeframe
		waste trade data and using the Risk Profile setting sheet developed by the WCO.		
	Harmonised enforcement actions and responses to illegal behaviour	2.2 Carrying out joint regional and participating in global enforcement actions, e.g., joint Customs Operations as ongoing under the Demeter Operation Series ¹¹ .	WCO, RILO A/P, ASEAN CECWG	Ongoing / short term
	Harmonised procedures to promote common approaches	2.3 Developing templates for Standard Operation Procedures, e.g., on take back or repatriation.	WCO, ASEAN Customs Enforcement Working Group, BSCRC-SEA	Short to middle term
3	Aim: Reduce the administrative burden and clearance time, and facilitate legal trade in plastic waste and scrap			
	Enhanced digitalization and trade facilitation at the regional level	3.1 Further developing the national and regional Single Window approach to harmonise electronic procedures related to plastic waste and plastic scrap import, including enhanced cooperation between Customs and other agencies, shared information and access to environmental permits, quota, PIC procedure and import/export certificates.	Project opportunity ¹² , Synergies with ASEAN Single Window	Middle to long term
	Increased transparency	3.2 Updating and maintaining the WCO factsheets developed in the	WCO (CUG), BSCRC-SEA, World Bank, UN-	Short term

¹¹ It was suggested by a member to consider expanding the CENComm platform also for alert purposes to inform other administrations about suspicious shipments or trends concerning the plastic waste trade.

¹² This action has been indicated as a new project opportunity, pending on funding.

Aim	Proposed topic	Actions	With possible assistance from / in synergy with	Proposed timeframe
		framework of the APPW Project to Increase transparency by sharing public data on: <ul style="list-style-type: none"> - Trade volumes - Procedures and regulations - Available technologies - Quality standards 	ESCAP, Chamber of Commerce	
	Sharing of experiences on incentives and impacts	3.3 Sharing of experiences on trade facilitation incentives for compliant traders in waste/recycling industry.	Members at the national level	Middle term
4	Aim: Strengthen Customs to Customs and Customs to OGAs cooperation and communication			
	Facilitate and foster regional and international networking	4.1 Establishing of a Regional Enforcement Network or coordinating body for (plastic) Waste ¹³ .	Project opportunity ¹⁴	Middle to long term
	Interconnectivity between exporting and importing Countries	4.2 Developing specific Globally Networked Customs Utility Blocks with AP members for C2C data exchange related to the waste trade (e.g. licenses or notifications) to ensure interconnectivity (bilaterally) between SWs of exporting and importing Countries in AP.	WCO, Project opportunity ¹⁵	Long term

¹³ As an example: between 2011 and 2018 the Regional Enforcement Network for Chemicals and Waste (REN) project was implemented by UN Environment. REN is a project that combatted environmental crime through strengthening the capacity of 25 participating countries in Asia Pacific to control illegal trade in chemicals and waste. For further information, please consult: [Regional Enforcement Network for Chemicals and Waste \(REN\): Final Project Report - December 2011- February 2018 | UNEP - UN Environment Programme](#)

¹⁴ This action has been indicated as a new project opportunity, pending on funding.

¹⁵ This action has been indicated as a new project opportunity, pending on funding.

Aim	Proposed topic	Actions	With possible assistance from / in synergy with	Proposed timeframe
	Foster a coordinated approach to environmental compliance and waste management.	4.3 Collecting and sharing best practices and policies on environmental compliance criteria in order to be considered a trusted operator, in close cooperation with the environmental authorities and on waste management (e.g., description of goods, HS code, photos, origin, trade volume, case studies, etc).	WCO, Project opportunity ¹⁶	Short to middle term
5	Aim: Awareness raising and Capacity Building on the provisions and regulations related to plastic waste trade			
	Training curricula and syllabi	5.1 Developing joint training curricula and train-the-trainer programmes, starting from the training modules developed in the framework of the APPW Project.	WCO, Basel Convention Secretariat, UNODC-WCO CCP, ROCB/AP, GCI, Project opportunity ¹⁷	Short term
	Workshops	5.2 Carrying out regional awareness raising activities, organising integrated / joint training events, and implementing benchmark studies.	WCO, ROCB A/P, UNODC-WCO CCP, WTO, GCI, UNODC Unwaste project	Ongoing (on-demand and as part of running projects)
	Guidance and Tools	5.3 Developing joint tools and guidance materials (e.g., mobile application containing reference materials, guidance on risk management, methods of scraps and wastes examination, and safety matters during examination).	WTO, UNODC Unwaste project, Project opportunity ¹⁸	Middle term

¹⁶ This action has been indicated as a new project opportunity, pending on funding.

¹⁷ This action has been indicated as a new project opportunity, pending on funding.

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