

DENR Administrative Order

No. 28

July 26, 1994

SUBJECT : Interim Guidelines for the Importation of Recyclable Materials Containing Hazardous Substances.

1. General Policy

As a general policy and consistent with the provisions of the Basel Convention on the Control of Transboundary Movements of Hazardous Waste and their Disposal and the Toxic Substances and Hazardous and Nuclear Waste Control Act of 1990 otherwise known as Republic Act 6969, no importation of hazardous wastes, as defined in Chapter VII, Section 24 and 25 of DAO 29, Series of 1992 (Implementing Rules and Regulations of RA 6969) shall be allowed by the country.

However, importation of materials containing hazardous substances as defined under RA 6969, its implementing rules and regulations and subsequent directives for the control of importation of wastes, for recovery, recycling and reprocessing, may be allowed only upon obtaining prior written approval from the Secretary of the Department of Environment and Natural Resources or his duly authorized representative.

2. Scope and Coverage of the Guidelines

Coverage

- 2.1 These interim guidelines shall apply to prospective importers intending to import recyclable materials containing hazardous substances after 14 March 1994. In the context of these guidelines, a recyclable material is any material which is reused, following its original use, for any purpose of commercial, industrial, agricultural or economic value.
- 2.2 Importations which are already covered by the corresponding Letters of Credit prior to 14 March 1994 and are in transit or have been subjected to clearance inspections from competent

authorities of exporting countries, may be allowed entry, provided that the importers will comply with the registration requirements of such recyclable materials in accordance with Sections 2.3 and 2.5 of these guidelines.

Scope of Required Submissions

Registration Requirements

2.3 All importers of recyclable materials containing hazardous substances as listed in "Annex A" must first register with the Department of Environment and Natural Resources (DENR), through the Environmental Management Bureau (EMB), by filling up and submitting Form R-1 detailing *inter alia* the following information:

- a) names and addresses of waste importer and receiving parties;
- b) types and quantities of the imported material;
- c) physical characteristics;
- d) chemical characteristics;
- e) justification for the import;
- f) methods for handling, including collection, packaging, labelling, transportation, and route which must conform with internationally accepted standards;
- g) listing of personnel who will be responsible for supervising the collection, transport and unpacking of the recyclable materials and their respective qualifications; and
- h) emergency response plan describing steps to be taken by parties concerned in case of spill/accident which may occur during transport from the premises of the recyclable material generator to the importer.

Per Shipment Importation Requirements

2.4 Application for Importation Clearance (IC) for each shipment should be made by filling up and submitting form R-2 containing the following information:

- a) names and addresses of waste importer and receiving parties;
- b) types and quantities of the imported material;
- c) Registry Reference Code;
- d) an affidavit of undertaking specifying the following;
 - 1) liabilities of parties for clean-up operations in case of spill and emergencies;
 - 2) responsibility of the exporter to retrieve/return the waste when denied entry by the Government of the Philippines (GOP);
 - 3) a copy of insurance coverage for the shipment; and
 - 4) liabilities of parties to compensate for damages to properties and life in case of emergencies and accidents.

Procedure for Processing of Applications

A. Registration Applications

- 2.5 The EMB shall, upon receipt of the registration, determine the completeness of the submission and coordinate with the concerned Regional Office to inspect the recycling/receiving facility. Upon determination that the applicant has the capability to recycle the imported material in an environmentally acceptable manner, the EMB shall consider the importer as "registered". The registered importer may proceed with the importation by submitting the required import applications to the DENR.

B. Import Applications

- 2.6 Each shipment of imported recyclable material must be covered by an Importation Clearance (IC) which should be applied for at least thirty (30) working days prior to the actual importation. Only duly registered importers can apply for the IC. The EMB shall process the application by comparing the submission (Form R-2) against the registered information (R-1). Once the

examination is completed, an Importation Clearance (IC) covering that particular shipment shall be issued to the importer stipulating the conditions for the importation.

2.7 The procedural flow for the processing of the applications for recyclable material importation appears as Annex "B".

3. Conduct of Tests and Sampling of Materials

3.1 The DENR reserves the right to require the testing and sampling of the imported recyclable materials at the expense of the importer. Testing of imported materials shall be done by the DENR through its EMB laboratory and/or any of its duly recognized laboratories.

4. Transitory Provision

4.1 To facilitate the processing of registration and import applications, prospective importers may file simultaneously the above applications for a period of one year, starting with the effectivity of these guidelines. After this period, the EMB shall no longer process applications for ICs, unless the importer has been duly registered.

5. Effectivity

5.1 These guidelines shall take effect immediately unless otherwise revised and/or revoked.

ANGEL C. ALCALA
Secretary

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