

Green Customs Guide

to Multilateral
Environmental
Agreements



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Foreword

Recognizing the important task that customs administrations carry out, the *Green Customs Guide to Multilateral Environmental Agreements* was designed to promote sustainable trade and encourage customs and border control officers to take on a proactive role in protecting the environment.

The Green Customs Initiative (GCI) was envisioned as a response to the observation that if resources are not properly pooled, the task of training customs and other border control officers to combat transboundary illegal trade is time-consuming and expensive. Through this guide, GCI partners invite customs and border control officers to continue their joint efforts to protect the environment by implementing important aspects of international agreements in the course of their daily work.

Several trade-related multilateral environmental agreements (MEAs) seek to protect the collective interests of the international community in tackling the detrimental effects on human health and biodiversity of the illegal trade in environmentally sensitive substances and items, including chemicals and waste, rare and endangered species, and living modified organisms.

These MEAs provide countries with guidance on legislation and the exchange of information. This guide seeks to provide customs and border control officers with useful information and guidance about relevant legal instruments, thus facilitating legitimate trade in environmentally sensitive items while preventing illicit trade in such items.

Most illicit activities affecting the environment take place beyond national borders. By ensuring that the relevant laws are enforced at borders, customs and border control officers play a pivotal role in the enforcement chain, helping to protect citizens and the environment from the increasingly devastating effects of these activities.

Previous editions of this guide have been a great success, serving as a cornerstone for all enforcement officers, whether as part of their training curriculum or as a stand-alone introduction to the subject. The trade in environmentally sensitive items can take many forms, and it is crucial that customs and border

control officers are able to identify commodities concerned and understand the implications of illegal or uncontrolled trade in them.

This guide makes many references to the Harmonized System (HS), which is a standardized commodity classification system developed by the World Customs Organization (WCO). The specific codes of the HS enable customs and border control officers to identify environmentally sensitive items that are regularly imported and exported around the world.

Customs and border control officers must also be fully aware of the different requirements established by MEAs, so that they can monitor and control the international trade in items covered by a particular MEA.

This updated version of the guide reflects several new developments that have taken place in recent years, such as the entry into force of the Kigali Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, and the Minamata Convention on Mercury. The guide also considers the gender perspective of the daily work of customs and border control officers.

We sincerely hope that readers will find this new guide helpful and that it will encourage officers to become more involved as protectors of the environment, facilitating conservation and sustainable consumption through responsible trade.



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Preface

Customs and border control officers ensure that any goods entering or leaving their country comply with national laws. If their country is a party to one or more international agreements, then the requirements of these agreements should be integrated in national legal frameworks.

Environmental problems are transboundary in nature and have a global impact. They can be effectively addressed only through international cooperation and shared responsibility, made possible in large part through multilateral environmental agreements (MEAs). Several MEAs regulate the cross-border movement of items, substances and products, mainly in the form of imports, exports and re-exports. Thus, the front-line customs and border control officers responsible for controlling trade play a very important role in protecting the national and global environment.

Environmental problems are transboundary in nature and have a global impact. They can be effectively addressed only through international cooperation and shared responsibility.

Of particular importance to the work of customs and border control officers are MEAs with trade-related provisions, such as the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, the Cartagena Protocol on Biosafety to the Convention on Biodiversity (CBD), the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the Montreal Protocol on Substances that Deplete the Ozone Layer, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, the Stockholm Convention on Persistent Organic Pollutants and the Minamata Convention on Mercury. Moreover, the implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (CWC), the primary objective of which is not protecting the environment, may additionally have an impact upon health and the environment.

MEAs regulate the transboundary movement of a wide variety of items that customs or border control officers might encounter in their work. Verifying shipments and their documentation, in compliance with national

laws, is a complex task and a great responsibility, as is taking action when violations occur.

This guide is intended to help customs and border control officers in ensuring implementation of national legislation, transposing the agreements under the Green Customs Initiative (GCI), and thus promoting national compliance with those agreements. Chapter 1 explains what MEAs are and introduces the entities that are partners to the GCI. Chapter 2 provides an overview of the main international MEAs with trade-related provisions, with details on how they regulate trade, the roles and responsibilities of customs and other border authorities, the specialized terminology associated with MEAs, and where to find additional information and guidance in this regard. Chapter 3 explores the practical aspects of implementing MEAs' monitoring requirements, including: the identification and checking of suspicious items; seizure and disposal; health and safety; other legal issues; and cooperation with other authorities. This chapter also includes references to additional training and reference materials and other useful information.

The implementation of MEA provisions in national legislation requires significant effort and commitment. It is important that those working to ensure safe, legal trade recognize that through their efforts they are helping to deliver a better environment and sustainable future for their country and for all nations. However, customs officers are not expected to undertake this task alone. At the national level, various entities are responsible for the implementation and enforcement of national legislation relating to the international agreements under the GCI, such as the police, judiciary and prosecution, and environmental and health authorities. Cooperation among all these actors at the national level is essential for effective implementation of national laws, as is international cooperation among these actors and their networks for the successful achievement of the objectives of the agreements under the GCI.

The information in this guide is correct as at December 2021.

List of abbreviations

AHRI	Air-Conditioning, Heating and Refrigeration Institute
AIA	Advanced informed agreement
AITR	Annual illegal trade report
ASEAN	Association of Southeast Asian Nations
ASGM	Artisanal and small-scale gold mining
ASHRAE	American Society of Heating, Refrigerating and Air-Conditioning Engineers
BCH	Biosafety Clearing-House
BRS	Basel, Rotterdam and Stockholm Conventions
BRS-GAP	Basel, Rotterdam and Stockholm Conventions Gender Action Plan
CAP	Compliance Assistance Programme
CAS	Chemical Abstracts Service
CBD	Convention on Biological Diversity
CCFL	Cold cathode fluorescent lamp
CCP	Container Control Programme
CEN	Customs Enforcement Network
CENcomm	Customs Enforcement Network Communication Platform
CEITs	Countries with economies in transition
CFCs	Chlorofluorocarbons
CFL	Compact fluorescent lamp
CIS	Commonwealth of Independent States
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
COP	Conference of the Parties
CWC	Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and their Destruction
DDT	Dichlorodiphenyltrichloroethane
DGD	Decision guidance document
DNA	Designated national authority
DNOC	Dinitro-ortho-cresol
EDB	Ethylene oxide 1,2-dibromoethane
EEFL	External electrode fluorescent lamp
EEZ	Exclusive economic zone
ENS	Environmental Security Programme
ESM	Environmentally sound management

FAO	Food and Agriculture Organization of the United Nations
GCI	Green Customs Initiative
GHS	Globally Harmonized System of Classification and Labelling of Chemicals
GiiS	Global Information and Intelligence Strategy
GMM	Genetically modified microorganism
GMO	Genetically modified organism
GPWLFC	Global Programme for Combating Wildlife and Forest Crime
HBCD	Hexabromocyclododecane
HCBD	Hexachlorobutadiene
HCFCs	Hydrochlorofluorocarbons
HCH	Hexachlorocyclohexane
HFCs	Hydrofluorocarbons
HPMP	HCFC Phase-out Management Plan
HPMV	High pressure mercury vapour lamp
HS	Harmonized System
IATA	International Air Transport Association
ICCWC	International Consortium on Combating Wildlife Crime
ILM CAF	INTERPOL Illicit Markets Sub-Directorate Criminal Analysis File
INTERPOL	International Criminal Police Organization
iPIC	Informal prior informed consent
JIO	Joint Intelligence Office
LAR	Live Animals Regulations
LFL	Linear fluorescent lamp
LMO	Living modified organism
LMO-FFP	Living modified organism intended for direct use as food or feed, or for processing
MEA	Multilateral environmental agreement
MLF	Multilateral Fund for the Implementation of the Montreal Protocol
MoU	Memorandum of understanding
NCB	National Central Bureau
nCEN	National Customs Enforcement Network
NOU	National Ozone Unit
ODP	Ozone-depleting potential
ODS	Ozone-depleting substances
OECD	Organisation for Economic Cooperation and Development

OPCW	Organisation for the Prohibition of Chemical Weapons
PBB	Polybrominated biphenyls
PCB	Polychlorinated biphenyls
PCDD	Polychlorinated dibenzo-p-dioxins
PCDF	Polychlorinated dibenzofurans
PCN	Polychlorinated naphthalene
PCP	Pentachlorophenol
PCT	Polychlorinated terphenyls
PeCB	Pentachlorobenzene
PET	Polyethylene terephthalate
PFOA	Perfluorooctanoic acid
PFOS	Perfluorooctane sulfonic acid
PFOS-F	Perfluorooctane sulfonyl fluoride
PIC	Prior informed consent
POPs	Persistent organic pollutants
PSP	Paralytic shellfish poisoning
RAC	Refrigeration and air conditioning
RILO	Regional Intelligence Liaison Office
SCCP	Short-chain chlorinated paraffins
SDG	Sustainable Development Goal
TBT	Toxaphene, tributyltin
UNEP	United Nations Environment Programme
UNODC	United Nations Office on Drugs and Crime
WCO	World Customs Organization
WECF	Women Engage for a Common Future

Multilateral environmental agreements and partners in the Green Customs Initiative

Multilateral environmental agreements

Multilateral environmental agreements (MEAs) are treaties between multiple States and, in some cases, regional economic integration organizations such as the European Union, to pursue specific objectives aimed at protecting the environment and conserving natural resources. The intention of the international community to develop a new MEA is often brought about by worldwide concerns about the actual or potential serious impacts of human activities on the Earth's fragile environment and the need to address these through concerted efforts at the global level to ensure a safe future for coming generations. Measures that may be embodied in MEAs include, for instance: the monitoring and control of production and use of environmentally sensitive items; the restriction or elimination of their production and use; the identification and promotion of alternatives; and regulation of the way in which they are disposed of. Regulating the international trade of certain environmentally sensitive items is the cornerstone of the MEAs covered by this guide.



Multilateral environmental agreements (MEAs) are treaties between multiple States and, in some cases, regional economic integration organizations such as the European Union, to pursue specific objectives aimed at protecting the environment and conserving natural resources.

Once an MEA enters into force, those States and organizations that have expressed consent to be bound by it, i.e. the parties, are legally obliged to comply with its provisions. The main MEAs with international trade-related provisions are the following:

- Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal
- Cartagena Protocol on Biosafety to the Convention on Biological Diversity (CBD)
- Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)
- Minamata Convention on Mercury
- Montreal Protocol on Substances that Deplete the Ozone Layer
- Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade
- Stockholm Convention on Persistent Organic Pollutants

Since seven out of the eight treaties covered by the Green Customs Initiative (GCI) are MEAs, this guide refers to MEAs in general, often including the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (CWC). Although the primary purpose of the CWC is not environmental protection, the international agreement shares many common concerns and procedures with the MEAs covered in this guide. The roles played by customs officers and other border control officers to implement and enforce each agreement are similar in many respects.

Throughout this guide, the treaties mentioned previously will be presented in alphabetical order.

The role of customs in multilateral environmental agreements

Regulating the cross-border movement in certain environmentally sensitive items, for example, commodities, substances and wild species, through MEAs is one of several means available to preserve and protect the environment from the actual or potential adverse effects of specific human activities. When States take the legal steps to formally agree to be bound by an MEA regulating international trade, they commit themselves to monitoring, controlling and, when provided, restricting or banning trade in certain environmentally sensitive items, through the enactment of national laws and regulations.

Customs and border control officers play a central role in implementing trade-related MEAs. They help regulate legal trade and detect illegal trade, check the validity of trade documents and ensure they correspond to the actual items, combat fraud and check traders' compliance with prohibition and restriction measures, collect applicable duties and taxes, and may be involved in the investigation of illegal trade. They also inform the public about the necessary measures to implement and comply with MEAs. By means of these tasks, customs and border control officers are a safeguard against the deterioration of their country's, and the global, environment.

Box 1.1. Gender leadership in customs administrations

With the customs and border control administration traditionally being a male-dominated sector, national authorities should pay special attention to gender equality in the composition of the customs and border control workforce. As we are in the Sustainable Development Goals (SDGs) Decade of Action, achieving the SDGs, which are all interconnected, is a priority. This means that success in one goal also impacts success in others to some extent, with the success in the implementation of SDG 5 (gender equality) thus also impacting the success of other related SDGs. These include SDG 1 (no poverty), SDG 2 (zero hunger), SDG 3 (good health and well-being), SDG 9 (industry, innovation and infrastructure), SDG 10 (reduced inequalities) and SDG 16 (peace, justice and strong institutions). The customs administration must therefore make deliberate efforts to ensure the inclusion and integration of women in its programmes and to empower them in achieving gender equality. To achieve this objective, it may be necessary for the customs administration to set up a monitoring mechanism with clear milestones. This can have far-reaching positive impacts. Building back better in the coming decade is a matter of building thriving societies, where not only the rule of law but also respect the right for both women and men to decent employment and dignified work are respected.

Some of the associated SDG targets for gender include:

5.1 End all forms of discrimination against all women and girls everywhere

5.5 Ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life

5.b Enhance the use of enabling technology, in particular information and communications technology, to promote the empowerment of women (United Nations General Assembly 2015)

The Asia Environmental Enforcement Awards is a UNEP initiative that publicly recognizes and celebrates excellence in enforcement by government officials and institutions or teams combating transboundary environmental crime. The awards are given to individuals and/or government organizations/teams that demonstrate excellence and outstanding leadership in enforcement of national laws to combat transboundary environmental crime. The following are examples of an individual recipient:

Anna Wong, Director, Singapore National Parks, Singapore

Category: Impact and Gender Leadership

Anna Wong, Director of the Singapore National Parks Board, coordinated multiple enforcement operations against illegal wildlife trade, spearheaded the record seizure of 37.5 tons of pangolin scales and 8.8 tons of elephant ivory (2019) and oversaw the smooth and successful crushing of 9 tons of elephant ivory (2020), an event that was livestreamed to a global audience for four days. Her ability to make critical decisions when collecting information, planning and implementing rigorous operations plans was recognized, hence the promotion to her current leadership position where she inspires and empowers other women enforcement officers to fight environmental crime.

Sasmita Lenka, Divisional Forest Officer, Athgarh Forest Division, Republic of India

Category: Impact and Gender Leadership

In 2020, a woman forest officer from Odisha was nominated and won the award in the category of "Impact and Gender Leadership". Sasmita Lenka, Divisional Forest Officer, Athgarh Forest Division, manages a team of 92 who have managed to disrupt pangolin smuggling in the state of Odisha in eastern India. Between August 2019 and April 2020, Lenka's team detained 28 people and seized three live Indian pangolins, one dead pangolin and 5 kgs of pangolin scales. In one case in December 2019, she and her team busted an international pangolin smuggling racket, arresting eight suspects. Her awareness drives have helped local communities provide information to the authorities on potential trafficking operations. Lenka has also filled roles often dominated by men with women, including women deputy rangers, foresters and forest guards.

Directorate General of Law Enforcement, Ministry of Environment and Forestry, Republic of Indonesia

Category: Innovation, Integrity, Gender Leadership

In 2019, Indonesia's Directorate General of Law Enforcement, a special unit for law enforcement in transboundary environmental crime, was selected as an award winner for their active promotion of gender leadership by appointing women officers in management positions and by instituting policies and facilities that support women, such as lactation rooms.

The *Compendium on Gender Equality and Diversity in Customs* by WCO discusses how customs and border control of various countries successfully handle gender equality and diversity. Many of these good practices can be replicated in other countries (World Customs Organization [WCO] 2020a).

The Green Customs Initiative: introducing the partners

The GCI is a partnership of entities aimed at raising the awareness and building the capacity of customs and border control officers on environmentally sensitive commodities. The partners of the GCI comprise the secretariats of the trade-related MEAs and the Organisation for the Prohibition of Chemical Weapons (OPCW) administering the CWC, as well as the International Criminal Police Organization (INTERPOL), WCO, the United Nations Office on Drugs and Crime (UNODC) and UNEP (Law Division and OzonAction, as an implementing agency of the Multilateral Fund for the Implementation of the Montreal Protocol on Substances that Deplete the Ozone Layer). UNEP also administers the participating MEAs, which are recognized as separate partners in the GCI.

The following are brief introductions to each partner.

Basel Convention

The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal is the global environmental treaty on hazardous and other wastes establishing the control regime for transboundary shipments of hazardous and other wastes. The aim is to protect human health and the environment against the adverse effects resulting from the generation, management, transboundary movements and disposal of hazardous and other wastes. Training and materials for customs and border control officers are provided by the Secretariat of the Basel Convention and the Basel Convention Regional Centres. The Secretariat of the Convention, which is administered by UNEP, is located in Geneva, Switzerland.¹

Cartagena Protocol on Biosafety to the Convention on Biological Diversity

The Cartagena Protocol on Biosafety is an international treaty that seeks to protect biological diversity from the potential adverse effects that may be caused by living modified organisms (LMOs) produced through modern biotechnology. Such organisms are also often referred to as genetically modified organisms (GMOs). The Cartagena Protocol on Biosafety is a supplementary agreement to the Convention on Biological Diversity (CBD). In 2018, the Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety entered into force, providing for international rules and procedures on liability and redress for damage to biodiversity resulting from LMOs. The Secretariat of the CBD is based in Montreal, Canada.²

Convention on International Trade in Endangered Species of Wild Fauna and Flora

CITES establishes the legal framework and procedural mechanism to ensure that international trade in specimens of wild animals and plants does not threaten their survival. CITES provides training for customs officers by means of a computer-based, self-training programme online (on the CITES Virtual College and on InforMEA). The CITES Secretariat is administered by UNEP and is located in Geneva, Switzerland.

¹ www.brsmeas.org/Secretariat/Overview/tabid/3609/language/en-US/Default.aspx.

² <https://www.cbd.int/secretariat/>.

Box 1.2. Green Customs Initiative partners and Sustainable Development Goal 5 (Gender equality: achieve gender equality and empower all women and girls)

We have entered a critical decade for the implementation of the 2030 Agenda for Sustainable Development and its 17 SDGs. Gender equality is represented in SDG 5, which aims to “achieve gender equality and empower all women and girls.” While there has been considerable progress in achieving gender equality over recent decades, many challenges remain.

Consequently, gender mainstreaming has been the point of discussion in the context of most international organizations and MEAs, and the GCI partners are no exception. Apart from efforts to ensure that intergovernmental bodies are gender-balanced in their composition, strategies, action plans and policy documents have been adopted on how to operationalize gender mainstreaming within their mandates and activities (see Table 1.1). Notably, the preamble to the most recent GCI partner, the Minamata Convention on Mercury, acknowledges the general impact of chemicals on women, stating that Parties are “Aware of the health concerns, especially in developing countries, resulting from exposure to mercury of vulnerable populations, especially women, children, and, through them, future generations.”

International Criminal Police Organization

INTERPOL is the world’s largest international criminal police organization, with 194 member countries. It coordinates and facilitates international cooperation among various national law enforcement agencies.

INTERPOL coordinates networks of police and experts in different crime areas, who come together through working groups and at conferences to share experiences and ideas. The General Secretariat provides a range of expertise and services to member countries. INTERPOL manages 18 police databases with information on crimes and criminals (from names and fingerprints to stolen passports), accessible to countries in real time. INTERPOL connects all member countries via a secured communications system called I-24/7. Countries use this secure network to contact each other and the General Secretariat. Furthermore, INTERPOL offers investigative support such as forensics, analysis and assistance in locating fugitives around the world. Training is an important part of INTERPOL’s work so that officers know how to work efficiently with its services.

INTERPOL’s expertise supports national efforts in combating crimes across three global areas INTERPOL considers the most pressing today: terrorism, cybercrime and organized crime. Officers working in each specialized crime area run different activities alongside member countries. This can include investigative support, field operations, training and networking. Importantly, since crimes evolve, INTERPOL monitors international crime and trends through research and development.

Environmental crime is an international security issue characterized by transnational trafficking and a criminal supply chain with links to other serious crimes.

It includes crimes that facilitate or accompany environmental crimes such as fraud, human trafficking, money-laundering and corruption. INTERPOL has been working to suppress environmental crime since 1992 when an Environmental Crimes Committee was set up by way of INTERPOL Resolution AGN/61/RES/12 (INTERPOL 1992). In 2010, INTERPOL established the Environmental Security Programme (ENS), which brings together member countries, international organizations, civil society and the private sector to collectively tackle the issue of transnational organized environmental crime. It targets international criminal syndicates which are exploiting natural resources, by providing law enforcement agencies with the necessary operational support to dismantle these sophisticated networks.

To do so, ENS has developed an operating model based on intelligence-led policing. As a result, ENS is committed to:

- Focusing on high-priority targets to identify their business model and dismantle their criminal network, and on outcomes in terms of seizures, arrests and confiscation of assets.
- Building stronger networks with member countries and relevant organizations to create awareness, while gathering relevant information to bridge intelligence gaps and provide investigative and operational support.
- Mentoring on live transnational criminal cases and other capacity-building activities to coordinate a tactical response.
- Using seconded police officers and other specialized tools and resources across all crime areas.

ENS currently supports member countries in the fight against five environmental crime areas:

- Fisheries crime: crimes in the entire fisheries sector, from harvest to processing, and including food fraud at the customer level.
- Forestry crime: illegal logging and illicit timber trade, criminal activities that destroy biodiversity and threaten the livelihoods of those reliant on forest resources.
- Illegal mining: illegal extraction and trade of minerals, including the illegal use of toxic chemicals (such as cyanide and mercury) in mining activities.
- Pollution crime: various criminal activities such as waste crime, marine pollution crime, illicit trafficking in chemicals, carbon trading crime and pollution resulting from illegal mining.
- Wildlife crime: criminal activities engaged in exploiting wildlife, threatening protected wildlife species, affecting vulnerable communities, undermining national economies and jeopardizing food security.

The policing capabilities ENS puts into place to address environmental crime include targeted operations, deployment of investigative support teams, capacity-building and training programmes, environmental crime working groups, data analysis, regional investigative case meetings and multi-agency collaboration.

Minamata Convention

The Minamata Convention on Mercury, which joined the GCI in 2017, is a global environmental treaty aimed at protecting human health and the environment from anthropogenic emissions and releases of mercury and mercury compounds. The Convention was adopted in 2013 and entered into force on 16 August 2017. The Convention is named after the Japanese city Minamata, due to the discovery in 1956 of mercury poisoning associated with a neurological disease in the city, caused by the release of untreated wastewater from a chemical plant into Minamata Bay. The Convention's provisions address the entire life cycle of mercury starting from its mining, and call for the reduction and control of a wide range of products, processes and industries where mercury is used, released or emitted. The Secretariat of the Convention, which is administered by UNEP, is located in Geneva, Switzerland.³

Montreal Protocol

The Montreal Protocol on Substances that Deplete the Ozone Layer is an international agreement that controls the production and consumption of specific manufactured chemicals that destroy the ozone layer, the Earth's protective shield, as well as certain powerful greenhouse gases that contribute to climate change. Customs controls and enforcement of national import/export licensing systems are essential for Parties to meet their time-targeted compliance commitments under the Montreal Protocol. The Protocol is a supplementary agreement to the Vienna Convention for the Protection of the Ozone Layer. The Ozone Secretariat is the secretariat for the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol, and is based at the UNEP headquarters in Nairobi, Kenya.⁴

Organisation for the Prohibition of Chemical Weapons

The CWC is an international treaty that bans the use of chemical weapons and aims to eliminate chemical weapons everywhere and forever. The CWC provides the basis on which OPCW monitors the destruction of existing declared stocks of chemical weapons and the facilities formerly used to produce them, and inspects industrial sites to ensure that chemicals monitored under the CWC are produced only for purposes not prohibited by the CWC. The CWC requires its States Parties to restrict and report annually to OPCW all exports and imports of chemicals listed in the CWC's Annex on Chemicals. These chemicals are considered to pose a special risk for chemical weapons production. OPCW also promotes international cooperation and the exchange of scientific and technical information, so that societies and governments can benefit from the legitimate uses of chemistry. The Technical Secretariat of OPCW assists the OPCW's principal and plenary organ the Conference of the States Parties, and the Executive Council, in the performance of their functions.⁵

Rotterdam Convention

The Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade is an international agreement designed to promote shared responsibility and cooperative efforts among Parties in the international trade in certain hazardous chemicals, consisting of the categories of pesticides, industrial chemicals and severely hazardous pesticide formulations, to protect human health and the environment from potential harm and contribute to

³ <https://www.mercuryconvention.org/en/about/secretariat>.

⁴ <https://ozone.unep.org/contact>.

⁵ <https://www.opcw.org/about/technical-secretariat>.

their environmentally sound use. The Secretariat of the Convention is located in Geneva, Switzerland, and in Rome, Italy. The Food and Agriculture Organization of the United Nations (FAO) and UNEP jointly perform the Secretariat functions for the Rotterdam Convention.⁶

Stockholm Convention

The Stockholm Convention on Persistent Organic Pollutants is directed towards protecting human health and the environment from one group of hazardous chemicals, persistent organic pollutants (POPs). The major obligations under the Convention are aimed at reducing or eliminating releases of POPs by the Parties. This includes obligating Parties to take measures to regulate the export and import of POPs. The Secretariat of the Convention, which is administered by UNEP, is located in Geneva, Switzerland.

United Nations Environment Programme

UNEP is the leading global environmental authority that sets the global environmental agenda, promotes the coherent implementation of the environmental dimension of sustainable development within the United Nations system, and serves as an authoritative advocate for the environment. UNEP's work encompasses assessing global, regional and national environmental conditions and trends, developing international and national environmental instruments, and strengthening institutions for the effective management of the environment.

The mission of UNEP is to provide leadership and encourage partnership in caring for the environment by inspiring, informing and enabling nations and peoples to improve their quality of life without compromising that of future generations. UNEP leads the international community in the progressive development of environmental law through the promotion of capacities, transparency and accountability in judiciaries, legislatures and policymaking institutions. Working directly with countries to combat environmental crime and to meet international environmental commitments, UNEP improves cooperation between lawmakers the world over who are seeking to safeguard the environment.

UNEP is involved in implementing GCI activities through the Law Division in Nairobi, which hosts the Secretariat of the GCI. The Law Division is the lead Division charged with carrying out the functions of UNEP in the field of environmental law, governance, and related policy issues, including those related to MEAs.

Since 1982, UNEP has conducted its activities on the basis of sequential ten-year Montevideo Programmes for the Development and Periodic Review of Environmental Law. In March 2019, the United Nations Environment Assembly adopted the Fifth Programme (Montevideo Programme V) for the period of January 2020 to December 2029, with the vision to promote the development and implementation of environmental rule of law, strengthen the related capacity in countries, and contribute to the environmental dimension of the 2030 Agenda for Sustainable Development.⁷

OzonAction is also part of the Law Division, discharging UNEP's functions and activities as an implementing agency of the Multilateral Fund located in Paris, but participates as a separate partner in the GCI.⁸ MEA secretariats are hosted by UNEP and also participate as separate partners in the GCI. Finally, UNEP's regional offices are involved in the implementation of the GCI, addressing specific regional needs.

United Nations Office on Drugs and Crime

UNODC is committed to achieving health, security and justice for all by tackling threats from illicit drugs, organized crime and terrorism worldwide. UNODC works directly with governments, international organizations, other United Nations entities and civil society groups to develop and implement programmes that meet the needs of the beneficiary countries and regions and that are fully coordinated with the core mandates of the office.

The transnational nature of environmental crimes and the established involvement of organized criminal groups make them highly relevant to the mandate of UNODC. Often-weak legislative frameworks, lack of capacity and coordination at national and regional levels to respond to these crimes, and lack of awareness and understanding of the impact of crimes that affect the environment, are serious challenges facing criminal justice systems around the world. Wildlife and forest products, marine resources and waste are trafficked internationally, often by organized criminal groups that may also be engaged in the trafficking of other goods, exploiting loopholes in the criminal justice system. UNODC has been mandated to support Member States to address crimes that affect the environment. The UNODC-WCO Container Control Programme (CCP) and the UNODC Global Programme for Combating Wildlife and Forest Crime (GPWLFC) provide technical assistance and capacity-building to counter these crimes. Through the GPWLFC, UNODC supports Member States "from crime scene to court",

⁶ <https://www.fao.org/home/en/>.

⁷ <https://www.unep.org/explore-topics/environmental-rights-and-governance/what-we-do/promoting-environmental-rule-law>.

⁸ <https://www.unep.org/ozonaction/>.

to detect, investigate, prosecute and adjudicate crimes that affect the environment. UNODC is also a founding member of the International Consortium on Combating Wildlife Crime (ICWC), together with the CITES Secretariat, INTERPOL, the World Bank and WCO.

Box 1.3. Gender and organized environmental crime

Screening suspected illegal cross-border activities also requires an understanding of the gender dimension of possible indicators for suspicious activities. For example, the UNODC World Wildlife Crime Report states that:

It is worth noting that the AITR [annual illegal trade report] does not collect data on gender-related matters: very little is known about the specific roles of women and men in wildlife crime, and more research efforts should be placed on understanding the gender dynamics of the illegal wildlife trade. If enforcement agents are making assumptions about gendered aspects of wildlife crime, they could be missing opportunities for seizures and arrests, and the policy and programming communities could be missing opportunities to design tailored interventions that would foster sustainable success (United Nations Office on Drugs and Crime [UNODC] 2020).

World Customs Organization

WCO, established in 1952 as the Customs Co-operation Council, is an independent intergovernmental body the mission of which is to enhance the effectiveness and efficiency of customs administrations.

Today, WCO represents 183 customs administrations across the globe that collectively process approximately 98 per cent of world trade. As the global centre of customs expertise, WCO is the only international organization with competence in customs matters and can rightly call itself the voice of the international customs community.

WCO enhances the efficiency and effectiveness of member customs administrations, thereby assisting them to, inter alia:

- study all questions relating to cooperation in customs matters

- examine the technical aspects of customs systems with a view to attaining the highest possible degree of harmony and uniformity
- prepare conventions and amendments to conventions
- make recommendations to ensure the uniform interpretation and application of the conventions
- furnish information or advice
- help its members to respond to contemporary challenges
- cooperate with other intergovernmental organizations

WCO assists its members in the areas of trade facilitation, revenue collection, community protection and national security.

To fulfil its mission, WCO:

- Develops, maintains and promotes a series of international conventions, other instruments and best-practice approaches in seeking to harmonize and simplify customs systems and procedures.
- Promotes the strategic interests of WCO and wider international customs community by cooperating, communicating and acting in partnership with governments, other international and regional organizations, donor agencies and the private sector.
- Provides a range of capacity-building, training and technical assistance, and integrity programmes to increase the capacity of member customs administrations to contribute effectively to national development goals.
- Analyses issues and trends of strategic importance to WCO and member administrations.

Over the years, the responsibilities related to the international movement of goods have broadened from the traditional role of collecting duties and taxes on international trade, to executing controls and other activities that serve a wider set of government objectives, spanning areas as diverse as the interdiction of prohibited substances, the protection of cultural heritage and the enforcement of intellectual property laws.

This breadth of responsibility reflects the fact that customs authorities have long been entrusted with administering matters for which other government

ministries and agencies have policy responsibility, such as health, agriculture, environment, trade statistics and, in some cases, immigration.

The current situation

Nowadays, although no two customs administrations necessarily look alike, the main functions of customs generally include:

- revenue collection (import/export duties and excise)
- protection of economic interests (domestic industry)
- protection of society (health and safety)
- economic development (trade facilitation)
- security (across the entire trade supply chain)

Customs administration plays a very important role in the implementation of MEAs and the fight against environmental crime. Since 2001, WCO has been an active partner of the GCI.

In 2008, the WCO Council adopted a recommendation on cross-border environmental offences, outlining steps to be taken by customs administrations to enhance their capabilities in this area (Customs Co-operation Council 2008). In 2010, WCO, the CITES Secretariat, INTERPOL, UNODC and the World Bank founded ICCWC, to provide more support to national wildlife law enforcement agencies, as well as to regional and subregional networks combating the illegal trade in natural resources.⁹ In June 2014, the WCO Council adopted the Declaration of the Customs Co-operation Council on the Illegal Wildlife Trade, demonstrating the commitment of the global customs community to address these crimes in a timely, coherent and coordinated manner.

In response to its members' needs, WCO launched the Environment Programme in March 2012 to contribute to combating environmental crime, in particular the illegal wildlife trade, the illegal trade in hazardous and other waste, the illegal trade in timber, and ozone-depleting substances (ODS).¹⁰ The illicit trade report series provides further information on every component of the Programme on an annual basis (WCO 2020b).

Along with different tools and instruments offered by WCO to its members, ENVIRONET, a real-time communication tool for information exchange among all competent national authorities, international organizations and regional networks, and the Customs Learning & Knowledge Community (CLiKC!), an WCO e-learning facility containing courses on environmental crime,¹¹ are particularly worthy of mention. The WCO Harmonized System (HS) has been effectively applied to implement and enforce trade-related MEAs by customs officers worldwide. Based on several recommendations adopted by the WCO Council, numerous subheadings and their explanatory notes have been inserted into the HS for the purpose of monitoring and controlling the international trade in certain goods covered by the MEAs.

Within the framework of the Environment Programme, WCO constantly works on broadening the scope of partnerships with other organizations working to fight environmental crime. Over the past years, WCO has signed memorandums of understanding (MoUs) with the CITES Secretariat, the Secretariat of the Basel Convention, UNEP, the Lusaka Agreement Task Force and TRAFFIC, a non-governmental organization active on trade in plants and wild animals in the context of sustainable development and biodiversity conservation. In 2016, WCO signed the United for Wildlife Transport Taskforce Buckingham Palace Declaration in London, United Kingdom.

⁹ <https://cites.org/eng>.

¹⁰ <http://www.wcoomd.org/en/topics/enforcement-and-compliance/activities-and-programmes/environment-programme.aspx>.

¹¹ For additional information on the WCO e-learning portal, see WCO's Customs Learning and Knowledge Community at <http://clikc.wcoomd.org/>.

Table 1.1. Green Customs Initiative partners' commitment to gender

Basel, Rotterdam and Stockholm Conventions	The Basel, Rotterdam and Stockholm Conventions (BRS), and pertinent decisions of the respective Conventions' bodies, refer to gender issues at various points. Gender is relevant in the composition of subsidiary bodies, such as in the appointment of experts to subsidiary bodies of the Rotterdam and Stockholm Conventions. Gender issues related to implementation of the BRS have also been taken into account by the Conferences of the Parties (COPs), particularly the impact of poor management of hazardous chemicals and wastes on vulnerable groups such as women and young children. This is reflected in meeting reports, as well as in certain guidance documents, declarations and statements issued by the Parties.¹² In 2013, the BRS Secretariat developed a Gender Action Plan (BRS-GAP), which was updated in 2019. The BRS-GAP includes a vision, a list of expected short-, medium- and long-term goals, and monitoring and reporting plans. The vision of the BRS-GAP aims to ensure that principles of gender equality are firmly embedded in activities undertaken by the BRS Secretariat (Secretariat of the BRS 2019). The 2017 COPs to the BRS Conventions adopted the first gender-specific decisions on gender mainstreaming. Decisions BC-13/20, RC-8/13 and SC-8/23 welcomed the BRS-GAP; requested the Secretariat to continue its efforts towards mainstreaming in its activities, projects and programmes; and recognized that efforts are still needed to ensure that women and men from all Parties are equally involved in the implementation of the three Conventions, are represented in their bodies and processes, and thus inform and participate in decision-making on gender-responsive hazardous chemicals and waste policies.¹³
Convention on Biological Diversity	Review of implementation of the 2015-2020 gender plan of action The CBD Secretariat carried out a review of implementation of the 2015–2020 gender plan of action, which noted that while there is an enhanced awareness and understanding of gender and biodiversity among Parties, more effort is needed to address gender in implementation, including in national biodiversity strategies and action plans (CBD Subsidiary Body on Implementation 2020). Consultative process to develop a new post-2020 gender plan of action The Secretariat is now undertaking a consultative process to develop a new post-2020 gender plan of action, to align with the post-2020 global biodiversity framework (CBD Subsidiary Body on Implementation 2021a). This new plan proposes a focus on three expected outcomes, to be achieved through clear and measurable actions by Parties and other stakeholders, which can be monitored and reported in line with the post-2020 framework. The plan will be proposed for adoption at the CBD COP 15 in 2021/22 (CBD Subsidiary Body on Implementation 2021b). Advice to enable a gender-responsive process for the development of the post-2020 biodiversity framework: Supplemental background and tools The CBD has outlined advice for Parties, other relevant organizations and the CBD Secretariat to enable a gender-responsive process for the development of the post-2020 global biodiversity framework. It includes key messages on gender equality and biodiversity linkages; guiding principles to provide a foundation for a gender-responsive approach to the implementation of recommended actions; and recommendations for undertaking a gender-responsive process for

¹² For example, paragraph 4 of the Bali Declaration on Waste Management for Human Health and Livelihood (2008) states "We are convinced that full and effective action to implement the Basel Convention will contribute to the achievement of sustainable development, notably internationally agreed development goals, including those contained in the United Nations Millennium Declaration, through waste prevention and minimization, the control of transboundary movements of hazardous wastes and safe and environmentally sound management of waste. In this way, progress can be made in the area of poverty eradication, health, education, gender equality, environmental sustainability and the global partnership for development."

¹³ For the mentioned decisions, see <http://www.brsmeas.org/Portals/4/download.aspx?d=UNEP-CHW-COP.13-BC-13-20.English.pdf>; <http://www.brsmeas.org/Portals/5/download.aspx?d=UNEP-FAO-RC-COP.8-RC-8-13.En.pdf>; and <http://www.brsmeas.org/Portals/0/download.aspx?d=UNEP-POPS-COP.8-SC-8-23.English.pdf>.

	the development of the post-2020 biodiversity framework (CBD 2018a). This advice is complemented development of the post-2020 biodiversity framework (CBD 2018a). This advice is complemented by an information document which provides further guidance, including examples of practice tools that may be applied by Parties and other relevant organizations to support a gender-responsive consultative process (CBD 2018b). Towards a gender-responsive biodiversity framework post-2020 The CBD in this document recognizes that: In every society across the globe, relations between women and men are both constructed by and delineated along social, cultural and power differences. These differences dictate what roles women and men play in that society, what responsibilities they shoulder, and what level of influence they are able to realize. Women have unique knowledge and responsibilities in the sustainable use and conservation of biodiversity, particularly within rural and indigenous communities. They are also among the most impacted by biodiversity loss, with its negative effects on women's livelihoods and the health of their families. Yet women's involvement at the decision-making and policy levels remains unsatisfactory and their access to and control over natural resources is severely limited (CBD 2019).
Convention on International Trade in Endangered Species of Wild Fauna and Flora	The CITES Strategic Vision 2021-2030, under "Values", states that: Parties to the CITES act in the best interest of the conservation of species, working to ensure their use is legal and sustainable, and aim to adopt measures proportionate to the anticipated risks to the species under consideration. In doing so, Parties have a shared commitment to fairness, impartiality, geographic and gender balance, and to transparency (CITES 2019). The CITES Secretariat is part of UNEP's gender strategy to ensure mainstreaming of gender issues in the activities that it carries out.
International Criminal Police Organization	INTERPOL's Capacity Building and Training Directorate has been working to develop an INTERPOL-wide training system that ensures the highest standards when it comes to the delivery of trainings and all capacity-building initiatives to all Member States and has developed a training framework in line with the latest international training standards. Within this framework, INTERPOL has a framework for gender mainstreaming in capacity-building initiatives. The framework includes the international framework that guides INTERPOL's work, and provides concrete guidance as to how gender issues can be integrated into capacity-building initiatives from design to implementation and to monitoring and evaluation. Beyond this institutional framework, INTERPOL is working to make sure that gender issues are mainstreamed in all its activities, and has also developed targeted initiatives to support gender equality. For example, e-learning modules are available on gender mainstreaming for law enforcement in English and Spanish, which will soon also be available in INTERPOL's other two official languages Arabic and French. INTERPOL has most recently developed a virtual programme on policing with a gender perspective that is being rolled out in various regions of the world, and is working on the development of what will be the first INTERPOL guidelines on policing with a gender perspective. INTERPOL's work is also grounded in solid research that informs its actions, such as a study published in 2020 on women in law enforcement in the Association of Southeast Asian Nations (ASEAN) region (UNODC, INTERPOL and UN-Women 2020) and an (internal) analysis of the gender dimensions of migrant smuggling in Latin America. Inspired by this work, many of the other INTERPOL directorates have also started to take action to develop analysis on women's involvement in organized crime or in terrorism activities, among others. As the leading international organization connecting police around the world, INTERPOL is also developing and providing a space for gender champions and women law enforcement officers to exchange and come together through dedicated INTERPOL platforms, and have provided dedicated leadership training for women law enforcement officers on the framework of various initiatives.

	Finally, gender issues have been consistently integrated in INTERPOL's capacity-building programmes in the past four years, including on counter-terrorism, cybercrime, migrant smuggling and human trafficking, covering various countries and regions of the world. Annual Report 2020 A report published by INTERPOL, UNODC and UN-Women underlined the contribution women make to effective law enforcement in the ASEAN region while documenting the hurdles they face. The report, developed under Project Sunbird, concluded that bringing more women into policing will not be sufficient if the institutions themselves are not transformed (INTERPOL 2020).
Minamata Convention on Mercury	In its Preamble, the Minamata Convention on Mercury notes "the health concerns, especially in developing countries, resulting from exposure to mercury of vulnerable populations, especially women, children, and, through them, future generations." It further includes in Annex C, under "Artisanal and small-scale gold mining: national action plans": "1. Each Party ... shall include in its national action plan: (i) Strategies to prevent the exposure of vulnerable populations, particularly children and women of child-bearing age, especially pregnant women, to mercury used in artisanal and small-scale gold mining." Additionally, articles 16 (health aspects), 18 (public information, awareness and education), 19 (research, development and monitoring) and 22 (effectiveness evaluation) of the Minamata Convention on Mercury all refer to the needs of vulnerable groups and populations. COP Decision MC-1/13 requires Parties to use the National Action Plan Guidance document on artisanal and small-scale gold mining (ASGM). Chapter 7 of this document focuses on gender, child labour and ASGM (Minamata Convention on Mercury 2017). The third meeting of the COP to the Minamata Convention on Mercury (25–29 November 2019, Geneva, Switzerland) included gender as a focus area of the programme of work for the biennium 2020–2021, showing this commitment through the inclusion of funds budgeted for gender under "legal and policy activities" and "13.1 SDGs and gender" (Minamata Convention on Mercury 2019). In addition, chapter 4 of the Minamata Convention on Mercury's 2020 progress report deals with legal and policy activity on gender. The Secretariat is focused on a gender assessment to gather information that specifically speaks to vulnerable groups such as women and children (Minamata Convention on Mercury 2020). In January 2021, the Secretariat of the Minamata Convention developed a gender road map, which analyses current initiatives undertaken by other MEAs and United Nations bodies in the field of gender, and identifies priority actions to be undertaken by the Secretariat, Parties and other stakeholders to further the mainstreaming of gender into their activities (Minamata Convention on Mercury 2021). The fourth meeting of the COP, held online in November 2021 and face-to-face in the first quarter of 2022, will further consider gender mainstreaming, taking this road map into account.
Multilateral Fund for the Implementation of the Montreal Protocol	Eighty-fourth meeting of the Executive Committee, Montreal, 16–20 December 2019 The Executive Committee approved the operational policy on gender mainstreaming for Multilateral Fund supported projects. It affirmed the importance of gender mainstreaming in Multilateral Fund-supported projects and requested bilateral and IAs [implementing agencies] to apply this policy, throughout the project cycle, beginning with projects proposed for consideration at the 85th meeting; and to provide, when available, gender-relevant information in reports on ongoing projects approved prior to the 85th meeting.

	The Secretariat was requested to review the implementation of this policy and to prepare a report for consideration at the 89th meeting (Multilateral Fund for the Implementation of the Montreal Protocol [MLF] 2019a) . In the same decision, the Executive Committee requested the Secretariat to review the implementation of the operational policy on gender mainstreaming and to prepare a report for consideration of the Executive Committee at its eighty-ninth meeting. This will be at the first meeting of 2022. Development of gender mainstreaming guides to assist agencies submitting proposals As mentioned at the eighty-fourth meeting, bilateral and implementing agencies are required to apply the policy throughout the project cycle, beginning with projects submitted to the eighty-fifth meeting, and to provide, when available, gender-relevant information in reports on ongoing projects approved prior to the eighty-fifth meeting. The Multilateral Fund Secretariat has included a component on the implementation of gender policy in all the guides developed by the Secretariat to assist agencies in submitting their project proposals, such as tranches of Hydrofluorocarbon Phase-out Management Plans (HPMPs), new stages of HPMPs, and institutional strengthening projects (MLF 2020). Operational policy on gender mainstreaming for Multilateral Fund-supported projects As the report of the eighty-fourth meeting makes clear: 5. Strategies, policies, procedures, guidelines and criteria established by the Executive Committee should support gender equality and women's empowerment and be developed in accordance with the gender policies of bilateral and implementing agencies; 6. A gender-sensitive approach should be applied in the design and implementation of Multilateral Fund-supported projects; and 7. Bilateral and implementing agencies' existing gender policies and their experience implementing these policies can be used to identify entry points to promote gender equality and women's empowerment in all Multilateral Fund-supported projects implemented by them (MLF 2019b).
Organisation for the Prohibition of Chemical Weapons	In its 2019 report, OPCW confirmed that it: is committed to providing equal opportunities for everyone as we work to rid the world of chemical weapons. To further improve gender diversity, divisions nominated Gender Focal Points to advise management on gender-related issues and to support gender mainstreaming. The OPCW participated in the Interagency Gender Training Programme with other agencies based in The Hague and joined the International Gender Champions network that brings together decision-makers to advance gender equality in international institutions and organisations. Targeted sourcing and outreach geared towards gender diversity led to an improved gender balance in the Professional category (from 21% to 28%) and in senior management (to 50%) (OPCW 2019).
United Nations Environmental Programme Ozone Secretariat	There has been limited coverage of the gender aspects in relation to ozone depletion and protection in the discussions of the Parties. Little discussion on gender-sensitive impacts of the increased ultraviolet radiation from the depletion of the ozone layer featured in the reports of the Environmental Effects Assessment Panel. Given the Protocol's new mandate on climate change adopted under the Kigali Amendment, the gender-differentiated climate impacts should be revisited in this context. In 2019, the Secretariat published a background document, <i>Gender in the Ozone Treaties</i>, to discuss these issues (UNEP Ozone Secretariat 2019). The objective of the document was to initiate a discussion on gender mainstreaming in the implementation of ozone protection treaties, and to recommend actions required on mainstreaming gender in the ozone treaties and their institutions. At the implementation level, the Multilateral Fund (see above) has taken steps towards ensuring gender mainstreaming in the projects funded through this mechanism in 147 developing countries which are Parties to the Protocol (the Article 5 Parties).

United Nations Office on Drugs and Crime	The CCP Women's Network of the UNODC-WCO Container Control Programme Established in 2015, the CCP Women's Network aims to actively promote women's roles in customs and law enforcement, and foster an inclusive dialogue around women's participation, leadership, empowerment and freedom from discrimination in a sector often dominated by men. The Women's Network encourages measures such as gender-sensitized recruitment criteria, flexible working hours, an inter-unit support network and a training module on gender as a mandatory part of the core training. The CCP regularly evaluates the gender balance in all offices, units and training events to assess the impact of its interventions. As part of its activities, the Women's Network regularly publishes the Women's Network Newsletter, to keep CCP officers, donors, private sector partners, civil society and other relevant stakeholders updated on issues and recent developments regarding gender, workplace equality and professionalism.¹⁴ Other relevant initiatives include the presentation of the annual CCP Champions for Change award recognizing CCP gender champions, the production of the CCP Gender and Equality Survey to assess gender equality within the CCP, and the development of the first CCP Women's Professional Development Programme for customs and law enforcement officers in South and Southeast Asia and the Pacific. UNODC World Wildlife Crime Report: Trafficking in protected species The analysis presented in the UNODC World Wildlife Crime Report draws heavily on seizure data reported by the AITR submitted by CITES Parties. It is worth noting that this AITR does not collect data on gender-related matters: very little is known about the specific roles of women and men in wildlife crime, and more research efforts should be placed on understanding the gender dynamics of the illegal wildlife trade. Without such gender-relevant information, policy and programming communities, including law enforcement, could be missing opportunities to design tailored interventions that could foster sustainable success. Gender mainstreaming in the work of UNODC In 2013, UNODC produced a guidance note "to assist UNODC staff to effectively integrate a gender perspective into all aspects of their work, from planning strategic tools, developing normative standards, designing and delivering thematic and regional programmes and working through the project cycle" (UNODC 2013).
World Customs Organization	Gender equality is recognized as a catalyst for social, economic and environmental sustainability, and forms part of the 2030 Agenda for Sustainable Development and the SDGs. Promoting gender equality and inclusion means creating conditions for equal rights, responsibilities and opportunities, implying that the interests, needs and priorities of everyone, women and men, should be taken into consideration. WCO has taken the decision to incorporate these issues as an integrated part of the WCO capacity-building agenda to enhance the overall performance of customs administrations (WCO 2020a). WCO Integrity Newsletter In its newsletter of June 2021, WCO applauded the Algerian customs authorities for "promoting integrity through gender equality and diversity": As a response to the COVID-19 pandemic, special measures have been adopted by the authorities to protect pregnant women, women caring for young children and people with disabilities or chronic diseases, who retain the full amount of their salary even if they are confined to their home. Among other aims, this measure seeks to promote Integrity through gender equality and diversity (WCO 2021b).

¹⁴ <https://www.unodc.org/unodc/en/ccp/the-ccp-womens-network.html>.

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Overview of the Agreements covered by the Green Customs Initiative

- Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal
- Cartagena Protocol on Biosafety to the Convention on Biological Diversity
- Convention on International Trade in Endangered Species of Wild Fauna and Flora
- Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction
- Minamata Convention on Mercury
- Montreal Protocol on Substances that Deplete the Ozone Layer
- Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade
- Stockholm Convention on Persistent Organic Pollutants



Basel Convention on the Control of Transboundary Movements of Hazardous Wastes

The Basel Convention,¹⁵ among other things, regulates the transboundary movement of hazardous wastes and other wastes. The obligations and procedures of the Convention apply whenever hazardous wastes and other wastes covered by the Convention are subject to a transboundary movement. This includes any movement from an area under the national jurisdiction of one State to or through an area under the national jurisdiction of another State, or to or through an area not under the national jurisdiction of any State, provided at least two States are involved in the movement.

Because the Convention regulates movements across international frontiers, its effective implementation by national customs officers or border control officers is essential to ensure compliance with the Convention. The Basel Convention was adopted on 22 March 1989, and it entered into force on 5 May 1992. At the time of writing, there are 189 Parties to the Basel Convention.

The objectives of the Convention are:

- To reduce transboundary movements of hazardous wastes and other wastes to a minimum, consistent with their environmentally sound management (ESM).

- To treat and dispose of hazardous wastes and other wastes as close as possible to their source of generation in an environmentally sound manner.
- To minimize the generation of hazardous wastes and other wastes in terms of both quantity and potential hazard.

To achieve these objectives, the Basel Convention has established a regulatory system based, inter alia, on the following:

- The requirement of the prior informed consent (PIC) of a State of import and States of transit before waste can be exported and, to this end, the triggering of a notification procedure.
- Prohibition on exports to and imports from a country that is not a Party to the Convention, unless there is an agreement or arrangement in place that is no less environmentally sound than the Convention.
- The expectation that when an export or import has not complied with the provisions of the Convention, such shipments may be a subject of illegal traffic, and obligations to take back a shipment may apply.

¹⁵ www.basel.int.

Box 2.1. Controlled wastes

Wastes controlled by the Basel Convention regulatory regime include “hazardous wastes” and “other wastes”. Hazardous wastes are listed in Annex I to the Convention and are further clarified in Annexes VIII and IX. These wastes include: waste pharmaceuticals, drugs and medicines; wastes from the production, formulation and use of organic solvents; waste lead-acid batteries; certain waste electrical and electronic assemblies; glass waste from cathode ray tubes; waste asbestos; waste oils/water, hydrocarbon/water mixtures and emulsions; and wastes of an explosive nature not subject to other legislation. However, such wastes may not be hazardous and subject to the Basel Convention procedures if it can be shown that they do not display any of the hazardous characteristics listed in Annex III to the Convention, such as explosive, flammable, oxidizing, poisonous or corrosive qualities. “Other wastes” are listed in Annex II to the Convention, and include household wastes and certain types of plastic wastes.

Individual codes are assigned to the wastes covered by the Convention, and are indicated in Annexes I, II, VIII and IX, alongside each waste classification. The Secretariat of the Basel Convention coordinates with WCO to continually review and identify the corresponding codes under the HS for the wastes covered by the Basel Convention. Customs declarations may contain either the codes assigned by the Convention or the HS codes available on WCO’s website.

Under their national legislation, Parties may also define or consider as hazardous wastes that are not listed in Annexes I and II. If Parties wish to apply the Basel Convention procedures to such wastes, they must notify all other Parties to the Convention, through the Secretariat, of such national definitions and of any requirements related to transboundary movement procedures (articles 3 and 13 of the Convention). The national definitions as transmitted to the Secretariat are available online.¹

It is the responsibility of each Party to ensure that its enforcement agencies, including customs officers, are aware of the provisions of properly notified national definitions of hazardous wastes so that they can ensure compliance with the requirements, thereby preventing illegal imports or exports.

¹ www.basel.int/Countries/NationalDefinitions/Overview/tabid/5104/Default.aspx.

How the Basel Convention regulates transboundary movements

Wastes falling within the scope of the Basel Convention can be shipped across international boundaries only if certain conditions are met and only in accordance with certain procedures. The “competent authority” will assess whether the conditions are met and will be responsible for ensuring that the procedures are followed (see Box 2.1 for a description of those wastes falling under the scope of the Convention).¹⁶

Conditions for movement

Parties are obliged to take the appropriate measures to ensure that the transboundary movement of hazardous wastes and other wastes is allowed only if the State of export does not have the technical capacity and the facilities, capacity or suitable disposal sites needed to dispose of the wastes in question in an

environmentally sound and efficient manner; or if the wastes in question are required as raw material for recycling or recovery industries in the State of import. The Convention permits the Parties to adopt other applicable criteria from time-to-time. Such criteria are normally set out in the decisions adopted by the COP. These decisions can be found in the final reports of the meetings of the COP.¹⁷

In all cases, the Convention requires that the standard of ESM is met. This standard is defined as “taking all practicable steps to ensure that the wastes are managed in a manner which will protect human health and the environment against the adverse effects which may result from such wastes” (article 2(8)). What is required to meet the standard of ESM may change from time-to-time, taking into account the current scientific, technical, economic and environmental information available. The competent authority, often housed in the ministries of environment, and environment agencies are normally the best sources of such scientific and technical information, and the Secretariat of the Basel

¹⁶ The competent authority is the governmental authority designated responsible for receiving the notification of a transboundary movement of hazardous wastes or other wastes, and any information related to it, and for responding to such a notification.

¹⁷ www.basel.int/TheConvention/ConferenceoftheParties/ReportsandDecisions/tabid/3303/Default.aspx.

Convention also publishes technical guidelines on the ESM of various waste streams.¹⁸ The Basel Convention provides for and permits Parties to restrict or prohibit exports and imports of covered wastes.

Specifically, the Convention highlights the following issues:

i) Prohibitions or restrictions on transboundary movements

- Parties have the right to prohibit the import of hazardous wastes or other wastes into their jurisdictions for disposal. Where a Party has exercised this right and has notified all other Parties, through the Secretariat, of such a prohibition, all other Parties must prohibit the export of such wastes to the State that has adopted the prohibition. In this way, a Party can prohibit the import of a particular waste stream, such as used lead-acid batteries. A list of such notifications as transmitted to the Secretariat is available online.¹⁹
- Parties must not allow the export of hazardous wastes or other wastes to a State or group of States belonging to an economic or political integration organization that has, by legislation, prohibited all imports of such wastes. For example, such legislation may have been adopted by certain African countries in accordance with the Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes Within Africa. Similarly, the Pacific Islands that are Parties to the Waigani Convention to Ban the Importation into Forum Island Countries of Hazardous and Radioactive Wastes and to Control the Transboundary Movement and Management of Hazardous Wastes within the South Pacific Region have an obligation to introduce a similar ban.

ii) Ban Amendment

- Parties should be aware of the Ban Amendment to the Basel Convention. The third meeting of the COP (Geneva, Switzerland, 18 September–22 September 1995) adopted Decision III/1 (the Ban Amendment) as an amendment to the Basel Convention that prohibits all transboundary movements of hazardous wastes destined for disposal operations in Annex IV A (so-called “final disposal” operations) from Annex VII countries (members of the European Union and the Organisation for Economic Co-operation and Development [OECD], and Liechtenstein) to non-Annex VII countries (all other countries) and prohibits transboundary movements of hazardous wastes pursuant to article 1.1 (b) (wastes controlled

by the Convention except for those considered or defined as hazardous by the national legislation) destined for disposal operations in Annex IV B (so-called “recovery” and “reuse” operations). At the time of its adoption, some Parties felt that the Ban Amendment was a way to address challenges faced by developing countries and countries with economies in transition (CEIT) in controlling imports of hazardous and other wastes they were unable to manage in an environmentally sound manner but continued to receive such wastes. The Ban Amendment entered into force on 5 December 2019, and at the time of writing, 100 of the Parties to the Convention had agreed to be bound by it.²⁰

iii) Plastic Waste Amendments

- The Plastic Waste Amendments were adopted to improve the control of transboundary movements of plastic wastes and clarify the scope of the Convention as it relates to such wastes. Specifically, the fourteenth meeting of the COP held in Geneva, Switzerland, from 29 April to 10 May 2019, adopted amendments to Annexes II, VIII and IX to the Convention (Decision BC-14/12). The amendments clarify the scope of the Convention applicable to the control of transboundary movements of plastic waste.
- The amendment to Annex VIII (insertion of a new entry A3210) clarifies the scope of plastic wastes presumed to be hazardous and therefore subject to the PIC procedure. The amendment to Annex IX (new entry B3011 replacing existing entry B3010) clarifies the types of plastic wastes that are presumed to not be hazardous and, as such, not subject to the PIC procedure. The third amendment is the insertion of a new entry Y48 in Annex II (“Other Wastes”) which covers plastic waste, including mixtures of such wastes unless these are hazardous (as they would fall under A3210) or presumed to not be hazardous (as they would fall under B3011). The wastes listed in entry B3011 include: a group of cured resins; non-halogenated and fluorinated polymers, provided the waste is destined for recycling in an environmentally sound manner and almost free from contamination and other types of wastes; and mixtures of plastic wastes consisting of polyethylene, polypropylene or polyethylene terephthalate (PET) provided they are destined for separate recycling of each material and in an environmentally sound manner, and almost free from contamination and other types of wastes. The Plastic Waste Amendments to the Basel Convention became effective as of 1 January 2021. At the time of writing, one Party had not accepted these amendments.

¹⁸ www.basel.int/Implementation/TechnicalMatters/DevelopmentofTechnicalGuidelines/TechnicalGuidelines/tabid/8025/Default.aspx.

¹⁹ www.basel.int/Countries/ImportExportRestrictions/tabid/4835/Default.aspx.

²⁰ www.basel.int/Countries/StatusofRatifications/BanAmendment/tabid/1344/Default.aspx.

- Decision BC-14/13 adopted at the same COP provides for further actions to address plastic waste. Parties were invited to, among other things, (a) make further efforts to prevent and minimize the generation of plastic waste, improving their ESM of plastic waste and controlling its transboundary movement, (b) reduce the risk from hazardous constituents in plastic waste, and (c) enhance public awareness, education and information exchange at the national level regarding plastic waste and the importance of its improved management, including the promotion of behavioural change by all stakeholders towards its prevention, minimization, collection and recycling. Furthermore, the Plastic Waste Partnership was established to improve and promote the ESM of plastic waste at the global, regional and national levels and to prevent and minimize its generation to significantly reduce, and in the long term eliminate, the discharge of plastic waste and microplastics into the environment, especially the marine environment. The decisions addressing plastic waste adopted at the 2019 COP were viewed by many as significant and historic first steps to address an increasingly serious problem of global concern.

iv) Conditions for transboundary movements of wastes

- A Party must not allow exports to a State when it has reason to believe that the wastes in question will not be managed in an environmentally sound manner. For example, if the proposed destination does not have the appropriate technology to recycle electronic equipment in an environmentally sound manner, the State of export must not allow a shipment described as end-of-life computers to be sent there for recycling.
- A Party is prohibited from exporting wastes to, or importing wastes from, a non-Party State (article 4(5)). However, such exports/imports can be permitted if the Party has entered into a bilateral or multilateral agreement or arrangement on the transboundary movements of hazardous wastes or other wastes with the non-Party, or is a party to a multilateral or regional agreement that also involves the non-Party, as long as the agreement does not derogate from the ESM of hazardous wastes and other wastes as required by the Basel Convention (article 11). All Parties to the Basel Convention must notify the Secretariat of any such agreements or arrangements they have entered. A list of the agreements or arrangements as transmitted to the Secretariat is available online.²¹

- Parties are prohibited from exporting wastes falling within the scope of the Convention for disposal within the area south of latitude S 60° south, whether or not such wastes are subject to transboundary movement (article 4(6)).

The competent authority, when considering whether to permit a transboundary movement, must verify that the request is consistent with any relevant restrictions (for example, import bans on certain waste streams or special procedural requirements provided by national definitions). To foster effective enforcement of the Convention's obligations, the competent authority should also ensure that customs officers are kept informed of any restrictions or requirements that derive from the Convention or from measures adopted by individual States, so that they can take these into account when verifying shipments at the border.

...ensure that customs officers are kept informed of any restrictions or requirements that derive from the Convention or from measures adopted by individual States.

Notification procedure

To make certain that the conditions and requirements described previously are met and that a State has the information it needs to make an informed decision about permitting an import, export or transit shipment, the Basel Convention has established a notification and consent procedure. State-to-State contacts are made through the competent authorities.

Figure 2.1 depicts the procedure, which consists of the following seven steps:

Step 1.

The exporter/generator of the wastes and the proposed disposer enter into a contract that specifies that the wastes will be disposed of in an environmentally sound manner.

Steps 2 and 4.

The exporter/generator notifies the competent authority of the State from which the wastes are to be exported about the proposed shipment. The State of export then informs the State of import about the proposed movement of hazardous wastes or other wastes by means of a notification document (see Figure 2.2 and Figure 2.3). This document should contain the information set out in Table 2.1 (Annex V A to the Basel Convention), and it must be in a language that is acceptable to the State of import.

²¹ <http://www.basel.int/Countries/Agreements/AgreementsArrangements/tabid/8690/Default.aspx>.

Steps 3, 5 and 6.

Before any movement begins, the competent authority of the State of import must provide the State of export with written consent, and must confirm the existence of a contract between the generator/exporter and the disposer, specifying ESM of the wastes. When deciding whether to consent to the shipment, the competent authority should take into account the requirements of the Basel Convention and of national law, the information provided in the notification document, and the provisions of the disposal contract. Similar notifications must be sent to the competent authorities of any proposed States of transit, which also must provide written consent before the movement may commence. However, the consent of the State of transit is not required if it has waived its right to prior written consent and has notified the other Parties to the Convention to that effect.

Step 7.

Upon receipt of the written consent from the State of import and any States of transit, the competent authority of the State of export may permit the shipment to start.

The disposer must inform the exporter/generator and the competent authority of the State of export when it

has received the wastes and, in due course, when the disposal has been completed in accordance with the terms of the disposal contract. The State of export is obligated to re-import the wastes if the disposal cannot be completed in accordance with the terms of the contract, unless alternative arrangements can be made for their disposal in an environmentally sound manner (article 8).

The wastes must be accompanied throughout the entire shipment by a movement document (see Table 2.2 and Figure 2.4 and Figure 2.5). The generator/exporter must retain a copy of the movement document and provide copies to the transporter. Each person who takes charge of the wastes must sign the movement document upon delivery or receipt of the wastes. Once the hazardous wastes have reached their final disposal site, a copy of the movement document should be sent to the competent authority of the State of export by the disposer. The information to be included in the movement document is listed in Table 2.2 (Annex V B to the Basel Convention). Customs officers or border control officers must verify the contents of the shipment against the information in the movement document, for example checking if the type and number of packages on the truck match those indicated in the document.

Figure 2.1. Notification procedure

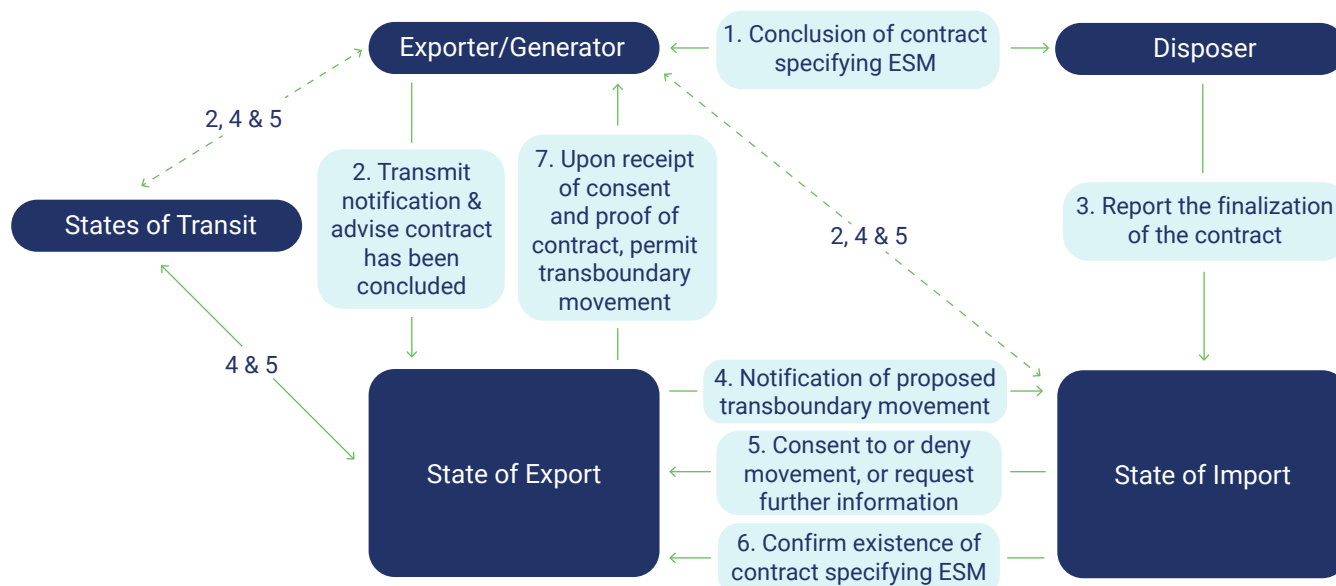


Table 2.1. Information to be included in notification of State of import

1	Reason for waste export
2	Exporter of the waste ^a
3	Generator(s) of the waste and site of generation ^a
4	Disposer of the waste and actual site of disposal ^a
5	Intended carrier(s) of the waste or their agents, if known ^a
6	Country of export of the waste – competent authority ^b
7	Expected countries of transit – competent authority ^b
8	Country of import of the waste – competent authority ^b
9	General or single notification
10	Projected date(s) of shipment(s) and period of time over which waste is to be exported and proposed itinerary (including points of entry and exit) ^c
11	Means of transport envisaged (road, rail, sea, air, inland waters)
12	Information relating to insured ^d
13	Designation and physical description of the waste, including its Y ^e number and UN number and its composition ^f , and information on any special handling requirements, including emergency provisions in case of accident
14	Type of packaging envisaged (e.g. bulk, drummed, tanker)
15	Estimated quantity by weight/volume ^g
16	Process by which the waste is generated ^h
17	For wastes listed in Annex I, classifications from Annex III: hazardous characteristic, H ⁱ number and UN class
18	Method of disposal as per Annex IV of Convention
19	Declaration by the generator and exporter that the information is correct
20	Information transmitted (including technical description of disposal plant) to the exporter or generator from the disposer of the waste on which the latter has based their assessment that there is no reason to believe that the wastes will not be managed in an environmentally sound manner in accordance with the laws and regulations of the country of import
21	Information about the contract between the exporter and disposer.

a. Full name and address, telephone, telex or telefax number, as well as the name, address, telephone, telex or telefax number of the person to be contacted.

b. Full name and address, telephone, telex or telefax number.

c. In the case of a general notification covering several shipments, either the expected dates of each shipment or, if not known, the expected frequency of the shipments will be required.

d. Information should be provided on the relevant insurance requirements and how they are being met by exporter, carrier and disposer.

e. The Y number is a classification code assigned to indicate which category of controlled waste is being shipped (for example, Y1 indicates clinical wastes). The full list of Y codes can be found in Annex I of the Convention.

f. The nature and the concentration of the most hazardous components, in terms of toxicity and other dangers, of the waste and the dangers they present both in handling and in relation to the proposed disposal method.

g. In the case of a general notification covering several shipments, estimates of both the total quantity and the quantity of each shipment will be required.

h. Insofar as this is necessary to assess the hazard and determine the appropriateness of the proposed disposal.

i. The H number is a classification code assigned to indicate the type of hazardous characteristic of the shipment (e.g. explosive, flammable). The list of H codes can be found in Annex III of the Convention.

Table 2.2. Information to be included in movement document

1	Exporter of the waste ^a
2	Generator(s) of the waste and site of generation ^a
3	Disposer of the waste and actual site of disposal ^a
4	Carrier(s) of the waste ^a or his agent(s)
5	Subject of general or single notification
6	Date the transboundary movement started and date(s) and signature on receipt by each person who takes charge of the waste
7	Means of transport (road, rail, inland waterway, sea, air), including countries of export, transit and import, and points of entry and exit where these have been designated
8	General description of the waste (physical state, proper UN shipping name and class, UN number, Y number and H number as applicable)
9	Information on special handling requirements, including emergency provision in case of accident
10	Type and number of packages
11	Quantity in weight/volume
12	Declaration by the generator or exporter that the information is correct
13	Declaration by the generator or exporter that no objections have been raised by the competent authorities of all states concerned that are parties
14	Certification by disposer of receipt of waste at designated disposal facility and indication of method of disposal and of the approximate date of disposal.

Note: The information required in the movement document should, where possible, be integrated with that required under transport rules into one document. Where this is not possible, the information should complement rather than duplicate that required under the transport rules. The movement document should carry instructions about who is to provide information and fill out any form.

a. Full name and address, telephone, telex or telefax number, as well as the name, address, telephone, telex or telefax number of the person to be contacted in an emergency.

Figure 2.2. Notification document for transboundary movements/shipments of waste

1. Exporter - notifier Registration No: Name: Address: Contact person: Tel: Fax: E-mail:		3. Notification No: Notification concerning A. (i) Individual shipment: ☐ (ii) Multiple shipments: ☐ B. (i) Disposal (1): ☐ (ii) Recovery: ☐ C. Pre-consented recovery facility (2;3) Yes ☐ No ☐				
2. Importer - consignee Registration No: Name: Address: Contact person: Tel: Fax: E-mail:		4. Total intended number of shipments: 5. Total intended quantity (4): Tons (Mg): m³: 6. Intended period of time for shipment(s) (4): First departure: Last departure: 7. Packaging type(s) (5): Special handling requirements (6): Yes: ☐ No: ☐				
8. Intended carrier(s) Registration No: Name (7): Address: Contact person: Tel: Fax: E-mail: Means of transport (5):		11. Disposal/recovery operation(s) (2) D code/R code (5): Technology employed (6): Reason for export (1;6):				
9. Waste generator(s) - producer(s) (1;7;8) Registration No: Name: Address: Contact person: Tel: Fax: E-mail: Site and process of generation (6):		12. Designation and composition of the waste (6): 13. Physical characteristics (5):				
10. Disposal facility (2): ☐ or recovery facility (2): ☐ Registration No: Name: Address: Contact person: Tel: Fax: E-mail: Actual site of disposal/recovery:		14. Waste identification (fill in relevant codes) (i) Basel Annex VIII (or IX if applicable): (ii) OECD code (if different from (i)): (iii) EC list of wastes: (iv) National code in country of export: (v) National code in country of import: (vi) Other (specify): (vii) Y code: (viii) H code (5): (ix) UN class (5): (x) UN Number: (xi) UN Shipping name: (xii) Customs code(s) (HS):				
15. (a) Countries/States concerned, (b) Code no. of competent authorities where applicable, (c) Specific points of exit or entry (border crossing or port)						
State of export - dispatch	State(s) of transit (entry and exit)			State of import - destination		
(a)						
(b)						
(c)						

16. Customs offices of entry and/or exit and/or export (European Community):

Entry	Exit	Export	
17. Exporter's - notifier's/generator's - producer's (1) declaration: I certify that the information is complete and correct to my best knowledge. I also certify that legally enforceable written contractual obligations have been entered into and that any applicable insurance or other financial guarantee is or shall be in force covering the transboundary movement. Exporter's - notifier's name: Date: Signature: Generator's - producer's name: Date: Signature:			18. Number of annexes attached

FOR USE BY COMPETENT AUTHORITIES

19. Acknowledgement from the relevant competent authority of countries of import - destination/transit (1) / export - dispatch (9): Country: Notification received on: Acknowledgement sent on: Name of competent authority: Stamp and/or signature:	20. Written consent (1;8) to the movement provided by the competent authority of (country): Consent given on: Consent valid from: until: Specific conditions: No: ☐ If Yes, see block 21 (6): ☐ Name of competent authority: Stamp and/or signature:
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21. Specific conditions on consenting to the movement document or reasons for objecting

- (1) Required by the Basel Convention
- (2) In the case of an R12/R13 or D13-D15 operation, also attach corresponding information on any subsequent R12/R13 or D13-D15 facilities and on the subsequent R1-R11 or D1-D12 facilities when required
- (3) To be completed for movements within the OECD area and only if B(ii) applies
- (4) Attach detailed list if multiple shipments
- (5) See list of abbreviations and codes on the next page
- (6) Attach details if necessary
- (7) Attach list if more than one
- (8) If required by national legislation
- (9) If applicable under the OECD Decision

Figure 2.3. List of abbreviations and codes used in the notification document

DISPOSAL OPERATIONS (block 11)	
D1	Deposit into or onto land (e.g. landfill)
D2	Land treatment (e.g. biodegradation of liquid or sludgy discards in soils)
D3	Deep injection (e.g. injection of pumpable discards into wells, salt domes or naturally occurring repositories)
D4	Surface impoundment (e.g. placement of liquid or sludge discards into pits, ponds or lagoons)
D5	Specially engineered landfill (e.g. placement into lined discrete cells which are capped and isolated from one another and the environment)
D6	Release into a water body except seas/oceans
D7	Release into seas/oceans including sea-bed insertion
D8	Biological treatment not specified elsewhere in this list which results in final compounds or mixtures which are discarded by means of any of the operations in this list
D9	Physico-chemical treatment not specified elsewhere in this list which results in final compounds or mixtures which are discarded by means of any of the operations in this list (e.g. evaporation, drying, calcination)
D10	Incineration on land
D11	Incineration at sea
D12	Permanent storage (e.g. emplacement of containers in a mine)
D13	Blending or mixing prior to submission to any of the operations in this list
D14	Repackaging prior to submission to any of the operations in this list
D15	Storage pending any of the operations in this list
RECOVERY OPERATIONS (block 11)	
R1	Use as a fuel (other than in direct incineration) or other means to generate energy (Basel/OECD) - Use principally as a fuel or other means to generate energy (EU)
R2	Solvent reclamation/regeneration
R3	Recycling/reclamation of organic substances which are not used as solvents
R4	Recycling/reclamation of metals and metal compounds
R5	Recycling/reclamation of metals and metal compounds
R6	Regeneration of acids or bases
R7	Recovery of components used for pollution abatement
R8	Recovery of components from catalysts
R9	Used oil re-refining or other reuses of previously used oil
R10	Land treatment resulting in benefit to agriculture or ecological improvement
R11	Uses of residual materials obtained from any of the operations numbered R1-R10
R12	Exchange of wastes for submission to any of the operations numbered R1-R11
R13	Accumulation of material intended for any operation in this list

PACKAGING TYPES (block 7)		PHYSICAL CHARACTERISTICS (block 13)		MEANS OF TRANSPORT (block 8)	
1	Drum	1	Powdery/powder	R	Road
2	Wooden barrel	2	Solid	T	Train/rail
3	Jerrycan	3	Viscous/paste (specify)	S	Sea
4	Box	4	Sludgy	A	Air
5	Bag	5	Liquid	W	Inland waterways
6	Composite packaging	6	Gaseous		
7	Pressure receptacle	7	Other		
8	Bulk				
9	Other (specify)				

H CODE AND UN CLASS (block 14)

UN Class	H code	Characteristics
1	H1	Explosive
3	H3	Flammable liquids
4.1	H4.1	Flammable solids
4.2	H4.2	Substances or wastes liable to spontaneous combustion
4.3	H4.3	Substances or wastes which, in contact with water, emit flammable gases
5.1	H5.1	Oxidizing
5.2	H5.2	Organic peroxides
6.1	H6.1	Poisonous (acute)
6.2	H6.2	Infectious substances
8	H8	Corrosives
9	H10	Liberation of toxic gases in contact with air or water
9	H11	Toxic (delayed or chronic)
9	H12	Ecotoxic
9	H13	Capable, by any means, after disposal of yielding another material, e.g. leachate, which possesses any of the characteristics listed above

Note: Instructions for completing the notification and movement documents can be found at <http://www.basel.int/techmatters/forms-notif-mov/vCOP8.doc>.

16. For use by any person involved in the transboundary movement in case additional information is required

17. Shipment received by importer - consignee (if not facility): **Date:** **Name:** **Signature:**

TO BE COMPLETED BY DISPOSAL / RECOVERY FACILITY

18. Shipment received at disposal facility

Date of reception: Accepted:

Quantity received: Tons (Mg): m³:

Competent authorities:

Approximate date of disposal/recovery:

Disposal/recovery operation (1):

Name:

Date:

Signature:

or recovery facility

Rejected*:

*immediately contact

**19. I certify that the disposal/
recovery of the waste
described above has been
completed.**

Name:

Date:

Signature and stamp:

FOR USE BY CUSTOMS OFFICES (if required by national legislation)

20. Country of export - dispatch or customs office of exit

The waste described in this movement document left the country on:

Signature:

Stamp:

21. Country of import - destination or customs office of entry

The waste described in this movement document entered the country on:

Signature:

Stamp:

22. Stamps of customs offices of transit countries

Name of country:

Entry:

Exit:

Name of country:

Entry:

Exit:

Name of country:

Entry:

Exit:

Name of country:

Entry:

Exit:

(1) See list of abbreviations and codes on the next page

(2) Attach details if necessary

(3) If more than three carriers, attach information as required in blocks 8 (a,b,c).

(4) Required by the Basel Convention

(5) Attach list if more than one

(6) If required by national legislation

Figure 2.5. List of abbreviations and codes used in movement document

DISPOSAL OPERATIONS (block 11)	
D1	Deposit into or onto land (e.g. landfill)
D2	Land treatment (e.g. biodegradation of liquid or sludgy discards in soils)
D3	Deep injection (e.g. injection of pumpable discards into wells, salt domes or naturally occurring repositories)
D4	Surface impoundment (e.g. placement of liquid or sludge discards into pits, ponds or lagoons)
D5	Specially engineered landfill (e.g. placement into lined discrete cells which are capped and isolated from one another and the environment)
D6	Release into a water body except seas/oceans
D7	Release into seas/oceans including sea-bed insertion
D8	Biological treatment not specified elsewhere in this list which results in final compounds or mixtures which are discarded by means of any of the operations in this list
D9	Physico-chemical treatment not specified elsewhere in this list which results in final compounds or mixtures which are discarded by means of any of the operations in this list (e.g. evaporation, drying, calcination)
D10	Incineration on land
D11	Incineration at sea
D12	Permanent storage (e.g. emplacement of containers in a mine)
D13	Blending or mixing prior to submission to any of the operations in this list
D14	Repackaging prior to submission to any of the operations in this list
D15	Storage pending any of the operations in this list
RECOVERY OPERATIONS (block 11)	
R1	Use as a fuel (other than in direct incineration) or other means to generate energy (Basel/OECD) - Use principally as a fuel or other means to generate energy (EU)
R2	Solvent reclamation/regeneration
R3	Recycling/reclamation of organic substances which are not used as solvents
R4	Recycling/reclamation of metals and metal compounds
R5	Recycling/reclamation of metals and metal compounds
R6	Regeneration of acids or bases
R7	Recovery of components used for pollution abatement
R8	Recovery of components from catalysts
R9	Used oil re-refining or other reuses of previously used oil
R10	Land treatment resulting in benefit to agriculture or ecological improvement
R11	Uses of residual materials obtained from any of the operations numbered R1-R10
R12	Exchange of wastes for submission to any of the operations numbered R1-R11
R13	Accumulation of material intended for any operation in this list

PACKAGING TYPES (block 7)		PHYSICAL CHARACTERISTICS (block 13)		MEANS OF TRANSPORT (block 8)	
1	Drum	1	Powdery/powder	R	Road
2	Wooden barrel	2	Solid	T	Train/rail
3	Jerrycan	3	Viscous/paste (specify)	S	Sea
4	Box	4	Sludgy	A	Air
5	Bag	5	Liquid	W	Inland waterways
6	Composite packaging	6	Gaseous		
7	Pressure receptacle	7	Other		
8	Bulk				
9	Other (specify)				

H-CODE AND UN CLASS (block 14)

UN Class	H code	Characteristics
1	H1	Explosive
3	H3	Flammable liquids
4.1	H4.1	Flammable solids
4.2	H4.2	Substances or wastes liable to spontaneous combustion
4.3	H4.3	Substances or wastes which, in contact with water, emit flammable gases
5.1	H5.1	Oxidizing
5.2	H5.2	Organic peroxides
6.1	H6.1	Poisonous (acute)
6.2	H6.2	Infectious substances
8	H8	Corrosives
9	H10	Liberation of toxic gases in contact with air or water
9	H11	Toxic (delayed or chronic)
9	H12	Ecotoxic
9	H13	Capable, by any means, after disposal of yielding another material, e.g. leachate, which possesses any of the characteristics listed above

Note: Instructions for completing the notification and movement documents can be found at <http://www.basel.int/techmatters/forms-notif-mov/vCOP8.doc>.

National legislation

Parties provide the Secretariat with texts of national legislation and other regulatory measures adopted to implement and enforce the provisions of the Basel Convention. The compilation of such texts is available in the online national legislation database.²²

Implementation and Compliance Committee

Under the Basel Convention, a Committee administering the Mechanism for Promoting Implementation and Compliance has been established. The Committee is a subsidiary body of the COP to the Basel Convention, established in 2002 under article 15, paragraph 5 (e) of the Convention. The objective of the mechanism is to assist Parties to comply with their obligations under the Convention and to facilitate, promote, monitor and aim to secure the implementation of and compliance with the obligations under the Convention.

The mechanism is non-confrontational, transparent, cost-effective and preventive in nature, simple, flexible, non-binding and oriented in the direction of helping Parties implement the Convention. The mechanism pays particular attention to the special needs of developing countries and CEIT, and is intended to promote cooperation between all Parties.

The Committee has a double mandate to:

- deal with specific submissions relating to the compliance of an individual Party made to it in accordance with the terms of reference, with a view to determining the facts and root causes of the matter of concern and assist in its resolution
- review general issues of compliance and implementation

Illegal traffic

Illegal traffic occurs if the transboundary movement of hazardous wastes takes place under any of the following conditions, as provided in article 9:

- without notification pursuant to the provisions of the Basel Convention to all States concerned, i.e. Parties that are States of export, import or transit (whether or not Parties to the Basel Convention)
- without the consent of a State concerned
- through consent obtained by falsification, misinterpretation or fraud

- when the movement does not conform in a material way with what is indicated in the documents
- when the movement results in deliberate disposal of hazardous wastes in contravention of the Convention and of general principles of international law

Parties consider that illegal traffic in hazardous wastes or other wastes is criminal, and Parties are obligated to “introduce appropriate national/domestic legislation to prevent and punish illegal traffic” (articles 4 and 9). To effectively prevent and combat such illegal traffic, law enforcement agencies and other relevant authorities must know the provisions of these laws and have the legal authority and technical capacity to enforce them. The formulation of such laws and regulations will normally be the responsibility of the ministry charged with legal affairs and the ministry or agency responsible for regulation of environmental matters. These entities should ensure that customs officers or border control officers are aware of the relevant national laws and regulations. Customs officers play an important role in detecting illegal traffic and in ensuring that each suspicious shipment identified is handled in a way that will promote the successful prosecution of illegal traffic.

In cases in which the illegal traffic results from the conduct of the exporter or generator, the State of export is obligated to ensure that the wastes in question are taken back by the exporter/generator, or, if necessary, the State of export itself. If this is impracticable, the State of export must ensure that the wastes are otherwise disposed of in accordance with the Convention (article 9 paragraph 2). If the illegal traffic results from conduct on the part of the importer or disposer, the State of import must ensure that the wastes are disposed of in an environmentally sound manner (article 9 paragraph 3). If responsibility for the illegal traffic cannot be assigned, the States of import and export must cooperate to ensure that the wastes in question are disposed of as soon as possible in an environmentally sound manner.

The role of customs and border control officers

The notification procedure ensures that wastes do not leave a State without authorization. It also ensures that the wastes do not enter a State of import or transit without that State having received prior notification and an opportunity to make an informed decision as to whether it wishes to permit the entry of such wastes and that consent is provided on the basis of the information supplied by the exporter/generator. For that reason, it is imperative that customs and border

²² www.basel.int/Countries/NationalLegislation/tabid/1420/Default.aspx.

control officers verify compliance with the notification procedure and ensure that the wastes being shipped conform to the information on which consent to import or transit was based, as reflected in the movement document.

Shipments should be appropriately packaged and accompanied by all the appropriate documentation, including a hazardous waste movement document, hazardous materials placards and an “acknowledgement of consent” from the State of import. Discrepancies between documents may be evidence of illegal trafficking and warrant further investigation. Even when accompanied by documentation for wastes, chemical products or hazardous materials, the actual contents of the shipment must match the labels, notifications and information on the movement document, particularly with respect to the nature and quantity of the substance. A discrepancy, or packaging not appropriate for the type of substance declared, may be evidence of illegal trafficking. When a shipment gives rise to suspicions, the customs officer or border control officer should contact the competent authority at the earliest possible opportunity to confirm that there is genuine consent from the State of import and, if so, for what substance, in what amount and under what conditions.

When a shipment gives rise to suspicions, the customs officer or border control officer should contact the competent authority at the earliest possible opportunity to confirm that there is genuine consent from the State of import.

Successful detection and prosecution of illegal traffic require the cooperation of all enforcement agencies at the national level. Customs officers or border control officers cannot combat illegal traffic alone; they have to rely on the relevant national environmental and health agencies to provide them with the appropriate legal and technical information so they are in a position to identify instances of illegal traffic and know what steps to take. Conversely, national environment agencies and enforcement agencies need the support of customs and border control agencies to ensure that cases of suspected illegal traffic are detected as early as possible at the border and are signalled to the appropriate national authorities. For example, a customs officer or border control officer may detect a cargo containing waste prohibited

from import into the identified State of import, or in which the nature of the goods does not conform to their description in the movement document, or for which there is no movement document because the notification procedure has not been followed. As all these situations present the possibility of illegal traffic, customs or border control officers should stop the shipments and inform the appropriate authorities. Any officer faced with a possible case of illegal traffic should pursue the actions specified by national laws and regulations.

Specific guidance and training materials on the Basel Convention for customs officers

The *Manual for the Implementation of the Basel Convention* (Secretariat of the Basel Convention 2016a) and the *Guide to the Control System* (Secretariat of the Basel Convention 2016b) offer a basic outline of the Convention’s regulatory regime. Sample movement and notification documents, approved by the COP, are also available.²³

Guidance Elements for the Detection, Prevention and Control of Illegal Traffic in Hazardous Wastes highlights matters that should be considered by national enforcement agencies to ensure effective implementation of the Basel Convention (Basel Convention 2002a).

The *Training Manual for the Enforcement of Laws Implementing the Basel Convention: Guidance for Safe and Effective Detection, Investigation, and Prosecution of Illegal Traffic in Hazardous and Other Wastes* (Open-ended Working Group of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal 2004) addresses specific issues of relevance to enforcement officers. In addition, the *Instruction Manual on the Prosecution of Illegal Traffic of Hazardous Wastes or Other Wastes* is more targeted towards prosecutors (Secretariat of the Basel Convention 2012).

The *Guidance on the Implementation of the Basel Convention Provisions Dealing with Illegal Traffic* provides direction on how to implement in practice the provisions of the Basel Convention that deal with the consequences of illegal traffic (Secretariat of the Basel Convention 2020).

23 www.basel.int/Procedures/NotificationMovementDocuments/tabid/1327/Default.aspx.

The *Basel Convention Training Manual on Illegal Traffic for Customs and Enforcement Agencies* is designed to assist customs and other enforcement entities in understanding the provisions of the Basel Convention and highlights the fundamental role they can play in its implementation (Secretariat of the Basel Convention 2006).

These guidance documents are available on the Basel Convention website.

The Parties to the Convention have also developed numerous technical guidelines for particular waste streams or methods of disposal that may be useful to customs officers as they work to identify and handle

certain substances that fall within the Convention. Examples are the *Technical Guidelines for the Identification and Environmentally Sound Management of Plastic Wastes and for Their Disposal* (Basel Convention 2002b) and the *Basel Convention Technical Guidelines on the Identification and Management of Used Tyres* (Technical Working Group of the Basel Convention 1999). Technical guidelines also address more specifically the issue of transboundary movements –see the 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.²⁴

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24 www.basel.int/Implementation/Ewaste/TechnicalGuidelines/DevelopmentofTGs/tabid/2377/Default.aspx.

For more information, contact the Secretariat of the Basel Convention

Physical address:

International Environment House I
Chemin des Anémones 11-13
CH-1219 Châtelaine
Geneva
Switzerland

Postal address:

Avenue de la Paix 8-14
1211 Genève 10
Switzerland

Tel.: (+41 22) 917 8271
Fax: (+41 22) 917 80 98
E-mail: brs@un.org
<http://www.basel.int>

Or contact the nearest Basel Convention Regional Centre, details of which can be found at:
<http://www.basel.int/Partners/RegionalCentres/Overview/tabid/2334/Default.aspx>

The following links will be helpful to those seeking more information on the Basel Convention:

List of competent authorities and focal points: <http://www.basel.int/Countries/CountryContacts/tabid/1342/Default.aspx>

Lists of wastes covered by the

Basel Convention (these lists, which appear in the Annexes to the text of the Convention linked at the bottom of the page, are subject to change): <http://www.basel.int/TheConvention/Overview/TextoftheConvention/tabid/1275/Default.aspx>

List of Parties to the Convention:

<http://www.basel.int/Countries/StatusofRatifications/PartiesSignatories/tabid/4499/Default.aspx>

List of Parties to the Ban Amendment:

<http://www.basel.int/Countries/StatusofRatifications/BanAmendment/tabid/1344/Default.aspx>

List of Parties to the Plastic Waste Amendments:

<http://www.basel.int/Countries/StatusofRatifications/PlasticWasteamendments/tabid/8377/Default.aspx>

Text of the Convention: <http://www.basel.int/TheConvention/Overview/TextoftheConvention/tabid/1275/Default.aspx>

Cartagena Protocol on Biosafety to the Convention on Biological Diversity

The Cartagena Protocol on Biosafety is an international treaty that seeks to protect biological diversity from potential adverse effects that may be caused by LMOs which are a product of modern biotechnology. LMOs are also sometimes referred to as GMOs. The Protocol is a supplementary agreement to the CBD, and was adopted in January 2000, entering into force in September 2003. At the time of writing, the Protocol has 173 Parties.

The Protocol requires Parties to take the necessary and appropriate legal, administrative and other measures to implement their obligations under the Protocol. Customs officers should familiarize themselves with such measures and can contact the competent national authorities in their country for assistance.

The Cartagena Protocol on Biosafety has established two different procedures for the import and export of LMOs. The first applies to the transboundary movement of LMOs intended for introduction into the environment of the importer. The second applies to the transboundary movement of LMOs that are intended for direct use as food or feed, or for processing. Parties can also adopt a simplified decision-making procedure, provided that adequate measures are in place to ensure the safe intentional transboundary movement of the LMOs.

The Protocol has also established the online Biosafety Clearing-House (BCH) to facilitate the exchange of information on LMOs and to assist countries in the implementation of the Protocol. It contains, among other information, decisions taken by Parties, domestic legislation and the contact details of the competent national authorities.

Biotechnologies through which LMOs are developed rapidly evolve. Customs officers and competent national authorities should collaborate to ensure that the most up-to-date information is available to customs to enable them to discharge their functions.

Procedures and rules applying to living modified organisms

The Protocol introduces a set of procedures that enable countries to make informed decisions on the import of LMOs.

The Protocol distinguishes between LMOs depending on their intended use, as different uses create different risks for the environment and biodiversity. This section provides an overview of the different rules which apply to the various types of LMOs recognized in the Protocol.

Living modified organisms intended for introduction into the environment of the Party of import

Some LMOs are intended for deliberate release into the environment. This could comprise, for example, experimental scientific trials to evaluate an LMO's performance and assess its potential effects; commercial agricultural production; or the release of transgenic animals for biological control.

Shipments of LMOs intended for introduction into the environment could consist of seeds, seedlings, trees or live animals. This list is not exhaustive, and customs officers should be aware that other types of organisms could be LMOs intended for introduction into the environment.

The transboundary movements of LMOs intended for intentional introduction into the environment of the Party of import are subject to the advance informed agreement (AIA) procedure, which applies prior to the first intentional transboundary movement of the LMO.

The advanced informed agreement procedure

The AIA procedure is intended to ensure that the exporter provides the information needed by the Party of import to make an informed decision regarding the first transboundary movement of an LMO for intentional introduction into its environment. The procedure consists of three steps:

- **Step 1: Notification by exporter.** The AIA procedure requires the Party of export or the exporter itself to notify the competent national authority of the Party of import prior to the intentional transboundary movement of an LMO covered by this procedure.
- **Step 2: Acknowledgement of receipt of notification by importer.** The Party of import must acknowledge receipt of the notification. The acknowledgement must state, among other things, whether decision-making will proceed according to the domestic regulatory framework of the Party of import or according to the procedure outlined in article 10 of the Protocol.

- **Step 3: Decision-making.** If decision-making is to proceed according to the domestic regulatory framework of the Party of import, then the rules and procedures of this regulatory framework will apply. Since each of these regulatory frameworks is different, customs officers will have to familiarize themselves with the rules and procedures in their country.

Article 10 of the Protocol allows the Party of import to decide to approve the import with or without conditions, or to prohibit the import. The Party of import must communicate its decision to the notifier and to the BCH. However, failure to communicate the decision within the prescribed time period does not imply the Party's consent to an intentional transboundary movement.

Customs officers can receive information on decisions that have been taken under the AIA procedure from the country's competent national authorities and find it on the BCH system (instructions on accessing the BCH appear later in this chapter).

Shipment documentation

The documentation that must accompany shipments of LMOs for intentional introduction into the environment should contain the following information and declaration:

- Clear identification as "living modified organisms" and a brief description of the organisms, including common and scientific names, relevant traits and genetic modification, transgenic traits and characteristics such as event(s) of transformation, and/or, where available and applicable, a reference to a system of unique identification (see Box 2.3).
- Any requirements for the safe handling, storage, transport and use of the LMOs as provided under the applicable existing international requirements, domestic regulatory frameworks or any agreement entered into by the importer and exporter. If there is no specific requirement, the documentation must say so.
- Name and address of the exporter and of the importer.
- Details of the contact point for further information, including an individual or organization that has the information needed to handle an emergency.
- A declaration that the movement of the LMOs conforms with the requirements of the Cartagena Protocol on Biosafety applicable to the exporter.

- Where appropriate, further information should include the commercial name, risk class and import approval for the first transboundary movement of LMOs.

Exporters of LMOs intended for introduction into the environment may incorporate the required information into one of the following documents that usually accompany the shipment: a commercial invoice; a document required or utilized by existing documentation systems such as phytosanitary certificates; or other documentation as required by domestic regulatory or administrative frameworks.

Possible formats for these documents for illustrative purposes appear in Figure 2.6. The flow chart in

Figure 2.7. presents a hypothetical example of how a country might make decisions on LMOs intended for release into the environment, and the role of customs officers in this process.

LMOs intended for direct use as food or feed, or processing (LMO-FFP) are the largest category of GMOs traded internationally. They may appear as bulk shipments of agricultural commodities, including genetically modified soybeans, corn/maize, cotton, canola/rapeseed and many other products. Customs officers should be aware that other types of organisms—including other species of plants and other non-plant organisms—can also be LMOs-FFP.

Important definitions

Advance informed agreement (AIA)	A procedure under the Protocol that applies to the first intentional transboundary movement of living modified organisms (LMOs) for intentional introduction into the environment of the Party of import. The AIA procedure includes several steps: notification by the exporting Party or exporter, acknowledgement of notification, and decision-taking by the importing Party. Decisions are to be carried out in accordance with the Protocol's risk assessment procedure.
Biosafety Clearing-House (BCH)	A mechanism established under the Protocol aimed at facilitating the exchange of scientific, technical, environmental, legal and other information on LMOs and assisting the Parties in implementing the Protocol.
Competent national authority	An entity designated and authorized by a government to fulfil the administrative functions under the Protocol, such as decision-making. Contact details of the competent national authorities can be found in the BCH.
Contained use	As defined in the Protocol, any operation undertaken within a facility, installation or other physical structure that involves LMOs controlled by specific measures that effectively limit their contact with, and their impact on, the external environment.
Living modified organism	As defined in the Protocol, a LMO is any living organism that possesses a novel combination of genetic material obtained through the use of modern biotechnology. A living organism is defined as any biological entity capable of transferring or replicating genetic material, including sterile organisms, viruses and viroids. Modern biotechnology is defined as the application of in vitro nucleic acid techniques, including recombinant deoxyribonucleic acid and direct injection of nucleic acid into cells or organelles, or the fusion of cells beyond the taxonomic family, that overcome natural physiological reproductive or recombination barriers and are not techniques used in traditional breeding and selection.
Living modified organism intended for direct use as food or feed, or for processing (LMO-FFP)	LMO-FFPs represent a large category of mainly agricultural commodities that are intended to be directly consumed by humans or animals or to be processed into other goods or substances. They are not meant for intentional release into the environment.
Party	A State or regional economic integration organization that has ratified, accepted, approved or acceded to the Protocol.
Transboundary movement	As defined in the Protocol, a transboundary movement "means the movement of a living modified organism from one Party to another Party". For the purposes of unintentional transboundary movements and emergency measures (article 17) and transboundary movement between Parties and non-Parties (article 24), the Protocol extends the term to movement between Parties and non-Parties.

Figure 2.6. Examples of integration of information requirements into existing documentation
(example 1, example 2 and example of template for article 18.2)

Example 1 of template for article 18.2 (b) of the Cartagena Protocol: Contained use

Company or Institution Letterhead
--

Invoice:
Date:

	Exporter	Consignee	Contact point Exporter Consignee Other
Company or institution	XXXX	YYYY	
Contact person			
Street			
City, postal code			
Country			
Phone; fax			
Email			

Shipping details	Shipper reference number	Shipper contact details

Item	Amount	Weight/Volume	Description	Value
1	bag	50 g	<i>Living modified organisms:</i> Destined for contained use Papaya Research material seeds, PRSV (Papaya Ring Spot Virus) resistant	none

Any requirements for safe handling, storage, transport and use: Should only be used in registered facilities

Example 2 of template for article 18.2 (b) of the Cartagena Protocol: Contained use

Shippers Declaration of Dangerous Goods

Shipper: Name Company or Institution Address Phone number	Air Waybill No: 123456789 Page 1 of 1 Pages Shipper's Reference Number sso (optional)
Consignee: Company or institution Contact person Street, city Postal code, country Phone, fax E-mail	Contact point Shipper Consignee Other Company or institution Contact person Street, City Postal code, country Phone, fax
Two completed and signed copies of this Declaration must be handed to the operator	WARNING
TRANSPORT DETAILS Airport of departure: This shipment is within the limitations prescribed for: (delete non-applicable) PASSENGER CARGO AND CARGO AIRCRAFT AIRCRAFT ONLY Airport of destination:	Failure to comply in all respects with the applicable Dangerous Goods Regulations may be in breach of the applicable law, subject to legal penalties. This Declaration must not, in any circumstances, be completed and/or signed by a consolidator, a forwarder or an IATA cargo agent. Shipment type: (delete non-applicable) NON-RADIOACTIVE RADIOACTIVE

Dangerous Goods Identification							
Proper Shipping Name	Class or Division	UN or ID No.	Packing Group	Subsidiary Risk	Quantity and Type of Packing	Packing Instruction	Authorization
Infectious substances affecting humans	6.2	UN 2814			1 Fiber-board Box ("Safe-T-Pak") x 250 ml	602	
Living modified organisms							
Dry ice	9	UN 1845	III		1 x 12.4 kg 1 Overpack Used	904	

Additional requirements for safe handling, storage, transport and use				
Prior arrangements as required by the IATA Dangerous Goods Regulations 1.3.3.1 have been made			IATA/ICAO USED	
This material is for contained use only in a certified Safety Level 2 Facility 24 hr. Emergency contact telephone no.			Chemtrec 800/424-9300	
I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations.				
Name/Title of Signatory:	Place and Date:	City, State, Country:	Date:	Signature: <i>(see warning above)</i>

Example of template for article 18.2 (c) of the Cartagena Protocol: Intentional introduction into the environment

Company or Institution Letterhead

Invoice:

Date:

	Exporter	Consignee	Contact point Exporter Cosignee Other
Company or institution	XXXX	YYYY	ZZZZ
Contact person			
Street			
City, postal code			
Country			
Phone; fax			
E-mail			

Shipping details	Shipper reference number	Shipper contact details

Item	Amount	Weight/Volume	Description	Value
1	1,000 bags	50,000 pounds	<i>Living modified organism:</i> Soybean WSD 432, high oleic acid, HOA Permit #GM21345/2002 for planting OECD UI: BI-ABC891-8 Commercial seeds material	22,000€

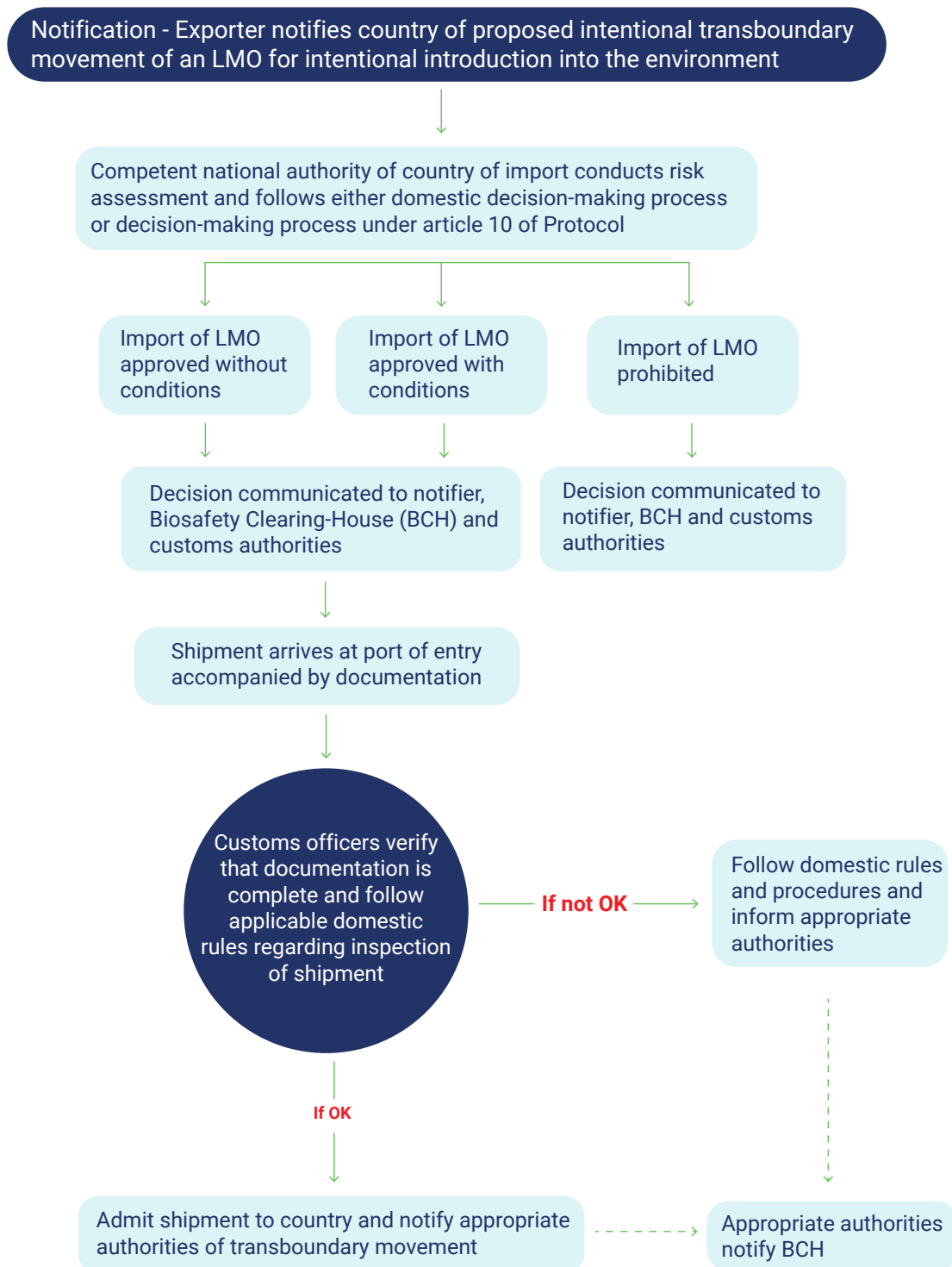
Any requirements for safe handling, storage, transport and use: No specific requirement

I declare that this transboundary movement/shipment is in conformity with the requirements of the Cartagena Protocol applicable to the exporter.

Signature of exporter:

Date:

Figure 2.7. Hypothetical example of decision-making under the advanced informal agreement procedure and the role of customs officers



Transboundary movements of living modified organisms intended for direct use as food or feed, or processing

Transboundary movements of LMOs-FFP are subject to the following two-step procedure:

- **Step 1:** Informing the BCH of a final decision on domestic use. A Party that makes a final decision about the domestic use of a LMO-FFP that may be subject to transboundary movement, including placing it on the market, must inform the other Parties of this decision through the BCH. See Figure 2.8 and Figure 2.9 for examples of notifications under the LMO-FFP procedure.
- **Step 2:** Decision-making by a potential importing Party. A Party may make a decision on the import of an LMO-FFP under its domestic regulatory framework. A developing country Party or Party with an economy in transition may, in the absence of a domestic regulatory framework, declare through the BCH that its decision prior to the first import of an LMO-FFP will be taken in accordance with a risk assessment and within a predictable time frame not exceeding 270 days.

Shipment documentation

The documentation accompanying shipments of LMOs-FFP should clearly state the following:

- In cases in which the identity of the LMOs is known through means such as identity preservation systems, that the shipment “contains LMOs intended for direct use as food or feed, or for processing” (as appropriate).
- In cases in which the identity of the LMOs is not known through means such as identity preservation systems, that the shipment “may contain” one or more LMOs-FFP.
- That the LMOs are not intended for intentional introduction into the environment.
- The common, scientific and, where available, commercial names of the LMOs.
- The transformation event code of the LMOs or, where available, its unique identifier code as a key to accessing information in the BCH (see Box 2.3).
- The Internet address of the BCH for further information.

Photo © pixabay / F.Gallarotti



Figure 2.8. Biosafety Clearing-House record of a decision on the import/domestic use of living modified corn for direct use as food, feed or for processing by Malaysia

General Information	
Country submitting the decision or communication	
Malaysia	
Competent National Authority(ies) responsible for the decision or communication	
 Department of Biosafety Malaysia Level 1, Podium 2, Wisma Sumber Asil No. 25, Perstarian Perdana, Precinct 4 Putrajaya Malaysia, 62574 Phone: +603 8886 1579, +603 8886 1746 Fax: +603-8890 4935 Email: dob@biosafety.gov.my Uri: Department of Biosafety Malaysia Record #48230	
Title / Reference number of the decision or communication	
JBK (S) 602-1/1	
Date of the decision	
2008-09-19	
Is the decision taken prior to entry into force of the Protocol?	
No	
Is this an amendment to a previous decision / communication?	
No	
Decision or communication details	
Subject(s) of the decision	
- Decision on LMOs for direct use as food or feed, or for processing (Article 11, LMOs-FPPs) - Decision on import of LMOs - Decision on domestic use of an LMO, including its placing on the market	
Uses of the LMO(s)	
- LMOs for direct use as food - LMOs for direct use as feed - LMOs for processing	
Has the decision been taken in the absence of a domestic regulatory framework and in accordance with Article 11.6?	
Yes	
Exporter's contact details	
 Ms Tracey Reynolds Monsanto Singapore Co. (PTE) Ltd 151 Lorong Chuan, #06-08 New Tech Park (H Lobby) Singapore Singapore, 556741 Phone: +65 6488 5501 Fax: +65 6488 5641 Email: tracey.l.reynolds@monsanto.com Uri: Monsanto Record #102601	
Importer's or Applicant's contact details	
 Ms Tracey Reynolds Monsanto Singapore Co. (PTE) Ltd 151 Lorong Chuan, #06-08 New Tech Park (H Lobby) Singapore Singapore, 556741 Phone: +65 6488 5501 Fax: +65 6488 5641 Email: tracey.l.reynolds@monsanto.com Uri: Monsanto Record #102601	
Result of the decision	
Approval of the import/use of the LMO(s) with conditions	
Conditions	
This corn variety is being imported into the country for the food, feed and processing industry.	
Reasons	
The condition was imposed so that the event will not be used for intentional introduction into the environment (planting).	
LMO identification	
 MON-00810-6 - YieldGard™ maize Resistance to diseases and pests - Insects - Lepidoptera (butterflies and moths) Show detection method(s) Record #14750	
Risk assessment	
 Report of the Agriculture, Scientific and Technical Task Force to the Genetically Modified Advisory Committee (GMAC) for MON 810 MON-00810-6 - YieldGard™ maize Resistance to diseases and pests - Insects - Lepidoptera (butterflies and moths) Record #103165	
Decision document	
Decision document	
 http://www.biosafety.nre.gov.my/	

Figure 2.9. Biosafety Clearing-House record of a decision by Turkey prohibiting the import of a living modified organism for use as feed

Country submitting the decision or communication	
Turkey	
Competent National Authority(ies) responsible for the decision or communication	
 Ministry of Food, Agriculture and Livestock, General Directorate of Agricultural Research and Policies Üniversiteler Mah. Dumlupınar Bulvarı, Eskişehir Yolu 10. Km, Çankaya Ankara Turkey, 06800 Phone: +90 312 307 60 00 Fax: +90 312 315 34 48 Email: yusuf.arslan@tarim.gov.tr Record #177	
Title / Reference number of the decision or communication	
13. Biosafety Board Meeting decision	
Date of the decision	
2012-03-26	
Is the decision taken prior to entry into force of the Protocol?	
No	
Jurisdiction	
Turkey	
Is this an amendment to a previous decision / communication?	
No	
Decision or communication details	
Subject(s) of the decision	
- Decision on LMOs for direct use as food or feed, or for processing (Article 11, LMOs-FPPs) - Decision on import of LMOs - Notification that domestic regulations shall apply with respect to specific imports of LMOs (Article 14.4)	
Uses of the LMO(s)	
LMOs for direct use as feed	
Has the decision been taken in the absence of a domestic regulatory framework and in accordance with Article 11.6?	
No	
Importer's or Applicant's contact details	
 TÜRKİYEM-BİR Turkish Feed Manufacturer's Association Ankara Turkey Phone: +90.312.472.83 20 Fax: +90.312.472.83 23 Email: info@yem.org.tr Record #106216	
 Beyaz Et Sanayicileri ve Damızlıkçılar Birliği Derneği BESD-BİR Beyaz Et Sanayicileri ve Damızlıkçılar Birliği Derneği Ankara Turkey Phone: +90 312 472 77 88 Email: besd-bir@besd-bir.org Record #106224	
 Yumurta Üreticileri Merkez Birliği YUM-BİR Yumurta Üreticileri Merkez Birliği Ankara Turkey Phone: +90 312 473 20 00 Email: bilgi@yum-bir.org Record #106225	
Result of the decision	
Prohibition of the import/use of the LMO(s)	
Reasons	
MON863 maize that have been rejected as feed by Biosafety Board	
LMO identification	
 MON-00863-5 - YieldGard™ Rootworm™ maize Resistance to antibiotics - Kanamycin Resistance to diseases and pests - Insects - Coleoptera (beetles) Show detection method(s) Record #14778	
Risk assessment	
 Risk Assessment for MON863 MON-00863-5 - YieldGard™ Rootworm™ maize Resistance to antibiotics - Kanamycin Resistance to diseases and pests - Insects - Coleoptera (beetles) Record #107924	
Decision document	
Decision document	
 Report of socio-economic committee- mazie MON863.pdf	

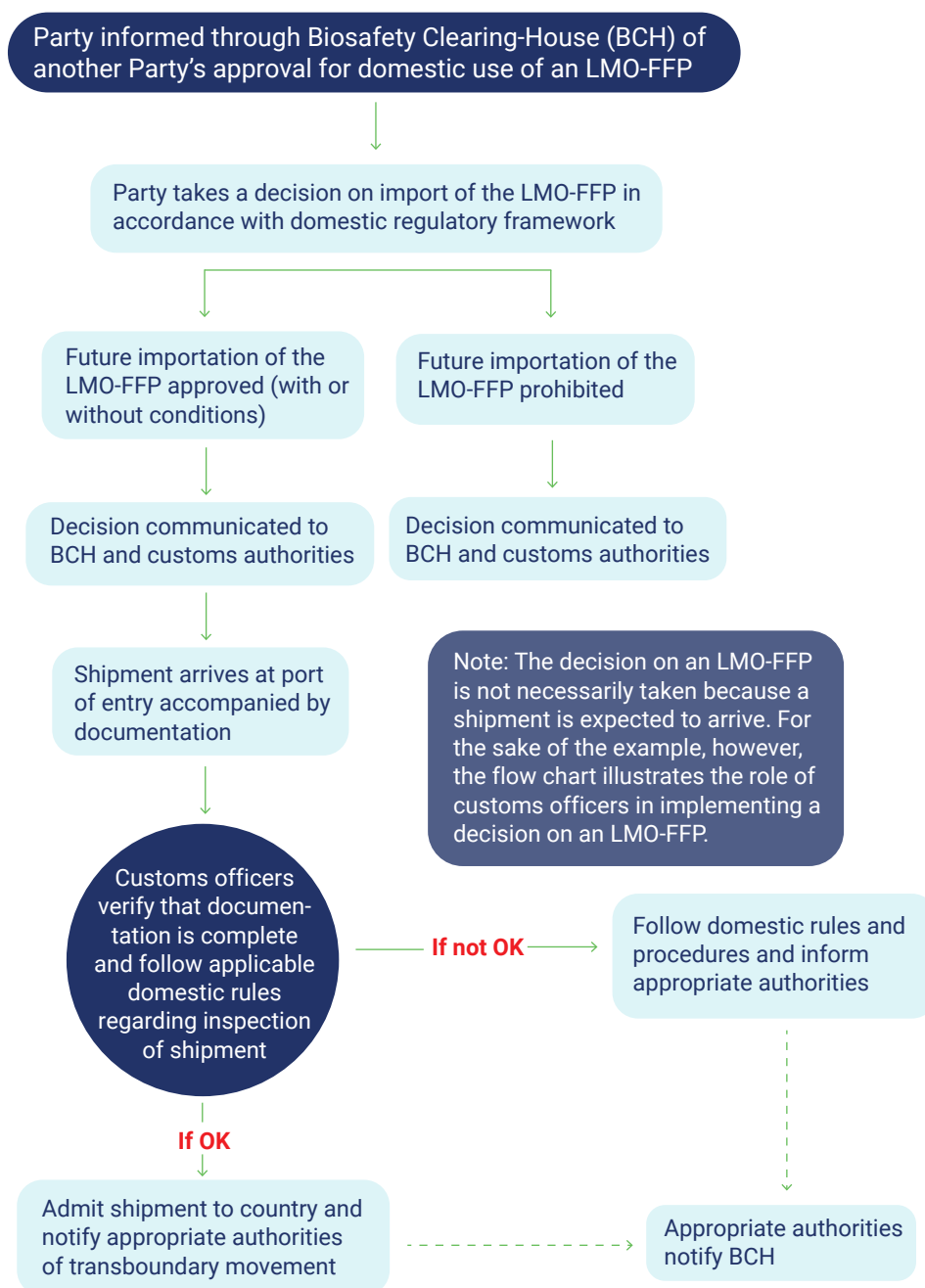
The document accompanying such shipments should also contain the details of a contact point for further information, such as the exporter, the importer or any appropriate authority when designated by a government as the contact point. Using this information, customs officers or the competent national authorities can easily direct any questions they may have about a shipment.

The information may be incorporated into one of the following documents that usually accompany the shipment: a commercial invoice; a document required

or utilized by existing documentation systems; or other documentation as required by domestic regulatory or administrative frameworks.

The flow chart in Figure 2.10 presents a hypothetical example of the process that underlies the transboundary movement of an LMO-FFP and the role of customs officers in this process.

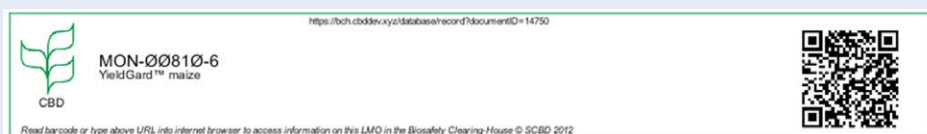
Figure 2.10. Hypothetical example of decision-making underlying the transboundary movement of a living modified organism intended for direct use as food or feed, or for processing, and the role of customs officers in the process



Box 2.2. LMO Quick-Links

LMO Quick-Links are small image files, which can be easily copied and pasted, that identify a LMO through its unique identifier, trade name and a link to the BCH where information on the LMO is available (e.g. LMO characteristics, countries' decisions, risk assessments).¹ LMO Quick-Links can be used in documentation accompanying LMO shipments and facilitate access to the BCH. Through an LMO Quick-Link, the BCH page on the LMO can be easily accessed by either scanning a QR code or by typing the URL into a web browser.

Figure 2.11. LMO Quick-Link



¹ Available from the "Resources" section of the BCH website: <http://bch.cbd.int>.

Living modified organisms destined for contained use

LMOs destined for contained use may include any LMO intended for use in a facility, installation or other physical structure where LMOs are controlled by specific measures that effectively limit their contact with and impact on the external environment, such as a laboratory or other similar settings.

The Cartagena Protocol on Biosafety does not provide for a specific procedure for the transboundary movement of LMOs destined for contained use. The Protocol exempts from the AIA procedure transboundary movements of LMOs destined for contained use undertaken in accordance with the standards of the Party of import. A Party may subject LMOs for contained use to risk assessment prior to taking a decision on their import, and may set standards for contained use within its territory. Shipments of such LMOs are subject to a general requirement of safe handling, transport and packaging, as well as specific requirements that apply for the purpose of identifying such LMOs during a transboundary movement.

Shipment documentation

The documentation accompanying shipments of LMOs destined for contained use should include the following information and declaration:

- Clear identification as "living modified organisms", including common and scientific names of the organisms, and as "destined for contained use".
- Name and address of the consignee, and exporter or importer, as appropriate, including the contact details needed to reach them as fast as possible in an emergency.
- Any requirements for the safe handling, storage, transport and use of the LMOs under applicable existing international instruments (such as the United Nations Recommendations on the Transport of Dangerous Goods, the International Plant Protection Convention and the World Organisation for Animal Health), domestic regulatory frameworks or any agreements entered into by the importer and exporter. If there is no requirement, the documentation should say so.
- Where appropriate, further information should include any commercial names of the LMOs, new or modified traits and characteristics such as event(s) of transformation, risk class, specification of use and any unique identification, where available, as a key to accessing information in the BCH (see Box 2.3).

Box 2.3. Unique identification systems

Decisions taken by the Parties to the Protocol have helped in elaborating the documentation and identification requirements associated with the transboundary movements of LMOs. One aspect of these requirements is the use of unique identification systems. Under a unique identification system, an alphanumeric code is assigned to an LMO based on its transformation event, that is, its genetic modification. The code is then used to facilitate the search for and retrieval of information, particularly in the BCH.

Currently, the only existing unique identification system in international use is the OECD's Unique Identifier for Transgenic Plants.¹ The OECD identification system has been designed such that developers of a new transgenic plant can generate a unique identifier and include it in the dossiers they forward to national authorities during the risk assessment process. Once the national authority approves the plant for a particular use, it should then forward the unique identifier to the OECD Secretariat for inclusion in the OECD's product database, from which the information is automatically shared with the Protocol's BCH.

The OECD unique identifier is a nine-digit code composed of three elements separated by dashes:

- two or three alphanumeric digits to designate the applicant
- five or six alphanumeric digits to designate the transformation event
- one numerical digit for verification

See Figure 2.12 for an example of an LMO record and its unique identifier in the BCH.

¹ <https://www.oecd.org/science/biotrack/uniqueidentifierfortransgenicplants.htm>.

Photo © pixabay / Hgartley



Figure 2.12. Example of a unique identifier record

The image below identifies the LMO through its unique identifier, trade name and a link to this page of the BCH. Click on it to download a larger image on your computer. For help on how to use it go to the LMO quick-link page.



Read barcode or type above URL into internet browser to access information on this LMO in the Biosafety Clearing House © SCBD 2012

LMO name

InVigor™ canola

Transformation event

RF1 (B93-101)

Unique identifier

ACS-BN001-4

Developer(s)

 Bayer CropScience Record #7088

Url: Bayer CropScience Homepage

Description

Canola fertility restoration system displaying glufosinate herbicide tolerance. Contains the barstar gene from *Bacillus amyloliquefaciens* and the bar gene from *Streptomyces hygroscopicus* to confer tolerance to the herbicide phosphinothricin (Glufosinate ammonium). Also contains neomycin phosphotransferase II (pat II) conferring kanamycin resistance.

Recipient Organism or Parental Organisms

The term Recipient organism refers to an organism (either already modified or non-modified) that was subjected to genetic modification, whereas Parental organisms refers to those that were involved in cross breeding or cell fusion.

 *Brassica napus* - Turnip, Rapeseed, Canola Plant, Oilseed Rape, Rape, BRANA Record #12083

Related LMOs

 **ACS-BN002-5 - InVigor™ canola** Record #14754

Changes in physiology and/or production - Fertility restoration Resistance to antibiotics - Kanamycin Resistance to herbicides - Glufosinate

[Show detection method\(s\)](#)

 **ACS-BN003-7 - InVigor™ canola** Record #14756

Changes in physiology and/or production - Reproduction - Male sterility Resistance to antibiotics - Kanamycin Resistance to herbicides - Glufosinate

[Show detection method\(s\)](#)

Characteristics of the transformation process

Vector

pTVE743RE

Techniques used for the modification

- Agrobacterium-mediated DNA transfer

Genetic elements construct

pT29 pollen specific promoter #10467 1.50 Kb	Barstar #14974 0.34 Kb	Neomycin Phosphotransferase II #10009 0.25 Kb
rbcs Promoter #10363 1.84 Kb	rbcs Transit Peptide #14972 0.16 Kb	Phosphinothricin N-acetyltransferase gene #14972 0.50 Kb
Neomycin Phosphotransferase II #15001 0.45 Kb	Octopine Synthase Gene Terminator #10021 0.90 Kb	Transcript 7 gene 3' untranslated #10007 0.20 Kb

Further details

Notes regarding the genetic elements introduced or modified in this LMO

Southern blot analysis indicated that a single intact insertion of the T-DNA occurred in the host genome.

LMO characteristics

Modified traits

- Changes in physiology and/or production
 - Fertility restoration
- Resistance to antibiotics
 - Kanamycin
- Resistance to herbicides
 - Glufosinate

Common use(s)

- Food
- Feed

Detection method(s)

External link(s)

 Event Specific Method for the Quantification of Oilseed rape RFL Using Real-time PCR

Additional Information

Additional Information

Transgenic RFL plants contain the barstar gene, isolated from *Bacillus amyloliquefaciens*. The barstar gene codes for a ribonuclease inhibitor (barstar enzyme) which is expressed only in the tapetum cells of the pollen sac during anther development. The ribonuclease inhibitor (barstar enzyme) inhibits barnase RNAse expressed by lines engineered to be male sterile and together, the RNAse and the ribonuclease inhibitor form a very stable one-to-one complex, in which the RNAse is inactivated. As a result, when pollen from the restorer line RFL1 is crossed to a male sterile line, the resultant progeny express the RNAse inhibitor in the tapetum cells of the anthers, allowing hybrid plants to develop normal anthers and restoring fertility.

RFL1 was also engineered to express tolerance to glufosinate ammonium, the active ingredient in phosphinothricin herbicides (Basta®, Rally®, Fusilex®, and Liberty®). Glufosinate chemically resembles the amino acid glutamate and acts to inhibit an enzyme, called glutamine synthetase, which is involved in the synthesis of glutamine. Essentially, glufosinate acts enough like glutamate, the molecule used by glutamine synthetase to make glutamine, that it blocks the enzyme's usual activity. Glutamine synthetase is also involved in ammonia detoxification. The action of glufosinate results in reduced glutamine levels and a corresponding increase in concentrations of ammonia in plant tissues, leading to cell membrane disruption and cessation of photosynthesis resulting in plant withering and death.

Glufosinate tolerance in this canola line was the result of introducing a gene encoding the enzyme phosphinothricin-N-acetyltransferase (PAT) isolated from the common aerobic soil actinomycete, *Streptomyces hygroscopicus*. The PAT enzyme catalyzes the acetylation of phosphinothricin, detoxifying it into an inactive compound. The PAT enzyme is not known to have any toxic properties.

Other relevant website address or attached documents

 ACS-BN001-4 - OECD

 ACS-BN001-4 - CERA

 ACS-BN004-7xACS-BN001-4 - ANZFA.pdf

 ACS-BN004-7xACS-BN001-4 - Japan.pdf

 HS1_RFL1_RF2 - Aventis.pdf

The information may be included in documents that usually accompany shipments of LMOs destined for contained use: a commercial invoice, a document required or utilized by existing documentation systems, or other documentation as required by domestic regulatory or administrative frameworks. Shipments of LMOs destined for contained use could also be accompanied by the shipping documentation presently in use in the context of the United Nations Recommendations on the Transport of Dangerous Goods (United Nations 2019) (see Box 2.4). Figure 2.6 shows examples of how information is integrated into existing documentation.

Unintentional transboundary movements

The Cartagena Protocol on Biosafety requires Parties to notify affected or potentially affected States, the BCH and, where appropriate, the relevant international organizations, when they know of a release that has led or may lead to an unintentional transboundary movement of a LMO likely to have significant adverse effects on the conservation and sustainable use of biodiversity, and perhaps pose risks to human health.

Parties are also to submit to the BCH the information of a point of contact for the purposes of receiving information about releases that have led or may lead to an unintentional transboundary movement.

Customs officers play a role in preventing unintentional transboundary movements through border checkpoints such as airports or seaports. Each country's point of contact for notification of releases that have led or may lead to an unintentional transboundary movement should communicate with customs officers upon receiving such a notification.

Customs officers need to know what type of organism may be involved, how the unintentional transboundary movement may take place, and what to do if they detect an unintentional transboundary movement.

Illegal transboundary movements of living modified organisms

The Protocol on Biosafety requires Parties to adopt appropriate domestic measures aimed at preventing and, if appropriate, penalizing transboundary movements of LMOs carried out in contravention of domestic measures to implement the Protocol. The Protocol also provides that such movements are illegal transboundary movements.

In case of illegal transboundary movements, the affected Party may request the Party of origin to dispose, at its own expense, of the LMO in question by repatriation or destruction, as appropriate. The

Protocol also requires Parties to make available to the BCH information concerning cases of illegal transboundary movements pertaining to it.

Customs officers play a role in preventing illegal transboundary movements through border checkpoints. Competent national authorities and customs should inform one another immediately of possible illegal transboundary movements of which they become aware.

Customs officers need to know what type of LMOs may be involved in the illegal transboundary movement, how the illegal transboundary movement takes place, how to detect the LMO and what to do if an illegal transboundary movement is detected.

Other procedures that may apply to certain transboundary movements of living modified organisms

Simplified procedure

Under the Cartagena Protocol on Biosafety, a Party may apply a simplified procedure for the import of certain LMOs, but the Party of import must inform the BCH in advance that it intends to use the simplified procedure. The simplified procedure can be applied in the following two scenarios:

- The Party of import can specify cases in which an intentional transboundary movement to it may take place at the same time that it is notified of the movement.
- The Party of import can specify imports of LMOs to it that are exempt from the AIA procedure.

Customs officers should stay informed about national decisions to apply the simplified procedure to any LMOs. They must, however, continue to verify the documentation that accompanies any shipments of LMOs to which a simplified procedure applies and follow the applicable domestic rules on inspection of the shipment.

Photo © unsplash / thisisengineering



Box 2.4. United Nations Model Regulations on the Transport of Dangerous Goods

Under the Model Regulations on the Transport of Dangerous Goods, shipments of genetically modified microorganisms (GMMs) and GMOs can fall under either Class 6, toxic and infectious substances, or Class 9, miscellaneous dangerous substances. Class 6 is divided into two divisions. Of most relevance here is Division 6.2, which covers infectious substances.

According to the Model Regulations, infectious substances are those known or reasonably expected to contain pathogens. Pathogens, in turn, are defined as microorganisms (including bacteria, viruses, rickettsiae, parasites and fungi) and other agents such as prions that can cause disease in humans or animals. On shipping documentation, GMMs and GMOs in Division 6.2 are required to be assigned to United Nations numbers:

- UN 2814 if they cause disease in humans or in both humans and animals
- UN 2900 if they cause disease only in animals
- UN 3373 as appropriate

GMMs and GMOs that do not meet the definition of an infectious substance, but are capable of altering animals, plants or microbiological substances in a way that is not normally the result of natural reproduction, fall into Class 9. They are to be assigned to UN 3245.

Figure 2.13. Biosafety Clearing-House record of a declaration by South Africa of an import exempt from the advanced informed agreement procedure

The screenshot shows the Biosafety Clearing-House (BCH) website interface. The main content area displays a record for a decision by South Africa. The record is titled "Country's Decision or any other Communication" and includes the following information:

- Record ID:** 6170
- Status:** Archived
- Date of creation:** 2010-02-14 12:35 UTC (mch@unep.ch)
- Date of last update:** 2010-02-11 12:33 UTC (thompson@unep.ch)
- Date of publication:** 2010-02-11 12:33 UTC (thompson@unep.ch)

The record also includes a section for "Country submitting the decision or communication" which lists South Africa and the "Competent National Authority(ies) responsible for the decision or communication" as the National Department of Agriculture, Land Reform and Rural Development. The record further details the "Title / Reference number of the decision or communication" as "General release of MON1455 & 1005" and includes a "Risk assessment" section with a "Roundup Ready" cotton LMO identification.

Bilateral, regional and multilateral agreements and arrangements

The Protocol allows Parties to enter into bilateral, regional and multilateral agreements and arrangements on the intentional transboundary movements of LMOs. The Protocol may not apply to the intentional transboundary movements that take place under the terms of these agreements or arrangements. Such agreements and arrangements could address any aspect of the intentional transboundary movement of LMOs, including documentation requirements. Parties are to inform each other through the BCH of any such agreements or arrangements.

Customs officers should stay informed of any bilateral, regional or multilateral agreement or arrangement their country has entered, and how the terms of the agreement or arrangement apply to the intentional transboundary movement of LMOs.

Customs officers and living modified organisms: a summary

Customs or border control officers contribute to the implementation of the Cartagena Protocol on Biosafety by inspecting shipment documents to verify their validity and by inspecting shipped goods to ensure they correspond to the documentation. They also enforce any restrictions or prohibitions placed on the import of an LMO through a domestic biosafety regulatory system, the AIA procedure or the procedure for LMOs-FFP in the Protocol.²⁵

Inspecting documentation

As noted in earlier sections, customs officers inspecting shipments should be aware that different categories of LMOs have different documentation requirements. A country's own biosafety regulatory regime may determine additional documentation and information requirements. Before inspecting shipment documents, customs officers should verify these requirements with the appropriate competent national authority. They should also ensure that any handling requirements for the shipment are met.

Inspecting shipments

In addition to verifying documentation, customs officers may need to inspect incoming shipments of LMOs to ensure their contents correspond to the documentation. Since different countries have different rules and procedures for determining when shipments must be inspected, customs officers should familiarize themselves with the situation in their country. Inspecting shipments involves taking samples and identifying the LMOs, where sampling and detection techniques and technologies are available.

A number of methodologies and techniques are available to detect, identify and quantify LMOs. These methodologies range from fast and cost-effective identification techniques that can be performed on-site by customs officers while they are inspecting shipments, such as lateral flow tests, to more complex techniques which require scientific expertise and equipment. Such tests may be offered by specialized laboratories that are authorized to receive samples collected by customs officers to analytically verify the identity of the LMOs that may be present in the shipment.

Reporting information to national authorities

Just as competent national authorities should be communicating their decisions on the import of LMOs to customs officers, so too should customs officers

²⁵ More information on some issues addressed in this section is provided in chapter 3 of this guide.

communicate information to the competent national authorities on LMOs that arrive at a port of entry, in accordance with national rules and practices.

Copies of documents that accompany a shipment should be forwarded to the appropriate competent authorities so they can verify compliance with their decisions and stay abreast of the LMOs that have entered the country.

Relevant domestic regulations or administrative rules

The Cartagena Protocol on Biosafety allows each Party to decide which LMOs it will allow into the country and which it will restrict or prohibit. Customs officers thus need to familiarize themselves with:

- How decisions on LMOs are made in their country, to verify whether or not a transboundary movement of LMOs has followed the correct procedure.
- The decisions made in their country on specific LMOs—including where and how to access such information if needed—to verify whether the LMOs in question have been approved for import.
- The rules in their country on illegal transboundary movements, in order to be aware of the appropriate steps to take if faced with an illegal transboundary movement.
- Information on how to respond to unintentional transboundary movements or accidental releases of LMOs.

The BCH is a comprehensive source of information and contains, among other documents, decisions and declarations that have been made under the Protocol, domestic legislation, and contact details of the competent national authorities and national focal points of each Party (see the next section for more information on how to access the BCH).

In addition to biosafety-specific rules, many LMOs are also subject to other national legislation and international standards, including sanitary and phytosanitary measures.

Biosafety Protocol-specific training materials for customs officers

A variety of information and training materials have been prepared by the Secretariat of the CBD. Descriptions of some of these materials follow.

E-learning modules for customs officers

A set of e-learning modules has been developed for customs officers, addressing the following topics:

- Introduction to the Cartagena Protocol on Biosafety
- Requirements on handling, transport, packaging and identification of LMOs
- The role of customs authorities under the Cartagena Protocol on Biosafety
- Methods for detecting, identifying and quantifying LMOs
- Access to and exchange of information on LMOs through the BCH

The e-learning modules can be accessed through the CBD's e-learning platform and through WCO.²⁶

Training materials developed for customs officers

Training materials, developed for a series of workshops targeting customs officers, are available on the Secretariat's website and its portal for customs officers.²⁷

General information about the Cartagena Protocol on Biosafety

- *Biosafety and the Environment: An Introduction to the Cartagena Protocol on Biosafety* (Secretariat of the CBD and UNEP 2003). This booklet is intended to help the public better understand the Protocol. It is available in English, Spanish and French.
- The CBD has produced a frequently asked questions document on the Biosafety Protocol, with a set of questions and answers covering biosafety and biotechnology, the Biosafety Protocol and its implementation, and how to become a Party to the Protocol. The document is available in English, Spanish and French.²⁸

Customs and border control officers contribute to the implementation of the Cartagena Protocol on Biosafety by inspecting shipment documents to verify their validity...

²⁶ <https://scbd.unssc.org/>; <https://clikc.wcoomd.org>.

²⁷ https://bch.cbd.int/onlineconferences/portal_detection/customs.shtml; https://bch.cbd.int/onlineconferences/portal_art18/htpi_pastactivities.shtml.

²⁸ http://bch.cbd.int/protocol/cpb_faq.shtml.

For more information on the Cartagena Protocol on Biosafety, contact:

Secretariat of the Convention on
Biological Diversity

413, rue Saint-Jacques, Suite 800
Montreal
Quebec
Canada H2Y 1N9

Tel.: +1 (514) 288-2220
Fax: +1 (514) 288-6588
E-mail: bch@cbd.int

**The following links will be helpful
to those seeking more information
on the Cartagena Protocol on
Biosafety:**

To access the BCH:
<http://bch.cbd.int/>

**List of competent national
authorities and national focal
points:** [http://bch.cbd.int/database/
contacts/](http://bch.cbd.int/database/contacts/)

List of Parties to the Protocol:
<http://bch.cbd.int/protocol/parties>

Text of the Protocol:
[http://www.cbd.int/biosafety/
protocol.shtml](http://www.cbd.int/biosafety/protocol.shtml)

Convention on International Trade in Endangered Species of Wild Fauna and Flora

CITES aims to ensure that international trade in specimens of wild animals and plants does not threaten their survival. CITES has been in force since 1975, and at time of writing has 184 Parties. The trade in specimens of CITES-listed species is diverse, ranging from live animals and plants to food products, leather goods, wooden musical instruments, timber, tourist curios, medicines and other wildlife products. CITES accords varying degrees of protection to more than 37,000 species of animals and plants, whether they are traded as live or dead specimens or parts, or derivatives of an animal or plant of a species included in the Appendices.



How CITES regulates trade

CITES subjects the international trade in specimens of selected species to certain controls. All imports, exports, re-exports and introductions from the sea of species covered by CITES are authorized through a licensing system. Each Party to CITES must designate one or more management authorities to administer the licensing system and one or more scientific authorities to advise them on the effects of trade on the status of the species. The species covered by CITES are listed in three Appendices, according to the degree of protection they require (see Box 2.5 and Box 2.6).

The Appendices include some whole groups, such as primates, cetaceans (whales, dolphins and porpoises), sea turtles, parrots, corals, cacti and orchids, but in some cases only a subspecies or the population of just one country is listed. Any type of wild plant or animal may be included in the Appendices, and in some cases specific products or items may be included or excluded. Only the Parties can add, remove or transfer species between Appendices.

Box 2.5. The CITES Appendices

- **Appendix I** includes species threatened with extinction that are or may be affected by trade. International trade in specimens of these species is permitted only in exceptional circumstances, and commercial trade is generally prohibited. Appendix I lists over 600 animal species and over 300 plant species.
- **Appendix II** includes species not necessarily threatened with extinction, but for which trade must be controlled to avoid their becoming threatened. International trade is permitted but regulated. Appendix II lists over 4,900 animal species and over 30,000 plant species.
- **Appendix III** includes species that are protected in at least one country, which has asked other CITES Parties for assistance in controlling the trade. International trade is permitted but regulated. Some 190 animal species and 200 plant species are listed in Appendix III.

Box 2.6. Conditions for trade

A specimen of a CITES-listed species may be traded from a State Party to the Convention only if the appropriate document has been obtained and presented for clearance at the port of entry or exit. Because requirements vary somewhat from country to country, customs administrations should check the relevant national laws, but the main conditions that apply for each Appendix are described here.

Appendix I specimens

An import permit issued by the Management Authority of the State of import is required. It may be issued only if the specimen is not to be used primarily for commercial purposes and if the import will be for purposes that are not detrimental to the survival of the species. In the case of a live animal or plant, the scientific authority must be satisfied that the proposed recipient is suitably equipped to house and care for it. An export permit or re-export certificate issued by the Management Authority of the State of export or re-export is also required. An export permit may be issued only if the specimen was legally obtained, the trade will not be detrimental to the survival of the species, and an import permit has already been issued. A re-export certificate may be issued only if the specimen was imported in accordance with the provisions of CITES and, in the case of a live animal or plant, if an import permit has been issued. A live animal or plant must be prepared and shipped in accordance with the principle of minimizing any risk of injury, damage to health or cruel treatment. In the case of specimens introduced from the sea, a certificate must be issued by the Management Authority of the State into which the specimens are brought.

Appendix II specimens

An export permit or re-export certificate issued by the Management Authority of the State of export or re-export is required. An export permit may be issued only if the specimen was legally obtained and the export will not be detrimental to the survival of the species. A re-export certificate may be issued only if the specimen was imported in accordance with CITES. In the case of a live animal or plant, it must be prepared and shipped in accordance with the principle of minimizing any risk of injury, damage to health or cruel treatment. No import permit is needed unless required by national law. In the case of specimens introduced from the sea, a certificate must be issued by the Management Authority of the State into which the specimens are brought.

Appendix III specimens

For trade from a State that includes the species in Appendix III, an export permit issued by the Management Authority of that State is required. This permit may be issued only if the specimen was legally obtained and, in the case of a live animal or plant, if it will be prepared and shipped in accordance with the principle of minimizing any risk of injury, damage to health or cruel treatment. For export from any other State, a certificate of origin issued by its Management Authority is required. As for re-export, a re-export certificate issued by the State of re-export is required.

Important definitions

Conference of the Parties (COP)	All the Member States (Parties) of CITES. Every three years, the COP meets to review the implementation of CITES.
Introduction from the sea	The transport into a State of specimens of any species taken from a marine environment not under the jurisdiction of any State.
Management Authority	A national Management Authority designated to implement CITES.
Personal or household effects	Specimens that are personally owned or possessed for non-commercial purposes, are legally acquired and, at the time of import, export or re-export, either are worn, carried or included in personal baggage, or are part of a household move.
Re-export	The export of any specimen previously imported.
Scientific authority	A national scientific authority designated to advise the Management Authority.
Species	Any species, subspecies or geographically separate population thereof.
Specimen	Any animal or plant whether alive or dead, or any recognizable part or derivative thereof.
Tourist souvenir specimen	Applies only to personal and household effects acquired outside the owner's State of usual residence. This term is not applied to live specimens.
Trade export, re-export, import and introduction from the sea	Transit or transshipment of specimens, referring only to (1) specimens that remain in the control of customs and are in the process of shipment to a named consignee, and (2) to cross-border movements of sample collections accompanied by an Admission Temporaire/ Temporary Admission (ATA) Carnet (an international customs document that permits duty-free and tax-free temporary imports of goods for up to one year).

The role of customs administrations in the CITES process

The role of customs officers, or border control officers, in the CITES process is to conduct documentary and physical inspections, check the validity of the documents submitted, and ensure that they correspond to the actual goods. They also combat fraud and check compliance with prohibition and restriction measures, collect duties and taxes and, in many countries, conduct investigations at traders' premises or carry out checks on the transport of goods within the country. Customs officers also help inform the public about conservation measures in place for fauna and flora. Some countries have customs units that specialize in CITES matters.

In carrying out this mission, customs officers are not alone. Experts may assist in the identification of specimens, and the CITES Secretariat and various CITES Management Authorities produce manuals on how to identify species. Customs laboratories or other scientific institutions may analyse certain products to determine whether they contain CITES specimens, and CITES Management Authorities help customs administrations solve the problem of what to do with the live animals or plants they seize.

CITES documents

All import, export, re-export and introduction from the sea of species covered by CITES must be authorized through a licensing system administered by one or more Management Authorities designated by each Party. The CITES permit provides detailed information on the specimens being traded. As verifying the CITES permit or certificate is the focal point of the documentary inspection, it is important that customs officers become familiar with the permit, its various fields and their contents (see Box 2.7). Importers and exporters who are moving CITES specimens across international borders must ensure that the specimens are accompanied by the appropriate CITES documents. Although the format of these permits may vary somewhat from one country to another, their contents must always comply with the requirements of CITES.

An import permit is required to import Appendix I specimens. It is not required by CITES for Appendix II specimens, but may be required by national legislation. An import permit (Appendix I) has a validity of a

maximum of one year. The validity is cancelled at the moment of import.

An export permit is required to export Appendix I and II specimens and is also required by the listing Party to export Appendix III specimens. An export permit is valid up to six months after the date of issuance. Some Parties, however, may use a shorter validity period. Within the validity period, the specimens at issue must be exported and consequently imported into the country of destination.

A re-export certificate is required for re-export of specimens included in Appendices I, II and III.

A certificate of origin is required for export of Appendix III specimens from countries that do not include the species in Appendix III. A CITES certificate of origin may be issued only by a Management Authority of the country of origin; in practice, the export permit form is usually used.

Other documents that may have to be verified are the import declaration, veterinary and phytosanitary certificates and the bill of lading and invoices. The flow chart in Figure 2.14 depicts the various steps for verifying a CITES document. If after the inspection the situation is still unclear, customs officers should contact the Management Authority for assistance.

For imports, the original of the import permit must be retained and forwarded to the Management Authority. For exports, the endorsement box must be completed at the time of export. It should include the quantity of specimens exported (any unused boxes should be crossed out), and the place, date and customs officer's signature and seal. A copy should be retained and forwarded to the Management Authority.

In some specific situations, documents other than the regular permits may be used, or special provisions may apply to the traded specimens (for example, pre-CITES certificates, phytosanitary certificates, multiple-use certificates or provisions related to captive-bred animals and artificially propagated plant specimens). In such cases, customs officers should contact the Management Authority for assistance.

Box 2.7. Information on a typical CITES permit

- Name and logo of CITES
- Unique number
- Document type
- Period of validity
- Exporter's address
- Exporter's signature
- Management Authority address
- Purpose of trade
- Species name
- Specimen type
- Appendix
- Source
- Quantity/units
- Quota and exports to date
- Number of the breeding operation (as appropriate)
- If a re-export, the original country of export and the export permit number and date of issuance, and the same for the country of last re-export
- Date of acquisition (for pre-CITES)
- Place and date of issuance
- Signature and stamp of the Management Authority
- Security stamp and number (as appropriate)
- Waybill number
- Port of export
- Date of export
- Export endorsement (specimen count)
- Export endorsement signature (usually customs)
- Stamp of the inspection authority

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Standard permit and certificate form

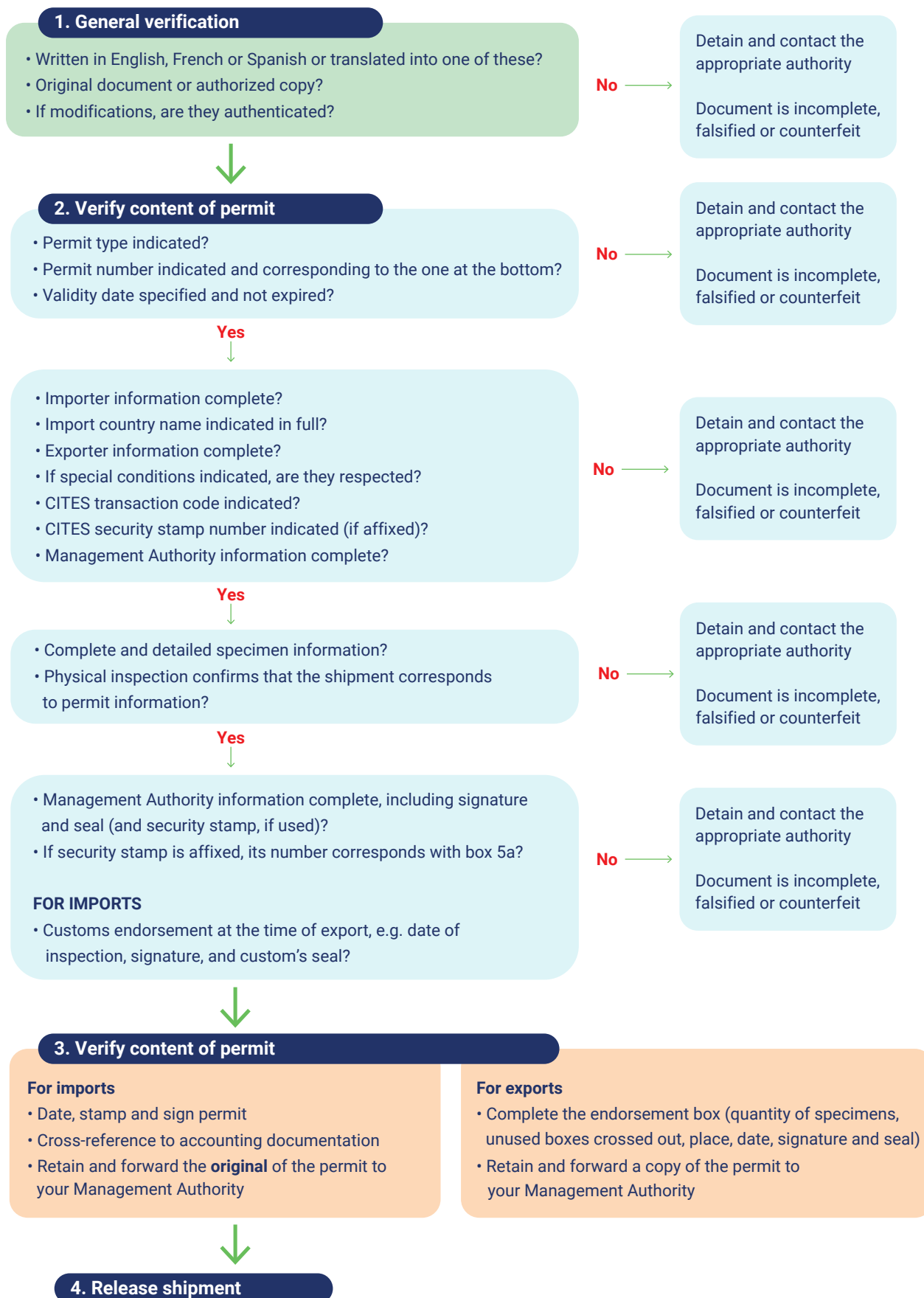
Annex 2

Standard CITES form

 CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA		PERMIT/CERTIFICATE No. ☐ EXPORT ☐ RE-EXPORT ☐ IMPORT ☐ OTHER:		Original	
3. Importer (name and address)		4. Exporter/re-exporter (name, address and country)			
3a. Country of import		Signature of the applicant			
5. Special conditions If for live animals, this permit or certificate is valid only if the transport conditions comply with the IATA Live Animals Regulations; if for live plants, with the IATA Perishable Cargo Regulations; or, in the case of non-air transport, with the CITES Guidelines for the Non-Air Transport of Live Wild Animals and Plants		6. Name, address, national seal/stamp and country of Management Authority			
5a. Purpose of the transaction (see reverse)		5b. Security stamp no.			
7./8. Scientific name (genus and species) and common name of animal or plant		9. Description of specimens, including identifying marks or numbers (age/sex if live)		10. Appendix no. and source (see reverse)	
				11. Quantity (including unit)	
				11a. Total exported/Quota	
A	7./8.	9.	10.	11.	11a.
	12. Country of origin * Permit no. Date	12a. Country of last re-export Certificate no. Date	12b. No. of the operation ** or date of acquisition ***		
B	7./8.	9.	10.	11.	11a.
	12. Country of origin * Permit no. Date	12a. Country of last re-export Certificate no. Date	12b. No. of the operation ** or date of acquisition ***		
C	7./8.	9.	10.	11.	11a.
	12. Country of origin * Permit no. Date	12a. Country of last re-export Certificate no. Date	12b. No. of the operation ** or date of acquisition ***		
D	7./8.	9.	10.	11.	11a.
	12. Country of origin * Permit no. Date	12a. Country of last re-export Certificate no. Date	12b. No. of the operation ** or date of acquisition ***		
* Country in which the specimens were taken from the wild, bred in captivity or artificially propagated (only in case of re-export) ** Only for specimens of Appendix-I species bred in captivity or artificially propagated for commercial purposes *** For pre-Convention specimens					
13. This permit/certificate is issued by:					
Place		Date		Security stamp, signature and official seal	
14. Export endorsement:		15. Bill of Lading/Air waybill number:			
Block	Quantity				
A					
B					
C					
D					
Port of export		Date		Signature	
				Official stamp and title	

CITES PERMIT/CERTIFICATE No.

Figure 2.14. Permit verification flow chart



Inquiries about CITES and its training course should be directed to:

CITES Secretariat

Palais des Nations
Avenue de la Paix 8-14
1211 Genève 10
Switzerland

Tel.: (+4122) 917-8139/40
Fax: (+4122) 797-3417
E-mail: info@cites.org

**The following links will be helpful
to those seeking more information
on CITES:**

List of national CITES authorities:
[https://cites.org/eng/parties/
country-profiles/national-authorities](https://cites.org/eng/parties/country-profiles/national-authorities)

Enforcement focal points:
[https://cites.org/eng/resources/
enforcement_focal_points](https://cites.org/eng/resources/enforcement_focal_points)

List of species covered by CITES:
[https://cites.org/eng/app/
appendices.php](https://cites.org/eng/app/appendices.php)

List of Parties to CITES:
[https://cites.org/eng/disc/parties/
index.php](https://cites.org/eng/disc/parties/index.php)

Text of CITES:
[http://www.cites.org/eng/disc/text.
shtml](http://www.cites.org/eng/disc/text.shtml)

General information on CITES:
<http://www.cites.org>

Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction

The OPCW Technical Secretariat commenced its operations in 1997, when the CWC entered into force.²⁹

OPCW has emerged as a new type of global, treaty-based international organization with responsibilities for disarmament and non-proliferation, among others, and with impartial mechanisms to verify compliance and to redress situations of non-compliance, should they occur. In 2013, in recognition of its extensive efforts to eliminate chemical weapons, OPCW was awarded the Nobel Peace Prize. The peace medal can be found at the OPCW Technical Secretariat's headquarters in The Hague, The Netherlands.

The CWC has 193 State Parties. Only four United Nations Member States are not yet a State Party to the Convention. Among them, Israel is a Signatory State, while Egypt, Democratic People's Republic of Korea and South Sudan are Non-Signatory States. The main objectives of the CWC are to prohibit the development, production, stockpiling and use of chemical weapons; to seek the destruction of existing stockpiles of chemical weapons; and to implement the verification regime, which describes the comprehensive regime for routine monitoring of the chemical industry through declarations and on-site inspections. Due to the possible commercial application of many toxic chemicals and precursors, the CWC categorizes them into three Schedules, listed in the Annex on Chemicals. The declaration and inspection requirements for each Schedule vary, depending in part on the risk its chemicals pose to the object and purpose of the Convention.

²⁹ <http://www.opcw.org>.

OPCW mission statement

The CWC commits its States Parties to working together to promote peaceful uses of chemistry for the purpose of pursuing their economic and technological development.

The mission of OPCW is to implement the provisions of the CWC to achieve the OPCW vision of a world that is free of chemical weapons and of the threat of their use, and a world in which cooperation in chemistry for peaceful purposes for all is fostered. The ultimate aim is to contribute to international security and stability, to general and complete disarmament, and to global economic development. To this end, OPCW proposes policies for the implementation of the CWC to the Member States of OPCW and develops and delivers programmes with and for them.

These programmes have four broad aims:

- To ensure a credible and transparent regime for verifying the destruction of chemical weapons and to prevent their re-emergence, while protecting legitimate national security and proprietary interests.
- To provide protection and assistance against chemical weapons.
- To encourage international cooperation in peaceful uses of chemistry.
- To bring about universal membership of OPCW by facilitating international cooperation and national capacity-building.

Photo © freepik / MrDm



Important definitions

Annex on Chemicals	One of three annexes to the CWC. It contains the Schedules of Chemicals and the criteria for the inclusion of chemicals in schedules.
Chemical Abstracts Service (CAS)	A universal system of numbering and naming used to identify chemicals and specific chemical mixtures.
Chemical weapons	All toxic chemicals and their precursors, except when intended for those purposes foreseen by the CWC as not prohibited, as well as munitions and devices specifically designed to cause death, harm, temporary incapacitation or sensory irritation through the release of a toxic chemical, and any equipment specifically designed for use directly in connection with the employment of such munitions and devices.
Dual-use	A chemical or piece of equipment that has both peaceful and chemical weapons applications.
End-use certificate	The document required to transfer Schedule 3 chemicals to a State not Party to the Convention. In this document, the State not Party declares that the chemicals will be used for peaceful, non-prohibited purposes.
Implementing legislation	Legislation enacted at the national level that criminalizes the prohibitions of the Convention and enables the prosecution of individuals for crimes related to chemical weapons. In many cases, implementing legislation is also required for a State Party to effectively monitor industry's use of toxic chemicals.
National authority	The bodies established by a national government to act as liaison between the government and the Technical Secretariat for implementation of the CWC. National authorities serve many functions, including coordinating inspections, monitoring the chemical industry and collecting information.
Precursor	Any chemical reactant that takes part in any stage in the production of a toxic chemical, including any key component of a binary or multi-component chemical weapon system.
Prohibited purposes	The use of toxic chemicals or precursors in developing or producing chemical weapons as prohibited under article I of the CWC. The term also applies to the transfer or use of chemical weapons, preparations to use chemical weapons militarily, or assisting in the performance of these prohibited activities.
Scheduled chemicals	Toxic chemicals and their precursors, which may or may not be produced commercially, listed in the CWC's Schedules of Chemicals. These chemicals, divided into three categories, are controlled under the terms of the CWC. Schedule 1 chemicals are the most dangerous and have few peaceful uses, and are therefore the most controlled. The restrictions on the chemicals listed in Schedules 2 and 3 are fewer, and they are often produced in large quantities for industrial purposes.
State Party	A State that has signed and ratified or acceded to the CWC and for which the initial 30-day period has passed (the CWC enters into force for a State only 30 days after its ratification or accession to the treaty).
Technical Secretariat	The main implementation organ of OPCW. It includes the Inspectorate and various support staff.
Toxic chemical	Any chemical that through its chemical action on life processes can cause death, temporary incapacitation or permanent harm to humans or animals.

How the CWC regulates trade and the cross-border movement of certain chemicals

The chemicals explicitly specified in the CWC for monitoring purposes cover a wide range of compounds, and include chemical warfare agents as well as key and more distant precursors. These chemical compounds, or families of compounds, are listed in the three schedules in the CWC's Annex on Chemicals. Each of these schedules has different requirements for verification—the more stringent for those chemicals deemed to pose a greater risk. A brief description of the declaration's requirements, restrictions to trade and reporting per Schedule, are presented in Table 2.3. The list of scheduled chemicals under the CWC appears in Table 2.4.

CWC provisions related to trade in scheduled chemicals

The Convention contains provisions covering the export and import of scheduled chemicals (see Table 2.3).

Schedule 1 contains chemicals known to have been developed or used as chemical weapons, and chemicals that are the immediate precursor compounds used in the production of chemical weapons. Almost none of the compounds in this Schedule are known to have any significant legitimate commercial uses.

Under the CWC, Schedule 1 chemicals may be acquired only in the territory of a State Party and may be transferred only to other States Parties. All transfers are subject to advance notification and annual declaration. Re-export to a third State is not permitted. These restrictions apply irrespective of the amount to be transferred or the concentration of the chemical if transferred in a mixture. Transfer to any State not Party to the Convention is forbidden under any circumstances, and States are required to adopt penal legislation in this respect.

Some examples of legitimate uses of small quantities of Schedule 1 chemicals are as follows:

- **Saxitoxin.** This natural toxin is one of the reference standards routinely acquired by the public health authorities of coastal States to test shellfish for the toxins responsible for paralytic shellfish poisoning (PSP). PSP toxins accumulate in the shellfish during periods of certain algae blooms ("red tides"). Testing is essential to prevent deadly poisoning of humans consuming the shellfish. For many importing countries, shellfish testing is a prerequisite to allowing any such import.
- **Ricin.** This natural toxin is used in medical and pharmaceutical research and in the development of treatments of certain types of cancers and AIDS.

- **Mustine.** One of the nitrogen mustards, mustine is a component of mustine hydrochloride, used for the treatment of certain types of cancer by chemotherapy.

Schedule 2 contains chemicals considered to pose a significant risk to the object and purpose of the CWC, but that also have legitimate commercial uses. These chemicals are sometimes traded as mixtures or in formulations.

Since 29 April 2000, Schedule 2 chemicals have been limited to export or import between States Parties. In a decision taken in May 2000 by the OPCW Conference of the States Parties, it was clarified that this limitation also applies to mixtures containing Schedule 2B chemicals in concentrations above 10 per cent. The only exception is consumer goods packaged for retail sale for personal use or packaged for individual use.

States Parties are required to make initial and annual declarations on the aggregate quantities imported and exported of each Schedule 2 chemical, including details of the aggregate amounts imported from or exported to each other country involved.

Some Schedule 2 chemicals a State Party might wish to import or export, either as pure compounds or as components in formulations, and their common uses are as follows:

- **Dimethyl methylphosphonate** is used directly as a flame retardant for fabrics (such as those used to make seat covers, curtains and clothes) and for polyurethane foams (used widely in the furniture industry). It is also an important ingredient in the preparation of formulations (mixtures) such as automotive specialty lubricants and oils, and as a raw material in the production of agricultural chemicals, including pesticides.
- **Thiodiglycol** is widely employed in water-based dyes for the cloth manufacturing industries, including the rural industries of developing countries. It forms a key component of the water-based inks used in the manufacture of felt-tip pens and certain printing inks. It is also a starting chemical in the production of specialty resins and adhesives, and is used as a lubricant additive.
- **Arsenic trichloride** is the key starting material in the production of most arsenic-containing insecticides, fungicides, herbicides, rodenticides and defoliants.
- **Methyl phosphonic acid** is used as a starting material in the production of the herbicide glyphosate and the sugarcane ripener glyphosine.

Schedule 3 contains chemicals considered to pose a risk to the object and purpose of the Convention, but that typically are manufactured in very large quantities for legitimate commercial purposes.

Schedule 3 chemicals may be exported only to a State not Party if that State issues an end-use certificate stating that the transferred chemicals will be used only for purposes not prohibited by the CWC and that they will not be re-transferred. The certificate also must list the types and quantities of the chemicals, their end use(s), and the name(s) and address(es) of the end user(s). The end-use certificate should be issued by a competent government authority of the State not Party. A sample end-use certificate (Form T30) can be found in Annex B of the *Declarations Handbook*.³⁰

No end-use certificates are required for products containing 30 per cent or less of a Schedule 3 chemical and products identified as consumer goods packaged for retail sale for personal use or packaged for individual use.

States Parties are required to make initial and annual declarations on the aggregate quantities imported and exported of each Schedule 3 chemical, including details of the aggregate amounts imported from or exported to each other country involved.

The worldwide trade in Schedule 3 chemicals and products containing them is vast. Product groups include pesticides, pharmaceuticals, toiletries, resins and plastics, urethanes, absorbents, antistatic agents, acrylics, preparations used in leather tannery, surfactants, corrosion inhibitors, materials used in gold extraction and vulcanizing agents.

Some Schedule 3 chemicals a State Party might wish to import or export, either as pure compounds or as components in formulations, and their common uses are as follows:

- **Trimethyl phosphite** is used as a flame retardant in some plastic and rubber products. It is also used as an optical brightener, viscosity modifier and antioxidant in products ranging from lubricants to paints, and as a raw material in the manufacture of agricultural and pesticide products.
- **Sulfur monochloride** is a vulcanizing agent used in the manufacture of specialist rubber products, including tyres, hoses and electrical cable covers. It is also a raw material in the production of sulfide products ranging from fungicides to cosmetics additives and dyes, and is used as a treatment for vegetable oils and to harden softwoods.
- **Triethanolamine** is a component of many formulations used by industries that produce chemicals from natural gas or petroleum. Oil refineries use it to remove sulfur. It is very widely used in products such as oil drilling emulsions, cutting oils, automotive coolants, surface active agents, textiles, waxes and polishes, herbicides, cements, pharmaceutical products and toiletries.

The most commonly traded scheduled chemicals are listed in Table 3.1. OPCW has produced a brochure detailing the 49 most traded Schedule 2 and Schedule 3 chemicals of the CWC.³¹

³⁰ <https://www.opcw.org/resources/declarations/declarations-handbook>.

³¹ <https://www.opcw.org/resources/declarations/most-traded-scheduled-chemicals-2017>.

Table 2.3. Summary of CWC import/export provisions

	Schedule 1	Schedules 2 and 3	
Declaration obligations	Any transfer of a Schedule 1 chemical from one State Party to another must be notified by both the sending and the receiving States Parties to the OPCW Technical Secretariat at least 30 days before the planned transfer, except for transfers of saxitoxin for medical/ diagnostic purposes in quantities smaller than 5 mg where the notification can be done at the time of the transfer. Every year, each State Party must make a detailed annual declaration of all transfers made during the previous year. This declaration shall be submitted no later than 90 days after the end of that year and shall include specific information on each Schedule 1 chemical that has been transferred.	States Parties are required to make initial and annual declarations on aggregate national data for the previous calendar year on: 10. The quantities of each Schedule 2 chemical produced, processed, consumed, imported and exported 11. The quantities of each Schedule 3 chemical produced, imported and exported 12. A quantitative specification of imports and exports for each country and chemical involved. Low concentration limits for declarations of Schedule 2 chemicals: Chemical mixtures containing 30 per cent or less of a Schedule 2B chemical are not subject to any declaration obligations. Guidelines for mixtures containing Schedule 2A and 2A* chemicals are still pending. Low concentration limits for declarations of Schedule 3 chemicals: Chemical mixtures containing 30 per cent or less of a Schedule 3 chemical are not subject to any declaration obligations.	
	Schedule 1	Schedule 2	Schedule 3
Restrictions on the international transfer of scheduled chemicals	Import and exports to States not Party to the Convention are prohibited. Transfers can be made to other States Parties only for justified non-prohibited purposes (research, medical, pharmaceutical or protective) and in a quantity that allows the receiving State Party to retain a national aggregate amount of all such chemicals equal to or less than one ton at any given time. Retransfer of Schedule 1 chemicals to a third state is prohibited.	On 29 April 2000, the transfers of Schedule 2 chemicals to or from States not Party were prohibited. Exceptions: The prohibition of Schedule 2 transfer to or from States not Party to the CWC is not applicable to • Products containing 1 per cent or less of a Schedule 2A or 2A* chemical • Products containing 10 per cent or less of a Schedule 2B chemical • Products identified as consumer goods packaged for retail sale for personal use or packaged for individual use	Transfers of Schedule 3 chemicals to States not Party shall be only for purposes not prohibited by the Convention. The recipient state should produce an end-use certificate. Exceptions: No end-use certificates required for products containing 30 per cent or less of a Schedule 3 chemical and products identified as consumer goods packaged for retail sale for personal use or packaged for individual use
Aggregate national data: reporting transfers, challenges	Accurate import and export data are critical for an accurate declaration of aggregate national data. The Harmonized Commodity Description and Coding System (HS) used by 95 per cent of states (either as Parties to the HS Convention or as voluntary participants) for customs and statistical purposes is playing a growing role in monitoring the transboundary movements of categories of goods. The main obstacle for national authorities in compiling their aggregate national data is the fact that customs authorities normally use only a six-digit code at the international level to identify goods. This code identifies a chemical family, but not a specific chemical. National authorities are therefore not able to determine from the statistics of customs authorities whether shipments should be included in their declaration. Customs potentially can play an important role by providing detailed declared import/export data to the national authorities for declarations. To increase control and to facilitate the identification of chemicals by customs officers, the World Customs Organization (WCO) has recommended inserting national subheadings for substances controlled under the CWC. A new, simplified recommendation is currently under consideration by the WCO. It is important that States Parties improve the cooperation between their national authorities, and that they agree on and apply similar rules and standards for collecting and reporting data.		

Table 2.4. CWC schedules of chemicals

Schedule 1		
A. Toxic chemicals		
1	O Alkyl (<C10, incl. cycloalkyl) alkyl (Me, Et, n Pr or i Pr) phosphonofluoridates Examples: Sarin: O-Isopropyl methylphosphonofluoridate Soman: O-Pinacolyl methylphosphonofluoridate	(107-44-8) (96-64-0)
2	O Alkyl (<C10, incl. cycloalkyl) N,N dialkyl (Me, Et, n Pr or i Pr) phosphoramidocyanidates Example: Tabun: O-Ethyl N,N dimethyl phosphoramidocyanidate	(77-81-6)
3	O Alkyl (H or <C10, incl. cycloalkyl) S-2 dialkyl (Me, Et, n-Pr or i-Pr) aminoethyl alkyl (Me, Et, n-Pr or i-Pr) phosphonothiolates and corresponding alkylated or protonated salts Example: VX: O Ethyl S-2-diisopropylaminoethyl methyl phosphonothiolate	(50782-69-9)
4	Sulfur mustards: 2-Chloroethylchloromethylsulfide Mustard gas: Bis(2-chloroethyl)sulfide Bis(2-chloroethylthio)methane Sesquimustard: 1,2 Bis(2-chloroethylthio)ethane 1,3 Bis(2-chloroethylthio) n propane 1,4 Bis(2-chloroethylthio) n butane 1,5 Bis(2-chloroethylthio) n pentane Bis(2-chloroethylthiomethyl)ether O Mustard: Bis(2-chloroethylthioethyl)ether	(2625-76-5) (505-60-2) (63869-13-6) (3563-36-8) (63905-10-2) (142868-93-7) (142868-94-8) (63918-90-1) (63918 89 8)
5	Lewisites: Lewisite 1: 2-Chlorovinylchloroarsine Lewisite 2: Bis(2-chlorovinyl)chloroarsine Lewisite 3: Tris(2-chlorovinyl)arsine	(541-25-3) (40334-69-8) (40334-70-1)
6	Nitrogen mustards: HN1: Bis(2-chloroethyl)ethylamine HN2: Bis(2-chloroethyl)methylamine HN3: Tris(2-chloroethyl)amine	(538-07-8) (51-75-2) (555-77-1)
7	Saxitoxin	(35523-89-8)
8	Ricin	(9009 86 3)
B. Precursors		
9	Alkyl (Me, Et, n-Pr or i-Pr) phosphonyldifluorides Example: DF: Methylphosphonyldifluoride	(676-99-3)
10	O Alkyl (H or <C10, incl. cycloalkyl) O 2 dialkyl (Me, Et, n Pr or i-Pr) aminoethyl alkyl (Me, Et, n Pr or i-Pr) phosphonites and corresponding alkylated or protonated salts Example: QL: O Ethyl O-2 diisopropylaminoethyl methylphosphonite	(57856-11-8)
11	Chlorosarin: O-Isopropyl methylphosphonochloridate	(1445-76-7)
12	Chlorosoman: O-Pinacolyl methylphosphonochloridate	(7040-57-5)

Schedule 2

A. Toxic chemicals

1	Amiton: O,O Diethyl S-[2-(diethylamino)ethyl] phosphorothiolate and corresponding alkylated or protonated salts	(78-53-5)
2	PFIB: 1,1,3,3,3 Pentafluoro-2-(trifluoromethyl)-1-propene	(382-21-8)
3	BZ: 3-Quinuclidinyl benzilate (*)	(6581-06-2)

B. Precursors

4	Chemicals, except for those listed in Schedule 1, containing a phosphorus atom to which is bonded one methyl, ethyl or propyl (normal or iso) group but no further carbon atoms Examples: Methylphosphonyl dichloride Dimethyl methylphosphonate Exemption: Fonofos: O-Ethyl S-phenyl ethylphosphonothiolothionate	(676-97-1) (756-79-6) (944-22-9)
5	N,N Dialkyl (Me, Et, n-Pr or i-Pr) phosphoramidic dihalides	
6	Dialkyl (Me, Et, n-Pr or i-Pr) N,N dialkyl (Me, Et, n-Pr or i-Pr) phosphoramidates	
7	Arsenic trichloride	(7784-34-1)
8	2,2 Diphenyl-2-hydroxyacetic acid	(76-93-7)
9	Quinuclidin-3-ol	(1619-34-7)
10	N,N Dialkyl (Me, Et, n-Pr or i-Pr) aminoethyl-2-chlorides and corresponding protonated salts	
11	N,N Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-ols and corresponding protonated salts Exemptions: N,N-Dimethylaminoethanol and corresponding protonated salts N,N-Diethylaminoethanol and corresponding protonated salts	(108-01-0) (100-37-8)
12	N,N Dialkyl (Me, Et, nPr or iPr) aminoethane-2-thiols and corresponding protonated salts	
13	Thiodiglycol: Bis(2-hydroxyethyl)sulfide	(111-48-8)
14	Pinacolyl alcohol: 3,3-Dimethylbutan-2-ol	(464 07 3)

Schedule 3

A. Toxic chemicals

1	Phosgene: Carbonyl dichloride	(75445)
2	Cyanogen chloride	(506-77-4)
3	Hydrogen cyanide	(74-90-8)
4	Chloropicrin: Trichloronitromethane	(76-06-2)

B. Precursors

5	Phosphorus oxychloride	(10025-87-3)
6	Phosphorus trichloride	(7719-12-2)
7	Phosphorus pentachloride	(10026-13-8)
8	Trimethyl phosphite	(121-45-9)
9	Triethyl phosphite	(122-52-1)
10	Dimethyl phosphite	(868-85-9)
11	Diethyl phosphite	(762-04-9)
12	Sulfur monochloride	(10025-67-9)
13	Sulfur dichloride	(10545-99-0)
14	Thionyl chloride	(7719-09-7)
15	Ethyldiethanolamine	(139-87-7)
16	Methyldiethanolamine	(105-59-9)
17	Triethanolamine	(102-71-6)

Unscheduled chemicals

The CWC does not contain specific provisions to regulate exports and imports of unscheduled chemicals, or on chemical production equipment and technologies. However, States Parties have undertaken not to assist in the proliferation of chemical weapons capabilities and are required to “adopt the necessary measures” to ensure penal legislation.

Definitions on import or export

Definitions of import and export depend on the legislation of States Parties, and hence States Parties may declare imports and exports of scheduled chemicals in different ways. To reach a common understanding on the terms of import and export by all States Parties, the thirteenth session of the Conference of the States Parties of OPCW approved Decision C-13/Dec.14, dated 3 December 2008, on “Guidelines regarding declaration of import and

export data for Schedule 2 and 3 chemicals”. This decision sets out the following voluntary guidelines:

Solely for the purposes of submitting declarations under the CWC (under paragraph 1, 8(b) and 8(c) of Part VII and paragraph 1 of Part VIII of the Verification Annex), the term ‘import’ shall be understood to mean the physical movement of scheduled chemicals into the territory or any other place under the jurisdiction or control of a State Party from the territory or any other place under the jurisdiction or control of another State, excluding transit operations; and the term ‘export’ shall be understood to mean the physical movement of scheduled chemicals out of the territory or any other place under the jurisdiction or control of a State Party into the territory or any other place under the jurisdiction or control of another State, excluding transit operations.

Transit operations shall mean the physical movements in which scheduled chemicals pass through the territory of a State on the way to their intended State of destination. Transit operations include changes in the means of transport, including temporary storage only for that purpose.

For the purposes of declaring imports, the declaring State Party shall specify the State from which the scheduled chemicals were dispatched, excluding the States through which the scheduled chemicals transited and regardless of the State in which the scheduled chemicals were produced.

For the purposes of declaring exports, the declaring State Party shall specify the intended State of destination, excluding the States through which the scheduled chemicals transited.

The role of customs and border control agencies

Collecting export and import data

Customs and border control agencies play a crucial role in helping national authorities to comply with the CWC's requirements by:

- providing details of declarable import/export data for compilation of CWC declarations
- enforcing restrictions on the transfer of scheduled chemicals to States not Party
- validating data from different sources
- enforcing national regulations, such as implementing legislation for the CWC that may require the issuance of import/export licences for the transfer of scheduled chemicals
- resolving discrepancies in data declared by other States Parties that are trading partners through the extensive international customs network

Double-checking compliance

States Parties have found that a regular programme of double-checking compliance is helpful. Customs organizations can review customs documents to see whether all declarable imports and exports were reported to the national authority. If the declarations rely on a licensing or permit scheme, the licences or permits should be checked against the customs statistics to see which imports actually entered the country and which exports were actually shipped.

Making a final check

Customs officers may find the following checklist helpful in scrutinizing shipments:

- If the shipment is a chemical, verify it is scheduled
- Compare packing list, bill of entry and country of origin to make sure they match
- Check HS code
- Check import/export licences
- Compare HS code with invoice description
- In transshipment, transit or export, check country of destination (e.g. determining if the country is a State Party)
- Verify that importer and place of business exist
- Verify container numbers and seals
- Inspect the merchandise
- Verify the labelling is consistent with documentation
- Verify quantities and weight carefully
- If a theft occurs, call the police authorities immediately and report to the national authority
- Exchange information with other customs organizations on implementation of CWC requirements on transfers

Customs facilitate the provision of import and export Schedule 2 and 3 chemicals to the national authority for the purpose of trade declarations.

Customs and border control agencies play a crucial role in helping national authorities to comply with the CWC's requirements.

For more information on the CWC, contact:

General information:

Media and Public Affairs Branch/
External Relations Division
Organisation for the Prohibition
of Chemical Weapons
Johan de Wittlaan 32
2517 JR The Hague
The Netherlands

Tel.: +31 70 416 3300
Fax: +31 70 306 3535
<http://www.opcw.org>

**Declarations, information on
chemicals, transfers of chemicals:**

Declarations Branch

Organisation for the Prohibition of
Chemical Weapons

Tel.: +31 70 416 3062
E-mail: deb@opcw.org

**Support to national authorities and
issues related to CWC national
implementing legislation:**

Implementation Support Branch

Organisation for the Prohibition of
Chemical Weapons

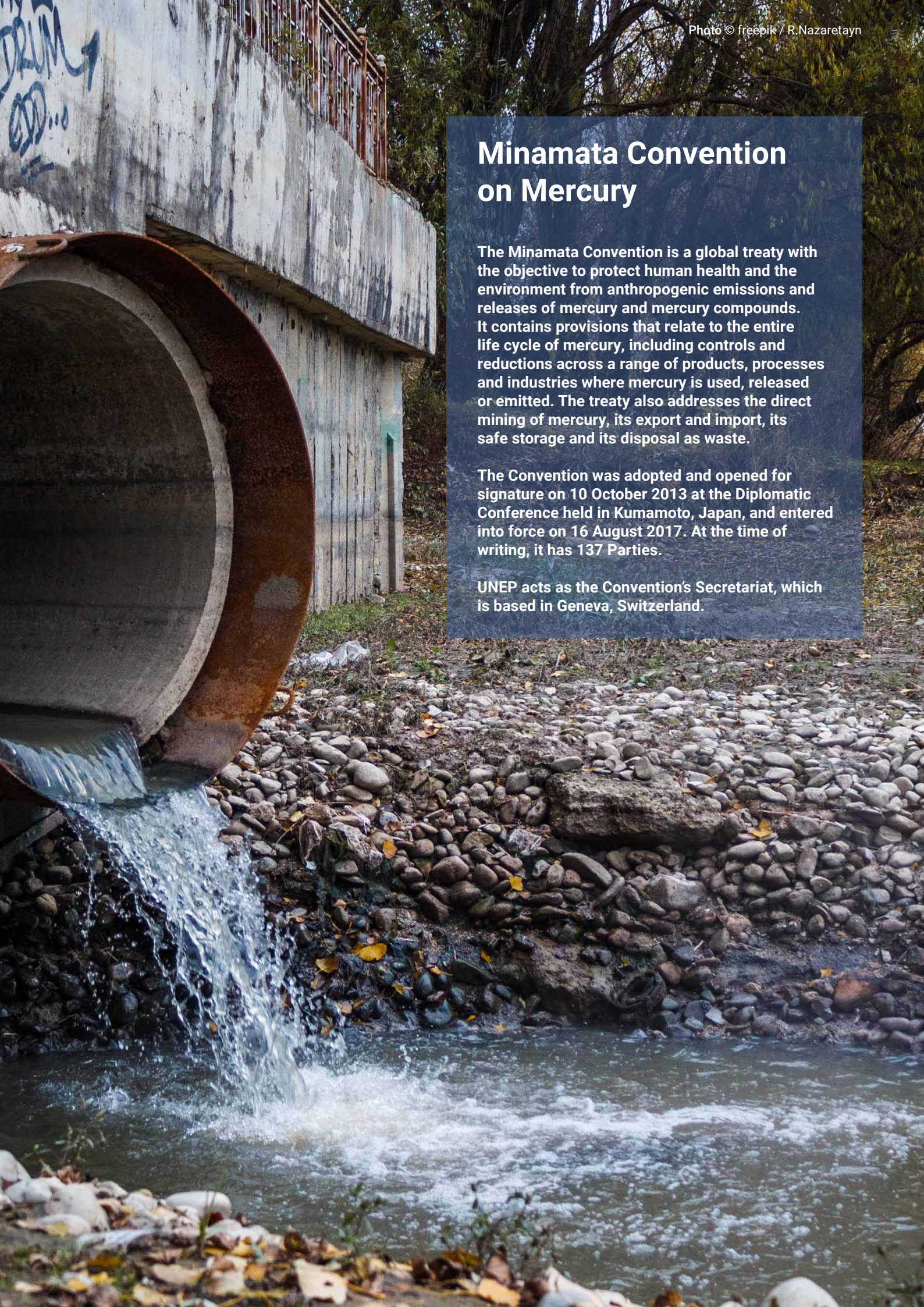
Tel.: +31 70 416 3376
E-mail: ipb@opcw.org

Minamata Convention on Mercury

The Minamata Convention is a global treaty with the objective to protect human health and the environment from anthropogenic emissions and releases of mercury and mercury compounds. It contains provisions that relate to the entire life cycle of mercury, including controls and reductions across a range of products, processes and industries where mercury is used, released or emitted. The treaty also addresses the direct mining of mercury, its export and import, its safe storage and its disposal as waste.

The Convention was adopted and opened for signature on 10 October 2013 at the Diplomatic Conference held in Kumamoto, Japan, and entered into force on 16 August 2017. At the time of writing, it has 137 Parties.

UNEP acts as the Convention's Secretariat, which is based in Geneva, Switzerland.

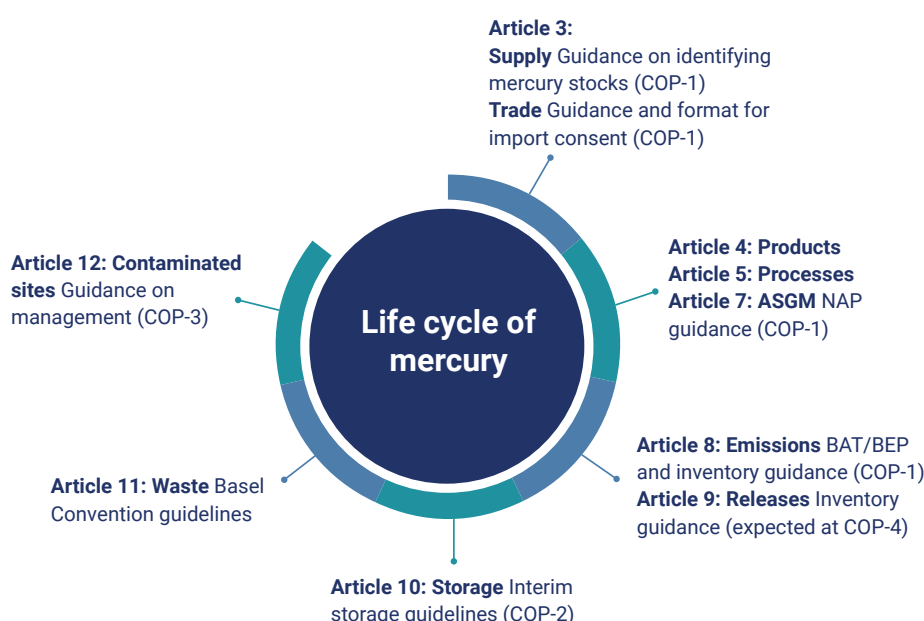


What is the Minamata Convention?

The Minamata Convention was the first new global convention on environment and health adopted in almost a decade. It is named after the city in Japan where, in the mid-twentieth century, mercury-polluted industrial wastewater poisoned thousands of people, leading to severe neurological symptoms that became known as Minamata disease. Mercury is a highly toxic heavy metal that poses a global threat to human health and the environment. Together with its various

compounds, it has a range of severe health impacts, including damage to the central nervous system, thyroid, kidneys, lungs, immune system, eyes, gums and skin. Those affected may suffer from memory loss or language impairment, with damage to the brain irreversible. Fetuses, newborn babies and children are among those most vulnerable and sensitive to mercury's adverse effects. Mercury is transported around the globe through the environment, so its emissions and releases can affect both human health and the environment even in remote locations.

Figure 2.15. Control measures and technical guidance under the Minamata Convention



Trade-related provisions in the Minamata Convention

Mercury trade

Article 3 of the Minamata Convention addresses sources of supply and trade in mercury, setting out measures on primary mercury mining, excess mercury from the decommissioning of chlor-alkali facilities and the export and import of mercury. Article 3 requires Parties to take measures to control trade in mercury with other Parties and non-Parties. Customs officers and other border control officers play an important role in controlling the import and export of mercury in line with these provisions.

The required measures reflect several key principles, such as:

- Mercury to be traded must not come from sources that are not allowed under the Convention, for example, primary mercury mining that did not exist at the time of the Convention's entry into force.
- The consent of the importing country, regardless of whether it is a Party or non-Party, must be obtained before an export (PIC).
- Trade with non-Parties is allowed, provided that the non-Party can provide a certification that it has certain measures in place equivalent to those required of a Party.

Measures on mercury exports from Parties

Article 3, paragraph 6 provides that Parties shall not allow the export of mercury except:

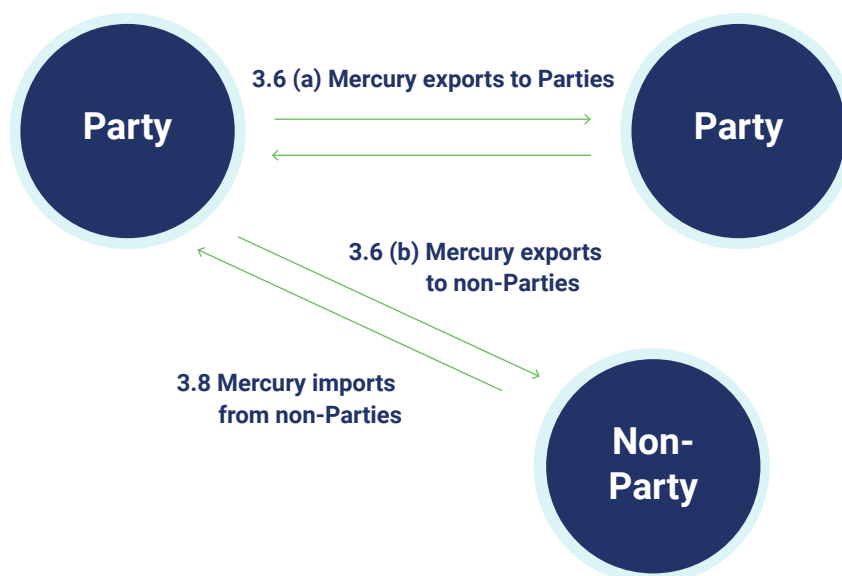
- 3.6 (a)** to a Party that has provided written consent to it, and only for a use allowed to the importing Party under the Convention or for environmentally sound interim storage as set out in article 10;
- 3.6 (b)** to a non-Party that has provided written consent to it, including certification demonstrating that measures are in place to ensure the protection of human health and the environment, along with its compliance with articles 10 and 11, and that such mercury will be used only for a use allowed or for environmentally sound interim storage as set out in article 10.

Measures on mercury imports from non-Parties

Article 3, paragraph 8 provides that Parties shall not allow the import of mercury from a non-Party unless:

- 3.8** the importing Party provides its written consent and the exporting non-Party provides certification that the mercury is not from sources identified as not allowed under the Convention (i.e. primary mercury mining or excess mercury from the decommissioning of chlor-alkali facilities).

Figure 2.16. Measures for mercury trade



Pursuant to article 3, paragraph 7, a Party or non-Party can provide a general notification to the Secretariat as the written consent required in paragraphs 3.6(a), 3.6(b) or 3.8. The Secretariat keeps a public register of all such notifications, and the submitted general notification is posted on the Minamata Convention's website.³²

³² <https://www.mercuryconvention.org/en/parties/notifications>.

Form A: For the provision of written consent by a Party to the import of mercury

FORM A Form for the provision of written consent by a Party to the import of mercury <i>(This form is not required by the Convention in cases where the importing Party has provided a general notification of consent in accordance with Article 3, paragraph 7.)</i> Section A: Contact information to be provided by the importing Party Party: Name of designated national focal point: Address: Tel: Fax: Email: Section B: Contact information to be provided by the exporting Party or non-Party Party or non-Party: Name of designated national focal point or responsible government official: Address: Tel: Fax: Email: Section C: Shipment information to be provided by the exporting country: Please indicate approximate total quantity of mercury to be shipped: Please indicate approximate date of shipment: Please indicate if the mercury is from primary mercury mining: Please indicate if the mercury has been determined by the exporting Party to be excess mercury from the decommissioning of chlor-alkali facilities: (If the exporting country is a non-Party, the importing Party shall also request that Form C be completed) Section D: Information to be provided by the importing Party What is the purpose of the import of the mercury? Please circle: i. Environmentally sound interim storage in accordance with Article 10: YES NO If yes, please specify the intended use (if known): _____ _____ _____ ii. Use allowed to a Party under the Convention: YES NO If yes, please specify additional details about the intended use of the mercury: _____ _____ _____ Section E: Shipping information, as appropriate Importer: Name of business: Address:	Section F: Indication of consent by the importing Party Nature of consent, please circle: GRANTED DENIED Please use the space below to indicate any conditions, additional details or relevant information: _____ _____ _____ Signature of importing Party designated national focal point and date Name: Title: Signature: Date:
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Form B: For the provision of written consent by a non-Party to the import of mercury

FORM B Form for the provision of written consent by a non-Party to the import of mercury <i>(This form is not required by the Convention in cases where the importing non-Party has provided a general notification of consent in accordance with Article 3, paragraph 7.)</i> Section A: Contact information to be provided by the Party to the Convention Party: Name of designated national focal point: Address: Tel: Fax: Email: Section B: Contact information to be provided by the non-Party Country: Name and agency of government official: Address: Tel: Fax: Email: Section C: Shipment information to be provided by the exporting Party Please indicate approximate total quantity of mercury to be shipped: Please indicate approximate date of shipment: Please indicate if the mercury is from primary mercury mining: Please indicate if the mercury has been determined by the exporting Party to be excess mercury from the decommissioning of chlor-alkali facilities: Section D: Certification and Information to be provided by an importing non-Party Article 3, paragraph 6 (b) (i), requires certification by a non-Party that it has measures in place to ensure the protection of human health and the environment and to ensure compliance with Articles 10 and 11 of the Convention. Please circle whether your country has such measures in place: YES NO If yes, please provide appropriate documentation demonstrating such measures. Such documentation may include procedures, legislation, regulations, or other measures at the national level and shall provide sufficient detail to demonstrate the effectiveness of such measures. In addition, mercury may only be exported by a Party to a non-Party for a use allowed to a Party under the Convention or for environmentally sound storage, as set out in Article 10 of the Convention. What is the purpose of the import of the mercury? Please circle: i. Environmentally sound interim storage in accordance with Article 10: YES NO If yes, please specify the intended use (if known): Tel: ii. Use allowed to a Party under the Convention: YES NO If yes, please specify additional details about the intended use of the mercury: Section E: Shipping information, as appropriate Importer: Name of business: Address: Fax: Email:	Section F: Indication of consent by the importing non-Party Nature of consent, please circle: GRANTED DENIED Please use the space below to indicate any conditions, additional details or relevant information: _____ _____ _____ Signature of importing non-Party responsible government official and date Name: Title: Signature: Date:
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Form C: For non-Party certification of the source of mercury to be exported to a Party

FORM C

Form for non-Party certification of the source of mercury to be exported to a Party

To be used in conjunction with form A or form D, when required

Article 3, paragraph 8, of the Convention provides that a Party shall not allow the import of mercury from a non-Party to whom it will provide its written consent unless the non-Party has provided certification that the mercury is not from sources identified as not allowed under paragraph 3 or paragraph 5 (b), i.e., that it is not from primary mercury mining or mercury determined by the exporting non-Party to be excess mercury from the decommissioning of chlor-alkali facilities.

Section A: Shipment information to be provided by the exporting non-Party
Please indicate the approximate total quantity of mercury to be shipped:
Please indicate the approximate date of shipment:

Section B: Shipping information, as appropriate

Importer

Name of business:
Address:
Tel:
Fax:
Email:

Exporter

Name of business:
Address:
Tel:
Fax:
Email:

Section C: Certification
In accordance with Article 3, paragraph 8, of the Convention, my Government certifies that the mercury included in the shipment described in this form is not:

- (i) From primary mercury mining; or
- (ii) Mercury determined by the exporting non-Party to be excess mercury from the decommissioning of chlor-alkali facilities.

Supporting information

Signature of responsible government official and date

Name:
Title:
Signature:
Date:

Form D: For general notification of consent to import mercury

FORM D

Form for general notification of consent to Import Mercury

Article 3, paragraph 7, of the Convention provides that an exporting Party may rely on a general notification to the Secretariat by the importing Party or non-Party as the written consent required by paragraph 6 of Article 3. Such general notification shall set out any terms and conditions under which the importing Party or non-Party provides its consent. The Secretariat shall keep a public register of all such notifications.

The notification may be revoked at any time by this Party or non-Party. A Party or non-Party that revokes its notification should provide a written request to the Secretariat to be removed from the public register of general notifications and indicate the effective date of the revocation.

Parties are reminded that provision or acceptance of a general notification according to Paragraph 7 of Article 3 addresses only the requirements for written consent for each shipment of mercury. It does not absolve Parties of other obligations under the Convention, in particular under paragraphs 6 and 8 of Article 3 (see form C).

Section A: Contact information for general notifications of consent
Name of Party or non-Party:
Designated national focal point or name of government agency and official:
Address:
Tel:
Fax:
Email:

Section B: General notification of consent
My Government hereby provides a general notification of consent to imports of mercury. An exporting Party may rely on this general notification as the written consent required by Article 3, paragraph 6, of the Convention.

Section C: Terms and conditions of general notifications
Please use the space below to specify any terms and conditions:

Section D: Certifications from a non-Party (this section is not applicable to Parties)
In accordance with Article 3, paragraph 6, of the Convention, my Government certifies that:

It has measures in place to ensure the protection of human health and the environment and to ensure its compliance with the provisions of Articles 19 and 11 of the Convention. Please provide appropriate documentation demonstrating such measures. Such documentation may include procedures, legislation, regulations or other measures at the national level and shall provide sufficient detail to demonstrate the effectiveness of such measures, and

The imported mercury covered by this general notification of consent will be used only for a use allowed to a Party under the Convention or for environmentally sound interim storage as set out in Article 10 of the Convention.

For uses allowed under the Convention or for environmentally sound interim storage, please provide information if available about the intended use of the mercury:

Signature of responsible government official and date

Name:
Title:
Signature:
Date:

All forms related to article 3 on trade in mercury are available on the Convention's website.

The forms providing consent to import (Forms A and B), and the form providing non-Party certification of the sources of mercury to be exported to a Party (Form C) are to be transmitted directly between Parties, using the contact information of the Parties' national focal points. It is recommended that the Parties concerned provide the Secretariat with copies of these forms.

Guidance on completing the forms required under article 3 is available on the Convention's website.

Mercury-added products

For the purpose of the Minamata Convention, article 2(f) defines mercury-added products as “a product or product component that contains mercury or a mercury compound that was intentionally added” (UNEP, 2019).

The Minamata Convention focuses on the supply of mercury-added products through manufacture, import and export of such products rather than on their use, which may therefore continue until the end of their lifetime. Article 4 of the Minamata Convention employs two approaches to control mercury in products: 1) setting a phase-out date for some products (article 4, paragraph 1, in conjunction with Annex A, Part I); and 2) specifying measures to be taken to allow the continued use of some products (article 4, paragraph 3, in conjunction with Annex A, Part II).

Phasing out of mercury-added products

Part I of Annex A to the Minamata Convention includes specific batteries, switches and relays, fluorescent lamps, cosmetics, pesticides, thermometers, blood pressure cuffs and other measuring devices to which mercury is intentionally added.

For these products, the Convention specifies a phase-out date after which those products can no longer be manufactured, imported or exported, except when an exclusion is specified in Annex A or an exemption had been specifically requested by a Party pursuant to article 6 (Exemptions available to a Party upon request). Customs officers and other border control officers play an important role in controlling the import and export of these products.

Pursuant to article 4, paragraph 2, a Party may choose an alternative option, where it indicates, a the time of

becoming a Party or upon entry into force of an amendment to Part I of Annex A, that it will implement different measures or strategies to address the mercury-added products listed in Part I of Annex A. This option is only available if the Party can demonstrate that it has already reduced to a de minimis level the manufacture, import and export of a large majority of the products listed, and that it has implemented measures or strategies to reduce the use of mercury in additional products not listed. A Party that chooses this option has a number of obligations to meet that in particular relate to reporting and measures or strategies to reduce the use of mercury. Notifications received from Parties that have chosen this option are posted on the Convention’s website.³³

Minamata Convention Annex A on mercury-added products

The following products are excluded from Annex A:

- products essential for civil protection and military uses
- products for research, calibration of instrumentation and use as reference standard
- where no feasible mercury-free alternative for replacement is available, switches and relays, cold cathode fluorescent lamps (CCFL) and external electrode fluorescent lamps (EEFL) for electronic displays and measuring devices
- products used in traditional or religious practices
- vaccines containing thiomersal as preservatives

³³ <https://www.mercuryconvention.org/en/parties/notifications>.

Table 2.5. Annex A, Part I: products subject to article 4, paragraph 1

Mercury-added products	Date after which the manufacture, import or export of the product shall not be allowed (phase-out date)
Batteries, except for button zinc silver oxide batteries with a mercury content < 2% and button zinc air batteries with a mercury content < 2%	2020
Switches and relays, except very high accuracy capacitance and loss measurement bridges and high frequency radio frequency switches and relays in monitoring and control instruments with a maximum mercury content of 20 mg per bridge, switch or relay	2020
Compact fluorescent lamps (CFLs) for general lighting purposes that are ≤ 30 watts with a mercury content exceeding 5 mg per lamp burner	2020
Linear fluorescent lamps (LFLs) for general lighting purposes: (a) triband phosphor < 60 watts with a mercury content exceeding 5 mg per lamp (b) halophosphate phosphor ≤ 40 watts with a mercury content exceeding 10 mg per lamp	2020
High pressure mercury vapour lamps (HPMV) for general lighting purposes	2020
Mercury in cold cathode fluorescent lamps and external electrode fluorescent lamps (CCFL and EEFL) for electronic displays: (a) short length (≤ 500 mm) with mercury content exceeding 3.5 mg per lamp (b) medium length (> 500 mm and ≤ 1,500 mm) with mercury content exceeding 5 mg per lamp (c) long length (> 1,500 mm) with mercury content exceeding 13 mg per lamp	2020
Cosmetics (with mercury content above 1 ppm), including skin lightening soaps and creams, and not including eye area cosmetics where mercury is used as a preservative and no effective and safe substitute preservatives are available	2020
Pesticides, biocides and topical antiseptics	2020
The following non-electronic measuring devices except non-electronic measuring devices installed in large-scale equipment or those used for high precision measurement, where no suitable mercury-free alternative is available: (a) barometers (b) hygrometers (c) manometers (d) thermometers (e) sphygmomanometers	2020

Source: UNEP (2019)

Exemptions from the phase-out dates

Article 6 allows Parties to register for one or more exemptions from the phase-out date for mercury-added products listed in Part I of Annex A. States are able to register for such exemptions on becoming a Party to the Convention, or in the case of a product that is added by an amendment to the list, no later than the date upon which that amendment enters into force. Exemptions can be registered for a category (such as batteries) or a subcategory (such as a particular type of battery). The registration is made by notifying the Secretariat in writing and must be accompanied by a statement explaining the need for the exemption. Notifications submitted by Parties are available at the Convention's website.³⁴

A Party may at any time withdraw an exemption upon written notification to the Secretariat. Unless the Party has specifically requested a shorter exemption period, the exemption will expire five years after the phase-out date indicated in Part I of Annex A. At the request of a Party, the COP may decide to extend an exemption for an additional five years, or a shorter period if requested. Such an extension may only be given once, per product, per phase-out date.

Assembled products

Article 4, paragraph 5 requires Parties to prevent mercury-added products from being incorporated into assembled products, with the manufacture, import and export of mercury-added products for this purpose prohibited.

Unknown mercury-added products

Article 4, paragraph 6 requires Parties to discourage the manufacture and commercial distribution of mercury-added products unknown prior to the entry into force of the Minamata Convention, unless an assessment of the risks and benefits of the product demonstrates environmental or human health benefits.

Mercury wastes

Article 11 of the Convention on mercury wastes is based on the close relationship of the Minamata Convention with the Basel Convention. According to article 11, paragraph 1, relevant definitions of the Basel Convention shall apply to wastes covered under the Minamata Convention for Parties to the Basel Convention. Parties to the Minamata Convention that are not Parties to the Basel Convention shall use those definitions as guidance for wastes covered under the Minamata Convention.

For Parties to the Basel Convention, mercury wastes shall not be transported across international boundaries except for the purpose of environmentally sound disposal in conformity with article 11 of the Minamata Convention and with the Basel Convention. In circumstances where the Basel Convention does not apply to transport across international boundaries, a Party shall allow such transport only after taking into account relevant international rules, standards and guidelines.

Intersessional work on customs codes

At its third meeting (in Geneva, November 2019), the COP requested in Decision MC-3/3 that the Secretariat, in collaboration with the UNEP Global Mercury Partnership and involving relevant experts, draft a guidance document that includes:

- i. For the mercury-added products listed in Annex A to the Convention, possible customs nomenclature codes of more than six digits that could be used by Parties.
- ii. For mercury-added products not listed in Annex A to the Convention, a compilation of examples provided by national experts of customs nomenclature codes of more than six digits currently in use by Parties.
- iii. Examples of good practice where the use of customs nomenclature codes at the national level has been supplemented by the use of other control tools for the purpose of implementing trade provisions, such as those found in article 4 to the Convention.

The draft guidance document on the use of customs codes will be considered at the in-person segment of the fourth meeting of the COP, which is planned to be convened in March 2022.

³⁴ <https://www.mercuryconvention.org/en/parties/notifications>.

For more information, contact:

**Secretariat of the Minamata
Convention
United Nations Environment
Programme**

Physical address:
International Environment House I
11-13, Chemin des Anémones
CH – 1219, Châtelaine
Geneva
Switzerland

Postal address:
Avenue de la Paix 8-14,
1211 Genève 10
Geneva
Switzerland

Fax: (+41 22) 797 34 60
E-mail: MEA-MinamataSecretariat
@un.org

<http://www.mercuryconvention.org/>

**The following links will be helpful
to those seeking more information
on the Minamata Convention:**

Text of the Convention:
<http://www.mercuryconvention.org/Convention/Text/tabid/3426/language/en-US/Default.aspx>

Parties to the Convention:
<http://www.mercuryconvention.org/Countries/Parties/tabid/3428/language/en-US/Default.aspx>

List of competent authorities and
focal points:
<http://www.mercuryconvention.org/Countries/Parties/FocalPoints/tabid/7708/language/en-US/Default.aspx>

Montreal Protocol on Substances that Deplete the Ozone Layer

The Montreal Protocol is an international treaty that controls the production and consumption of specific manufactured chemicals (see Box 2.8) that destroy the ozone layer or contribute to global warming. Ozone is a gas that is naturally present in the atmosphere. The large amount of ozone in the part of the upper atmosphere known as the stratosphere is often referred to as the “ozone layer” (see Figure 2.17). This layer encircles the entire globe and acts as a protective shield that filters harmful ultraviolet radiation. UV-B radiation is a highly energetic light that originates from the sun, and ozone molecules reduce the amount of UV-B radiation reaching the surface of the Earth.³⁵ The ozone layer is destroyed by ODS when these chemicals are released into the atmosphere and then react with the ozone molecules.

Elevated ultraviolet radiation reaching the Earth as a result of ozone depletion can have major impacts on life and nature, such as increased rates of skin cancer, eye cataracts and weakened immune systems. It also can damage terrestrial plant life, including crops, and aquatic ecosystems, and can weaken the integrity of certain manufactured materials.

³⁵ UV-B is a part of the UV spectrum, 280- to 315-nanometre (nm) in wavelength.

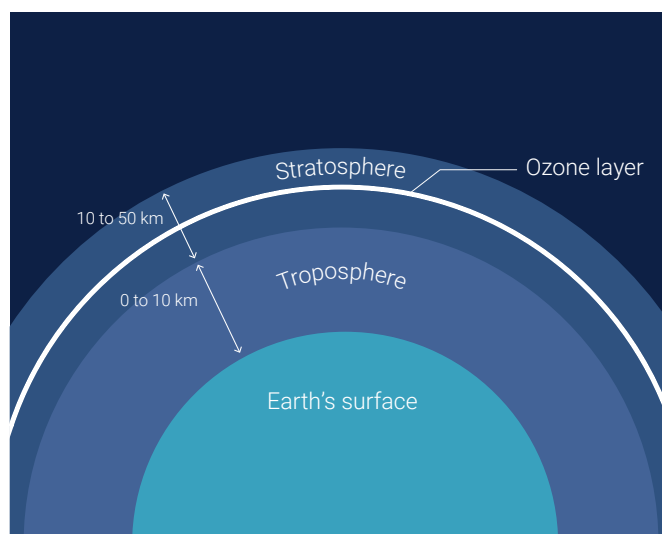
Box 2.8. Main categories of ozone-depleting substances

- Chlorofluorocarbons (CFCs), such as CFC-12 (also known as R-12 or F-12)
- Halons (bromochlorofluorocarbons), such as Halon 1301
- Carbon tetrachloride
- Methyl chloroform
- Hydrochlorofluorocarbons (HCFCs), such as HCFC-22 (also known as R-22 or F-22)
- Hydrobromofluorocarbons
- Bromochloromethane
- Methyl bromide

Box 2.9. Main uses of ozone-depleting substances and products that can contain ozone-depleting substances

- Refrigerants (gases)
- Fire extinguishers
- Fumigants, pesticides
- Foam-blowing agents
- Cleaning solvents
- Aerosol propellants
- Air-conditioning systems (and components)
- Refrigerators/freezers
- Compressors
- Vehicles (mobile air-conditioning systems)
- Insulating boards/pipe covers
- Metered-dose inhalers (medical inhalers)

Figure 2.17. Layers of the Earth's atmosphere



Over the years, ODS have been used worldwide in many common industrial processes and consumer products (see Box 2.9). For example, chlorofluorocarbons (CFCs) were once used in almost all refrigeration and air-conditioning systems, and halons were widely used in fire extinguishers. The production and consumption of all ODS by human activities are now tightly regulated worldwide by the Montreal Protocol and have been reduced by over 99 per cent from the historic peak levels. The main objective of the Protocol is to reduce and finally eliminate the consumption and production of ODS and phase down the production and consumption of hydrofluorocarbons (HFCs) according to agreed timetables for developed and developing countries.³⁶

The Montreal Protocol was opened for signature on 16 September 1987 and came into force on 1 January 1989. It has 198 Parties. The Protocol was developed in response to scientific proof that the depletion of the stratospheric ozone layer, caused by chlorine and bromine emissions from human activities, was inflicting considerable damage on human health and the environment. The complete list of controlled ODS can be found in Annexes A, B, C and E of the Protocol text (see Table 2.10).

The use of HFCs, powerful greenhouse gases, as substitutes for ODS is rapidly increasing. In 2016, the Montreal Protocol was amended to add HFCs to the list of substances controlled under the Protocol, in Annex F of the Protocol text (see Table 2.6). These substances will be gradually phased down without being completely phased out, unlike other substances controlled under the Montreal Protocol. The HFC phase-down is expected to avoid up to 0.4°C of global temperature rise by 2100, while continuing to protect the ozone layer. In accordance with article IV, paragraph 1, the Kigali Amendment (including the addition of Annex F and of Global Warming Potential for substances under Annexes A and C) entered

³⁶ HFCs, which are not ODS, were added to the substances controlled by the Montreal Protocol by the 2016 Kigali Amendment.

into force on 1 January 2019. Since that time, the amendment has been ratified by 129 Parties.

The Montreal Protocol acknowledges the special circumstances of developing countries (specified in article 5 of the Protocol) and creates separate phase-down and phase-out timelines for Parties that meet the definition set out in paragraph 1 of article 5. As a result of the Kigali Amendment, developed country Parties to the Montreal Protocol are required to gradually reduce HFC production and consumption by 85 per cent by 1 January 2036. However, Article 5 Parties are not

required to complete their phase-down until 2045 or 2047, depending on their classification in Groups 1 and Group 2 according to Decision XXVIII/2 of the twenty-eighth meeting of the Parties (Kigali, 8–14 October 2016). The first reductions by non-Article 5 Parties started in 2019. Most Article 5 Parties (Group 1) will follow with a freeze of HFC consumption levels in 2024, and in 2028 for other Article 5 Parties (Group 2). Details of the elements of the agreed HFC phase-down schedule are provided in Table 2.6.

Table 2.6. Phase-down schedule for hydrofluorocarbons for Article 5 and non-Article 5 Parties

	Article 5 Parties (developing countries) – Group 1	Article 5 Parties (developing countries) – Group 2	Non-Article 5 Parties (developed countries)
Baseline formula	Average HFC consumption for 2020–2022 + 65% of HCFC baseline	Average HFC consumption for 2024–2026 + 65% of HCFC baseline	Average HFC consumption for 2011–2013 + 15% of HCFC baseline*
Freeze	2024	2028	-
Step 1	2029–10%	2032–10%	2019–10%
Step 2	2035–30%	2037–20%	2024–40%
Step 3	2040–50%	2042–30%	2029–70%
Step 4	-	-	2034–80%
Plateau	2045–80%	2047–85%	2036–85%

* For Belarus, Kazakhstan, the Russian Federation, Tajikistan and Uzbekistan, 25 per cent HCFC component of baseline and different initial two steps: (1) 5 per cent reduction in 2020; and (2) 35 per cent reduction in 2025.

Article 5 Parties are divided into two groups:

Group 1: The majority of Article 5 Parties.

Group 2: Bahrain, India, Iran (Islamic Republic of), Iraq, Kuwait, Oman, Pakistan, Qatar, Saudi Arabia and the United Arab Emirates.

Group 2 has a later freeze and phase-down steps compared with Group 1 (see Table 2.7). The freeze date is four years later (2028 rather than 2024).

Table 2.7. Phase-down schedule for Article 5 Parties, Group 1 and Group 2

	Article 5 Parties: Group 1		Article 5 Parties: Group 2	
Baseline years	2020, 2021 and 2022		2024, 2025 and 2026	
Baseline calculation	Average production/consumption of HFCs in 2020, 2021 and 2022 <i>plus 65% of HCFC baseline production/consumption</i>		Average production/consumption of HFCs in 2024, 2025 and 2026 <i>plus 65% of HCFC baseline production/consumption</i>	
Reduction steps				
Freeze	2024		2028	
Step 1	2029	10%	2032	10%
Step 2	2035	30%	2037	20%
Step 3	2040	50%	2042	30%
Step 4	2045	80%	2047	85%

Non-Article 5 Parties do not have freeze in consumption; their first control measure is a 10 per cent or 5 per cent reduction (see Table 2.8).

Several non-Article 5 Parties (Belarus, Kazakhstan, the Russian Federation, Tajikistan and Uzbekistan) have a different formulation for the calculation of the baseline, and have different initial phase-down steps from the other non-Article 5 Parties (i.e. the first two steps).

The final phase-down dates are the same for all non-Article 5 Parties (production and consumption).

Table 2.8. Phase-down schedule for non-Article 5 Parties

	Non-Article 5 Parties (main group)		Non-Article 5 Parties: Belarus, Kazakhstan, Russia, Federation, Tajikistan and Uzbekistan	
Baseline years	2011, 2012 and 2013		2011, 2012 and 2013	
Baseline calculation	Average production/consumption of HFCs in 2011, 2012 and 2013 <i>plus 15% of HCFC baseline production/consumption</i>		Average production/consumption of HFCs in 2011, 2012 and 2013 <i>plus 25% of HCFC baseline production/consumption</i>	
Reduction steps				
Step 1	2019	10%	2020	5%
Step 2	2024	40%	2025	35%
Step 3	2029	70%	2029	70%
Step 4	2034	80%	2034	80%
Step 5	2036	85%	2036	85%

Notes:

- Group 1: Article 5 Parties not part of Group 2.
- Group 2: Bahrain, India, Iran (Islamic Republic of), Iraq, Kuwait, Oman, Pakistan, Qatar, Saudi Arabia and the United Arab Emirates.

How the Montreal Protocol regulates trade

Each Party to the Montreal Protocol is committed to complying with the Protocol's schedule for the phase-out and phase-down of controlled substances, and so each Party must introduce control measures to ensure it shall meet its obligations.

The Multilateral Fund was created under the Montreal Protocol to provide eligible developing countries with the financial and technical assistance needed to comply with the treaty. Some eligible CEIT can receive similar support from the Global Environment Facility.

Financial and technical assistance is provided by the Multilateral Fund in the form of specific funded national projects, and is delivered primarily through four implementing agencies:

- UNEP
- United Nations Development Programme
- United Nations Industrial Development Organization
- World Bank

The Multilateral Fund supports various activities in developing countries, including industrial conversion, technical assistance, information dissemination, training and capacity-building aimed at phasing out ODS and phasing down HFCs. The capacity-building component includes the training of customs and enforcement officers, establishment and enforcement of licensing systems and related policies, and cooperation to combat illegal ODS and HFC trade.

Import/export licensing system and other instruments

Most developing countries do not produce ODS and HFCs and are completely dependent on imports. Consequently, monitoring the legal trade and preventing illegal trade of these chemicals is crucial to achieving the gradual phase-out of ODS and phase-down of HFCs and conversion to non-ODS and non-HFC alternatives. The most important of these measures is the establishment and enforcement of a national import/export licensing system that covers all substances controlled by the Montreal Protocol, either through the adjustment of existing legislation or through the creation of new laws or regulations.

The objective of a licensing system is to ensure that ODS and HFCs are not imported or exported unless the importer or exporter first applies for and obtains an import/export licence (see Figure 2.18), and that

the requested import/export is within the assigned quota allocation, according to the established national quota system.

All Parties to the Montreal Protocol must introduce an import/export licensing system for new, used, recycled and reclaimed controlled substances. The implementation of an ODS and HFC licensing system is a prerequisite under the Montreal Protocol, along with many other control regulations and legislation measures. Other measures, such as the commencement of a specific training programme for customs officers on the Montreal Protocol, are highly recommended and equally important to the success of the Montreal Protocol. A licensing system facilitates the control of a country's ODS and HFC supply, increases the reliability of the monitoring and collection of information on imported and exported ODS and HFC quantities by chemical, and helps to identify end users and prevent illegal imports. All Parties have an ODS licensing system in place and are required to have a similar licensing system for HFCs once they have ratified/acceded to the Kigali Amendment to the Montreal Protocol and are bound by its provisions.

Monitoring of ODS and HFC exports also helps to prevent illegal exports, such as those intended for non-Parties.

Format

The Parties have not adopted a standard or uniform format for the import/export licence. Each government is free to develop its own import/export licence system as mandated by its local regulations. Customs authorities should therefore establish close coordination with the country's National Ozone Unit (NOU) and the government agency that issues the import/export licence (links to NOU contact details are provided in this guide). Customs officers should familiarize themselves with the relevant documents and learn to properly distinguish an authentic licence from a falsified one.

Enforcement and penalties

Customs officers, the NOU (usually located within the environment agency) and the prosecuting agency generally enforce import/export licensing systems. Penalties are used to discourage the illegal importation or exportation of ODS, ODS-containing products or ODS-based equipment. Such penalties are currently being extended to HFCs and are subject to national import/export licensing system laws. Parties can also use less punitive measures, such as warnings or education programmes, to ensure compliance with licensing system requirements.

Seized controlled substances or products containing controlled substances and related equipment

National laws and the provisions of the import/export licensing system prescribe what happens to seized controlled substances or products containing controlled substances. The decision matrix in Table 2.9 presents options for seized ODS and ODS-based

products and equipment. The shaded boxes indicate the environmentally preferable options. However, the most appropriate option will depend on a Party's specific situation and the costs involved. Customs officers may wish to discuss the approach presented in this table with their country's NOU.

Figure 2.18. Import licensing process: the role of customs authorities

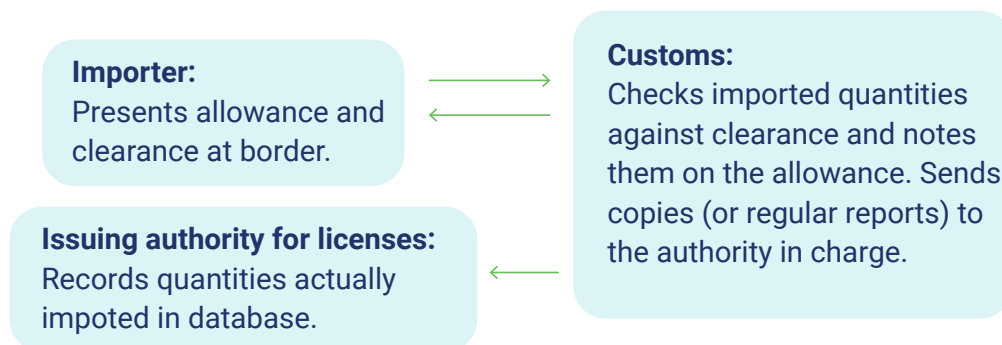


Photo © freepik / aksakalko



Table 2.9. Decision matrix: seized ozone-depleting substances and ozone-depleting substances-based products and equipment

Option	ODS (e.g. CFC refrigerants, methyl bromide)	Products containing ODS (e.g. aerosol cans, foams, paint)	Equipment containing ODS or whose functioning relies on ODS (e.g. refrigerators, air-conditioners)
<i>Re-exporting to the country of origin or to any Party that wishes, and is entitled, to legally import the seized goods</i>	Cost for re-export to be borne by importer • Goods at risk of being smuggled again • If auctioning off and disposal are not possible	Cost for re-export to be borne by importer • Goods at risk of being smuggled again • If disposal is not possible	Cost for re-export to be borne by importer • Equipment at risk of being smuggled again • If retrofitting and disposal are not possible
<i>Auctioning off to a licensed importer and deducting the quantity from the importer's allowance</i>	If the import of ODS is not banned • Replaces legal imports	If the import of ODS-containing products is not banned • Usually no allowances made for imports of products containing ODS • This option to be avoided	If the import of ODS-based equipment is not banned • Usually no allowances made for imports of equipment based on ODS • Increases the country's dependency on ODS • This option to be avoided
<i>Mandatory retrofitting of ODS-based equipment by certified service company</i>	Not applicable	Not applicable	Cost of retrofitting to be borne by illegal importer or by licensed importer who bought the equipment from Customs
<i>Disposal or destruction of the seized goods</i> • Cost to be borne by illegal importer or customs authority • Proper waste management practices to be applied	If Montreal Protocol-approved destruction technologies are available • If auctioning off or re-export is not possible	Recover ODS before disposal for re-use or disposal (not possible for paints or foams)	Before disposal, recover ODS and other working fluids for re-use or proper disposal • If retrofitting or re-export is not possible
<i>Long-term storage - an intermediate option that is costly for Customs and requires a final solution</i>	If re-export, auctioning or disposal are not possible • This option should be avoided	If re-export, auctioning or disposal are not possible • This option should be avoided	If re-export, auctioning, retrofitting or disposal are not possible • This option should be avoided

Note: ODS contained in imported products or equipment does not count towards a country's ODS consumption.

Recording, management and reporting of data

Other important aspects of import/export licensing systems are the recording, management and reporting of data. The NOU, specific licensing agencies and the customs authority usually collaborate on data collection. The NOU is in charge of reporting the data to the Ozone Secretariat in Nairobi, Kenya, which in turn is responsible for receiving and analysing data and information on the production and consumption of controlled substances and providing this to the Parties. Customs authorities coordinate with the NOU on data management. Countries that receive funding from the

Multilateral Fund are also required to annually report data to the Multilateral Fund Secretariat.

Other instruments: quotas and bans

Imports and exports of ODS and HFCs can also be restricted through quotas or bans. Bans are the complete prohibition of the import or export of a specific ODS or HFC and may apply to controlled substances and products or equipment containing controlled substances. A quota can be transformed into a ban once a specific substance is phased out. Although highly recommended, quotas are non-

mandatory under the Montreal Protocol. However, Article 5 Parties seeking access to the Multilateral Fund must show that they have a functioning quota system prior to receiving any assistance. To comply with phase-out schedules for ODS and the phase-down of HFCs, each Party must define its annual quotas for each controlled substance or category of substances and then gradually reduce these each year. The NOU works with other relevant national agencies to define quota amounts for importers. Importers may apply for import allowances, which are usually granted based on their historic imports. Each time an importer wishes to import a controlled substance, an import permit must be issued for the specified quantity. The importer must not exceed the granted allowance for a specific substance. The same system should be in place for exports and exporters.

Any Party may apply for exemptions for essential uses, uses as feedstock or uses as process agents (see chapter 3). Customs officers should be aware of such exemptions and how they are translated into import allowances and permits.

The Montreal Protocol has developed and used various exemption mechanisms in the past. Some are authorized for specific named Parties and quantities (e.g. essential and critical uses), while others are global exemptions for defined categories of uses or applications (e.g. laboratory and analytical uses and feedstock).

Training for customs officers

The Multilateral Fund supports training programmes on the Montreal Protocol for customs officers of Article 5 Parties. This national training, which is provided by the Multilateral Fund's implementing agencies, forms part of broader national plans for compliance with the treaty. Strategic integrated plans may include any of the following:

- training of customs officers and refrigeration technicians
- policy instruments, including economic instruments for controlling and monitoring ODS and HFC imports and exports
- economic incentives for promoting the use and consumption of non-ODS refrigerants
- education and the dissemination of information
- institutional arrangements

Customs training generally uses a two-phase approach:

after a train-the-trainer workshop delivered by the implementing agency, national trainers replicate and disseminate the customs officer training throughout the country. National customs training institutions are encouraged to incorporate the training materials into their curricula to promote the training's long-term sustainability. In addition to such training, UNEP often holds specific regional and subregional training sessions, workshops for customs officers and national ozone officers, border dialogues and other specialized workshops and training sessions.

Freeze, phase-out and phase-down schedules

Parties to the Montreal Protocol must freeze and phase out their production and consumption of ODS and phase down their production and consumption of HFCs according to specific schedules. Article 5 Parties must follow the schedule as summarized in Table 2.10 for ODS phase-out. Columns 3 and 4 of Table 2.6 present the phase-down schedule of HFCs applicable to Article 5 Parties.

Use of Harmonized System codes and other means of identifying ozone-depleting substances and hydrofluorocarbons

Customs officers must have the commercial trade names of the imported chemical products they may encounter (as indicated on the product packaging and transaction or manifest papers), as well as their chemical composition and manufacturer. Furthermore, many users in small- and medium-size enterprises recognize chemicals only by their trade names, especially solvents and refrigerant mixtures.

WCO has developed a standardized categorization system – known as the Harmonized System (HS) – to identify substances regularly imported and exported around the world. The HS uses a series of codes to clearly identify the contents of import and export shipments, including those containing substances controlled under the Montreal Protocol. Initially (pre-2022), these codes did not identify specific HFCs, but instead grouped them under one single code. This is set to change following the 2022 system update, which will create specific HS codes for the most commonly used HFCs controlled under the Kigali Amendment (UNEP no date).

All Parties to the Protocol are strongly encouraged to exchange information and strengthen joint efforts to improve means of identifying ODS and HFCs, thereby preventing the illegal trade in these substances. Customs officers can consult UNEP's mobile/smartphone and web-based application, WhatGas?, which is a searchable database of more than 200

substances with chemicals containing ODS, HFCs and their alternatives.³⁷ The database can be searched by using the trade/brand name of ODS-containing products, the trade/brand name of non-ODS-containing products, a HS code listing, a Chemical Abstracts Service (CAS) code listing, an American Society of Heating, Refrigerating and Air-Conditioning Engineers

(ASHRAE) designation or a chemical name. It can also be searched by the country of companies that manufacture or trade ODS and HFCs. The application provides Montreal Protocol control measures by substance.

Photo © pixabay / Wikilimages



37 OzonAction mobile apps are available at: <https://www.unep.org/ozonaction/resources/mobile-app-whatgas/whatgas>.

Table 2.10. Phase-out schedule of ozone-depleting substances for Article 5 countries
ANNEX A (for both production and consumption)

Group I: Chlorofluorocarbons (CFC-11, CFC-12, CFC-113, CFC-114 and CFC-115)

Freeze	50% reduction	85% reduction	Phase-out (100%)
July 1, 1999	January 1, 2005	January 1, 2007	January 1, 2010 ^a

Group II: Halons (halon 1211, halon 1301 and halon 2402)

Freeze	50% reduction	Phase-out (100%)
January 1, 2002	January 1, 2005	January 1, 2010 ^a

ANNEX B (for both production and consumption)

Group I: Other fully halogenated CFCs (CFC-13, CFC-111, CFC-112, CFC-211, CFC-212, CFC-213, CFC-214, CFC-215, CFC-216, CFC-217)

20% reduction	85% reduction	Phase-out (100%)
January 1, 2003	January 1, 2007	January 1, 2010 ^a

Group II: Carbon tetrachloride

85% phase-out	Phase-out (100%)
January 1, 2005	January 1, 2010 ^a

Group III: Methyl chloroform (1,1,1-trichloroethane)

Freeze	30% reduction	70% reduction	Phase-out (100%)
January 1, 2003	January 1, 2005	January 1, 2010	January 1, 2015 ^a

ANNEX C (for both production and consumption)

Group I: HCFCs

Freeze	10% reduction	35% reduction	67.5% reduction	Annual average of 2.5% of baseline	Phase-out (100%)
January 1, 2013	January 1, 2015	January 1, 2020	January 1, 2025 ^a	2030–2040	2040

Group II: HBFCs

Phase-out (100%)
January 1, 1996 ^a

Group III: Bromochloromethane

Phase-out (100%)
January 1, 2002 ^a

ANNEX E

Group I: Methyl bromide (applicable to production and consumption; amounts used for quarantine and pre-shipment applications exempted)

Freeze	20% reduction	Phase-out (100%)
January 1, 2002	January 1, 2005	January 1, 2015 ^b

a With possible essential-use exemptions.

b With possible critical-use exemptions.

Montreal Protocol-specific training materials for customs officers

UNEP OzonAction has produced various guidelines and awareness-raising and training materials that can be downloaded from the OzonAction website. Hard copies of videos and publications can also be requested through the website.

The following listed materials are intended for customs officers and other stakeholders, and are all available from the OzonAction website:

- *Promoting a Culture of Compliance: Penalties, remedies and other enforcement measures for domestic legislation related to the Montreal Protocol* (UNEP forthcoming 2022).
- *Training Manual for Customs and Enforcement Officers* (fourth edition) (UNEP forthcoming 2022): This manual provides NOUs and customs trainers with guidance on how to organize and conduct multi-phased customs training programmes. It includes generic agendas, concept notes, evaluation questionnaires, relevant training materials and overheads. The programme focuses on identifying ODS, HFCs, mixtures and products containing these controlled substances, products and equipment containing these substances and different smuggling schemes.
- Quick guides and factsheets.
- Customs poster.
- Customs Quick Tool for Screening ODS.
- e-learning modules (jointly created with WCO): To access WCO's e-learning platform, customs officers must contact WCO's national coordinator,³⁸ who will provide them with an individual/personal access codes.

- Refrigerant Identifier Video Series: This OzonAction series consists of short instructional videos on how to use and maintain a refrigerant identifier. The videos provide useful guidance on safety and best practice, understanding the difference between identifier units, testing procedures and identification of results. It is intended for use by customs and enforcement officers as well as Montreal Protocol national ozone officers.
- Informal Prior Informed Consent (iPIC) mechanism: This initiative was launched in 2006 by OzonAction as part of its work to help developing countries fulfil their commitments under the Montreal Protocol. It was developed to better manage trade in ODS that are controlled under the Protocol. iPIC has become a global voluntary initiative used by more than 100 like-minded States wishing to strengthen the implementation of their national ODS licensing system. More recently, iPIC has been used to screen HFC shipments.

These materials and tools are also available to customs officers on request or are available from the OzonAction website: <https://www.unep.org/ozonaction/>.

The regional teams of UNEP's Compliance Assistance Programme (CAP) are located in UNEP regional offices (in Bangkok, Thailand, for Asia and the Pacific; in Nairobi, Kenya, for Africa; in Manama, Bahrain, for West Asia; and in Panama City, Panama, for Latin America and the Caribbean). The regional network coordinator assisting countries in Europe and Central Asia is based in the UNEP Paris office. These regional teams can provide any type of technical or policy assistance required and are responsible for coordinating regional networks of NOUs and specific activities for customs officers. The regional CAP teams are in regular communication with the NOUs in their respective regions.

38 See <http://clikc.wcoomd.org/file.php/1/Docs/Coordinators.pdf>.

Important definitions

Adjustments	Adjustments to the Montreal Protocol may modify the phase-out schedules of already controlled substances as well as the ozone-depleting potential (ODP) values of controlled substances based on new scientific assessments. Adjustments are automatically binding for all countries that have ratified the Protocol or the relevant amendment that introduced the controlled substance.
Amendments	Amendments to the Montreal Protocol may introduce control measures or new substances. Each amendment is binding only after ratification by the Parties. Parties that have not ratified a certain amendment are considered to be non-Parties.
Article 5 Parties	Countries classified as “developing countries” by the United Nations using less than 0.3 kg ODP tons per capita per year of Annex A controlled ODS or 0.2 kg ODP tons of Annex B controlled ODS. Article 5 Parties are entitled to delay their compliance with the control measures for 10 years.
Countries with economies in transition (CEITs)	States of the former Soviet Union and Central and Eastern Europe that have been undergoing a process of major structural, economic and social change, which has resulted in severe financial and administrative difficulties for both government and industry. These changes have affected the implementation of international agreements such as the phase out of ODS in accordance with the Montreal Protocol. CEITs include both Article 5 and non-Article 5 Parties.
Feedstock	Controlled substances used in the manufacture of other chemicals and completely transformed in the process are defined as feedstock.
HFCs	Hydrofluorocarbons (HFCs) are commonly used in air conditioning and as refrigerants in place of older chlorofluorocarbons such as CFC-12 and hydrochlorofluorocarbons such as HCFC-21.
Montreal Amendment	The 1997 ninth meeting of the Parties in Montreal introduced a requirement that all Parties establish import/export licensing systems for trade in ODS.
Multilateral Fund	The Multilateral Fund for the Implementation of the Montreal Protocol provides funds to help developing countries comply with their obligations under the Protocol to phase out the consumption and production of ODS and phase down the consumption and production of HFCs at an agreed schedule. The Multilateral Fund is managed by an Executive Committee with an equal representation of seven industrialized and seven Article 5 Parties, which are elected annually.
NOU	National Ozone Unit (usually located within a country’s environment agency).
ODS	Ozone-depleting substances (ODS) are used in refrigeration, foam extrusion, industrial cleaning, fire extinguishing and fumigation.
OzonAction	OzonAction is part of the United Nations Environment Programme (UNEP) Law Division. It supports developing countries in achieving and maintaining compliance commitments under the Montreal Protocol.
Ozone layer	The zone of the highest concentration of ozone molecules in the stratosphere. The layer, which lies approximately -15 to 35 km above the Earth’s surface, acts as a filter for around 99 per cent of harmful ultraviolet (UV-B) radiation.
Ozone Secretariat	The Ozone Secretariat is the secretariat for the Vienna Convention for the Protection of the Ozone Layer of 1985 and the Montreal Protocol on Substances that Deplete the Ozone Layer of 1987. It is based at UNEP headquarters in Nairobi, Kenya.
Process agent	Some amounts of controlled substances used in the production of other chemicals (e.g. as a catalyst or an inhibitor of a chemical reaction) without being consumed.
Production and consumption	Production is defined as the amount of controlled substances produced, minus the amount destroyed by technologies to be approved by the Parties, and minus the amount entirely used as feedstock in the manufacture of other chemicals. Consumption = (production + imports) - exports.

For more information, contact:

Inquiries about the implementation of the Montreal Protocol should be directed to:

Ozone Secretariat
United Nations Environment
Programme
United Nations Avenue, Gigiri
P.O. Box 30552
Nairobi 0010
Kenya

Tel.: (254 20) 762 3851/3611
E-mail: mea-ozoneinfo@un.org

Satellite link, via the United Nations facility in Italy (when public Kenya network lines are busy):

+39 083124 36666 (extension 23611 or 23851)
<https://ozone.unep.org>

OzonAction, Law Division, UNEP (located both in Paris and in UNEP regional offices):

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<http://www.unep.org/ozonaction>

The following links will be helpful to those seeking more information on the Montreal Protocol:

List of Parties to the Montreal Protocol:
<https://ozone.unep.org/all-ratifications>

Text of the Montreal Protocol treaty:
https://ozone.unep.org/sites/default/files/2019-12/The%20Ozone%20Treaties%20EN%20-%20WEB_final.pdf

UNEP customs training manual and other materials:
<https://www.unep.org/ozonaction/resources>

Contacts for UNEP CAP staff:
<https://www.unep.org/ozonaction/who-we-are/people>

Contacts for UNEP regional offices:
<https://www.unep.org/ozonaction/networks>

Online resources for customs officers about the Montreal Protocol:
<https://www.unep.org/ozonaction/what-we-do/customs-and-enforcement>
<http://www.greencustoms.org/>

Contacts for the Multilateral Fund's implementing agencies
UNEP (OzonAction):
<https://www.unep.org/ozonaction/>

United Nations Development Programme (UNDP):
<http://www.undp.org/montrealprotocol>

United Nations Industrial Development Organization (UNIDO):
<http://www.unido.org>

World Bank:
<https://www.worldbank.org/en/topic/climatechange/brief/montreal-protocol>

Commission for Environmental Cooperation (Canada, Mexico, the United States of America), which has developed training on ozone for enforcement officers in North America:
<http://www.cec.org>

Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade

The objective of the Rotterdam Convention is to promote shared responsibility and cooperation among its Parties with respect to the international trade in designated hazardous industrial chemicals, pesticides and severely hazardous pesticide formulations, in order to protect human health and the environment from potential harm and to contribute to the environmentally sound use of chemicals. It aims to achieve this through facilitating the exchange of information on the characteristics of such chemicals, providing for a national decision-making process on their import and export, and disseminating decisions on the import and export of such chemicals to Parties.³⁹

The Rotterdam Convention was adopted and opened for signature at the Conference of Plenipotentiaries in Rotterdam, the Netherlands in September 1998. The Convention entered into force on 24 February 2004 and the first meeting of the COP was convened in Geneva Switzerland in September 2004. It has 165 Parties.

The Food and Agriculture Organization of the United Nations (FAO) and UNEP jointly perform secretariat functions for the Rotterdam Convention. The UNEP-based Secretariat also serves the Basel and Stockholm Conventions.

³⁹ For additional information on the Rotterdam Convention, see www.pic.int/.

Box 2.10. Scope of the Convention

The Rotterdam Convention applies to:

- banned or severely restricted chemicals
- severely hazardous pesticide formulations

It does not apply to:

- narcotic drugs and psychotropic substances
- radioactive materials
- wastes
- chemical weapons
- pharmaceuticals, including human and veterinary drugs
- chemicals used as food additives
- food
- chemicals in quantities not likely to affect human health or the environment, provided they are imported for the purpose of research or analysis or by an individual for his or her own personal use in quantities reasonable for such use

the regulatory decisions to ban or severely restrict the chemical for health or environmental reasons is circulated to Parties. Parties have nine months to prepare a response regarding future imports of the chemical. This import response can consist of a final decision to consent to imports of the chemical, to consent to imports subject to specified conditions or to not consent to imports, or an interim response, which may include a request for further information or for assistance from the Secretariat. To ensure that decisions are not made in a protectionist manner, any prohibitions or specific conditions must apply equally to domestic production and to imports from any sources of the chemical.

Article 11 of the Convention establishes Parties' obligations to deal with exports of substances subject to the PIC procedure. Exporting Parties are obliged to take appropriate measures to ensure that exporters within their jurisdiction are informed of and comply with the import decisions of other Parties. Where no import response has been provided by a Party, they must ensure that exports to that Party only take place if there is explicit consent or the chemical is already registered or used in that Party.

The PIC procedure does not provide for a global ban or restriction on chemicals. Instead it requires exporters to obtain the PIC of the countries to which they wish to export before proceeding with trade. The procedure gives Parties the power to make informed decisions on which chemicals they want to import, enabling them to exclude those they cannot manage safely. The Convention also requires labelling on potential health and environmental impacts of traded chemicals.

How trade is regulated under the Rotterdam Convention

The Rotterdam Convention contains two key provisions: the PIC procedure and information exchange.

Prior informed consent procedure

The PIC procedure is used to formally obtain and disseminate the decisions of the importing Parties on whether they wish to receive future shipments of chemicals listed in Annex III of the Convention. It is also used to ensure compliance with these decisions by the exporting Parties.

Article 10 of the Convention establishes Parties' obligations to deal with imports of substances subject to the PIC procedure. Once a chemical is included in the PIC procedure, a decision guidance document (DGD) containing information on the chemical and

Information exchange

The Rotterdam Convention facilitates the exchange of information among the Parties on a very broad range of potentially hazardous chemicals. The PIC Circular is a key tool for the information exchange provisions of the Convention. Appendices I and II of the Circular contain summaries of the notifications of final regulatory actions to ban or severely restrict a chemical (article 5) and of proposals for the inclusion of severely hazardous pesticide formulations in the PIC procedure (article 6). Parties may use this information to strengthen national decision-making on chemicals. Appendix III lists all the chemicals subject to the PIC procedure.

All the import responses submitted by Parties for chemicals listed in Annex III are available on the Convention's website,⁴⁰ which also includes a list of Parties that have failed to submit an import response

⁴⁰ See www.pic.int/tabid/1370/Default.aspx.

for each chemical. These lists are a key reference for exporting Parties in meeting their obligations under article 11.

Under article 12 on export notification, a Party wishing to export a chemical that it has banned or restricted in its own territory must provide importing Parties with an export notification containing specified information. This must be completed prior to the first export of the chemical following the adoption of the ban or restriction and prior to the first export of the chemical in each subsequent calendar year.

Article 13, which outlines the information needed for exported chemicals, states that, without prejudice to any requirements of the importing Party, each exporting Party must ensure that chemicals that are subject to the PIC procedure or are banned or severely restricted in its own territory are appropriately labelled and accompanied by basic information on the risks or hazards to human health or the environment.

Finally, article 14 on information exchange declares that Parties are obliged to promote the exchange of scientific, technical, economic and legal information on chemicals within the scope of the Convention, including toxicological and safety information. The collected information is made available on the Convention's website.⁴¹

Illegal or unwanted trade

Some developing countries and CEITs have expressed concern about illegal or unwanted trade in chemicals. The provisions of the Rotterdam Convention, in particular the PIC procedure, serve to help countries prevent and reduce such trade. Furthermore, WCO has assigned specific HS customs codes for chemicals included in Annex III to the Convention to facilitate the PIC procedure's implementation and enforcement.

At the three Conferences of the Parties (at Basel, Rotterdam and Stockholm) in 2017, substantively similar decisions on preventing and combating illegal traffic and trade in hazardous chemicals and wastes were adopted for the first time (see Decisions BC-13/21, RC-8/14 and SC-8/24). Parties were encouraged to establish national coordination mechanisms to facilitate the exchange of information among relevant authorities responsible for implementing and enforcing the provisions of the BRS Conventions related to controlling the export and import of the chemicals and wastes they covered. Such mechanisms should also encourage Parties to provide information to the

Secretariat about cases of illegal traffic and trade in the chemicals and wastes covered by the Conventions, where the provision of such information is appropriate under existing reporting procedures. Follow-up work includes developing an explanatory document to enable Parties to the Rotterdam and Stockholm Conventions to voluntarily provide information about cases of trade occurring in contravention of those Conventions. The Basel Convention contains specific obligations for Parties relating to illegal traffic.

The role of designated national authorities

Designated national authorities (DNAs) play an important role in implementing the Rotterdam Convention as the entity authorized to act on a Party's behalf in performing Convention-required administrative functions. DNAs serve as the key contact point for the Secretariat, and in their respective countries are responsible for submitting import responses and disseminating information on the PIC procedure to relevant government departments and stakeholders (such as exporting and importing businesses).

National legislation

Parties provide to the Secretariat texts of national legislation and other regulatory measures adopted to implement and enforce the Rotterdam Convention's provisions. The compilation of such texts is available in the Convention's online national legislation database.

Compliance Committee

The Compliance Committee was established in 2019 as a subsidiary body of the COP to the Rotterdam Convention under article 17 of the Convention.

Like the Basel Convention's Implementation and Compliance Committee, the Rotterdam Convention's Compliance Committee has a double mandate to:

- Deal with specific submissions relating to the compliance of an individual Party: The Committee may assist individual Parties in resolving compliance difficulties on receipt of a valid submission.
- Review systemic issues of general compliance: The Committee's work can be initiated on request from the COP, or if the Committee decides, based on information from Parties obtained by the Secretariat in carrying out its functions and submitted to the Committee, that there is a need to examine the issue and report on it to the COP.

⁴¹ See, for example the Final Regulatory Action Evaluation Toolkit (www.pic.int/Implementation/FinalRegulatoryActions/FRAEvaluationToolkit/Introduction/tabid/4976/language/en-US/Default.aspx) or the national legislation database (www.pic.int/Countries/NationalLegislation/tabid/5325/language/en-US/Default.aspx).

Depending on whether the Committee acts based on submissions or its general compliance mandate determines how it initiates work, the procedures it follows and the possible outcomes of its work.

The role of customs and border control officers in the implementation of the Rotterdam Convention

The PIC procedure was developed because some countries, especially developing countries and CEITs, lack the infrastructure to monitor the import and use of hazardous chemicals, making them vulnerable. By effectively ensuring that trade provisions relevant to the Rotterdam Convention are respected, along with decisions communicated in accordance with it, customs officers contribute directly to the protection of human health and the environment from the potential adverse effects of these substances, while allowing for informed decisions by all countries and the continued use of essential chemicals by countries that choose to do so. A list of all DNAs with their full contact information is available via the country contacts database on the Convention's website.⁴²

In practical terms, customs officers are the gatekeepers of the Convention because they are likely to encounter the chemicals subject to the Convention as part of their daily work. The correct identification of such chemicals, as well as a clear understanding of where to find further information on the Convention's provisions and applicable national laws are key to the success of their work.

For the Convention to be implemented and enforced successfully, good communication between customs officers and DNAs is essential. Customs officers should contact DNAs when they have questions about the Convention's applicability. For example, they may wish to know where they can find relevant legislation about a chemical subject to the Convention or national import decisions for chemicals listed in Annex III. Ideally, DNAs should keep customs officers up-to-date on any developments that might affect their work. All import responses communicated by Parties for each chemical listed in Annex III are available from the import responses database on the Convention's website.⁴³

Working with Harmonized System codes

Under its Harmonized Commodity Description and Coding System, i.e. the HS, WCO assigns specific customs codes to chemicals listed in Annex III to the Rotterdam Convention and subject to the PIC procedure. These codes can be found in the HS

codes list published by WCO and on the Convention's website.⁴⁴

These HS codes should facilitate the Convention's implementation by integrating the chemicals subject to the PIC procedure with the existing chemicals identification system used by customs officers.

Customs inspections

When inspecting a shipment of chemicals, customs officers of countries that are Parties to the Rotterdam Convention will need to consider the following issues:

For exports

- Verify whether the chemical is listed in Annex III to the Rotterdam Convention.
- Verify whether the specific WCO HS codes assigned to the chemical are included in the shipping document.
- If the chemical is listed in Annex III to the Convention, the relevant import decision of the importing country should be checked on the import resources database on the Convention's website. If the decision is "no consent" then the export cannot proceed. If the decision is "consent under certain conditions" it may be necessary to contact the DNA in the importing country before exporting the chemical to ensure that those conditions are met.
- If the exported chemical is banned or severely restricted in the exporting country, an export notification must be provided before the first export following the country's adoption of a ban to severely restrict the chemical. After this, the export notification must be provided before the first export in any calendar year, although the requirement to notify before the export may be waived by the DNA of the importing Party, though this must be checked.
- If the exported chemical is listed in Annex III or is banned or severely restricted in the exporting country, the following must also be checked:
 - Verify whether the chemical meets the labelling requirements for risks/hazards to human health and the environment. Labels should contain information on the chemical's possible hazards and the safety data sheet should contain information on how to handle accidents and spills.

⁴² www.pic.int/Countries/CountryContacts/tabid/3282/language/en-US/Default.aspx.

⁴³ www.pic.int/Procedures/ImportResponses/Database/tabid/1370/language/en-US/Default.aspx.

⁴⁴ <http://www.pic.int/TheConvention/Chemicals/HarmonizedSystemCodes/tabid/1159/language/en-US/Default.aspx>.

- For chemicals that are to be used for occupational purposes, ensure that the safety data sheet – which must follow an internationally recognized format and set out the most up-to-date information available – is sent to each importer.
 - Verify whether any corresponding requirements under national legislation are relevant to this chemical or group of chemicals.
- For any doubts on these checks, customs officers should contact their DNA for further information and clarification.

For imports

- Verify whether the chemical is listed in Annex III.
- Keep up-to-date regarding important government decisions on the chemical by checking the Rotterdam Convention website.
- Verify whether the chemical is adequately labelled and accompanied by adequate information.
- If an export notification is needed, check whether it has been provided (this may be confirmed with the DNA).
- Verify whether a safety data sheet has been included if the chemical is used for occupational purposes. The safety data sheet should be in an internationally recognized format.
- When possible, the information on labels and safety data sheets provided should be in the importing Party's language – check whether this is the case.
- For any doubts on these checks, customs officers should contact their DNA for further information and clarification.

Customs training activities under the Rotterdam Convention

The GCI is an important partner of the Rotterdam Convention Secretariat, providing training to customs authorities on the implementation of the Convention. To implement the Convention's provisions, an adequate exchange of information is essential between those responsible for its implementation at the national level and national customs officers. National legislation that affords customs officers the appropriate authority to operate effectively is also required.

National and subregional planning meetings on the implementation of the Convention have emphasized the importance of a mechanism to facilitate the flow of information between DNAs and customs authorities. The guidance documents developed to assist DNAs highlight the importance of good communication with custom authorities in the Convention's effective implementation.⁴⁵

As noted previously, all chemicals included in Annex III to the Convention and subject to the PIC procedure are assigned HS customs codes by WCO. These codes should facilitate the integration of the requirements of the Rotterdam Convention into training programmes for customs officers. The Rotterdam Convention Secretariat is working with the WCO Secretariat on how best to incorporate the provisions of the Convention into its existing training programmes. In the meantime, as a way to increase awareness of the Rotterdam Convention, relevant information on the Convention has been made available to WCO's regional training centres and customs enforcement network.

Also helpful to customs officers are various case studies, including legal case studies and case studies on customs-related aspects of the Rotterdam Convention, prepared by the Convention's DNAs. These are available from the Convention's website and provide successful examples of how various Parties, with very different operational realities, have integrated customs officers into their national processes for implementing the Convention.

A single Secretariat serves the Basel, Rotterdam and Stockholm Conventions. The Secretariat ensures that there is coordination among the customs training activities of the three Conventions, where possible. It will continue to provide information on all three Conventions at national and regional workshops on GCI implementation.

⁴⁵ A resource kit is available from the Rotterdam Convention website at <http://www.pic.int/Implementation/ResourceKit/tabid/1064/language/en-US/Default.aspx>.

Box 2.11. List of chemicals subject to the prior informed consent procedure

Fifty-two chemicals are listed in Annex III and subject to the PIC procedure.¹ Several additional chemicals are recommended for listing, with others currently being evaluated.²

Thirty-six pesticides (including three severely hazardous pesticide formulations):

2,4,5-trichlorophenoxyacetic acid and its salts and ethers, alachlor, aldicarb, aldrin, azinphos-methyl, binapacryl, captafol, carbofuran, chlordane, chlordimeform, chlorobenzilate, dichlorodiphenyltrichloroethane (DDT), dieldrin, dinitro-ortho-cresol (DNOC) and its salts, dinoseb and its salts, endosulfan, ethylene dichloride, ethylene oxide 1,2-dibromoethane (EDB), fluoroacetamide, heptachlor, hexachlorobenzene, hexachlorocyclohexane (HCH), lindane, mercury compounds, methamidophos, monocrotophos, parathion, pentachlorophenol (PCP), phorate, toxaphene, tributyltin (TBT) compounds, and trichlorfon plus certain formulations of methyl-parathion and phosphamidon, as well as dustable powder formulations containing a combination of benomyl at or above 7 per cent, carbofuran at or above 10 per cent and thiram at or above 15 per cent.

Seventeen industrial chemicals: five forms of asbestos (actinolite, anthophyllite, amosite, crocidolite and tremolite), commercial octabromodiphenyl ether, commercial pentabromodiphenyl, hexabromocyclododecane, perfluorooctane sulfonic acid, polybrominated biphenyls (PBB), polychlorinated biphenyls (PCB), polychlorinated terphenyls (PCT), short-chain chlorinated paraffins (SCCPs), tetraethyl lead, tetramethyl lead and tris (2,3-dibromopropyl) phosphate and tributyltin compounds.

¹ Tributyltin compounds are listed as both a pesticide and industrial chemical.

² See www.pic.int/TheConvention/Chemicals/RecommendedtoCOP/tabid/1185/language/en-US/Default.aspx and www.pic.int/TheConvention/Chemicals/CandidatetoCRC/tabid/1061/language/en-US/Default.aspx.

Photo © unsplash / M.Arjun



Important definitions

Banned chemical	A chemical for which all uses within one or more categories have been prohibited by final regulatory action by a Party to protect human health or the environment. Banned chemicals include those that have been refused approval for first-time uses or have been withdrawn by industry either from the domestic market or from further consideration in the domestic approval process based on clear evidence that such action has been taken to protect human health or the environment.
Chemical	A substance, either by itself or in a mixture or preparation, which can be manufactured or obtained from nature, but does not include any living organism. Chemicals fall into two use categories: pesticidal (including severely hazardous pesticide formulations) and industrial.
Chemical Review Committee	The subsidiary body referred to in paragraph 6, article 18 of the Rotterdam Convention.
Export and import	The movement of a chemical from one Party to another Party. Mere transit operations are excluded from the scope of the Convention.
Final regulatory action	An action taken by a Party that does not require subsequent regulatory action by that Party, the purpose of which is to ban or severely restrict a chemical.
Party	A State or regional economic integration organization that has consented to be bound by the Rotterdam Convention and for which the Convention is in force. ⁴⁶
Regional economic integration organization	An organization constituted by sovereign States of a given region to which its Member States have transferred competence in matters governed by the Rotterdam Convention and which has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve or accede to this Convention.
Severely hazardous pesticide formulation	A chemical formulated for pesticidal use that produces severe health or environmental effects observable within a short period of time after single or multiple exposure under conditions of use.
Severely restricted chemical	A chemical for which virtually all use within one or more categories has been prohibited by final regulatory action to protect human health or the environment, but for which certain specific uses remain allowed. These chemicals include those that, for virtually all uses, have been refused for approval or have been withdrawn by industry either from the domestic market or from further consideration in the domestic approval process, and where there is clear evidence that such action has been taken to protect human health or the environment.

⁴⁶ See www.pic.int/Countries/Statusofratifications/tabid/1072/language/en-US/Default.aspx.

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Stockholm Convention on Persistent Organic Pollutants

The Stockholm Convention is a global treaty to protect human health and the environment from the harmful impact of chemicals that remain intact in the environment for long periods, become widely distributed geographically and accumulate in the fatty tissue of humans and wildlife.⁴⁷ Exposure to POPs can lead to serious health effects, including cancers, birth defects, dysfunctional immune and reproductive systems, greater susceptibility to disease and even diminished intelligence. POPs have long-range transport, meaning governments will not be able to protect their citizens and environments from harmful impacts by acting alone. In response, the Stockholm Convention, which was adopted in 2001 and entered into force in 2004, requires Parties to take measures to eliminate or reduce the release of POPs into the environment. There are 184 Parties to the Convention, which is administered by UNEP and based in Geneva, Switzerland. A single Secretariat serves the Basel, Rotterdam and Stockholm Conventions.

The Convention covers both intentionally and unintentionally produced POPs and regulates the export and import of intentionally produced POPs listed in Annexes A and B. Unintentionally produced POPs, which are by-products of industrial processes or other processes involving combustion, are listed in Annex C.

POPs are semi-volatile and take a long time to degrade in the environment, which means they can be carried globally by wind and water currents and end up accumulating throughout the global food chain. POPs therefore cause harm in areas far away from their production sites, irrespective of national boundaries. Only concerted action at the international level can solve the problem.

⁴⁷ For additional information on the Stockholm Convention, see <http://chm.pops.int/>.

The Stockholm Convention

The Convention's aim is to protect human health and the environment from POPs.

At the time of writing, the 30 POPs regulated by the Convention as pesticides, industrial chemicals and/or by-products were:

- **Pesticides:** aldrin, alpha-hexachlorocyclohexane, beta-hexachlorocyclohexane, chlordane, chlordecone, dichlorodiphenyltrichloroethane (DDT), dicofol, dieldrin, endrin, heptachlor, hexachlorobenzene, lindane, mirex, pentachlorobenzene (PeCB), pentachlorophenol and its salts and esters, perfluorooctane sulfonic acid (PFOS), its salts and perfluorooctanesulfonyl fluoride (PFOS-F), technical endosulfan and its related isomers and toxaphene.
- **Industrial chemicals:** decabromodiphenyl ether (commercial mixture, c-decaBDE), hexabromobiphenyl, hexabromocyclododecane (HBCD), hexabromodiphenyl ether and heptabromodiphenyl ether (commercial octabromodiphenyl ether), hexachlorobenzene, hexachlorobutadiene (HCBd), PeCB, PFOS, its salts and PFOS-F, perfluorooctanoic acid (PFOA) its salts and PFOA-related compounds, polychlorinated naphthalenes (PCNs), polychlorinated biphenyls (PCBs), tetrabromodiphenyl ether and pentabromodiphenyl ether (commercial pentabromodiphenyl ether), short-chain chlorinated paraffins (SCCPs).
- **By-products:** Hexachlorobenzene, HCBd, PeCB, polychlorinated dibenzo-p-dioxins and polychlorinated dibenzofurans (PCDD/PCDF), PCBs and PCNs.

Parties can propose additional chemicals to be listed as POPs under the Convention. These are reviewed by the POPs Review Committee of the Stockholm Convention (article 8), which decides whether to recommend to the COP any additional chemicals to be listed under the Convention.⁴⁸

The Convention's aim is to protect human health and the environment from POPs.

Obligations of Parties under the Stockholm Convention

The Stockholm Convention regulates the export and import of covered POPs. Control measures of the Parties under the Convention include:

- elimination of the production and use of chemicals listed in Annex A
- restriction of the production and use of chemicals listed in Annex B
- reduction or elimination of the production of unintentionally produced POPs listed in Annex C
- reduction or elimination of releases of POPs from stockpiles and wastes of all chemicals listed in Annexes A, B or C

Some POPs have acceptable purposes and time-bound specific exemptions. Upon becoming a Party, any State may register for one or more specific exemptions for the production or use of a POP that is listed for a particular chemical in Annexes A or B. This should be done by written notification to the Secretariat. Unless an earlier date is indicated by the Party, specific exemptions expire five years after the date of entry into force of the Convention with respect to the chemical. A Party may request an extension of the expiry date for a period of up to five years from the COP. Under Annex B, "acceptable purposes" are also allowed to enable Parties to take measures to reduce or eliminate releases of POPs from intentional production and use, for which alternatives do not yet exist or are not readily available.⁴⁹

The COP decides which specific exemptions and acceptable purposes are available when it adopts a decision amending the Convention to list a new chemical in the Annex.

To ensure the ESM of stockpiles, wastes and products and articles that, upon becoming wastes, consist of, contain or are contaminated by POPs, the Convention sets the following obligations for its Parties:

- Develop appropriate strategies to identify stockpiles, products and articles in use, and wastes containing, consisting of or contaminated with POPs.
- Manage stockpiles consisting of or containing POPs in a safe, efficient and environmentally sound manner until they are deemed to be wastes.

⁴⁸ For more information on the POPs Review Committee, see <http://chm.pops.int/TheConvention/POPsReviewCommittee/OverviewandMandate/tabid/2806/Default.aspx>.

⁴⁹ See <http://chm.pops.int/Procedures/Exemptionsandacceptablepurposes/tabid/4646/Default.aspx>.

- Take appropriate measures to handle, collect, transport and store wastes in an environmentally sound manner and dispose of wastes in a way that destroys POP content, or otherwise in an environmentally sound manner, taking into account international rules, standards and guidelines.
- Take appropriate measures to not allow such wastes, including products and articles on becoming wastes, to be subjected to disposal operations that may lead to recovery, recycling, reclamation, direct reuse or alternative uses of POPs.
- Take appropriate measures so that such wastes, including products and articles on becoming wastes, are not transported across international boundaries without taking into account relevant international rules, standards and guidelines (e.g. POPs that are also chemicals listed in Annex III to the Rotterdam Convention).

Under the Convention, the Parties are also obligated to develop, review and update national implementation plans.⁵⁰ Parties report to the COP on their national implementation measures by providing data on imports and exports of each POP in the Convention.

Finally, the Parties are obligated to facilitate and undertake information exchanges, promote public awareness and education, and encourage research, development and monitoring under the Convention.

How the Stockholm Convention regulates international trade in persistent organic pollutants

Obligations relevant to import/export activities cover intentionally produced POPs only (listed in Annexes A and B to the Convention).

The import of POPs included in the Convention is allowed only for the purpose of environmentally sound disposal or for a use permitted under the Convention for the importing Party. All other imports are prohibited.

The export of POPs included in the Convention is allowed only for the purpose of environmentally sound disposal or for a use permitted under the Convention for the importing Party. Export is also allowed to a non-Party to the Convention if it provides an annual certification specifying the intended use of the chemical and includes a statement in which the non-Party commits to:

- protecting human health and the environment by minimizing or preventing releases

- complying with provisions of article 6(1) of the Convention on the management of wastes and stockpiles
- complying with requirements in Annex B, Part II, paragraph 2 for DDT production and use, where appropriate

All other exports between Parties are prohibited.

Import and export requirements do not apply to quantities of chemicals to be used for laboratory research or as a reference standard, nor to quantities of specified chemicals occurring as unintentional trace contaminants in products and articles. The Convention does not cover quantities of POPs in articles either manufactured or in use before or on the date of the entry into force of the Convention obligation with respect to that chemical, provided that the particular type of article remains in use within a Party, which has to notify the Secretariat.

Role of customs in the implementation of the Stockholm Convention

The role of Parties' customs administrations is to ensure that imports and exports of intentionally produced POPs listed in Annexes A and B of the Convention do not take place if they are not in compliance with the Convention.

To successfully control the import and export of POPs under the Convention, customs officers should consider the country's obligations under the Convention. Figures 2.19 and 2.20 show two examples of the decisions a customs officer might face in implementing the Convention.

For the purposes of a Party's reporting requirements under the Convention, customs officers should:

- register the imports and exports of each chemical
- maintain a list of States from which chemicals are imported maintain a list of States to which chemicals are exported

Customs administrations should cooperate with their counterparts in other Parties to ensure that all Parties share responsibility for the export and import of POPs under the Convention. Customs administrations should also cooperate closely with national implementing agencies, in particular with the coordinators of national implementation plans.

⁵⁰ See <http://chm.pops.int/Implementation/NationalImplementationPlans/NIPTransmission/tabid/253/Default.aspx>.

Figure 2.19. Customs approach for imported heptachlor

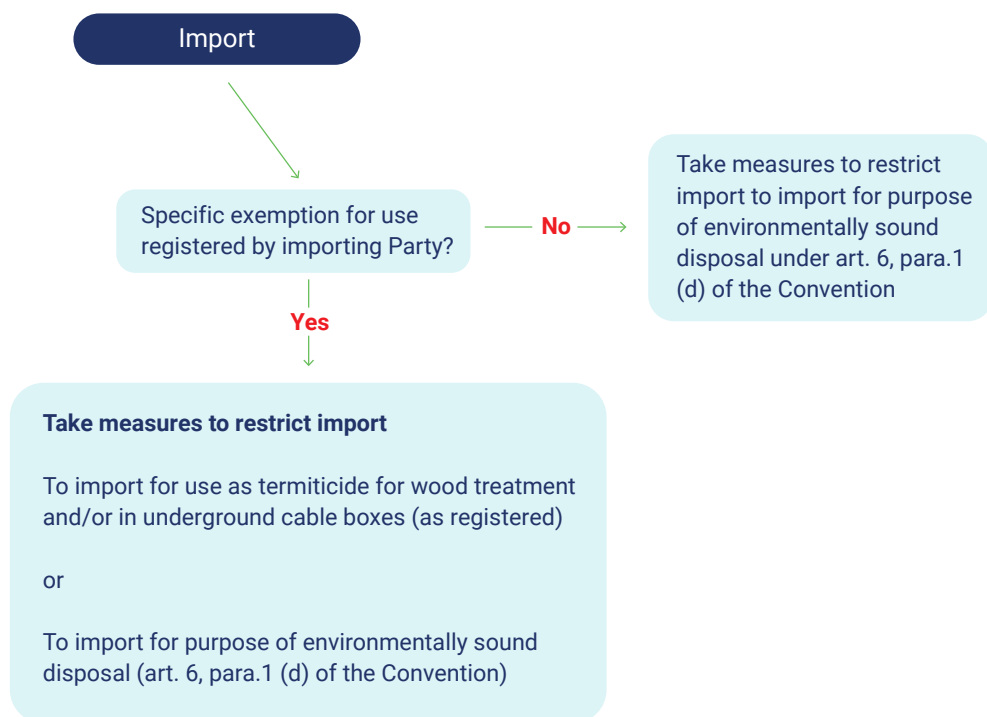
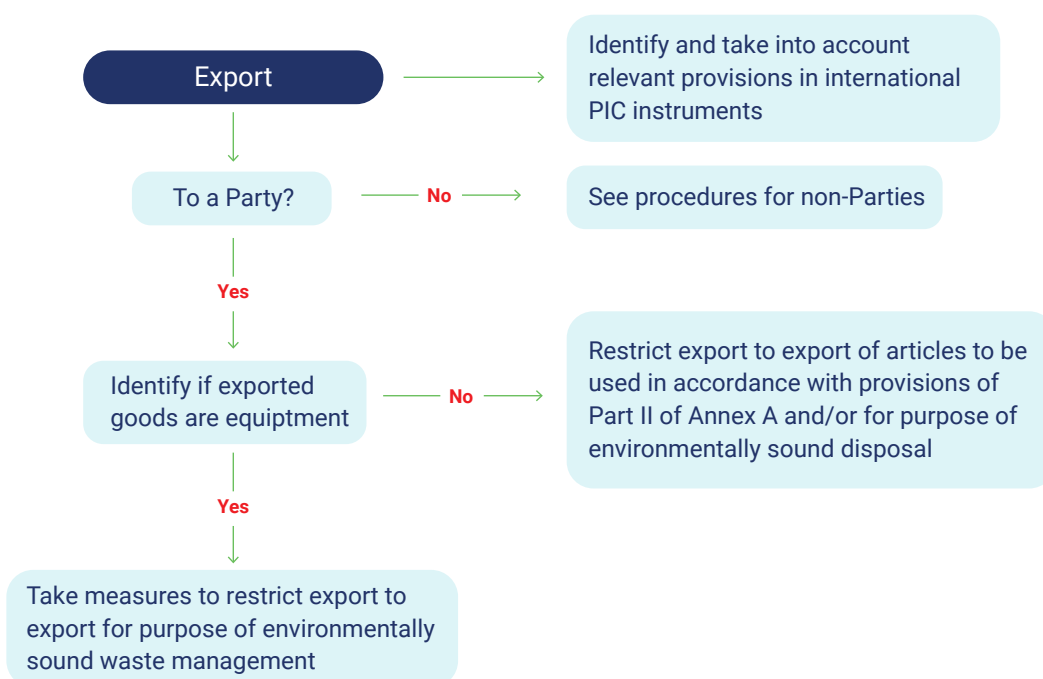


Figure 2.20. Customs approach for exported polychlorinated biphenyls



Illegal traffic and trade

At the three Conferences of the Parties (at Basel, Rotterdam and Stockholm) in 2017, substantively similar decisions on preventing and combating illegal traffic and trade in hazardous chemicals and wastes were adopted for the first time (see Decisions BC-13/21, RC-8/14 and SC-8/24). Parties were encouraged to establish national coordination mechanisms to facilitate the exchange of information among relevant authorities responsible for implementing and enforcing the provisions of the BRS Conventions related to controlling the export and import of the chemicals

and wastes covered under the Conventions. Such mechanisms should also encourage Parties to provide information to the Secretariat about cases of illegal traffic and trade in the chemicals and wastes covered by the Conventions, where the provision of such information is appropriate under existing reporting procedures. Follow-up work includes developing an explanatory document to enable Parties to the Rotterdam and Stockholm Conventions to voluntarily provide information about cases of trade occurring in contravention of those Conventions. The Basel Convention contains specific obligations for Parties relating to illegal traffic.

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Comprehensive information on
the Stockholm Convention may be
found at <http://www.pops.int>.

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The practical aspects of implementing agreements covered by the Green Customs Initiative

Although each of the international agreements described in chapter 2 has a different purpose, they are similar at the operational level. The types of issues faced by customs or border control officers when implementing one treaty could therefore resemble those encountered when implementing other treaties.

The first part of this chapter provides a snapshot on common issues for customs and border control officers in the implementation of relevant agreements in general, which with the exception of the CWC are MEAs.

The remaining parts of the chapter detail the following practical aspects pertaining to customs officers handling environmentally sensitive items and substances covered by relevant agreements:

- identification of suspicious items
- seizure, storage and disposal
- health and safety
- cooperation with other authorities
- legal issues
- reporting of cases of illegal traffic in environmentally sensitive items
- references to further relevant information



Common issues for customs - an introduction

Customs officers are considered one of the main gatekeepers in terms of detecting and preventing the illegal trade MEA-regulated items, but require advice and support on how to address this challenge at a practical level, while ensuring that legal trade is not hindered. Most MEAs have therefore developed methods and materials to help customs and border control officers in their efforts to identify regulated items and support the implementation of these instruments. The following subsections present common issues customs and border control officers face.



Box 3.1. The health and safety of customs and border control teams is a priority

Some substances and commodities that cross borders are considered harmful for human health and the environment. Despite all the safeguarding measures already in place, it is possible that hazardous substances could also impact customs and border control officers in their work, should they be accidentally exposed to these. Customs and border control officers should therefore be educated about the hazards associated with certain hazardous substances and understand how these could affect men and women officers differently.

The following table provides some gender-differentiated health impacts as published by Women Engage for a Common Future (WECF).

Expected health impacts of exposure to hazardous substances

Who	Exposure Type	Related Substances	Health Impacts
Women	Female farmers; home applications of DDT; through ingestion of meat, milk, eggs, fresh produce	DDT, dieldrin, chlordane, etc.	Breast cancer, infertility, delayed pregnancy
Women, children, developing embryos and fetuses, pregnant women, workers	Women consuming PCB-contaminated oils, through fish, food; workplace exposures; take-home exposures from workplaces; prenatal exposures from umbilical blood; postnatal exposures from breast milk	PCBs	Immune suppression, low birth weight, impaired thyroid and reproductive function, cardiovascular and liver disease, diabetes, neurodevelopment disorders, birth defects including skin disorders (Carpenter, 2006)
Women	Waste burning smoke; indirect exposure via environmental pollution in soils and sediments; ingestion of contaminated food, primarily dairy products, meat, fish and shellfish (WHO, 2016)	Dioxins	Acute, high-level; exposure: skin lesions (e.g. chloracne and patchy darkening of the skin), altered liver function; Chronic exposure: impairment of the immune system, developing nervous system, endocrine system and reproductive functions (WHO, 2016)
Women, children, developing embryos and fetuses, pregnant women, workers	Direct ingestion and inhalation of contaminated household dust and food; workplace exposures; take-home exposures from workplaces; prenatal exposures from umbilical cord blood; postnatal exposures from breast milk (Gore et al., 2014)	Polybrominated diphenyl ethers (PBDEs)	Neurodevelopmental disorders, including cognitive deficits, hyperactivity, attention problems; thyroid hormone disruption and related neurobiological effects (Gore et al., 2014)
Women, children, developing embryos and fetuses, pregnant women, workers	Indoor, residential and agricultural pesticide exposures; prenatal exposures from umbilical cord blood	Organophosphate pesticides	In children: neurodevelopmental disorders, including impaired mental development and developmental problems, attention deficit hyperactivity disorder (ADHD), autism spectrum disorders (ASD) and developmental delay (DD) (Rauh et al., 2006; Eskenazi et al., 2007; Marks et al., 2010; Shelton et al., 2014)

Male workers	Workplace exposures; contaminated foods	Heavy metals, pesticides and other agricultural agents, industrial chemicals, estrogens and estrogen derivatives	Male factor infertility, including reduced sperm count and motility, spermatogenesis impairment, testicular dysfunction and atrophy, and impaired fertility index (Abarikwu, 2013)
Men, women and children working on farms	Workplace exposures; take-home exposures from workplaces	Agricultural pesticides	Acute health effects including nausea, headaches, vomiting, eye irritation and skin problems (Oluwole & Cheke, 2009)

Source: Women Engage for a Common Future (2017)

Inspections

Customs and border control officers already have well-developed structures in place to perform inspections and checks that are part of their daily job and responsibility. The enforcement of trade-related control measures set out in the agreements discussed could require different approaches and methodologies depending on the instrument. Although national entities responsible for implementing relevant agreements (hereinafter “national competent authorities”) should be aware of the possible confidentiality of customs methods and access to certain data, it is recommended that customs or border control agencies and other relevant entities (such as health or environmental inspectorates) jointly develop monitoring and enforcement strategies as much as possible. This could include, for example, developing risk profiles with input from the relevant entities and gaining insight on working methods, trends, indicators and routes, based on combining and analysing information and intelligence from different sources.

Health and safety

Dealing with living species or environmentally sensitive items (addressed under the international agreements presented in this guide) could endanger the health and safety of officers performing control checks. In addition to the standard operating procedures of customs and border control officers, some agreements have provisions on health and safety measures. Common precaution measures apply to all situations, such as:

- not opening and/or entering drums, trailers, trucks, containers or other confined spaces without appropriate prior assessment

- not assuming an exact content based solely on labels
- not touching hazardous materials or specimens directly
- securing the scene
- reporting to and involving appropriate health, safety and regulatory authorities
- using appropriate personal protective equipment and adequate sampling equipment

Cooperation

The implementation, monitoring and enforcement of obligations deriving from relevant international agreements requires specific expertise and competences from different entities. Cooperation is therefore essential and clear communication lines between the entities involved should be in place (e.g. up-to-date contact details, regular sharing of information, including changes to legislation or reference documents). Other suggestions include the development of joint monitoring and enforcement strategies, training programmes and the provision of other types of mutual support. Performing implementation, monitoring and enforcement activities in an inter-agency setting will increase the efficiency and quality of monitoring and enforcement efforts.

Cooperation is therefore essential and clear communication lines between the entities involved should be in place.

Inter-agency collaboration can be set up in various ways, either on an informal basis or on a formal basis. The formal or informal nature of the cooperation will depend on the specificities of the national or local context. Agreeing on formal cooperation may take more time to establish than informal cooperation. However, formal cooperation has the advantage of clarity and legal certainty. It also usually means that a higher level of management is involved in the process, which has the associated benefit of stability in the joint or shared efforts that are to be undertaken to enforce environmental rules and regulations. Examples of cooperation could relate to the establishment of rules of procedure for communication between relevant authorities, mutual training and support, joint actions or the adoption of joint guidelines. One way to formalize cooperation is through a memorandum of understanding in which multiple partners agree on the main aspects of their collaboration.

Legal issues

Although the international agreements presented in this guide (primarily MEAs) have been agreed by the international community in recognition of the need to address a particular issue in a collective manner, Parties must incorporate their provisions into national or regional legislation. For up-to-date information on the legal framework for implementing the international

agreements in a given State, including steps that may have been taken to tailor an agreement to national circumstances, customs officers should check with the competent bodies at the national level. This also applies to competences, enforcement powers and the criminalization of illegal trade.

Free trade zones

With regards to specific zones (such as free trade zones), customs officers should check applicable trade rules of the international agreements presented in this guide (to which their country is a Party) with the relevant authority.⁵¹

Reporting illegal trade

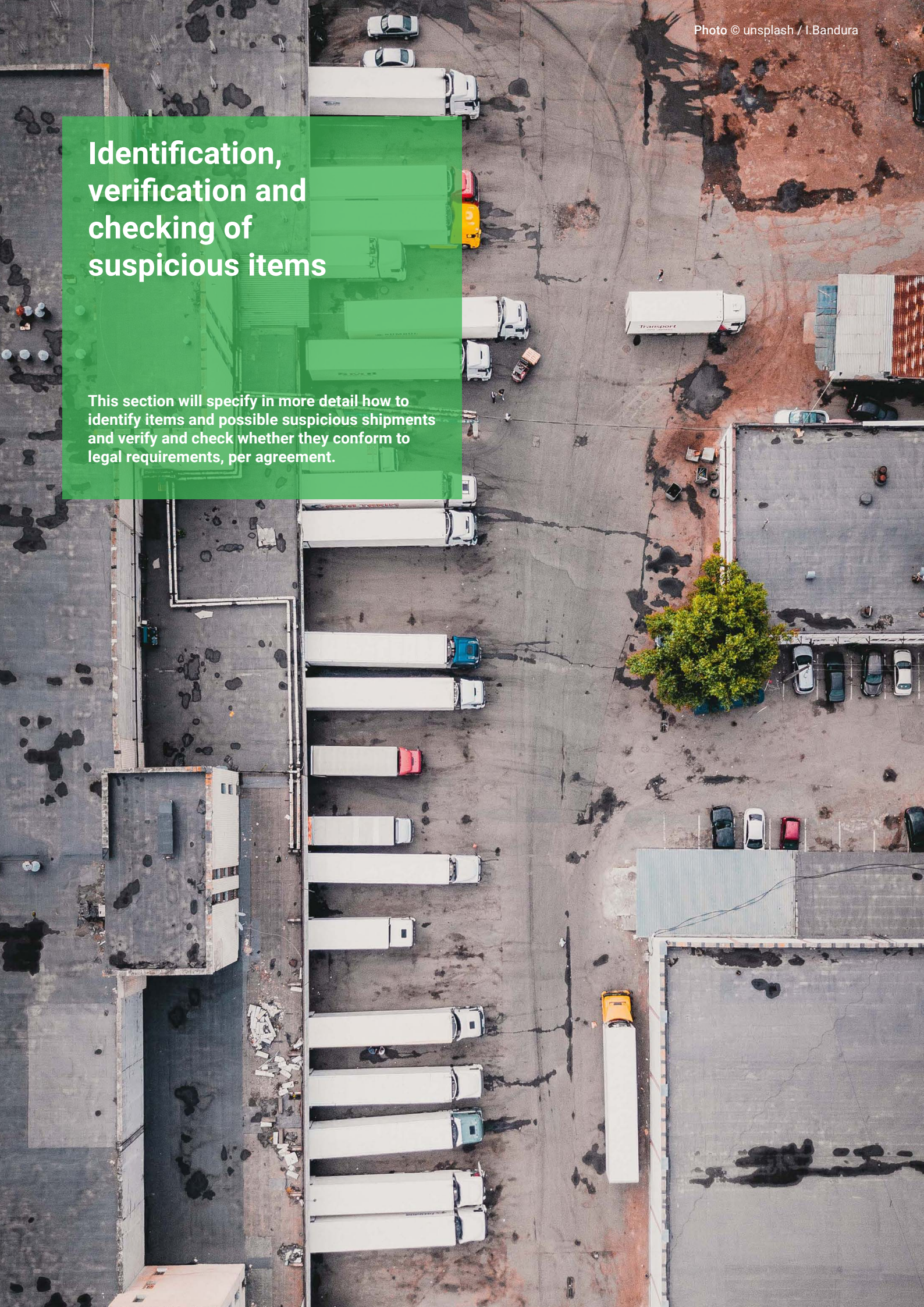
Some international agreements provide for the possibility for Parties to report information on cases of illegal trafficking to all Parties through the relevant Secretariat,⁵² which contributes to a better understanding of illegal trade. Aside from the reporting mechanisms established within the framework of the relevant agreement, WCO and INTERPOL have procedures and systems in place that facilitate the collection, exchange and analysis of data (see section on reporting cases of illegal traffic in environmentally sensitive items).

⁵¹ Free trade zones are areas where goods may be traded without any barriers (e.g. quotas and tariffs) imposed by customs authorities.

⁵² Confirmed cases of illegal traffic reported by Parties are available at www.basel.int/Implementation/LegalMatters/IllegalTraffic/CasesofIllegalTraffic/tabid/3424/Default.aspx. See also the annual illegal trade report under CITES, available at https://cites.org/eng/resources/reports/Annual_Illegal_trade_report.

Identification, verification and checking of suspicious items

This section will specify in more detail how to identify items and possible suspicious shipments and verify and check whether they conform to legal requirements, per agreement.



Basel, Rotterdam and Stockholm Conventions

This section addresses the three Conventions that deal with hazardous chemicals and wastes and the mechanisms in place to control their imports and exports. The control procedures provided for in the Basel and the Rotterdam Conventions apply, as appropriate, to the chemicals covered by the Stockholm Convention. These procedures are expected to ensure that importing States are not confronted with hazardous chemicals and wastes that they do not wish to receive, for example, because they are unable to manage them in an environmentally sound manner.

A first step is to perform a risk assessment of the current situation.⁵³ This assessment may provide information on the risks associated with the legal trade in hazardous chemicals and wastes, an evaluation of the existence of illegal trade/traffic, and the impact of illegal trade/traffic on human health, the environment and the economy. The risk assessment should ideally be performed together with other relevant government entities, in particular the police, as well as environmental, health and agricultural authorities. The production of a risk assessment may involve the following three phases: risk identification; risk analysis; and evaluation and prioritization.

Risk indicators and search parameters are developed following completion of the risk identification and analysis phases of the risk assessment. Risk indicators flag potential problems with a particular shipment. If customs work with electronic systems, risk profiles can be built into their electronic systems. Risk indicators can relate to:

- the object of the trade
- documents
- packaging
- concealment methods
- customs procedures
- routing
- individuals/companies involved
- countries concerned

When a shipment is selected for further screening, the following key questions must be answered:

1. Is the shipment a waste or a product? A waste is a substance or object that is either disposed of, intended to be disposed of or required to be disposed of by national law. Disposal operations are listed in Annex IV to the Basel Convention and include both final disposal operations and recovery operations. In case of uncertainty as to whether a substance or object meets the “waste” definition, practical indicators can be used. These include codes (customs or waste codes), the description of the load (e.g. used, recycled, scrap, expired, rejected), the value of the goods (e.g. if it has a low value) and names of the companies involved (e.g. using terms such as recycling, waste management, environment).
2. Is this a waste that falls under the scope of the Basel Convention? Check Annexes I, II, III, VIII and IX to the Basel Convention and national legislation implementing the provisions of the Convention to determine whether the waste is classified as hazardous or not, or as “other” (i.e. household waste).
3. Is this a chemical that falls under the scope of the Rotterdam or Stockholm Conventions and whose international trade is regulated? Check Annex III to the Rotterdam Convention and national legislation banning or severely restricting chemicals, or the lists of POPs in Annexes A and B to the Stockholm Convention.
4. Is the export of this chemical or waste to the country of import allowed?
5. Is the transit of this waste through the proposed countries allowed? (Basel Convention only)
6. Is the import of this chemical or waste into the importing country allowed?

For more information, see the interactive *Manual for Customs on Hazardous Chemicals and Wastes under the Basel, Rotterdam and Stockholm Conventions* (Secretariat of the Basel, Rotterdam and Stockholm Conventions 2015).

Customs authorities are encouraged to contact entities responsible for the implementation of the Conventions at the national level. Such entities include competent authorities under the Basel Convention, DNAs under the Rotterdam Convention and national focal points under the Stockholm Convention.⁵⁴

⁵³ “Risk” refers to the potential for non-compliance with relevant rules and regulations.

⁵⁴ Contact information can be found at the following websites: www.basel.int/Countries/CountryContacts/tabid/1342/Default.aspx (Basel Convention); www.pic.int/Countries/CountryContacts/tabid/3282/language/en-US/Default.aspx (Rotterdam Convention); <http://chm.pops.int/Countries/CountryContacts/tabid/304/Default.aspx> (Stockholm Convention).

Cartagena Protocol on Biosafety to the Convention on Biological Diversity

Distinguishing a LMO from its non-modified counterpart may not be possible by visual inspection alone. Sampling and detection techniques are therefore frequently necessary to test for the presence of an LMO, though these can be costly and out of reach for some countries. The Secretariat of the CBD has developed technical tools and guidance for the detection and identification of LMOs,⁵⁵ with an e-learning module addressing sampling and detection available for customs officers through the CBD's e-learning platform.⁵⁶ The Parties to the Protocol have agreed that the identification of LMOs (including their detection) is crucial for the implementation of the Protocol and requires concrete action. Customs officers should discuss their needs for identifying LMOs with the appropriate authorities so that capacity-building can be undertaken to meet such needs.

Convention on International Trade in Endangered Species of Wild Fauna and Flora

Background

Over 37,000 species of wild fauna and flora are covered by the Convention. This large number places significant obligations on customs and border control officers, who may physically inspect shipments to ensure their contents and documents match, and who, as non-specialists, may have to verify every species listed in a permit application or CITES document. Although a country's routine exports may be familiar to its customs officers, imports or specimens in transit may be unfamiliar and difficult to identify. Since the ability to identify specimens correctly is essential for verifying the validity of documents and detecting fraud, customs officers are required to address this challenge on a practical level so that trade transactions are not hindered.

Identifying specimens has various challenges. For example, an ornithologist identifying a bird in the field has significant information on which they can rely, such as the habitat, behaviour and known range of species, unlike an ornithologist identifying a bird in a crate, which could be one of a hundred birds with damaged or soiled plumage, or perhaps from an unknown source, which is another matter. Raw, semi-finished

and finished products may be particularly difficult to detect or identify, with provisions relating to parts and derivative potentially quite different from those of whole or live specimens.

Thankfully, many Parties, institutions, intergovernmental agencies and non-governmental organizations have joined the CITES Secretariat in creating species identification tools in the form of books, manuals and online assistance to make the identification of CITES specimens easier. These materials are available from the CITES Virtual College.⁵⁷ Customs officers should contact their national Management Authority for more information on relevant tools available that can help them solve any issues faced when identifying species during an inspection.

Identification

Customs officers are required to verify whether a species in trade are CITES protected, and if they are, whether they have appropriate CITES documents. The online course "Introduction to CITES for customs" instructs customs officers on how to conduct documentation and physical inspections of CITES-listed species, covering the following:

- identification materials from stakeholders (in the CITES Virtual College)
- identification materials at ENVIRONET (restricted access)⁵⁸
- *CITES Wiki Identification Manual*⁵⁹
- Species+ (under Documents/Identification materials)⁶⁰
- shark identification materials database on the CITES website⁶¹
- iSharkFin⁶²
- wildlife forensics⁶³
- list of CITES national authorities (Management Authority, scientific authority and enforcement authority)⁶⁴

55 Further information is available on the CBD website: http://bch.cbd.int/protocol/cpb_detection/toolsandguidance/topic1.shtml.

56 <https://scbd.unssc.org/>.

57 https://cites.org/eng/news/sundry/2011/20110607_VC.php.

58 For ENVIRONET registration information, see <https://cites.org/sites/default/files/notif/E-Notif-2015-039.pdf>.

59 https://www.cites.org/eng/resources/wiki_id.php.

60 For additional information, see <https://www.speciesplus.net/>.

61 <https://cites.org/eng/prog/shark/resources.php>.

62 <http://www.fao.org/ipoa-sharks/tools/software/isharkfin/en/>.

63 https://cites.org/eng/prog/imp/Wildlife_forensics.

64 <https://www.cites.org/eng/cms/index.php/component/cp>.

Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction

OPCW tools for the identification of scheduled chemicals

All of OPCW's documents and tools that have been developed to facilitate the efforts of national authorities in implementing the Convention's national requirements are available on the organization's website,⁶⁵ including the following three tools for the identification of scheduled chemicals, which incorporate unique six-digit HS codes for relevant CWC scheduled chemicals in accordance with amendments made in the 2017 edition of the HS Convention (effective from 1 January 2017).

1. *The Most Traded Scheduled Chemicals 2017*. This brochure covers 49 Schedule 2 and Schedule 3 chemicals identified as the most traded scheduled chemicals based on trade declarations submitted by States Parties from 1997 to 2014 (OPCW 2016). It also covers some examples of commercial applications and industrial uses of the chemicals obtained from open sources, as well as a correlation table between the previous version of HS (2012) and the current version (2017) (Table 3.1).

2. *Handbook on Chemicals 2019*. The *Handbook on Chemicals 2019* (OPCW 2019) contains 2,060 scheduled chemicals declared by the States Parties to the CWC from 1997 to 2017 (including 49 most traded schedule chemicals provided in the *Most Traded Scheduled Chemicals 2017* brochure).
3. OPCW Scheduled Chemicals Database. The online OPCW Scheduled Chemicals Database contains up to 34,300 scheduled chemicals including 2,060 scheduled chemicals listed in the *Handbook on Chemicals 2019* and 49 chemicals in the *Most Traded Scheduled Chemicals 2017* brochure.⁶⁶

Please note that it is not possible to produce a list of all the CWC's scheduled chemicals. The only three families with a defined number of toxic chemicals are listed under Schedule 1A4, 1A5 and 1A6. For the additional 15 families of the CWC's Annex on Chemicals, an extremely large number of theoretical individual chemicals can be potentially derived.

Photo © unsplash / A.Robillard



⁶⁵ <https://www.opcw.org>.

⁶⁶ <https://apps.opcw.org/cas/>.

Table 3.1. Correlation table between the previous version of HS 2012 and current versions of HS 2017

N	CAS	Chemical Name	Schedule	HS 2012	HS 2017
1	170836-68-7	Mixture of (5-ethyl-2-methyl-2-oxido-1,3,2-dioxaphosphinan-5-yl)methyl methyl phosphonate (CAS RN 41203-81-0) and Bis[(5-Ethyl-2-methyl-2-oxido-1,3,2-dioxaphosphinan-5-yl)methyl] methylphosphonate (CAS RN 42595-45-9)	2B04	3824.90	3824.91
2	18755-43-6	Dimethyl propylphosphonate	2B04	2931.90	2931.32
3	41203-81-0	(5-Ethyl-2-methyl-2-oxido-1,3,2-dioxaphosphinan-5-yl) methyl methyl methylphosphonate	2B04	2931.90	2931.36
4	42595-45-9	Bis[(5-Ethyl-2-methyl-2-oxido-1,3,2-dioxaphosphinan-5-yl) methyl] methylphosphonate	2B04	2931.90	2931.37
5	68957-94-8	2,4,6-Tripropyl-1,3,5,2,4,6-trioxatriphosphinane 2,4,6-trioxide	2B04	2931.90	2931.35
6	756-79-6	Dimethyl methylphosphonate	2B04	2931.90	2931.31
7	78-38-6	Diethyl ethylphosphonate	2B04	2931.90	2931.33
8	84402-58-4	Methylphosphonic acid with (aminoiminomethyl)urea (1:1)	2B04	2931.90	2931.38
9	84962-98-1	Sodium 3-(trihydroxysilyl)propyl methylphosphonate	2B04	2931.90	2931.34
10	76-93-7	2,2-Diphenyl-2-hydroxyacetic acid	2B08	2918.19	2918.17
11	4261-68-1	2-(N,N-Diisopropylamino)ethylchloride hydrochloride	2B10	2921.19	2921.14
12	4584-46-7	2-(N,N-Dimethylamino)ethylchloride hydrochloride	2B10	2921.19	2921.12
13	869-24-9	2-(N,N-Diethylamino)ethylchloride hydrochloride	2B10	2921.19	2921.13
14	96-80-0	2-(N,N-Diisopropylamino)ethanol	2B11	2922.19	2922.18
15	100-38-9	2-(N,N-Diethylamino)ethanethiol	2B12	2930.90	2930.60
16	111-48-8	Bis(2-hydroxyethyl)sulphide	2B13	2930.90	2930.70
17	75-44-5	Carbonyl dichloride	3A01	2812.10	2812.11
18	506-77-4	Cyanogen chloride	3A02	2853.00	2853.10
19	74-90-8	Hydrogen cyanide	3A03	2811.19	2811.12
20	76-06-2	Trichloronitromethane	3A04	2904.90	2904.91
21	10025-87-3	Phosphorus oxychloride	3B05	2812.10	2812.12
22	7719-12-2	Phosphorus trichloride	3B06	2812.10	2812.13
23	10026-13-8	Phosphorus pentachloride	3B07	2812.10	2812.14
24	121-45-9	Trimethyl phosphite	3B08	2920.90	2920.23
25	122-52-1	Triethyl phosphite	3B09	2920.90	2920.24

26	868-85-9	Dimethyl phosphite	3B10	2920.90	2920.21
27	762-04-9	Diethyl phosphite	3B11	2920.90	2920.22
28	10025-67-9	Sulfur monochloride	3B12	2812.10	2812.15
29	10545-99-0	Sulfur dichloride	3B13	2812.10	2812.16
30	7719-09-7	Thionyl chloride	3B14	2812.10	2812.17
31	139-87-7	Ethyldiethanolamine	3B15	2922.19	2922.17
32	105-59-9	Methyldiethanolamine	3B16	2922.19	2922.17
33	102-71-6	Triethanolamine	3B17	2922.13	2922.15
34	108-02-1	2-(N,N-Dimethylamino)ethanethiol	2B12	2930.90	2930.90
35	129788-86-9	Product from the reaction of Methylphosphonic acid and 1,3,5-Triazine-2,4,6-triamine	2B04	-----	-----
36	1619-34-7	3-Quinuclidinol	2B09	2933.39	2933.39
37	25333-42-0	R-(-)-3-Quinuclidinol	2B09	2933.39	2933.39
38	3001-98-7	3,9-Dimethyl-2,4,8,10-tetraoxa-3,9-diphosphaspiro[5.5]undecane 3,9-dioxide	2B04	2931.90	2931.39
39	4708-04-7	Propylphosphonic dichloride	2B04	2931.90	2931.39
40	676-97-1	Methylphosphonic dichloride	2B04	2931.90	2931.39
41	7526-26-3	Diphenyl methylphosphonate	2B04	2931.90	2931.39
42	849-29-6	O-(3-chloropropyl) O-[4-nitro-3-(trifluoromethyl)phenyl] methylphosphonothionate	2B04	2930.90	2931.39
43	993-13-5	Methylphosphonic acid	2B04	2931.90	2931.39
44	99580-93-5	Product from the reaction of methylphosphonic acid and 1,2-ethanediamine	2B04	-----	-----
45	294675-51-7	Phosphonic acid, methyl-, polyglycol ester (Exolit OP 560 TP)	2B04	-----	3824.99
46	663176-00-9	Phosphonic acid, methyl-, polyglycol ester (Exolit OP 560)	2B04	-----	3824.99
47	363626-50-0	Bis(polyoxyethylene) methylphosphonate	2B04	3907.20	3907.20
48	63747-58-0	Poly(1,3-phenylene methyl phosphonate)	2B04	3911.90	3911.90
49	70715-06-9	Dimethylmethylphosphonate, polymer with oxirane and phosphorus oxide	2B04	3824.90	3824.99

Source: Organisation for the Prohibition of Chemical Weapons [OPCW] (2016)

Montreal Protocol on Substances that Deplete the Ozone Layer

Checking documentation can yield many valuable clues about whether a shipment is legitimate.

As there is no common international standard, customs officers should ask themselves the following questions:

- Is the consignment's classification consistent and do the HS code, ASHRAE and United Nations numbers, trade name and chemical name match?
- Are the invoice, packing list and bill of lading consistent and are they compatible with the shipping manifest?
- Is the country of origin or destination a Party to the treaty and is the paperwork consistent with the container's markings?
- Does the container number match the documents and is it a genuine container number (verify this with the shipping line or owner of the container)?
- Does the importer's address actually exist? The authorized licensing agency can help verify whether the importer has a valid licence. If the importer is new to the trade, further investigation is warranted.
- For recycled products, does the exporting country have a recycling capacity? A list of recycling capacities can be obtained from the treaty's Secretariat. Customs officers could request an analysis of a sample of the chemical as well as information on its source and the name and details of the recycling facility.
- Is the shipping route logistically and economically viable?
- Is the price realistic and in line with international prices?

A physical inspection of cylinders and packaging can provide important information about the validity and legality of the consignment. Customs officers should use the following checklist:

- Is the cylinder consistent with the industrial standards of the chemical declared?
- Is the language on the cylinder/packaging appropriate for the intended market?
- Are there any spelling mistakes on the cylinder/packaging?
- Are there any inconsistencies (inappropriate use of company logos, taglines or trademarks)?
- Is the type of valve used on the cylinder correct?
- Has the cylinder been painted or tampered with?
- Are the labels on the cylinders silk-screened or spray painted (not printed or stickers)?
- Are the manufacturer's contact details printed on the cylinder?
- Is the date of manufacture consistent with the paperwork?

Customs officers should treat neutral packaging with no labelling, country of origin or manufacturer as suspicious and call trained personnel for further testing (identifying) if needed. Colour codes can be used to identify the supposed content of a cylinder. See Box 3.2 for more information.

Box 3.2. Refrigerant cylinder colours

Cylinder colours have historically been very useful for preliminary/initial refrigerant identification. However, in recent years, refrigerant numbers have dramatically increased following the development of numerous refrigerant mixtures for various applications. This fast-rising number of refrigerants has caused concern, as it has meant the use of more and more cylinder colours being used, increasing the potential for misidentification.

It was therefore decided that it was in the industry's best interests to update the refrigerant cylinder guideline to ensure correct identification and the safe use of refrigerants based on clear and distinct product markings and labels. The revised Guideline for Assignment of Refrigerant Container Colors (Air-Conditioning, Heating and Refrigeration Institute [AHRI] 2017), first published in 2015, remove paint colour assignments for refrigerant containers and specify that all refrigerant colours should have the same paint colour (a light green-grey, known as "silk grey") from 2020 onwards. The guideline also provides a means by which colours can be assigned to printed materials, such as printed labels on refrigerant containers. These colours generally follow the familiar Air-Conditioning, Heating and Refrigeration Institute (AHRI) colours previously used for refrigerants.

Note: See also <https://www.unep.org/ozonaction/resources/factsheet/refrigerant-cylinder-colours-what-has-changed>.

Table 3.2. Main smuggling techniques for ozone-depleting substances

Smuggling method	Detection tip
Front door smuggling. In countries that have no effective licensing system or in which shipments are never properly checked, smugglers do not even attempt to disguise shipments.	• Check paperwork carefully. • Raise awareness among customs officers.
False labelling of cylinders and cartons of ODS as other chemicals.	• Check imports routinely. • Use gas identifiers if possible.
Misdeclaration. Controlled chemical declared on the documentation as another chemical (smugglers assume that officials are unfamiliar with chemical names and codes), cylinders declared empty, misdeclaration by under-invoicing.	• Check paperwork carefully. • Match paperwork with consignment.
Declared as recycled. Virgin CFCs and halons may be declared as used, recovered, reclaimed or recycled because recycled imported CFCs and halons do not count against a country's ODS consumption. Some smugglers even contaminate virgin CFCs so they appear used.	• Check the exporting country's recycling capacity. • Analyse a sample of the refrigerant.
Double layering, which entails hiding the illegal materials behind a layer of legal products.	• Check paperwork carefully. • Inspect consignments.
Concealment, or hiding chemicals among other cargo or in vehicles, boats, backpacks, head-loads or rickshaws.	• Maintain vigilance at border crossings.
Transshipment fraud, which consists of elaborate shipping routes, fictitious destinations and false paperwork to put officials off the scent.	• Pursue international cooperation and communication. • Cross-check with the exporting and any transit countries.
Chemical declared as equipment such as refrigeration equipment, compressors or auto parts. Chemicals can even be smuggled inside the equipment.	• Inspect consignments thoroughly.

Seizures, storage and disposal



Basel, Rotterdam and Stockholm Conventions

When faced with a possible illegal shipment, a customs officer's actions very much depend on the powers entrusted to them under the relevant national rules and regulations. The authority to control documents, stop, open and physically inspect vehicles and containers, and detail shipments for further investigation seems to be commonplace. However, customs officers may not have the authority to take administrative, civil or criminal investigation/enforcement measures, such as taking samples or gathering additional evidence. The national legal and institutional framework also specifies the responsibilities of other relevant authorities and may clarify how such authorities should cooperate.

Detaining the shipment

Pending the outcome of an investigation, a shipment may be detained to avoid further transportation of a suspicious load into or out of a country. Detaining a container has financial impacts and may be seen as disrupting legitimate trade. It is therefore important that the various stakeholders concerned (e.g. the exporter/importer, shipping line, shipping agent, port authority, handling companies) be informed about such action, where possible, by issuing a so-called "stop notice", for example. In some countries, there may be a requirement for an insurance bond or guarantee to cover such costs.

Storing the shipment

During the investigation, the shipment should be stored in a safe and protected area where it cannot harm human health or the environment, and where evidence cannot be tampered with. In general, a shipment can only be released with the explicit approval of the authority that ordered the detainment. Port and train terminals are expected to provide the required storage facilities at loading and offloading points. If the container is being transported by truck, the container may need to be moved (preferably with an official escort) to an appropriate location to perform the inspection and safely store the shipment. Insurance bonds and guarantees (as previously mentioned) may also be needed when storing shipments.

Evidence gathering and case documentation

Evidence gathering aims to support the responsible authority's decision with respect to the suspicious shipment and whether to allow its import, transit or export to proceed. In the event that the shipment is illegal, it supports the identification of various elements of the shipment, such as its nature, stakeholders involved (States, individuals, companies) and where

responsibilities may lie. This latter point is especially important in terms of the financial consequences of the illegal trade (i.e. who will be required to cover the costs for storing the shipment, its return or its disposal). As much relevant evidence should be collected and reported as possible, keeping in mind possible future steps, such as the exporter's take-back of the shipment or its environmentally sound disposal (if it is hazardous waste), along with possible administrative, civil or criminal proceedings.

Dealing with illegal trade and trafficking

The Rotterdam and Stockholm Conventions do not contain specific provisions defining what amounts to "illegal trade" and on how to deal with illegally imported or exported hazardous chemicals falling under their scope. However national legislation implementing these MEAs may specify this. The Basel Convention on the other hand specifically defines illegal traffic and consequences thereof.⁶⁷

The COPs to the BRS Conventions, adopted in 2019 Decisions BC-14/24, RC-9/12 and SC-9/22, respectively, encourage Parties to create synergies to prevent and combat illegal traffic and trade in hazardous chemicals and wastes.

A. Exporter's or generator's responsibility

Under the Basel Convention, in the event that a transboundary movement of hazardous wastes or other wastes is deemed to be illegal traffic as the result of the exporter's or generator's conduct, the exporting State shall ensure that: i) the wastes in question are taken back by the exporter or the generator or, if necessary, by itself into the exporting State; or, if this is impracticable, ii) disposed of in accordance with the provisions of the Convention within 30 days from the time the exporting State has been informed about the illegal traffic, or such other period of time as States concerned may agree. To this end, the Parties concerned shall not oppose, hinder or prevent the return of those wastes to the State of export.

B. Importer's or disposer's responsibility

In the event that a transboundary movement of hazardous wastes is deemed to be illegal traffic as the result importer's or disposer's conduct, the importing State shall ensure that: i) the wastes in question are disposed of in an environmentally sound manner by the importer or disposer; or, if necessary, ii) by itself within 30 days from the time the illegal traffic has come to the attention of the importing State or such other period of time as the States concerned may agree. To this end, the Parties concerned shall cooperate, as necessary, in the environmentally sound disposal of the wastes.

⁶⁷ For specific guidance on the implementation of Basel provisions dealing with illegal traffic, see www.basel.int/Implementation/Publications/GuidanceManuals/tabid/2364/Default.aspx#.

C. Unclear assignment of responsibilities

In the event that the responsibility for the illegal traffic of hazardous wastes cannot be assigned to either the exporter or generator, or the importer or disposer, the Parties concerned or other Parties, as appropriate, shall ensure, through cooperation, that the wastes in question are disposed of as soon as possible in an environmentally sound manner, in the exporting State, importing State or elsewhere, as appropriate.

Cartagena Protocol on Biosafety to the Convention on Biological Diversity

The Cartagena Protocol on Biosafety does not mention seizures or confiscation. However, it does state that in the event of an illegal transboundary movement of an LMO, the affected Party may request the Party of origin to dispose of the LMO in question by repatriation or destruction, as appropriate, and at its own expense. An illegal transboundary movement is a movement of an LMO carried out in contravention of a Party's domestic measures to implement the Protocol.

Customs and border control officers should be aware of the rules, procedures and contact points their country has in place for responding in the event that an illegal transboundary movement of an LMO is detected.

Convention on International Trade in Endangered Species of Wild Fauna and Flora

The CITES Management Authority should be informed of any seizures of CITES specimens. The Convention states that any confiscated living specimen shall be entrusted to the confiscating State's Management Authority, which is responsible for the specimen's care and a decision on how to dispose of it. Customs authorities may not have the facilities and expertise to care for confiscated live plant or animal specimens, which depending on the circumstances of their seizure, may need immediate attention.

The storage of seized products may raise health and safety concerns, with some high-value products, such as sturgeon caviar, highly perishable if not stored at the correct temperature. Given that confiscations may occur outside of normal government working hours, customs officers should ensure that they have the after-hours contact information for CITES officials and experts.

In 2016, the COP adopted Resolution Conf. 17.8 on the "Disposal of illegally traded and confiscated specimens of CITES-listed species". The resolution contains recommendations on available disposal options for illegally traded and confiscated live and dead specimens that customs and border control officers can follow. Annexes 1 and 2 to the resolution contain

guidelines for the disposal of confiscated live animals and plants, respectively. Annex 3 to the resolution contains guidelines for the development of an action plan on seized and/or confiscated live specimens.

Convention on the Prohibition of the Development, Production, Stockpiling and Use of Weapons and on Their Destruction

Countries should have established national procedures to apply following the identification and seizure of an illegal shipment of scheduled chemicals. Customs officers who are not aware of these procedures should contact the CWC's national authority. The storage requirements for seized chemicals depend on the chemical involved. Expert scientific advice should be sought from a competent authority, such as a customs laboratory.

Montreal Protocol on Substances that Deplete the Ozone Layer

Table 2.9 in chapter 2 lists all necessary recommendations and options on seizures and storage under the Montreal Protocol. The NOU should be informed at the earliest opportunity.

Seized ozone-depleting substances and ozone-depleting substances-based products and equipment

National laws and the provisions of the import/export licensing system prescribe what happens to seized controlled substances or products containing controlled substances. The decision matrix in Table 2.9 presents options for seized ODS and ODS-based products and equipment. The shaded boxes indicate environmentally preferable options, though the most appropriate option will depend on a country's specific situation and the costs involved. Customs officers may wish to discuss the approach presented in this table with the NOU.

Health and safety



Basel, Rotterdam and Stockholm Conventions

The safety of customs officers and surroundings is a high priority when monitoring legal trade in chemicals and wastes. The exact composition of a material is not always clear; clues that can support the classification of the content of a shipment and in turn the evaluation of potential risks should therefore be monitored closely. Hazardous chemicals and wastes that are subject to control measures under the three Conventions can be identified in various ways. Administrative examinations should focus on those involved, the origin and destination of the chemicals or wastes and the description and composition of the shipment. Important indicators include HS codes, waste codes and trade names. A visual screening of the shipment, along with its labels, packaging and appearance all provide information that can help customs officers carry out their identification. Sampling and testing are also options, though it is strongly recommended that these be performed by specialists. During a shipment's identification, the safety of customs officers and others is of utmost importance. United Nations Globally Harmonized System of Classification and Labelling of Chemicals (GHS) and International Maritime Dangerous Goods codes, as well as data information sheets, provide information about a shipment's possible hazardous characteristics to be taken into account. Before performing a visual inspection of a container's content, relevant safety issues should be considered.

The safety of customs officers and surroundings is a high priority when monitoring legal trade in chemicals and wastes.

More specific guidance on how to verify a shipment that contains, or may contain, hazardous wastes can be found in the *Training Manual for the Enforcement of Laws Implementing the Basel Convention: Guidance for Safe and Effective Detection, Investigation, and Prosecution of Illegal Traffic in Hazardous and Other Wastes* (Open-ended Working Group of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal 2004), which addresses the general inspection of trailers and drums and techniques for safely gathering samples.

Cartagena Protocol on Biosafety to the Convention on Biological Diversity

For both LMOs for intentional introduction into the environment and LMOs for contained use, documentation accompanying the shipment must contain instructions for the safe handling, storage, transport and use of the LMOs, per Cartagena Protocol on Biosafety requirements. If no instructions have been

provided, this must be indicated in the documentation, in accordance with the relevant decision of the Parties to the Protocol. Customs officers should refer to the documentation accompanying a LMO shipment to determine whether health and security precautions are needed.

Convention on International Trade in Endangered Species of Wild Fauna and Flora

Safety must be the first priority when dealing with live animals and plants, and parts thereof (see Box 3.3). In 2020, the coronavirus disease (COVID-19) pandemic significantly increased attention given to the issue of zoonotic diseases and also highlighted the importance of safe handling of wild animals and plants. The risk of zoonotic diseases in illegally traded wildlife specimens – which do not undergo veterinary checks and inspections regulated by sanitary safety standards – is likely to be greater than in legal trade, where such checks are routine. It is therefore essential for customs officers to be aware of the importance of good practices for the safe handling of wild animals and plants, and for these practices to be actively promoted and implemented.

The safe handling of animals and plants is not only important in the context of diseases. Wildlife can be dangerous, especially when live specimens are involved. Animals can be surprisingly quick and strong, causing injury with their teeth, claws, tails and beaks. Some species are venomous and can cause serious or even fatal injuries.

All animals – even those that are supposedly tame – can inflict wounds that range from a simple scratch to a potentially lethal bite. Bites, scrapes and scratches can be inflicted by the teeth of monkeys, cats, canines, crocodiles and lizards; by the beaks of turtles and bills of birds, such as parrots, birds of prey, toucans, ostriches and pheasants; by the fangs of snakes and stingers of scorpions, which can inject potentially fatal venom; and by the claws of cats, monkeys, turtles and birds. Mammals and birds can even transmit infections to humans, such as that caused by *Aspergillus* fungus, and can also be carriers of diseases, such as, in the case of monkeys, for example, hepatitis A and B, Ebola, Marburg disease and simian immunodeficiency syndrome (a form of AIDS).

Other transmitters and carriers include parrots (can transmit psittacosis), ducks and geese (can be carriers of bacteria that trigger botulism) and reptiles (especially turtles, which are carriers of bacteria that cause salmonellosis). In addition to these are the chemical products (pesticides and fungicides) that are routinely used to treat hunting trophies and artificially propagated plants, which can release harmful particles. Even plants, although easy to examine, may carry potential health and safety risks.

Once customs officers have seen to their own safety and that of their colleagues, they must take steps to ensure the safety and survival of the specimens. Customs officers must ensure that guidelines and regulations on the transport conditions of live animals are followed, while also monitoring specimens so that they remain healthy throughout the customs control process. If customs officers determine permits are not valid or doubt their authenticity following documentation checks and a physical inspection, they can apply the normal detention procedures and contact the relevant authorities or retain and forward the original copy (copy 1) of the validated foreign CITES export permit (and the original copy of the CITES import permit for Appendix I specimens) to the CITES Management Authority.

CITES provides that confiscated live specimens shall, after consultation with the exporting State, be returned to that State at that State's expense, or to a rescue centre or such other place as the Management Authority deems appropriate and consistent with the purposes of the Convention. Customs officers may therefore need to refer to the CITES Management Authority on the national legislation covering the disposal of confiscated live specimens of CITES-listed species.

Box 3.3. Things to remember when dealing with potentially hazardous CITES specimens

- Do not handle the specimens directly
- Assess potential hazards before handling cages and boxes
- Avoid handling jute bags or other soft containers that may contain venomous specimens
- Avoid handling any raw mammal skins and hunting trophies
- Inspect plants, especially artificially propagated ones, in a well-ventilated area
- Ensure that only those people directly involved in the inspection are present if handling jute bags or other soft containers that may contain venomous specimens

Health and safety of animals

For Appendix I and II specimens, the preparation and shipment of any live specimen must minimize any risk of injury, damage to health or cruel treatment, with air shipments of live specimens in line with the International Air Transport Association (IATA Live Animals Regulations. These regulations are accepted by CITES as the international standard for the transport of animals by air. They specify the minimum requirements for international transport of live animals, including wild species, and also indicate the precautions that airlines, shippers, cargo agents and animal care professionals should take on the ground and in the air. The IATA Perishable Cargo Regulations apply for the air transport of plants (International Air Transport Association [IATA] 2022).⁶⁸ The *CITES Guidelines for the Non-Air Transport of Live Wild Animals and Plants* specify conditions for all non-air transport methods of live animals and plants (Sixteenth meeting of the Conference of the Parties [COP16] 2013).

Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction

The CWC deals with the elimination of some of the most toxic substances known to humankind, with health and safety concerns therefore central to its implementation. The health and safety policy and regulations of OPCW, together with the CWC itself, lay down principles and obligations for both the Secretariat and States Parties through which the health and safety of all those involved in OPCW activities will be safeguarded (see Table 3.3).

The implementation of OPCW's health and safety programme focuses on providing specialized medical and safety support to inspection teams, as well as advice, information and training to Member States, on request, on the health and safety aspects of chemical weapons and defence (i.e. on chemical properties, detection, protection, decontamination and medical treatment). These activities are performed in coordination with OPCW's International Cooperation and Assistance Division.

More information on OPCW's activities is available from each country's national authority.

Minamata Convention on Mercury

Facility-specific health and safety plans should be in place at all facilities handling mercury or mercury compounds to ensure the protection of everyone in and

68 For more information, see the presentation on "Safe handling of CITES specimens", available from the CITES Virtual College website in English, French and Spanish: www.greencustoms.org/sites/default/files/public/files/English%20GC-Briefcase-07%20Safe%20handling%20of%20CITES%20Specimens.pdf.

Table 3.3. What to do and not do upon discovering a chemical weapon or toxic chemical

Do	Do not
Assess the situation	Take any action unless trained in handling toxic chemicals
Try to identify the substance with the information provided	Enter confined spaces
Secure the scene	Open trailers or trucks
Report the incident to the appropriate authority	Open drums or other containers
	Presume the exact contents of the cargo based on its label
	Destroy evidence

around such facilities. Such plans should be developed by trained health and safety professionals with experience in managing health risks associated with mercury and mercury compounds.

The protection of workers who handle mercury or mercury compounds and of the general public can be achieved through the following:

- restricting facility access to authorized personnel
- ensuring that occupational exposure limits for hazardous substances are not exceeded by making it compulsory for all personnel to use appropriate protective equipment
- ensuring appropriate ventilation of facilities to minimize the risk of exposure to volatile substances or substances that can become airborne
- ensuring that facilities comply with all national and regional laws on workplace health and safety

Further information is available in the guidelines on the environmentally sound interim storage of mercury other than waste mercury (Conference of the Parties to the Minamata Convention 2018).

Montreal Protocol on Substances that Deplete the Ozone Layer

ODS include a wide range of chemicals with different chemical and physical properties. Most of these chemicals pose a risk to human health and the environment if handled, stored, transported or used without proper safety precautions. National safety regulations must be observed, along with the following general rules:

- do not vent refrigerants

- do not take samples of refrigerants without adequate training and equipment
- contact a designated professional for sampling and analysis
- use refrigerant identifiers only if familiar with their use and authorized to do so
- use leak detectors to inspect refrigerant cylinders for leaks
- inspect cylinders and valves for damage
- use protective clothing (gloves, goggles) when handling containers of pressurized gases such as CFCs HCFCs, HFCs and alternatives, as they may cause frostbite
- be aware that some alternatives to ODS are flammable
- store refrigerant cylinders vertically and secure in a protected, well-ventilated area
- do not expose refrigerant cylinders to open flames or direct sunlight as they contain pressurized gases
- handle refrigerant cylinders carefully and do not drop them; as this may damage valves
- display warnings clearly in storage areas
- do not dispose of any refrigerant using methods other than recovery and recycling, reclaim, reuse, adequate storage or destruction
- observe local regulations and standards on the handling, transportation and storage of refrigerants

Cooperation with the Secretariats and other organizations



Basel, Rotterdam and Stockholm Conventions

Customs officers may not have full technical know-how in relation to chemicals and wastes. However, it is essential that they know which national, regional and even local authorities are involved in matters pertaining to the import, transit and export of chemicals and wastes. In addition to being aware of their role in enforcing legal frameworks regulating the international trade of hazardous chemicals and wastes, customs officers must know who to contact in case of doubt, for support or if there is a need for more information. An up-to-date contact list of relevant authorities would therefore be useful for customs officers. These relevant authorities can provide the following support:

- training and capacity-building
- technical and legal information
- information about licences and consents
- identification and classification issues
- sampling and testing
- contacting authorities in other countries
- follow-up, such as the take-back procedure or prosecution
- upstream or downstream investigations
- historical data from previous inspection or enforcement actions

Customs officers have access to relevant data concerning the import, export and transit of goods. Customs authorities' mandate and legal powers may extend to the following types of information and activities:

- pre-arrival and pre-departure information
- historical shipping data
- alert system through profiles in the customs systems
- power to detain, open, break seals and inspect containers

- access to offloading facilities and equipment and storage areas
- X-ray scanner
- access to ships, trains or trucks

Resources:

Basel Convention

- Competent authorities⁶⁹
- Fact sheets of organizations and networks focused on preventing and combating the illegal traffic in hazardous and other wastes⁷⁰
- ENFORCE members⁷¹
- Basel Convention regional and coordinating centres⁷²

Rotterdam Convention

- DNAs⁷³
- *Guidance to Designated National Authorities on the Operation of the Rotterdam Convention*⁷⁴

Stockholm Convention

- National focal point⁷⁵
- Stockholm Convention regional and subregional centres⁷⁶

Cartagena Protocol on Biosafety to the Convention on Biological Diversity

Communication is central to the operation and implementation of the Cartagena Protocol on Biosafety. The BCH, in particular, plays a crucial role, allowing Parties to post information about their decisions made under the Protocol. Customs officers should understand how to use the BCH and how to search it for various types of information. Communication between the competent authority or authorities in a country and its customs officers is also very important, as these authorities can help keep customs officers informed and up-to-date on different LMOs being approved, restricted or prohibited from

69 www.basel.int/Countries/CountryContacts/tabid/1342/Default.aspx.

70 www.basel.int/Implementation/LegalMatters/IllegalTraffic/InternationalCooperation/tabid/3425/Default.aspx.

71 www.basel.int/Implementation/TechnicalAssistance/Partnerships/ENFORCE/Overview/tabid/4526/Default.aspx.

72 www.basel.int/Partners/RegionalCentres/Overview/tabid/2334/Default.aspx.

73 www.pic.int/Countries/CountryContacts/tabid/3282/language/en-US/Default.aspx.

74 www.pic.int/Implementation/DNAGuidance/tabid/3571/language/en-US/Default.aspx.

75 <http://chm.pops.int/Countries/CountryContacts/tabid/304/Default.aspx>.

76 <http://chm.pops.int/Partners/RegionalCentres/Overview/tabid/425/Default.aspx>.

import into the country. National authorities should also facilitate customs officers' access to the BCH system.

Convention on International Trade in Endangered Species of Wild Fauna and Flora

For a customs or border control officer, assistance with CITES matters should be easily available via telephone. It is therefore important that officers have the contact names and details they may need (contact details and useful links can be found in chapter 2).⁷⁷ Officers should also be fully informed about CITES and, most importantly, about any changes to the Convention or national controls that could impact their work. This very important task is the responsibility of the CITES management authority,⁷⁸ which should send officers regular CITES updates.

Information sharing, communication and international cooperation

ENVIRONET

ENVIRONET, which includes the CITES Enforcement Authorities Forum, is a secure real-time global communication tool for information exchange and cooperation, managed and coordinated by the WCO Secretariat. It is accessible to all authorities responsible for wildlife and other environmental law enforcement, including customs and police and wildlife authorities, as well as other enforcement authorities with similar responsibilities. ENVIRONET aims to:

- share best practices
- provide downloadable training materials, identification guides, manuals and other background information useful for environmental enforcement
- exchange information on seizures, and possible ongoing trafficking
- create discussion forums on specific topics
- facilitate assistance by experts from international organizations, competent authorities and experienced customs officers

- facilitate cooperation between customs administrations, competent agencies and international organizations

The ENVIRONET library holds selected folders managed by the CITES Secretariat, which contain comprehensive information on CITES, such as CITES sample permits, CITES alerts, CITES notifications to the Parties on enforcement matters and other relevant materials and information.

International Consortium on Combating Wildlife Crime

To ensure coordinated support among national wildlife law enforcement agencies and subregional and regional enforcement networks, CITES and four other intergovernmental organizations agreed to form ICCWC in 2010. ICCWC partners include the CITES Secretariat, INTERPOL, UNODC, the World Bank and WCO.

ICCWC's mission is to strengthen criminal justice systems and provide coordinated support at the national, regional and international levels to combat wildlife and forest crime. In this context, the Consortium works for and with the wildlife law enforcement community, as it is front-line officers who eventually bring criminals engaged in wildlife crime to justice. ICCWC seeks to support the development of law enforcement that builds on socially and environmentally sustainable natural resource policies, taking into consideration the need to provide livelihood support to poor and marginalized rural communities.

Partners have been providing coordinated law enforcement support in many countries and regions worldwide since ICCWC's launch in 2010, in line with its strategic mission.

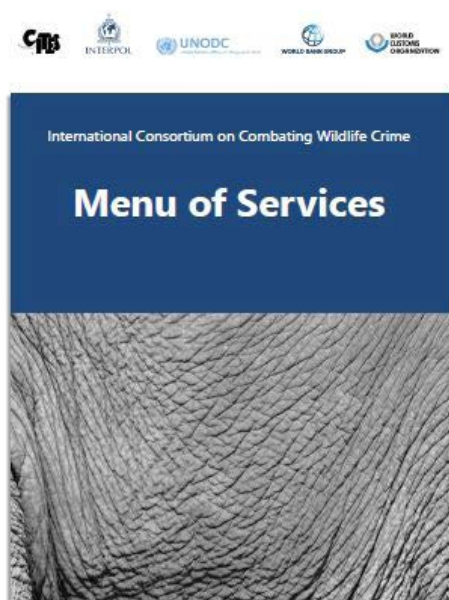
Key activities delivered under the auspices of ICCWC include the development and implementation of tools built on the technical expertise of all ICCWC partners, as well as through extensive consultations with experts representing various related fields from across the globe.

⁷⁷ Contact details of enforcement focal points are available from the "Implementation" section of the CITES website: <https://cites.org/eng>.

⁷⁸ For national CITES authorities, see <https://www.cites.org/eng/cms/index.php/component/cp>.

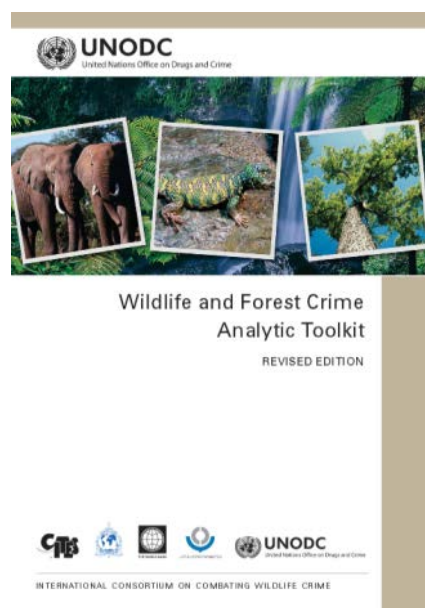
The ICCWC Menu of Services provides an indicative list of the training courses, tools and services available through ICCWC's five partner agencies. Drawing upon their complementary mandates, unique pool of knowledge and expertise, and extensive national and regional networks, these partners are uniquely placed to deliver a range of comprehensive interventions aimed at strengthening criminal justice systems and building long-term capacity among authorities to address wildlife crime, providing them with the tools, services and technical support needed. Generous contributions from donors enable ICCWC to provide extensive support to national agencies and subregional and regional networks responsible for wildlife law enforcement.

The ICCWC Menu of Services is available in English, French and Spanish.



The ICCWC Wildlife and Forest Crime Analytic Toolkit (2012) provides government officials, customs officers, police and other relevant enforcement agencies with a framework to conduct a comprehensive analysis of their response to wildlife and forest crime and to identify their technical assistance needs. The country's capabilities are assessed in relation to relevant legislation, law enforcement measures, prosecutorial and judicial capacities, factors that drive offences, the effectiveness of preventive measures and the availability and use of data.

The toolkit is available in English, French and Spanish.⁷⁹ For more information, see the toolkit's fact sheet and step-by-step implementation.⁸⁰



The ICCWC Indicator Framework for Wildlife and Forest Crime (2016) is a self-assessment tool designed for use by countries at the national level to measure and monitor the effectiveness of their law enforcement responses to wildlife and forest crime. It can be used in conjunction with or independently from the toolkit and consists of 50 indicators against which countries can measure their own progress.

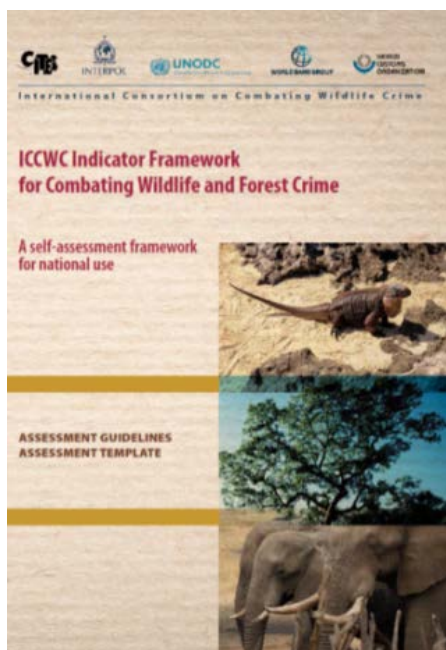
It consists of *Assessment Guidelines*, which provide an overview of the ICCWC Indicator Framework and introduce the framework's 50 indicators and eight enforcement outcomes they are grouped under. It also provides practical guidance on completing an assessment using the ICCWC Indicator Framework and discusses the analysis of results, including the more detailed exploration of results using the ICCWC toolkit. The Indicator Framework also includes an *Assessment Template*, which provides the full measurement details of all 50 indicators to conduct the national assessment.

The Indicator Framework is available in English, French, Portuguese (template only) and Spanish.⁸¹

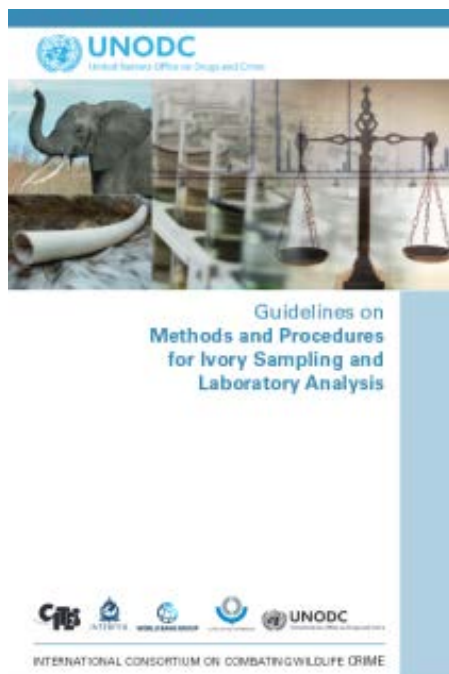
⁷⁹ See www.unodc.org/documents/Wildlife/Toolkit_e.pdf (English); www.unodc.org/documents/Wildlife/Toolkit_f.pdf (French); www.unodc.org/documents/Wildlife/Toolkit_s.pdf (Spanish).

⁸⁰ Fact sheet: https://cites.org/sites/default/files/eng/prog/iccwc/Toolkit_Fact_Sheet_ENG.pdf; Step-by-step implementation guide: <https://cites.org/sites/default/files/eng/prog/iccwc/Toolkit%20implementation%20-%20step%20by%20step%20v3.pdf>.

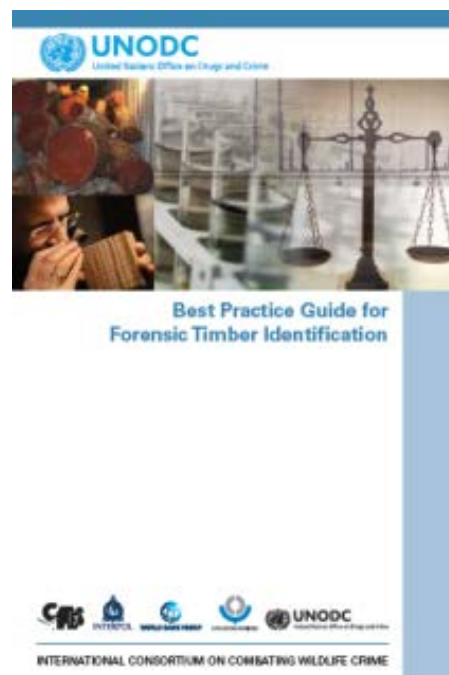
⁸¹ https://cites.org/sites/default/files/eng/prog/iccwc/E-ICCWC-Ind-FW-Assessment_guidelines_and_template.pdf (English); https://cites.org/sites/default/files/eng/prog/iccwc/F-ICCWC-Ind-FW-Assessment_guidelines_and_template.pdf (French); https://cites.org/sites/default/files/eng/prog/iccwc/ICCWC-Ind-FW-ASSESSMENT_TEMPLATE-FINAL-RevJuly16-port.pdf (Portuguese – template only); https://cites.org/sites/default/files/eng/prog/iccwc/S-ICCWC-Ind-FW-Assessment_guidelines_and_template.pdf (Spanish).



The Guidelines on Methods and Procedures for Ivory Sampling and Laboratory Analysis (2014) were developed in support of the deployment of forensic technology to combat elephant poaching. To complement the guidelines, ICCWC has also developed a **training video on ivory sampling** that is available in English and French, as well as in Arabic and Chinese.⁸²



The Best Practice Guide for Forensic Timber Identification (United Nations Office on Drugs and Crime [UNODC] 2016) facilitates the use of forensic science to combat illicit trafficking in timber. It covers the whole chain of custody, providing information on best practices and procedures from the crime scene to the court room to ensure that forensic data are credible and admissible in court.



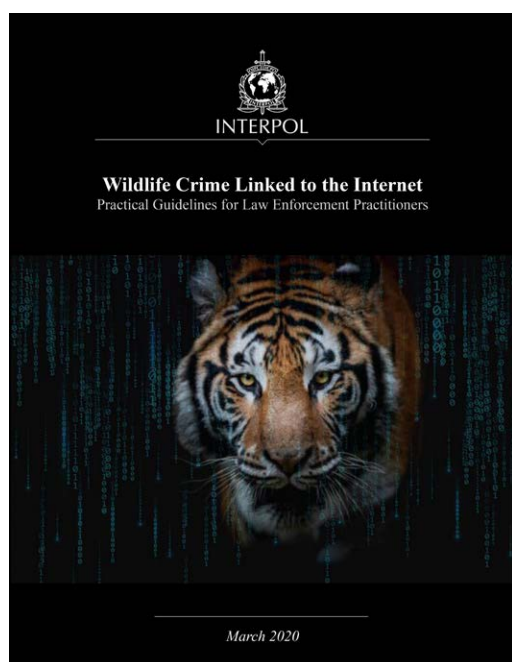
The wildlife crime and money laundering training programme (2016) is a four-day workshop to help financial intelligence units, investigators, prosecutors and judges overcome the investigative, legal and procedural challenges related to wildlife crime and money-laundering cases. It aims to develop capacity to standardize procedures in detecting illegal transactions and suspicious activities, and to investigate, prosecute and adjudicate money-laundering cases related to wildlife trafficking. Individual programme modules are being tailored to the needs of the different practitioners to help them choose effective strategies, understand complex criminal patterns, reconstruct financial transactions and apply relevant procedures or statutes.

The Wildlife Crime Linked to the Internet: Practical Guidelines for Law Enforcement Practitioners was developed to assist Parties in combating wildlife crime linked to the Internet more effectively.

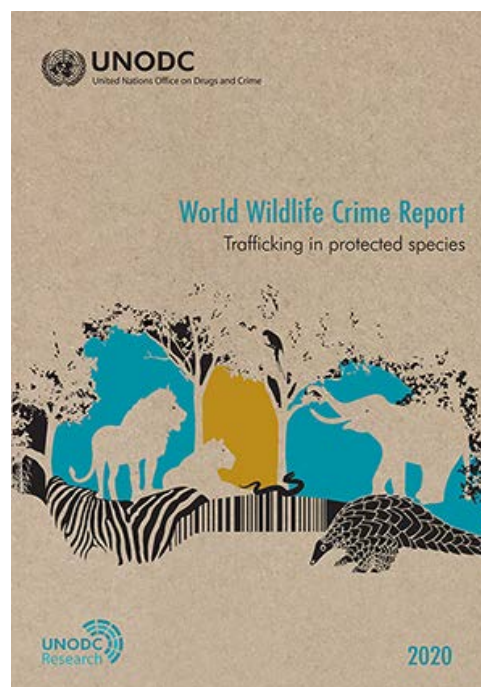
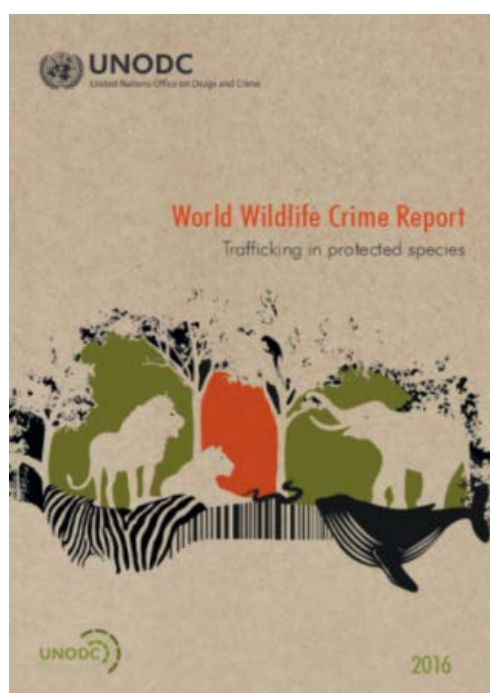
The guidelines include information related to the technology used for online investigations, and also on how to identify wildlife crime linked to the Internet, disrupt such crime and analyse content and modern police investigation techniques. It also provides a

⁸² Guidelines: www.unodc.org/documents/Wildlife/Guidelines_Ivory.pdf; training video: <https://cites.org/eng/prog/iccwc/tools.php>.

practical tool for law enforcement officers on how to investigate cases of wildlife crime linked to the Internet.



The World Wildlife Crime Reports (second edition, 2020; first edition, 2016), produced by UNODC in cooperation with ICCWC's partners, takes stock of the present wildlife crime situation with a focus on illicit trafficking in specific protected wild fauna and flora species. The reports include quantitative market assessments and a series of in-depth illicit trade case studies for species increasingly being seized by authorities as they gain prominence among consumers.



Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction

The national authority plays an important role in the implementation of the CWC and in the communication associated with it. Although OPCW is the mechanism through which compliance is verified, the national authority is the mechanism through which compliance is achieved and demonstrated. Each State Party is required to “designate or establish a National Authority to serve as the national focal point for effective liaison with the Organization and other States Parties” (Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction 1993). The national authority must be designated by the date of the entry into force of the CWC for the State Party concerned.

States Parties enjoy wide discretion in determining the size, structure, composition and mandate of their national authorities. They may either assign the task of national authority to an existing government department or agency, or create an entirely new entity specifically for this function. Each State Party's actual situation (such as whether it possesses chemical weapons, chemical weapon production facilities, Schedule 1 facilities, a significant chemical industry or export/import activities relevant to the CWC, as well as the resources it can allocate) determines the composition, structure and mandate of its national authority.

The national authority can be either a centralized entity with responsibilities covering all aspects of national CWC implementation or a decentralized entity that acts as a liaison between OPCW and the several government departments or agencies responsible for specific aspects of national implementation. OPCW States Parties have structured their national authorities in various ways.

National authorities act as the national focal point for liaison with OPCW and other States Parties, the national data-collection point and the facilitator of national implementation, and are therefore of central importance to the effectiveness of the CWC itself. To meet its basic obligations, each State Party must be in a position to:

- submit all the required declarations
- act as a liaison with OPCW
- cooperate with other States Parties
- facilitate OPCW inspections
- respond to OPCW requests for assistance
- protect the confidentiality of classified information
- monitor and enforce national compliance
- cooperate on chemical activities for purposes not prohibited under the CWC

All these functions involve a State Party's national authority to a greater or lesser extent, and the mandates of national authorities have been defined correspondingly. Since the CWC's entry into force, experience has shown that many national authorities face significant challenges in carrying out the varied tasks assigned to them under the Convention.

Customs officers will find that close cooperation with the national authority in their country will greatly assist in the effective implementation of the CWC's obligations for trade in chemicals. A complete list of national authorities and their contact details is available from the OPCW website.⁸³ In countries where national authorities are still being formed, their Permanent Representative to OPCW (usually the diplomatic mission posted in The Hague, the Netherlands, or Brussels, Belgium) can be contacted for advice. A full list of Permanent Representatives to OPCW is also available from the OPCW website.

Montreal Protocol on Substances that Deplete the Ozone Layer

All treaties offer similar advice on communication. Customs officers should therefore be aware of the national contact point for each MEA to which their country is a Party, and should receive regular updates from these contact points on how to implement the treaties.

83 See www.opcw.org.

Legal issues



Basel, Rotterdam and Stockholm Conventions

National legislation

Parties should develop regulatory infrastructures to effectively implement the three conventions at the national level. Each convention requires Parties to take specific measures to develop an appropriate legal and institutional framework for its implementation and enforcement. Under the Basel Convention, for example, each Party is required to consider illegal traffic in hazardous wastes as a crime and to introduce appropriate national/domestic legislation to prevent and punish illegal traffic.

Transit

If a movement of waste falls within the scope of the Basel Convention, via one or more transit country Parties, these countries must also be notified and consent to the movement (unless they waived this right) as part of the control procedure. They also retain the right to perform checks and verify the document accompanying the movement.

The Basel Convention defines “transit” as a movement “through” a State, so it is important to check what is meant by “transit” within a given Party. The Basel Convention does not explicitly set out the procedures to be applied in cases where the waste is legally defined as or considered to be hazardous wastes only by the State of transit. Definitions of “transit” may however exist in national legislation and other measures to implement and enforce the Convention. The competent authority of the exporter or the exporting State, through negotiations or by some other means, makes arrangements for the notification to be provided to the competent authority of the State of transit in accordance with the Basel Convention.

With respect to the Rotterdam Convention, any Party requiring information on transit movements through its territory of chemicals listed in Annex III may report its needs to the Secretariat. Other than this provision, the Rotterdam Convention does not regulate transit movements. The Stockholm Convention makes no reference to transit movements.

Exceptions

Basel Convention

Radioactive waste (which is covered under other international control systems) and wastes that derive

from the normal operation of ships (the discharge of which is covered by another international instrument) are excluded from the scope of the Basel Convention.

Rotterdam Convention

The Rotterdam Convention does not apply to:

- narcotic drugs and psychotropic substances
- radioactive materials
- wastes
- chemical weapons
- pharmaceuticals, including human and veterinary drugs
- chemicals used as food additives
- food
- chemicals in quantities not likely to affect human health or the environment provided they are imported:
 - for the purpose of research or analysis, or
 - by an individual for his or her own personal use in quantities reasonable for such use

Stockholm Convention

In general, the Stockholm Convention prohibits the production and use of POPs, and also prohibits and restricts their trade across international boundaries, except in certain controlled circumstances, such as when there is a specific exemption available or whether the wastes are being managed in an environmentally sound manner.

Specific exemptions and acceptable purposes:

A register of specific exemptions has been established in accordance with article 4 of the Stockholm Convention to identify Parties that have registered specific exemptions listed in Annex A or Annex B.⁸⁴ The register has been amended by various decisions of the COP. Two additional registers of acceptable purposes⁸⁵ have been established specifically for DDT and PFOS/PFOS-F. These registers have also been amended by various decisions⁸⁶ of the COP.

84 <http://chm.pops.int/Implementation/Exemptions/RegisterofSpecificExemptions/tabid/1133/Default.aspx>.

85 <http://chm.pops.int/Implementation/Exemptions/RegistersofAcceptablePurposes/tabid/793/Default.aspx>.

86 <http://chm.pops.int/Implementation/Exemptions/DecisionsRecommendations/tabid/167/Default.aspx>.

Non-Parties to the Basel, Rotterdam or Stockholm Conventions

Basel Convention

Hazardous and “other” wastes may not be exported to or imported from non-Party to the Basel Convention unless the Party and the non-Party have entered into a bilateral or multilateral agreement on transboundary movements of wastes that does not derogate from the ESM of wastes as required by the Basel Convention (article 11).

Rotterdam Convention

Due to the trade neutrality requirement of the import response, a Party that decides not to consent or provide specified conditions to the import of certain chemicals must refuse, or allow only under the same specified conditions, imports of these chemicals from any source, including non-Parties (article 10, paragraph 9).

Stockholm Convention

Exports are allowed to non-Parties to the Convention if the State provides an annual certification in which it specifies the intended use of the chemical and includes a statement in which it commits to:

- protecting human health and the environment by minimizing or preventing releases
- complying with the Convention’s provisions on the management of wastes and stockpiles
- complying with requirements for DDT production and use, if applicable

A non-Party in this respect includes Parties that have not agreed to be bound by certain amendments to list additional chemicals in Annexes A, B and/or C to the Convention.⁸⁷

Cartagena Protocol on Biosafety to the Convention on Biological Diversity

National legislation

The Cartagena Protocol on Biosafety requires each Party to take the necessary legal, administrative and other measures to implement its obligations under the Protocol, including measures aimed at preventing and, if appropriate, penalizing transboundary movements of LMOs carried out in contravention of its domestic

measure to implement the Protocol. Many countries are adopting new legislation or amending existing laws to implement the Protocol in their jurisdiction. These laws often include rules that define how a country will decide whether it will allow the import of an LMO, prohibit the import of an LMO or impose restrictions on the import of an LMO. Customs officers should know what systems their country has in place for making decisions on LMOs and how to find information on the decisions that have been made under any such systems.

Non-Parties

Although countries that are not Parties to the Cartagena Protocol on Biosafety are not bound by its provisions, they may be indirectly required to abide by its terms if they are trading in LMOs with Parties. Article 24 of the Protocol requires the transboundary movements of LMOs between Parties and non-Parties to be consistent with the Protocol’s objective. The BCH, which is used by both Parties and non-Parties, includes numerous records of decisions on LMOs that have been taken by non-Parties.

Convention on International Trade in Endangered Species of Wild Fauna and Flora

National legislation

National laws for implementing CITES empower government officials to act, regulate human behaviour and articulate policy in relation to the conservation of and international trade in wild fauna and flora. Although international agreements such as CITES are legally binding on States that adhere to them, they are generally not self-executing, which means that they cannot be fully implemented until specific domestic measures have been adopted for that purpose. It is therefore essential that CITES Parties have legislation in place that allows them to implement all aspects of the Convention.

CITES can only really work adequate, permanently up-to-date legislation is efficiently enforced both at borders and within countries. Adequate national legislation is key to effective wildlife trade controls by the State agencies tasked with CITES implementation. It is also a vital prerequisite for ensuring that a State Party complies with the CITES provisions.

⁸⁷ For a list of which amendments bind which Parties, see <http://chm.pops.int/Countries/StatusofRatifications/Amendmentstoannexes/tab-id/3486/Default.aspx>.

CITES contains the following guidance for Parties on what must be included in their implementing legislation:

- Conditions for trade in specimens of CITES-listed species (articles III to VII).
- Requirement that Parties designate a Management Authority and a scientific authority (article IX).
- Requirement that Parties prohibit trade in specimens in violation of CITES, penalize such trade and allow for the confiscation of specimens illegally traded or possessed (article VIII).

More information on CITES and national legislation is available from the CITES website: <https://cites.org/legislation>.

Exceptions

In accordance with article VII of CITES, Parties are allowed or required to make certain exceptions to its general provisions. This situation can result in exemptions in which no CITES documentation is required, or in special procedures in which trade is regulated but specimens can be traded under different conditions or with different documents than the normal CITES export permit.

Exceptions may include:

- specimens in transit or trans-shipment
- pre-Convention specimens
- personal or household effects
- captive-bred animals and artificially propagated plants
- exchange between registered scientific institutions
- travelling exhibitions

Special rules apply in these cases, but a permit or certificate is generally still required.

Furthermore, some Parties have domestic legislation with trade controls that are stricter than those required by CITES. In such cases, compliance with the basic CITES regulations may not be sufficient to ensure that trade is legal.

Non-Parties

When an export or re-export is to, or an import is from, a CITES non-Party, comparable documentation,

issued by the competent authorities in that State, that substantially conforms to CITES requirements for permits and certificates may be accepted in lieu thereof. The Parties recommend that particular attention be given to inspecting specimens in transit from or to non-State Parties and to the documents that accompany them. In accordance with CITES article XIII, the same applies for trade between two Parties that have entered a reservation with respect to the species concerned.

Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction

National legislation

All States Parties are required to adopt necessary measures to implement the CWC (including the enactment of penal legislation) and to inform OPCW of any legislative and administrative measures they have taken.

National implementing legislation is also important for the submission of information needed for an accurate national declaration and for export/import controls under the CWC. The format and extent of the legislation will depend on the State Party's legal system, the extent of its declarable chemical industry and whether it possesses chemical weapons.

States Parties to the CWC are obliged to implement its various requirements in their national law and review existing legislation for any incompatibilities. Primary legislation typically covers:

- definitions
- composition, mandate and powers of the national authority
- prohibitions of certain activities
- penalties for violations
- extraterritorial application to nationals
- requirement to submit data relevant for declarations
- requirement to cooperate with inspections
- requirement to protect confidential information

Subsidiary regulations typically cover:

- licensing of production facilities
- import/export controls

- procedures for submitting declarations-related data
- procedures for inspections

The following activities are usually prohibited by penal law, which should state that no person shall, under any circumstances:

- develop, produce, otherwise acquire, stockpile, own, possess or retain chemical weapons, or transfer, directly or indirectly, chemical weapons to anyone
- use chemical weapons
- assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State Party under the CWC
- transfer to or receive from any person in a State not Party any Schedule 1 or 2 chemicals
- transfer any Schedule 3 chemicals to a State not Party without first obtaining an end-use certificate issued by the competent government authority of the State not Party
- engage in any military preparations to use chemical weapons
- use riot control agents as a method of warfare

Free trade zones

The free flow of goods in free zones and ports generates revenue and is therefore vital to the economic health of some States Parties. However, the obligation to prohibit certain activities in “any place” under CWC controls implies a strict legal regime must be applied and enforced, including in free zones and ports. Such overregulation could bring an end to international trade, highlighting the need for States Parties to achieve a balance.

The legislation, regulations and procedures applicable in the free zone or port determine whether the port authority will routinely be aware of illegal transfers and in a position to enforce the CWC. For cases in which a violation is brought to the attention of the port authority by another State Party, the CWC is explicit, with article VII paragraph 2 stipulating that the State Party shall cooperate and afford the appropriate form of legal assistance. The extent to which the CWC is being enforced in free zones or ports varies. Some States Parties have drafted their legislation in such a way that the CWC can be stringently enforced in their free zones or ports.

State not Party

Under the terms of the CWC, the transfer of Schedule 1 chemicals to States not Parties is forbidden.

A similar ban on the transfer of Schedule 2 chemicals to and from States not Parties came into force in April 2000. The following types of products are excluded from the ban on transfers of Schedule 2 chemicals to or from State not Parties:

- products containing 1 per cent or less of a Schedule 2A or 2A* chemical
- products containing 10 per cent or less of a Schedule 2B chemical
- products identified as consumer goods packaged for retail sale for personal use or packaged for individual use

Transfers of Schedule 3 chemicals to both State Parties and States not Parties are permitted, but exporting State Parties must obtain an end-use certificate from the recipient State not Party to ensure that the chemicals are being used for purposes that are not prohibited under the CWC. An end-use certificate is not required for:

- products containing 30 per cent or less of a Schedule 3 chemical
- products identified as consumer goods packaged for retail sale for personal use or packaged for individual use

Per the CWC, States Parties may consider other measures regarding the transfer of Schedule 3 chemicals to States not Parties five years after the CWC enters into force.

Minamata Convention on Mercury

National implementation plans

Pursuant to article 20 of the Minamata Convention, following an initial assessment, a Party may develop and execute an implementation plan, taking into account its domestic circumstances to meet the Convention’s obligations. Plans submitted by Parties are available at the Minamata Convention website.⁸⁸

Exemptions on mercury-added products

Article 6 allows Parties to register for one or more exemptions from the phase-out date for mercury-added

88 www.mercuryconvention.org/Countries/Parties/NationalImplementationPlans/tabid/8072/language/en-US/Default.aspx.

products listed in Part I of Annex A. States are able to register for such exemptions on becoming a Party to the Convention, or in the case of a product that is added by an amendment to the list, no later than the date upon which that amendment enters into force. Exemptions can be registered for a category (such as batteries) or a subcategory (such as a particular type of battery). The registration is made by notifying the Secretariat in writing and must be accompanied by a statement explaining the need for the exemption. Notifications submitted by Parties are available at the Convention's website.⁸⁹

A Party may at any time withdraw an exemption upon written notification to the Secretariat. Unless the Party has specifically requested a shorter exemption period, the exemption will expire five years after the phase-out date indicated in Part I of Annex A. At the request of a Party, the COP may decide to extend an exemption for an additional five years, or a shorter period if requested. Such an extension may only be given once, per product, per phase-out date.

Montreal Protocol on Substances that Deplete the Ozone Layer

Exemptions from the calculation of controlled substances consumption

The four main exemptions from calculating controlled substances consumption under the Montreal Protocol are:

1. The imports and exports of recycled and used controlled substances are not taken into account in calculating a Party's consumption, provided that such data are reported to the Ozone Secretariat.
2. The use of methyl bromide for quarantine or pre-shipment treatment does not count towards a Party's consumption. NOUs can provide more information on this category of use.
3. Feedstock and process agents, for chemicals used in chemical processes and which result in substances or products not controlled by the Montreal Protocol.

4. Equipment containing controlled substances is not controlled by the Montreal Protocol. However, the Ozone Secretariat holds a list of countries that do not manufacture such equipment for domestic use and do not wish to import products and equipment whose continuing function relies of CFCs and halons. NOUs can provide more information.

The Montreal Protocol also includes provisions for three broad sets of exemptions relating to the production and consumption of certain ODS. These exemptions concern critical uses of methyl bromide, essential uses for all other chemicals controlled by the Montreal Protocol (except for HCFCs) and laboratory and analytical uses. Customs officers should consult their NOU about other derogations that may apply in their country. Another type of exemption could be a "servicing tail", which is commonly used to describe the ten-year period following the total phase-out of HCFCs. Within this period Parties may continue to produce and consume HCFCs at a specified level for the servicing of existing refrigeration and air-conditioning equipment and other specified applications. Under Decision XXX/2 of the meeting of the Parties to the Montreal Protocol, the control measures agreed by the Parties provide the possibility for the Parties to continue consuming and producing HCFCs, if required, after the total phase-out dates specified in the Montreal Protocol, along with specified time periods and levels.

Non-Parties

For Parties to the Montreal Protocol, imports or exports of controlled substances from or to non-Parties are banned under article 4 of the Protocol. Such bans have been extended and apply to all new controlled substances listed in the relevant amendments to the Montreal Protocol whenever they are adopted by Parties and after their entry into force.

⁸⁹ <https://www.mercuryconvention.org/en/parties/notifications>.

Reporting cases of illegal traffic in environmentally sensitive items



WCO enforcement and compliance

Environment Programme

Environmental crime is a serious global problem that has wide implications on national and international security, social and economic development, global health and biodiversity and habitats. Air, water and land pollution, wildlife extinction and the depletion of natural resources are all having unprecedented impacts.

To tackle these crimes, the international community has concluded several MEAs with international trade-related provisions, such as CITES, the Montreal Protocol on Substances that Deplete the Ozone Layer, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, the Stockholm Convention on Persistent Organic Pollutants, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Cartagena Protocol on Biosafety.

Customs authorities play a very important role in the implementation of these MEAs and the fight against environmental crime. Since 2001, WCO has been an active partner of the GCI – a series of collaborative activities led by partner organizations and coordinated by UNEP, which aim to raise customs officers' awareness of trade-related MEAs. In 2008, the WCO Council adopted a recommendation concerning actions against cross-border environmental offences, which outlines steps to be taken by customs administrations to enhance their capabilities in this area. In November 2010, five international organizations – WCO, the CITES Secretariat, INTERPOL, UNODC and the World Bank – founded ICCWC to provide more support to national wildlife law enforcement agencies, as well as to the regional and subregional networks combating illegal trade in natural resources. In July 2012, ICCWC launched the Wildlife and Forest Crime Analytic Toolkit, which was developed to provide a comprehensive overview on issues related to wildlife and forest crimes for government officials in wildlife and forestry authorities, as well as customs authorities and other relevant agencies.

In response to its members' needs, WCO launched the Environment Programme in March 2020, with the aim of tackling environmental crime, in particular, illegal wildlife trade, illegal trade in hazardous and other waste, ODS and illegal trade in timber. The annual illicit trade reports provide further information on each of the programme's components.

WCO offers various tools and instruments to its members, including ENVIRONET, a real-time communication tool for information exchange among competent national authorities, international organizations and regional networks, and CLiKC!, an e-learning facility with courses on environmental crime.

In 2014, WCO began implementing activities as part of the Inama Project,⁹⁰ a multi-donor funded endeavour to strengthen CITES-related customs enforcement capacity in selected sub-Saharan African countries.

Within the framework of the Environment Programme, WCO works to broaden the scope of partnerships with other organizations working to tackle environmental crime. Over the past years, WCO has signed MoUs with the CITES Secretariat, Basel Convention Secretariat, UNEP, the Lusaka Agreement Task Force and TRAFFIC, a non-governmental organization active in the area of trade in plants and wild animals in the context of sustainable development and biodiversity conservation.

Having worked for many years to turn policymakers' attention to environmental crimes, WCO gained additional momentum in June 2014. The WCO Council, comprising 179 members, adopted the Declaration of the Customs Co-operation Council on the Illegal Wildlife Trade, demonstrating the commitment of the global customs community to address these crimes in a timely, coherent and coordinated manner.

In March 2016, WCO signed the United for Wildlife Transport Taskforce Buckingham Palace Declaration in London, the United Kingdom. The Declaration, which was developed by the United for Wildlife Transport Taskforce to crack down on illegal wildlife trafficking routes, is the result of 12 month's work carried out by leaders from the global transportation industry, conservation organizations and several international organizations, under the guidance of Lord Hague of Richmond at the request of HRH the Duke of Cambridge, who is the President of United for Wildlife. It contains 11 commitments under four distinct headings, each representing concrete steps for transport companies.

Environmental crime is a serious global problem.

⁹⁰ "Inama" means wild animals in the language of the Zambian Bemba tribe.

Global Information and Intelligence Strategy and risk assessment indicators

Risk management is central to reconciling enforcement, security and facilitation requirements. Intelligence, in turn, is a key component of risk management. To assist its members in constructing their national information and intelligence systems, WCO has developed and periodically updated its Global Information and Intelligence Strategy.

Since 2005, WCO has developed standardized risk assessments and model risk indicators/profiles (contained within volume 2 of the *WCO Customs Risk Management Compendium*, and only available to members), a tool that contains specific indicators for MEA-related trafficking. These indicators help customs officers target goods and conveyances either for a physical inspection or post-importation audit, thereby allowing them to operate more efficiently and effectively.

Both tools have proven effective in collecting and analysing data, enhancing international cooperation and providing members with guidelines.

WCO Customs Enforcement Network and the Regional Intelligence Liaison Offices

Customs administrations worldwide play a vitally important role in tackling transnational crime. To be effective, such administrations require the necessary hardware and software, as well as related knowledge and skills to implement simplified and improved customs procedures, using modern operational techniques. In today's digital age, a fast flow of information between countries, agencies and front-line staff is a key factor in effective border control and the disruption of illicit trade. Faced with the task of promoting greater connectivity and more harmonious interactions, WCO is placing an ever-greater value on technology and innovation.

Customs Enforcement Network

The WCO Customs Enforcement Network (CEN) suite was developed to provide customs administrations with the latest technological tools to successfully meet digital challenges in tackling transnational organized crime. CEN became operational in 2000 and since then has grown to include several stand-alone, yet complimentary and compatible applications, such as the National Customs Enforcement Network (nCEN) and the Customs Enforcement Network Communication Platform (CENcomm).

The CEN suite helps the customs enforcement community to gather data and information for intelligence purposes, acting as a central depository for enforcement-related information. Its success rests on the steady flow of quality data provided by all WCO members.

National Customs Enforcement Network

nCEN is a system developed by WCO to support customs administrations with the collection and storage of law enforcement information at the national level, with the additional capability to exchange this information at the regional and international levels. Through the adoption of nCEN, administrations can manage information on all aspects of their law enforcement functions, including on seizures and offences and suspected persons or business entities, within a modern national system that can be stand-alone or used in a networked environment. The Information Communication Interface (Icomm) included in nCEN allows administrations to exchange data with other nCEN users provided the existence of a legal premise, or to transfer non-nominal components of the data directly to the global CEN database.

Customs Enforcement Network Communication Platform

The world is fast becoming a global economy based on the ever-increasing communication of information. The presence of technology in everyday life has enabled rapid global communication, with business and social networking shaping our modern society. The ability to exchange and disseminate information quickly and in a secure environment is vital for customs officers during special border enforcement operations.

To support customs authorities' intelligence-gathering capabilities, WCO developed the Customs Enforcement Network Communication Platform (CENcomm) application for the exchange and dissemination of information during special border enforcement operations. CENcomm was conceived as a web-based communication system for a closed group of officers to exchange messages via encrypted channels in real time for the duration of an operation or project. CENcomm also hosts a number of specific long-term projects, such as ENVIRONET, which is a communication system for information exchanges on environmental crime, bringing together national authorities, international organizations and other stakeholders such as the transport industry. CENcomm's usage is increasing yearly, with 90 operations and projects using the platform on average per year.

The latest information about CEN, nCEN and CENcomm can be found on WCO's website.⁹¹

Regional Intelligence Liaison Offices

The exchange of intelligence at national, regional and international levels is a critical mechanism employed by customs authorities to create conditions for more efficient enforcement actions and controls, and to secure the optimum use of available resources. At the strategic level, WCO has incorporated the aim of intelligence exchange among all stakeholders, recognizing the contribution this objective has in furthering the protection of society, public health and safety. To this end, in 1987, the first Regional Intelligence Liaison Office (RILO) was established with the intention of creating a global intelligence network. The RILO network now has 11 offices, providing effective coverage throughout all six WCO regions.

The unique nature of the RILO network offers an added layer of information exchange to the already existing intelligence exchange taking place between the Secretariat and Member administrations at the strategic level. Each of the 11 RILO offices covers a

number of WCO Member States and responds to their intelligence needs at the regional level.

In addition to responding to intelligence-related requests, the RILO network supports its WCO Member administrations by providing them with operational support, designing and implementing target-oriented intelligence analysis projects and regional intelligence-led operations, facilitating mutual administrative assistance and promoting and maintaining regional cooperation with other law enforcement agencies and organizations. The RILO network reports to the WCO Enforcement Committee.

The CEN suite is one of the tools that the RILO network uses, in particular the CEN database to analyse seizures and develop regional intelligence products, as well as the CENcomm platform, which serves to exchange operational information and facilitate real-time secure communications among members and partners.

The latest information about the RILO network is available from WCO's website.⁹²

Photo © freepik / bilanol



91 <http://www.wcoomd.org/en/topics/enforcement-and-compliance/instruments-and-tools/cen-suite.aspx>.

92 <http://www.wcoomd.org/en/topics/enforcement-and-compliance/activities-and-programmes/intelligence-and-risk-management-programme/riilo.aspx>.

For more information on RILO activities in different regions, contact:

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A note about the WCO website: The website has both public and private areas. The public area (<http://www.wcoomd.org>) is designed to promote the various legal instruments managed by the WCO Secretariat. Access to the private area is restricted to WCO members.

INTERPOL's Ecomessage system

It is generally agreed that environmental crime is one of the most profitable and fastest-growing areas of international criminal activity. Criminal networks and syndicates, motivated by high profits and low risks, have established an international industry that:

- endangers the health and welfare of communities and future generations
- compromises the natural heritage and ecological integrity of the planet
- unfairly disadvantages those companies complying with environmental laws
- flouts environmental law as well as many other laws

Environmental crime can be both local and transnational. For example, the illegal dumping of hazardous waste obviously affects the site of the incident, but the generators and transporters of the waste, along with the agents, brokers and witnesses, may be based far from the site, often beyond national borders. In such situations, the environmental crime can only be effectively countered by specialized international cooperation.

As 25 years of experience have proved, the timely exchange of pertinent information is crucial to campaigns targeting international environmental crime. However, information exchanges between countries can suffer from disruptive complications arising from the fact that:

- the required information often must be collected from widely scattered sources
- countries do not have uniform reporting methods
- there is no international repository for the collection, storage, analysis and circulation of information useful in efforts against environmental crime
- investigators in one country often do not know which law enforcement agency or agencies are their appropriate contacts in other countries

INTERPOL resolved these shortcomings by creating a reporting system and database of environmental crime cases (INTERPOL Resolution AGN/63/RES/12). This Ecomessage system covers all major environmental crime, including:

- illegal transboundary movements and illegal dumping of wastes

- illegal transboundary activities involving radioactive substances
- illegal traffic in species of wild fauna and flora
- transnational fisheries crime

Ecomessage: what it is and how it functions

INTERPOL's General Secretariat in Lyon, France, serves as a central collection point for information on international environmental crime. INTERPOL's Ecomessage systematically accepts and enters environmental crime data into a computerized data-collection facility at the General Secretariat.

The Ecomessage system uses a simple, carefully designed form, which is periodically revised, to transmit details of a particular crime to INTERPOL. The standardized design of the communication permits:

- the speedy and methodical entry of the report's details in a format that is compatible with the INTERPOL database
- efficient cross-referencing of the data against other entries in the computerized database
- organized and meaningful extraction of that data in a way that facilitates applications such as criminal intelligence analysis

An Ecomessage report must be transmitted to INTERPOL via a standardized procedure and routing, as part of a systemized approach that helps ensure the validity of the data transmitted. This assured validity increases the reliability of the information in INTERPOL's database and provides more dependable results when that information is used.

In any one country, many government law enforcement agencies may enforce environmental laws, with the environment ministry or agency itself also possibly having various enforcement authorities. The customs authority often intercepts and seizes contraband consignments of waste shipments. If the case concerns pollution on surface waters, the water police and coast guard authorities may be involved. National and local police departments also often play a role in environmental law enforcement, as do attorneys general and other government agencies.

Any of these agencies may gather the information required for an Ecomessage report. When the information is gathered it should be submitted to the reporting country's INTERPOL National Central Bureau (NCB), which is usually found in the international relations department of the national police. If agencies

face any difficulties in locating their country's NCB, the INTERPOL General Secretariat should be contacted:

Command and Coordination Centre
INTERPOL General Secretariat
200 Quai Charles de Gaulle
69006 Lyon
France

Tel.: +33 4 72 44 76 76
Fax: +33 4 72 44 71 63
E-mail: os-ccc@gs.igcs.int

It is the NCB's responsibility to transmit the details of an Ecomessage to the INTERPOL General Secretariat. This responsibility is outlined in INTERPOL circular letter reference 38/DII/SD2/E/INT/WG/2/ENV/94 of 9 June 1994, which should be on file in every INTERPOL NCB worldwide.

When the INTERPOL General Secretariat receives an Ecomessage, its information is entered into INTERPOL's computerized database. Several important benefits are generated by this process:

- The information is immediately screened against all other information in the INTERPOL computer, which can produce important feedback. For example, if country X reports the arrest of Mr. A on charges of illegally transporting waste, the processing of the Ecomessage may produce information that Mr. A is also wanted by country Y for a similar offence, or that he has already been convicted in country Z for a related offence. Information on concurrent warrants for arrest, or prior convictions, is of great interest and importance to prosecuting attorneys.
- Reporting countries can also use the Ecomessage form to ask questions, and it provides a mechanism for international cooperation. For example, if a waste broker has shipped an illegal load of hazardous waste into country X from country Y, investigators from country X can use the Ecomessage form to request information about the waste broker or carrier involved from country Y. Investigators can also request any information that will help their case.
- Data collected in INTERPOL's computers can be accessed by the professional analysts who work in the INTERPOL Analytical Criminal Intelligence Unit. When adequate reliable data are available, very useful analyses can be conducted to reveal the criminals involved, as well as the size, structure and dynamics of the criminal enterprise or network.

Although INTERPOL has been using the Ecomessage system for years, the database is still too small to produce a truly global analysis of the criminality

associated with international environmental crime. The system needs more data via Ecomessage reports. Once statistically significant masses of data are acquired, they can be analysed and used to construct a worldwide picture of illegal international environmental crime.

INTERPOL Illicit Markets Sub-Directorate Criminal Analysis File

INTERPOL member countries are invited to participate in the INTERPOL Illicit Markets Sub-Directorate Criminal Analysis File (IMF CAF). The IMF CAF was developed to allow for more detailed and expanded analysis of the police data in INTERPOL databases. This will be achieved by gathering information from different sources and identifying links to provide better insights into criminal activities across borders, involved criminal organizations, their group structures, individual roles and key persons, modus operandi and trafficking routes. This is especially useful in illicit markets where criminal networks may operate across a diverse number of illegal products in multiple countries. The IMF CAF holds data on wildlife, fisheries, forestry, pollution, illegal mining, illicit goods and global health matters.

The use of the IMF CAF results in:

- intelligence-led targeting of international criminal networks involved in illicit trafficking
- trend analysis of criminal activity hotspots and trafficking routes
- statistical analysis of crime events
- the identification of links between crime areas and INTERPOL member countries
- target development of suspected offenders
- the identification of links between illicit trafficking activities and other crime areas

Further information

Free online e-learning courses with e-certificates on various MEAs, including many under the GCI, are available on InforMEA (<https://elearning.informea.org/>).



Basel, Rotterdam and Stockholm Conventions

Training and capacity-building materials:

- *Manual for Customs Officers on Hazardous Chemicals and Wastes under the Basel, Rotterdam and Stockholm Conventions*
<http://www.brsmeas.org/Implementation/TechnicalAssistance/ToolsandMethodologies/ManualforCustomsOfficers/tabid/4457>
- E-learning module for law enforcement officers on hazardous chemicals and wastes under the Basel, Rotterdam and Stockholm Conventions
<http://synergies.pops.int/Implementation/TechnicalAssistance/ToolsandMethodologies/Elearningmoduleforlawenforcement/tabid/3534/language/en-US/Default.aspx>
- *Guidance Elements for Detection, Prevention and Control of Illegal Traffic in Hazardous Waste*
www.basel.int/Implementation/LegalMatters/IllegalTraffic/Guidance/tabid/3423/Default.aspx
- *Basel Convention Training Manual on Illegal Traffic for Customs and Enforcement Agencies*
www.basel.int/Implementation/LegalMatters/IllegalTraffic/Guidance/tabid/3423/Default.aspx
- *Guidance on the Implementation of the Basel Convention Provisions Dealing with Illegal Traffic (Paragraphs 2, 3 and 4 of Article 9)*
www.basel.int/Implementation/Publications/GuidanceManuals/tabid/2364/Default.aspx#

Cartagena Protocol on Biosafety to the Convention on Biological Diversity

Training and capacity-building materials:

- Biodiversity e-learning platform
<https://scbd.unssc.org/>
- Video on the Cartagena Protocol on Biosafety (available in Arabic, English, French, Russian and Spanish)
https://bch.cbd.int/protocol/cpb_media_video1.shtml
- Handling, transport, packaging and identification web page
https://bch.cbd.int/protocol/cpb_art18.shtml
- Customs Portal
http://bch.cbd.int/onlineconferences/portal_detection/customs.shtml
- Sampling, detection and identification web page
https://bch.cbd.int/protocol/cpb_detection.shtml

Other useful information:

- Cartagena Protocol on Biosafety text
<http://bch.cbd.int/protocol/text/>
- Compliance Committee web page
https://bch.cbd.int/protocol/cpb_art34_info.shtml

Convention on International Trade in Endangered Species of Wild Fauna and Flora

Training and capacity-building materials:

- CITES Virtual College (training materials and Green Customs Knowledge series)
<https://cites.unia.es>
<https://cites.unia.es/cites/mod/resource/view.php?id=58>

Other useful information:

- CITES website
<https://cites.org>
- CITES enforcement web page
<https://cites.org/eng/prog/imp/enf/introduction>
- Wildlife crime linked to the Internet web page
https://cites.org/eng/prog/imp/wildlife_crime_online
- Wildlife forensics web page
https://cites.org/eng/prog/imp/Wildlife_forensics
- CITES annual illegal trade report
https://cites.org/eng/resources/reports/Annual_Illegal_trade_report
- ICCWC web page and tools
<https://cites.org/eng/prog/iccwc.php>
<https://cites.org/eng/prog/iccwc.php/Tools>

Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction

- CWC text and its Annex on Chemicals
<https://www.opcw.org/chemical-weapons-convention/articles>
<https://www.opcw.org/chemical-weapons-convention/annexes>

Montreal Protocol on Substances that Deplete the Ozone Layer

- The ozone treaties
https://ozone.unep.org/sites/default/files/2019-12/The%20Ozone%20Treaties%20EN%20-%20WEB_final.pdf

This guide is available electronically from
<http://www.greencustoms.org>.

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About the United Nations Environment Programme Law Division

The UNEP Law Division is the lead division responsible for carrying out UNEP functions that involve the development and facilitation of international environmental law, governance and policy. To fulfil its mandate, the Law Division's work focuses on:

- leading the international community in the progressive development of environmental law
- supporting States in the development and implementation of legal and policy measures that address emerging environmental challenges
- facilitating harmony and inter-linkages among environmental conventions
- working with the secretariats of multilateral environmental agreements to support States in implementing their treaty obligations
- enhancing States' participation in regional and global environmental forums

The United Nations Environment Programme (UNEP) is the leading global environmental authority that sets the global environmental agenda, promotes the coherent implementation of the environmental dimension of sustainable development within the United Nations system and serves as an authoritative advocate for the global environment. The Law Division is the lead division responsible for carrying out UNEP functions that involve environmental law, governance and related policy issues, including those related to multilateral environmental agreements. Since 1982, UNEP has conducted its activities on the basis of sequential ten-year Montevideo Programmes for the Development and Periodic Review of Environmental Law. In March 2019, the United Nations Environment Assembly adopted the Fifth Programme (Montevideo Programme V) for January 2020 to December 2029, with the vision

to promote the development and implementation of environmental rule of law, strengthen the related capacity in countries and contribute to the environmental dimension of the 2030 Agenda for Sustainable Development. To fulfil this vision, the work of the Law Division focuses on: supporting the development of adequate and effective environmental legislation and legal frameworks at all levels to address environmental issues; strengthening the effective implementation of environmental law at the national level; supporting enhanced capacity-building for increased effectiveness of environmental law for all stakeholders at all levels; supporting national governments, upon their request, in the development and implementation of environmental rule of law; and promoting the role of environmental law in the context of effective environmental governance.

The Green Customs Guide to Multilateral Environmental Agreements

The Green Customs Guide provides information and guidance to customs and border control officers to support their efforts to monitor and facilitate the legal trade, and to detect and prevent the illegal trade, in environmentally sensitive items such as ozone-depleting substances, toxic chemicals, hazardous waste, endangered species and living modified organisms.

This guide explains the Green Customs Initiative and provides an overview of the relevant multilateral environmental agreements and entities that are included in this initiative. Information is provided on how trade is regulated under these instruments, and on the responsibilities of customs officers and border control agencies in implementing these various control measures. Specialized terminology is explained, with sources of further information and assistance also provided. The guide is designed to be used as part of a training curriculum for customs officers or border control officers, or as a stand-alone resource.

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