UNEP

GREEN CUSTOMS GUIDE TO MULTILATERAL ENVIRONMENTAL AGREEMENTS

UNITED NATIONS ENVIRONMENT PROGRAMME

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THE GREEN CUSTOMS GUIDE
to Multilateral Environmental Agreements

The Green Customs Initiative

Contents

Foreword

Customs officers like you are on the frontline of facilitating and monitoring international trade. We expect you to maximise the benefits society can derive from this trade, while at the same time we ask you to limit the risks and threats that such commerce can pose, such as uncontrolled and illegal trade or criminal activities.

Certain substances and commodities that cross borders are considered to be “environmentally sensitive” for human health or ecosystems because of their inherent hazardous qualities, their potential for misuse, or their impact on biodiversity or species. Such items include banned or restricted chemicals, hazardous and toxic waste, rare and endangered species and living modified organisms. Many of these items are controlled under multilateral environmental agreements (MEAs) or other treaties, such as the Chemical Weapons Convention. Effective monitoring and control of the transboundary movement of such substances and commodities is a key component of environmental protection and, in many some cases, national security.

However, for you to do your daily work, you need information and guidance so that you know what to look for, why you are looking for it, what the implications of its uncontrolled or illegal trade are, and whom to contact for more specialised assistance. Such capacity building of Customs officers was initiated under CITES and the Montreal Protocol on Substances that Deplete the Ozone Layer, and it soon became evident that both illegal and legal trade needed to be considered in a holistic way by making links, where appropriate, with other environmental conventions to provide integrated training.

This Green Customs Guide is a tool that assists with this. This publication, which has been designed to be used by Customs officers as part of a training curriculum or as a stand-alone introduction to the subject, provides you with an overview of the conventions, their requirements related to trade in the “environmentally sensitive”, and your role in facilitating their legal trade and preventing illegal trade.

This Guide has been produced by the Green Customs Initiative, an unprecedented and award-winning collaborative effort of 10 international organisations and convention Secretariats concerned with the implementation or enforcement of agreements with trade-related aspects. By finding links between the respective mandates and scopes of operation, the partners have joined together to engage, encourage and support Customs officers in the implementation of MEAs and related agreements, in a cost-effective and coordinated manner.

Today Customs officers are becoming aware that their traditional role as guardians of the trading system is evolving into a more nuanced one encompassing different dimensions of sustainable development related to the well-being and protection of society. Now we are asking you to be at the frontline not only of trade, but also of environmental protection, and to contribute to the greening of trade.

Through this Guide, the Green Customs partners invite you to join in the effort to protect our global common environment as well as that of your country by addressing these international agreements in your daily work. We sincerely hope that this Guide is helpful and stimulates you to become more involved as a protector of the environment.

Mr. Achim Steiner
United Nations Under-Secretary-General
Executive Director
United Nations Environment Programme (UNEP)

Mr. Michel Danet
Secretary General
World Customs Organization

Preface

Customs officers and border protection officers ensure that any goods entering or leaving their country comply with national laws. If their country is a party to one or more multilateral environmental agreements (MEAs), then these agreements are likely to be included in the national laws and regulations. Today, many environmental problems are transboundary in nature and have a global impact. They can be effectively addressed only through international co-operation and shared responsibility, made possible through 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 protection officers responsible for controlling trade play a very important role in protecting the national and global environment.

Of particular importance to the work of Customs and border control officers are the with treaties 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, the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, 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 and the Stockholm Convention on Persistent Organic Pollutants.

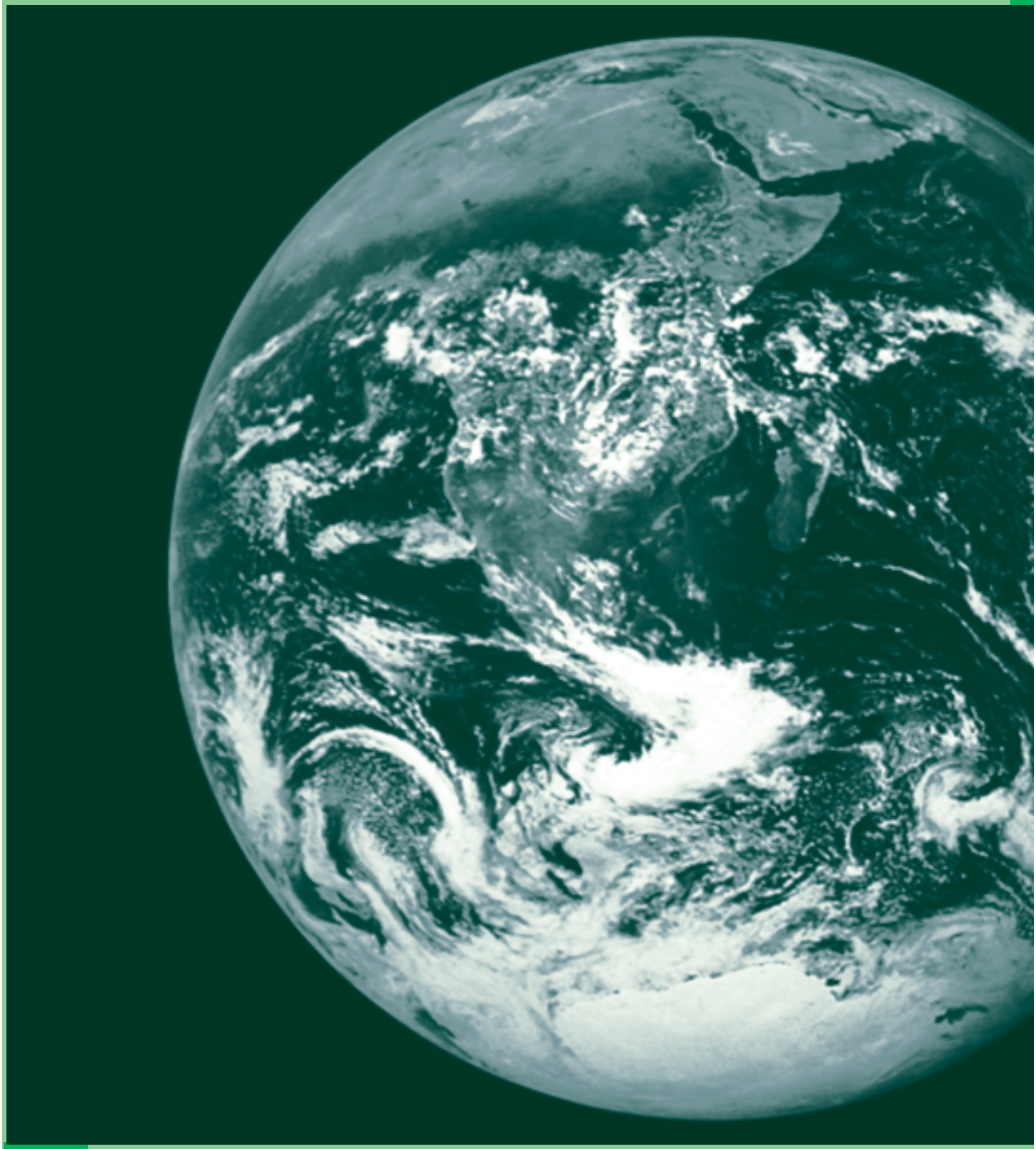
MEAs regulate the transboundary movement of a wide variety of items that Customs or border control officers might encounter in their work. Verifying shipments and their documentation is altogether a complex task and a large responsibility, as is verifying compliance with national laws and taking action when violations occur.

This Guide is intended to help Customs and border control officers in their work. Chapter 1 explains what MEAs are and introduces the organisations that are partners to the Green Customs Initiative. 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 specialised terminology associated with MEAs, and the location of additional information and guidance. Chapter 3 explores the practical aspects of implementing MEA controls. Finally, Chapter 4 offers some conclusions

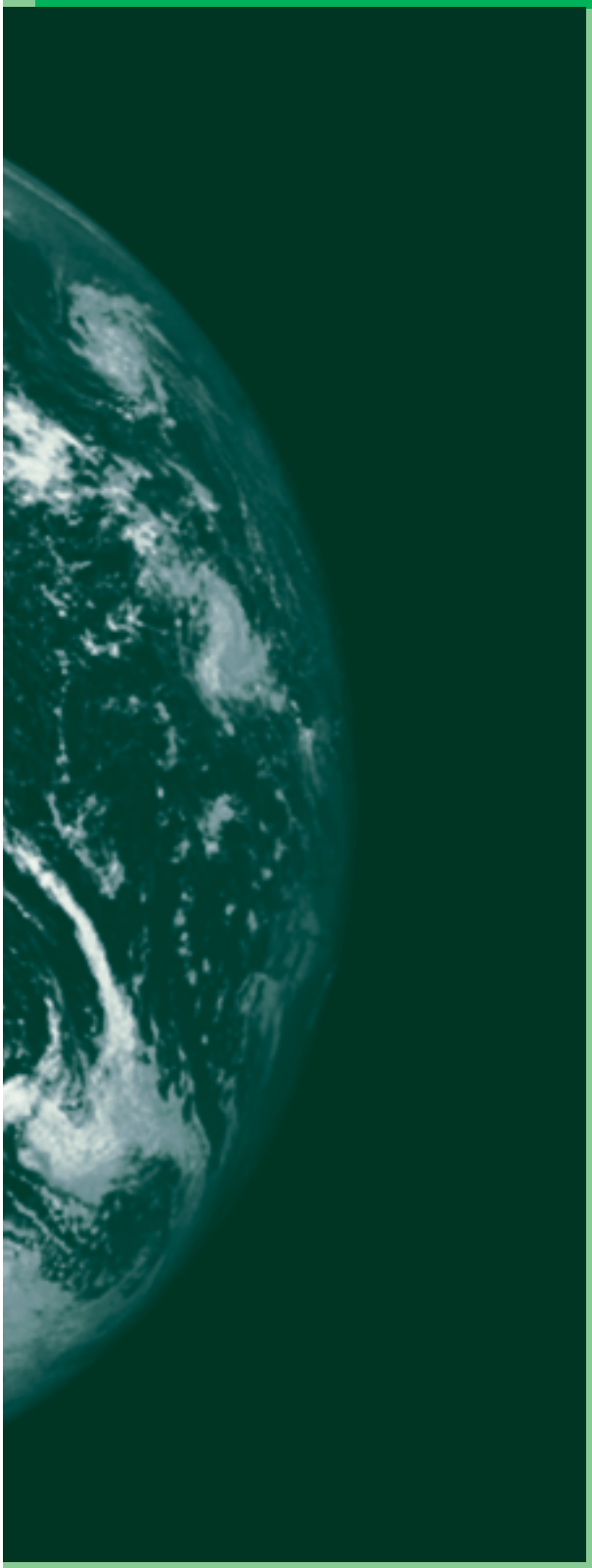
and describes possible next steps in obtaining more information, developing channels of communication and providing feedback.

The implementation of MEA provisions in national legislation requires a great deal of effort and commitment. However, Customs officers are not expected to undertake this task alone. At the national level, various agencies and institutions are responsible for MEA implementation and can assist Customs officers in their work. They also rely on the efforts of these officers to ensure national compliance with MEAs. Within their mandates, each Green Customs partner organisation is also able to produce information, training and/or other specialised assistance related to its MEA or area of expertise. It is important that those working to ensure safe, legal trade recognise that through their efforts they are helping to deliver a better environment and sustainable future for their country and for all nations.

The information in this Guide is correct as of August 2008.



1 MULTILATERAL ENVIRONMENT AGREEMENTS AND PARTNERS IN THE GREEN CUSTOMS INITIATIVE



Multilateral environmental agreements (MEAs) are agreements between several parties—that is, States or, in some cases, regional economic integration organisations such as the European Union—to pursue specific measures aimed at protecting the environment and conserving natural resources. This type of initiative is often brought about by worldwide concerns about the great and sometimes serious impacts of seemingly harmless human activities on the Earth's fragile environment. In response to these impacts, nations are now questioning the long-term sustainability of such activities in view of the need to ensure a safe future for coming generations.

When an MEA enters into force, the parties are bound by its provisions; indeed, compliance with the measures is mandatory. 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
- Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)
- 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

The Chemical Weapons Convention[1] (of the Organisation for the Prohibition of Chemical Weapons) is an international agreement whose primary purpose is not environmental protection, but which shares common concerns and procedures with the multilateral environmental agreements covered in this Guide and the role played by Customs officers under each instrument is similar in many respects. The secretariat of the CWC is a partner in the Green Customs Initiative and is described in chapter 2.

Throughout this Guide, the treaties will be presented in alphabetical order.

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

The role of Customs in MEAs

The idea behind regulating the cross-border movement in certain commodities, substances and wild species through MEAs is to preserve and protect the environment from the sometimes adverse effects of human activities or at least minimise their impact. When States take the legal steps to formally agree to be bound by an MEA, especially one with international trade provisions, they are committing themselves to regulating and, where necessary, restricting or banning use or trade in certain substances or items through the enactment of national laws and regulations. Often a demand for these items has led to the emergence of illegal trade in the substances or items being controlled by MEAs. Meanwhile, various factors have contributed to the growth of an illegal trade in controlled chemicals, wastes, products and wildlife specimens that could seriously undermine achieving the objectives of MEAs. Customs and border control officers play a central role in implementing international trade-related MEAs. They help regulate legal trade and help detect illegal trade. They check the validity of trade documents and ensure they correspond to the actual goods. They combat fraud and check traders' compliance with prohibition and restriction measures. They collect the applicable duties and taxes. They also may be involved in investigations of illegal trade. Finally, they inform the public about 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.

The Green Customs Initiative

The Green Customs Initiative is a series of collaborative activities carried out by its partner organisations and aimed at raising the awareness of Customs and border control officers on several trade-related MEAs. Activities include training workshops and the preparation of this Guide. The remainder of this chapter will describe the World Customs Organization and Interpol, two agencies participating in the Green Customs Initiative, followed by brief descriptions of the other partners (more detail is provided in chapter 2).

World Customs Organization

The World Customs Organization (WCO), established in 1952 as the Customs Co-operation Council, is the only international intergovernmental organisation that specialises in Customs matters. Its 173 member governments are responsible for processing 98 per cent of world trade.

Mission

The WCO enhances the efficiency and effectiveness of member Customs administrations, thereby assisting them to contribute successfully to national development goals, particularly in the areas of trade facilitation, revenue collection, community protection and national security.

To fulfil its mission, the WCO:

- Develops, maintains and promotes a series of international conventions, other instruments and best-practice approaches in seeking to harmonise and simplify Customs systems and procedures
- Promotes the strategic interests of the WCO and wider international Customs community by co-operating, communicating and acting in partnership with governments, other international and regional organisations, 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 ad-mi-nistrations to contribute effectively to national development goals
- Analyses issues and trends of strategic importance to the WCO and member administrations.

Training and technical assistance activities

The WCO conducts a range of training and technical assistance activities for its members on a regionalised basis as well as via e-learning tools. Since June 2003, the WCO has been offering its member administrations unlimited access to Internet e-learning courses—such as those on Customs controls, risk assessment, profiling and selectivity—

as a useful supplement to traditional training activities. As of the end of 2007, seven programmes were available to the WCO members—among them, Customs and CITES. The flexibility afforded by the e-learning system allows updates to the full range of topics covered in real time, enabling the WCO to guarantee the long-term viability of the training by constantly reviewing the programme content. For more information, visit http://learning.wcoomd.org or contact learning@wcoomd.org.

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 international trade in certain goods covered by the MEAs.

- **Specific bilateral co-operation with other Green Customs partners**

In 2003, the United Nations Environment Programme (UNEP) signed a memorandum of understanding (MOU) with the WCO Secretariat on co-operation in their own mandates, ranging from mutual consultation and information exchange to reciprocal representation and technical co-operation.

The training for Customs officers on the Montreal Protocol has been devised in association with the WCO. The Training Manual for Customs Officers: Saving the Ozone Layer and Customs training facilitated by UNEP's Division of Technology, Industry and Economics (DTIE) were developed in consultation with the WCO.

The CITES Secretariat signed a MOU with the WCO Secretariat in 1996 on joint efforts to curb the illegal trade in endangered species. The WCO has adopted some recommendations to help Customs administrations strengthen their co-operation with relevant agencies at the national level such as management authorities. The WCO Secretariat, CITES Secretariat and Interpol are exchanging information on CITES enforcement.

In 1997 the Basel Convention Secretariat and the WCO Secretariat signed an MOU creating an administrative base for further co-operation and exchange of information within their competences. The WCO Council also adopted a recommendation that invited its members to strengthen the current bilateral and multilateral co-operation and to share experience and limited resources in combating the illegal trafficking in hazardous materials, the subject of the Basel Convention.

The WCO and Interpol have lent Green Customs activities overarching support by providing technical assistance, Customs authority contacts, development of secretariat-specific Harmonized System codes, exchange of information and investigative support to track environmental crime.

For more information

Inquiries about the WCO can be directed to:

World Customs Organization
Rue du Marché 30
B-1210 Brussels, Belgium

http://www.wcoomd.org

For the WCO's activities relating to Green Customs

webpublish@wcoomd.org

Interpol

An international criminal police organisation, Interpol (International Criminal Police Organization, ICPO) co-ordinates and facilitates international co-operation among various national law enforcement agencies. In combating environmental crime, Interpol has been providing technical assistance, law enforcement contacts and investigative support, such as stopping illegal transfrontier shipments of hazardous waste, illegal dumping, illegal traffic of ozone-depleting substances and illegal trade in endangered species of wild flora and fauna.

- **Mission**

Interpol is helping to create a safer world by providing the law enforcement community with a unique range of essential services to optimise international efforts to combat crime. Interpol's mission is to be the world's pre-eminent police organisation in support of all organisations, authorities and services whose mission is preventing, detecting and suppressing crime.

Interpol will achieve its mission by:

- Providing both a global perspective and a regional focus
- Exchanging information that is timely, accurate, relevant and complete
- Facilitating international co-operation
- Co-ordinating the joint operational activities of its member countries
- Making available know-how, expertise and good practice.

Interpol will act on the basis of the articulated demands and expectations of these organisations, authorities and services, while remaining alert to developments in order to anticipate future requirements.

- **Core functions**

Interpol provides four core services:

- Secure global Police communication services
- Operational data services and databases for Police
- Operational Police support services.
- Police training and development

Interpol has been working to suppress environmental crime since 1976. As part of this effort, in 1994 Interpol set up an Environmental Crimes Committee, which comprises a Working Group on Wildlife Crime and a Working Group on Pollution Crime. See Chapter 3 for more information on Interpol's EcoMessage, a tool used in combating environmental crime.

For more information

Local agencies should contact the headquarters of their national police, where, in the majority of cases, their National Central Bureau is located.

The Interpol General Secretariat can be contacted at:

200, quai Charles de Gaulle
69006 Lyon, France
Fax: +33 (0) 4 7244 7163
Tel.: +33 (0) 4 7244 7000

E-mail: CCC-OperationsRoom@interpol.int

Introducing the other partners

The Green Customs Initiative is also supported by other prominent organisations, protocols and conventions, which are described more fully in Chapter 2:

- The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal establishes the legal and procedural framework for the regulation of cross-frontier shipments of hazardous and other wastes. The goal is to ensure that such shipments take place only when the transport and disposal of the wastes are conducted in an environmentally sound manner. 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 Cartagena Protocol on Biosafety is an international treaty that seeks to protect biological diversity from the potential risks posed by the living modified organisms (LMOs) produced by modern biotechnology. Such organisms are also often referred to as genetically modified organisms or GMOs. The Protocol is a supplementary agreement to the Convention on Biological Diversity.
- The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) establishes the legal framework and procedural mechanism for preventing international trade in endangered species and regulating the trade in other species. CITES provides training for Customs officers by means of a computer-based, self-training programme on CD-ROM.

- The Montreal Protocol on Substances that Deplete the Ozone Layer is an international agreement that controls the production and consumption of specific man-made chemicals that destroy the ozone layer, the earth's protective shield. Customs controls and enforcement of national import/export licensing systems is essential for developing countries 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 Chemical Weapons Convention (CWC), an international treaty, bans the use of chemical weapons and aims to eliminate chemical weapons everywhere and forever. The Convention provides the basis on which the Organisation for the Prohibition of Chemical Weapons (OPCW) monitors the destruction of existing declared stocks of chemical weapons and the facilities formerly used to produce them, as well as inspects industrial sites to ensure that chemicals monitored under the Convention are produced only for purposes not prohibited by the Convention. The Convention requires its State Parties to restrict and report annually to the OPCW all exports and imports of chemicals listed in the Annex of Chemicals to the Convention. Those chemicals are considered to pose a special risk for chemical weapons production. The OPCW also promotes international co-operation and the exchange of scientific and technical information, so that people and governments can benefit from the legitimate uses of chemistry.

- The Rotterdam Convention is an international agreement designed to promote shared responsibility and co-operative efforts among Parties in the international trade in certain hazardous chemicals—in particular, pesticides, industrial chemicals and severely hazardous pesticide formulations—in order to protect human health and the environment from potential harm.

- The Stockholm Convention on Persistent Organic Pollutants is directed toward 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 United Nations Environment Programme (UNEP) is the voice for the environment within the United Nations system. UNEP accomplishes its mission by, among other things, facilitating the co-ordination of UN environment-related activities and ensuring, through co-operation, liaison and participation, that all UN activities take environmental considerations into account. UNEP also helps to develop, implement and enforce international environmental law, and it provides expert advice on the development and use of environmental concepts and instruments. UNEP's role thus complements those of the MEA secretariats involved in the Green Customs Initiative. As described in this chapter, the roles played by Customs officers, and more generally all those who monitor the transboundary movement of environmentally sensitive items, are essential to ensuring the success of many multilateral environmental agreements. The leading role played by UNEP in the Green Customs Initiative in which it provides practical tools for Customs work naturally falls within this mandate.

  Several of UNEP's divisions are involved in implementing the Initiative: the Division of Technology, Industry and Economics (DTIE), which hosts the secretariat of the Initiative in Paris; the Division of Environmental Law and Conventions (DELC), located in Nairobi; and all of UNEP's regional offices, co-ordinated by the Division of Regional Cooperation (DRC).


Floralia

2 Overview of THE TREATIES COVERED BY THE GREEN CUSTOMS INITIATIVE

- Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal
- Cartagena Protocol on Biosafety
- Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (CWC)
- Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)
- 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 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 cross from one national jurisdiction to another, whether or not the wastes are being shipped as part of a commercial transaction or under a trading relationship.

Because the Convention regulates movements across international frontiers its effective implementation by national Customs officers or frontier controls is essential to ensuring compliance with the Convention.
The Basel Convention was adopted on 22 March 1989, and it entered into force on 5 May 1992*. There are 170 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
- To treat and dispose of hazardous wastes and other wastes as close as possible to their source of genertion in an environmentally sound manner
- To minimise 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 on the following:

- The requirement of prior informed consent of a State of import and States of transit before a waste can be exported and, to this end, the establishment of a notification procedure
- Restriction on exports to a country that is not a party to the Convention
- A duty to re-import when an export has not complied with the provisions of the Convention.

** In 1995 the Third Meeting of the Conference of the Parties adopted an amendment to the Basel Convention (the Ban Amendment) that restricts the export of hazardous wastes destined for disposal from Annex VII countries (members of the European Union and the Organisation for Economic Co-operation and Development and Liechtenstein) to non–Annex VII countries (all other Parties to the Convention). Under Article 17(5) of the Basel Convention, the Ban Amendment must be ratified, approved, formally confirmed or accepted by at least three-fourths of the Parties who accepted it before it enters into force. The amendment has not yet entered into force. A list of those states that have ratified/accepted/approved the Ban Amendment is available at http://www.basel.int/ratif/ban-alpha.htm.*

How the Basel Convention regulates cross-border 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. Normally, the "Competent Authority[1]" will assess whether the conditions are met and will be responsible for ensuring that the procedures are followed (see the box "Controlled Wastes") for a description of those wastes under the Convention).

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 (1) 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 manner; or (2) 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 found in the decisions adopted by the Conference of the Parties, which are binding on all Parties. These decisions can be found in the final reports of the meetings of the Conference of the Parties, which are available at http://www.basel.int.

In all cases, the Convention requires that the standard of "environmentally sound management" (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 environmentally sound management may change from time to time, taking into account the current scientific, technical, economic and environmental information. Ministries of environment and environment agencies are normally the best sources of such scientific and technical information, and the Secretariat of the Basel Convention also produces technical guidelines on the best practices for various waste streams. The Basel Convention provides for, and permits Parties to place, prohibitions on exports and imports.

Specifically

- 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.
- 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 organisation that has, by legislation, prohibited all imports. For example, such legislation may have been adopted by African countries in accordance with the Bamako Convention, which prohibits the import of hazardous wastes into Africa.
- 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 used computers for recycling to be sent there.
- A Party is prohibited from exporting wastes to, or importing wastes from, a non-Party (Article 4(5)). However, such exports/imports are permitted if the Party has entered into a bilateral 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-

[1] The Competent Authority is the governmental authority designated to be responsible for receiving the notification of a transboundary movement of hazardous wastes or other wates, and any information related to it, and for responding to such a notification

Party, as long as the agreement does not derogate from the environmentally sound management 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 transmitted to the Secretariat can be found at:
http://www.basel.int/article11/index.html.

- Parties are prohibited from exporting wastes falling within the scope of the Convention for disposal within the area south of latitude 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 national 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.

Controlled wastes

- Wastes controlled by the Basel Convention regulatory regime are listed in Annexes I and II of 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, emulsions; and wastes of an explosive nature not subject to other legislation. However, such wastes are not regarded as hazardous and subject to the Basel Convention procedures if it can be shown that they do not display one of the hazardous characteristics listed in Annex III of the Convention, such as explosive, flammable, oxidizing, poisonous or corrosive.

- Individual codes are assigned to the wastes covered by the Convention, and they are indicated in Annexes I, II VIII and IX, alongside each waste classification. The Secretariat of the Basel Convention co-ordinates with the World Customs Organization to continually review and identify the corresponding codes under the Harmonized System for the wastes covered by the Basel Convention. Customs declarations may contain either the codes assigned by the Convention or the Harmonized System codes available on the website of the World Customs Organization.

- National definitions. Parties may also define wastes that are not listed in Annexes I and II as hazardous under their national legislation. 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 transmitted to the Secretariat can be found at:
http://www.basel.int/natdef/frsetmain.php.
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, so that they can ensure compliance with the requirements, thereby preventing illegal imports or exports.

Notification procedure

To make certain that the conditions and requirements described above 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 established a notification procedure. State-to-State contacts are made through the Competent Authority.

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 Figures 2-2 and 2-3). This document should contain the information set out in Table 2-1, and it must be in a language that is acceptable to the State of import.
- **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 environmentally sound management 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 Figures 2-4 and 2-5). The generator/exporter must retain a copy of the movement document and give 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. 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 insurance[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 (for example, 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 his 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 (for example, 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.

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[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:

2. Importer - consignee Registration No:
Name:
Address:

Contact person:
Tel: Fax:
E-mail:

8. Intended carrier(s) Registration No:
Name(7):
Address:

Contact person:
Tel: Fax:
Means of transport (5):

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)

10. Disposal facility (2): ☐ **or recovery facility (2):** ☐
Registration No:
Name:
Address:

Contact person:
Tel: Fax
E-mail:
Actual site of disposal/recovery:

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 ☐

4. Total intended number of shipments:

5. Total intended quantity (4):
Tonnes (Mg):
m^3:

6. Intended period of time for shipment(s) (4):
First departure: Last departure:

7. Packaging type(s) (5):
Special handling requirements (6): Yes: ☐ No: ☐

11. Disposal / recovery operation(s) (2)
D-code / R-code (5):
Technology employed (6):

Reason for export (1;6):

12. Designation and composition of the waste (6):

13. Physical characteristics (5):

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.

18. Number of annexes attached

Exporter's - notifier's name: Date: Signature:

Generator's - producer's name: Date: Signature:

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:

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 facilit(y)ies 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, etc.)
D2	Land treatment, (e.g., biodegradation of liquid or sludgy discards in soils, etc.)
D3	Deep injection, (e.g., injection of pumpable discards into wells, salt domes or naturally occurring repositories, etc.)
D4	Surface impoundment, (e.g., placement of liquid or sludge discards into pits, ponds or agoons, etc.)
D5	Specially engineered landfill, (e.g., placement into lined discrete cells which are capped and isolated from one another and the environment, etc.)
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, etc.)
D10	Incineration on land
D11	Incineration at sea
D12	Permanent storage, (e.g., emplacement of containers in a mine, etc.)
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 other inorganic materials
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)

1. Drum
2. Wooden barrel
3. Jerrican
4. Box
5. Bag
6. Composite packaging
7. Pressure receptacle
8. Bulk
9. Other (specify)

MEANS OF TRANSPORT (block 8)

8)
R = Road
T = Train/rail
S = Sea
A = Air
W = Inland waterways

PHYSICAL CHARACTERISTICS (block 13)

1. Powdery/powder
2. Solid
3. Viscous/paste
4. Sludgy
5. Liquid
6. Gaseous
7. Other (specify)

H-CODE AND UN CLASS (block 14)

UNClass	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
a6.1	H6.1	Poisonous (acute)
6.2	H6.2	Infectious substances
8	H8	Corrosives
9	H10	Liberation of toxic gases incontact 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: Further information, in particular related to waste identification (block 14)-—that is, on Basel Annexes VIII and IX codes, OECD codes and Y codes—can be found in a guidance/instruction manual available from the OECD and the Secretariat of the Basel Convention.

Figure 2-4 Movement document for transboundary movements/shipments of waste

1. Corresponding to notification No:

2. Serial/total number of shipments: /

3. Exporter - notifier Registration No:
Name:

Address:

Contact person:
Tel: Fax:
E-mail:

4. Importer - consignee Registration No:
Name:

Address:

Contact person:
Tel: Fax:
E-mail:

5. Actual quantity: Tonnes (Mg): m^3:

6. Actual date of shipment:

7. Packaging Type(s) (1): Number of packages:

Special handling requirements: (2) Yes: ☐ No: ☐

8.(a) 1st Carrier (3):
Registration No:
Name:
Address:

Tel:
Fax:
E-mail:

8.(b) 2nd Carrier:
Registration No:
Name:
Address:

Tel:
Fax:
E-mail:

8.(c) Last Carrier:
Registration No:
Name:
Address:

Tel:
Fax:
E-mail:

- - - - - - - To be completed by carrier's representative - - - - - - -

More than 3 carriers (2) ☐

Means of transport (1):
Date of transfer:
Signature:

Means of transport (1):
Date of transfer:
Signature:

Means of transport (1):
Date of transfer:
Signature:

9. Waste generator(s) - producer(s) (4;5;6):
Registration No:
Name:
Address:

Contact person:
Tel: Fax:
E-mail:
Site of generation (2):

10. Disposal facility ☐ or recovery facility ☐
Registration No:
Name:
Address:

Contact person:
Tel: Fax:
E-mail:
Actual site of disposal/recovery (2)

11. Disposal/recovery operation(s)
D-code / R-code (1):

12. Designation and composition of the waste (2):

13.Physical characteristics (1):

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 (1):
(ix) UN class (1):
(x) UN Number:
(xi) UN Shipping name:
(xii) Customs code(s) (HS):

15. Exporter's - notifier's / generator's - producer's (4) declaration:
I certify that the above information is complete and correct to my best knowledge. I also certify that legally enforceable written contractual obligations have been entered into, that any applicable insurance or other financial guarantee is in force covering the transboundary movement and that all necessary consents have been received from the competent authorities of the countries concerned.
Name: Date: Signature:

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 ☐ or recovery facility ☐
Date of reception Accepted: ☐ Rejected*: ☐

Quantity received: Tonnes (Mg): m^3:
Approximate date of disposal/recovery:
Disposal/recovery operation (1):
Name:
Date:
Signature:

**immediately contact competent authorities*

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

Date:
Signature and stamp:

(1) See list of abbreviations and codes on the next page (2) Attach details if necessary (3) If more than 3 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

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:

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, etc.)
D2	Land treatment, (e.g., biodegradation of liquid or sludgy discards in soils, etc.)
D3	Deep injection, (e.g., injection of pumpable discards into wells, salt domes or naturally occurring repositories, etc.)
D4	Surface impoundment, (e.g., placement of liquid or sludge discards into pits, ponds or agoons, etc.)
D5	Specially engineered landfill, (e.g., placement into lined discrete cells which are capped and isolated from one another and the environment, etc.)
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, etc.)
D10	Incineration on land
D11	Incineration at sea
D12	Permanent storage, (e.g., emplacement of containers in a mine, etc.)
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 other inorganic materials
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)

1. Drum
2. Wooden barrel
3. Jerrican
4. Box
5. Bag
6. Composite packaging
7. Pressure receptacle
8. Bulk
9. Other (specify)

MEANS OF TRANSPORT (block 8)

R = Road
A = Air
T = Train/rail
W = Inland waterways
S = Sea

PHYSICAL CHARACTERISTICS (block 13)

1. Powdery/powder
2. Solid
3. Viscous/paste
4. Sludgy
5. Liquid
6. Gaseous
7. Other (specify)

H-CODE AND UN CLASS (block 14)

UNClass	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
a6.1	H6.1	Poisonous (acute)
6.2	H6.2	Infectious substances
8	H8	Corrosives
9	H10	Liberation of toxic gases incontact 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

● **Illegal traffic**

Illegal traffic occurs if the transboundary movement of hazardous wastes takes place under any of the following conditions:

- Without notification pursuant to the provisions of the Basel Convention of all States concerned—that is, Parties that are States of export or import, or transit States 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 the documents
- When the movement results in deliberate disposal of hazardous wastes in contravention of the Convention (Article 9) and of general principles of international law.

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 combat such illegal traffic, law enforcement agencies and other relevant authorities must know the provisions of these laws and have the legal 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 guards, 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 chances of a successful prosecution of illegal traffic.

In cases in which the illegal traffic results from conduct on the part of the exporter or generator, the state of export is obligated to re-import. The State of export must ensure that the wastes are taken back by the exporter/generator, or, if necessary, the State of export takes the wastes back 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). If responsibility for the illegal traffic cannot be assigned, the States of import and export must co-operate to ensure that the wastes in question are disposed of as soon as possible in an environmentally sound manner.

The role of Customs

The notification procedure ensures that wastes do not enter a State of import or transit without that State having an opportunity to make an informed decision as to whether it wishes to permit the entry of such wastes. That consent is provided on the basis of the information supplied by the exporter/generator, and, for that reason, it is imperative that Customs officers verify compliance with the notification procedure and that the wastes being shipped conform to the information on which consent to import or export 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 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.

Successful detection and prosecution of illegal traffic require the co-operation of all enforcement agencies at the national level. Customs officers cannot combat illegal traffic alone; they have to rely on the relevant national environmental 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 the Customs 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 may detect a cargo containing waste prohibited from import into the

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

Basel Convention–specific training materials for Customs officers

The "Manual on the Implementation of the Basel Convention and a Guide on the Control System," produced by the Basel Secretariat, offers a basic outline of the Convention's regulatory regime. Sample movement and notification documents, approved by the Conference of the Parties, are also available (http://www.basel.int/meetings/sbc/workdoc/techdocs.html). "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. "Guidance Elements" can be found at http://www.basel.int/legalmatters/illegtraffic/ge_e.doc.

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" addresses specific issues of relevance to enforcement officers (http://www.basel.int/legalmatters/illegtraffic/trman-e.pdf).

The Secretariat of the Basel Convention has also produced 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" and the "Basel Convention Technical Guidelines on the Identification and Management of Used Tyres".

For more information

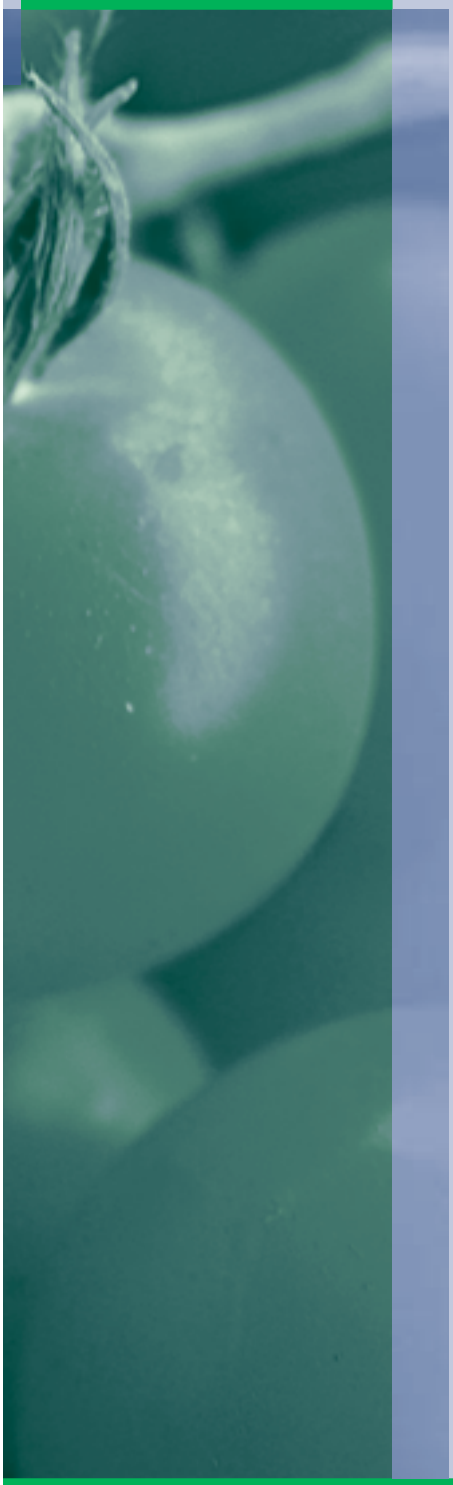
Contact the Secretariat of the Basel Convention or the nearest Basel Convention Regional Centre. Contact details for the Secretariat and the Regional Centres appear at: http://www.basel.int.

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

List of Competent Authorities	**http://www.basel.int/PARTIES%20(CA).doc**
List of Focal Points	**http://www.basel.int/PARTIES%20(FP).doc**
Lists of wastes covered by the Basel Convention (these lists, which appear at the end of the Convention text at this link, are subject to change.)	**http://www.basel.int/text/documents.html**
Parties to the Convention	**http://www.basel.int/ratif/frsetmain.php**
Text of the Convention	**http://www.basel.int/text/documents.html**

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 risks posed by living modified organisms (LMOs), also often referred to as genetically modified organisms (GMOs), which are a product of modern biotechnology. The Protocol is a supplementary agreement to the Convention on Biological Diversity. It was adopted by the Conference of the Parties to the Convention in January 2000 and entered into force in September 2003. There are over 145 Parties to the Protocol.

The Biosafety Protocol regulates the transboundary movement of living modified organisms by establishing procedures for the export and import of these organisms and maintaining an information exchange mechanism known as the Biosafety Clearing-House. Two different procedures are in place for use by the Parties in effecting transboundary movements of living modified organisms: one procedure for LMOs intended for introduction into the environment of the Party of import, and a second for LMOs that are intended for direct use as food or feed, or for processing. The Protocol allows Parties to use their domestic regulatory frameworks so long as these are consistent with the Protocol. They also can adopt a simplified decision-making procedure, provided that adequate measures are in place to ensure that the transboundary movement is safe. The Protocol also includes provisions on transboundary movements between Parties and non-Parties and documentation requirements for the transboundary movements of LMOs, and it addresses illegal transboundary movements and unintentional transboundary movements of LMOs.

Which transboundary movements of LMOs are subject to the Cartagena Protocol on Biosafety?

LMOs intended for introduction into the environment of the Party of import

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 before the first intentional transboundary movement of the LMO in question. Intentional introduction into the environment may be sought for various reasons such as using an LMO in field trials, undertaking commercial-scale production of agricultural LMOs, releasing transgenic fish, or deliberately releasing LMOs into the environment.

Carrying out the AIA procedure

The AIA procedure is intended to make certain that the exporter provides the information the Party of import needs to make informed decisions about allowing the import of an LMO into its territory. 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 its 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 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. Because each of these regulatory frameworks is different, Customs officers will have to familiarise themselves with the situation in their country. If decision making is to proceed according to the procedure in Article 10 of the Protocol, then the Party of import can decide to approve the import with or without conditions or prohibit the import. The Party of import must communicate its decision to the notifier, but failure to communicate the decision within the prescribed time period does not imply the Party's consent to an intentional transboundary movement. Information on decisions on the import of LMOs for intentional introduction into the environment is available from a country's Competent National Authority or authorities. Customs officers can also find information on decisions that have been taken under the AIA procedure in the Biosafety Clearing-House (instructions for accessing the Biosafety Clearing-House appear later in this chapter).

Shipments of LMOs intended for introduction into the environment of the Party of import could consist of seeds, trees, seedlings, live fish, animals for breeding, bacteria or any other micro-organism for use in the open environment, and other planting or propagating materials. This list is not exhaustive, however, and Customs officers should be aware that other types of organisms could be LMOs intended for introduction into the environment as well.

Shipment documentation

The documentation that must accompany shipments of LMOs for intentional introduction into the environment must 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 or, where available and applicable, a reference to a system of unique identification (see box "Unique Identification Systems" later in this chapter for more information).
- 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 organisation that has the information needed to handle an emergency
- A declaration that the movement of the living modified organisms 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.

Other types of documents to accompany shipments

Normally, shipments of plants, animals or genetic materials, genetically modified or not, are accompanied by various documents, including phytosanitary certificates. Exporters of LMOs for intentional introduction into the environment may incorporate the information listed in the previous section into one of the following documents that accompany the shipment: a commercial invoice; a document required or utilised by existing documentation systems; or other documentation as required by domestic regulatory or administrative frameworks. Possible formats for these documents appear in Figure 2-6 for illustrative purposes. 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.

Important definitions

Advance informed agreement (AIA).
A procedure under the Protocol that applies to the first intentional transboundary movement of living modified organisms 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 risk assessment by the importing Party as the prelude to a decision.

Biosafety Clearing-House (BCH).
A mechanism aimed at facilitating the exchange of scientific, technical, environmental and legal information on, and experience with, living modified organisms and assisting the Parties in implementing the Protocol.

Competent National Authority.
An entity designated and authorised by a government to fulfil the decision-making requirements of the Protocol—for example, under the advance informed agreement procedure.

Contained use.
As defined in the Protocol, any operation undertaken within a facility, installation or other physical structure that involves living modified organisms controlled by specific measures that effectively limit their contact with, and their impact on, the external environment.

Focal Point.
The person, designated by each Party to the Protocol, who is responsible for communicating with the Secretariat of the Convention on Biological Diversity on a particular topic.

Living modified organism (LMO).
As defined in the Protocol, any living organism that possesses a novel combination of genetic material obtained through the use of modern biotechnology. 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 (1) in vitro nucleic acid techniques, including recombinant deoxyribonucleic acid (DNA) and direct injection of nucleic acid into cells or organelles, or (2) the fusion of cells beyond the taxonomic family that overcome natural physiological reproductive or recombination barriers and that 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).
A type of living modified organism that represents a large category of agricultural commodities. These LMOs are intended to be directly consumed by humans or animals or to be processed into other goods; they are not intended 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, the movement of a living modified organism from one Party to another Party. For the purposes of unintentional transboundary movements, emergency measures and non-Parties, transboundary movement extends to movement between Parties and non-Parties.

Figure 2-6 Examples of integration of information requirements into existing documentation

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	**Living modified organisms**:	none
			Destined for contained use Papaya Research material seeds, PRSV (Papaya Ring Spot Virus) resistant	

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 Email	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 AND CARGO AIRCRAFT / CARGO 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

NATURE AND QUANTITY OF DANGEROUS GOODS

Dangerous Goods Identification					Quantity and Type		
Proper-Shipping Name	Class or Division	UN or ID No.	Packing Group	Subsidiary Risk	of Packing	Packing Instruction	Authorization
Infectious Substances Affecting Humans HIV gene bank in E.coli K12 Living modified organisms	6.2	UN 2814			1 Fiberboard Box ("Safe-T-Pak") x 25.0 mL	602	
Dry Ice	9	UN1845	III		1 x 12.4Kg 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 Name/Title of Signatory Place and Date City, State, Country Date Signature *(see warning above)*

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

COMPANY OR INSTITUTION LETTERHEAD

Invoice

Date _____

	Exporter	**Importer**	**Contact point** **EXPORTER** ☐ **IMPORTER** ☐ **OTHER** ☑
Company or institution	**XXXX**	**YYYY**	**ZZZZ**
Contact person			
Street			
City, Postal Code			
Country			
Phone; Fax			
Email			

Shipping details	**Shipper reference number**	**Shipper contact details**

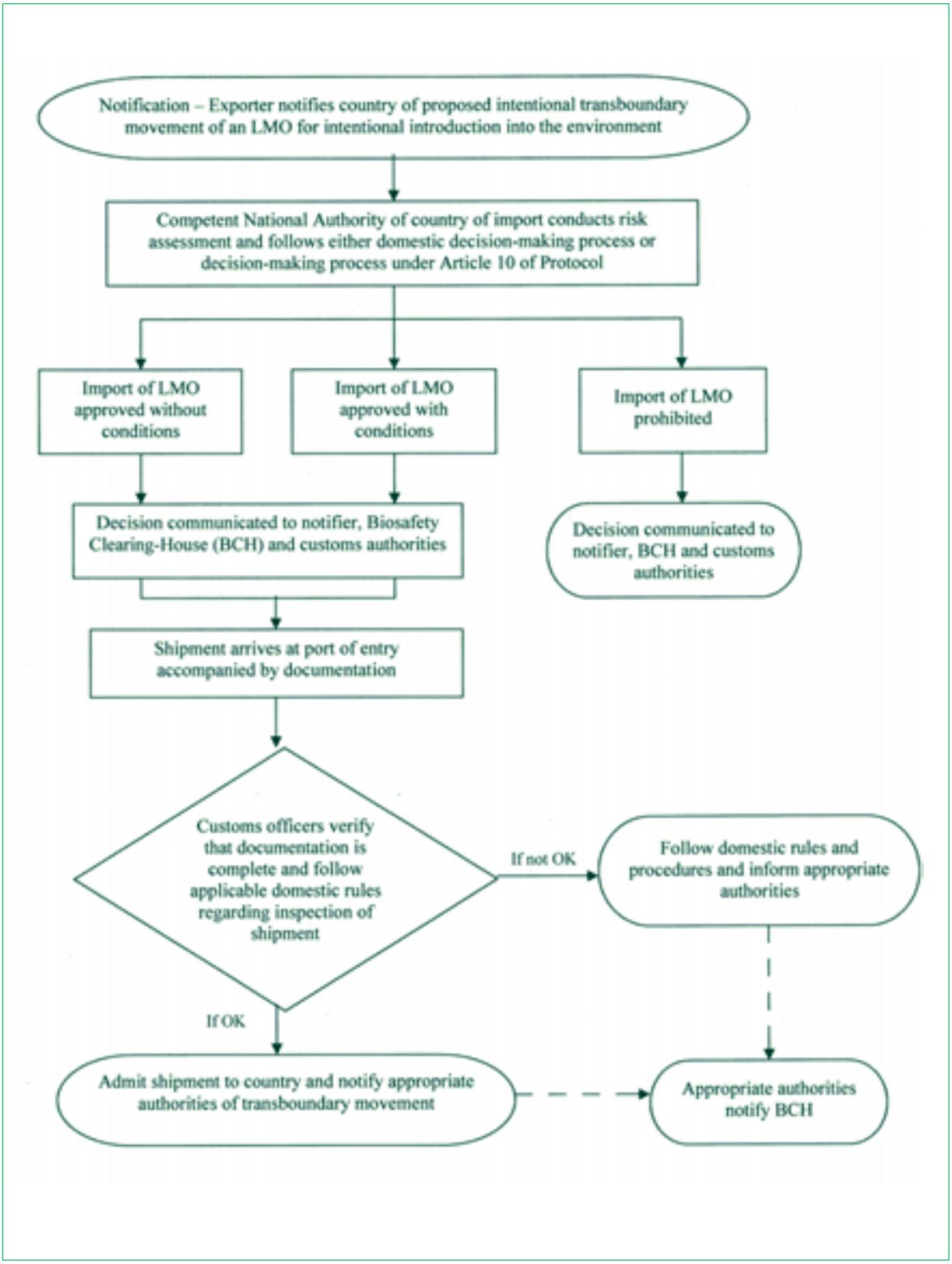
Item	**Amount**	**Weight/Volume**	**Description**	**Value**
1	1000 bags	50'000 pounds	**Living modified organism:** **Soybean WSD 432, high oleic acid, HOA** Permit #GM21345/2002 for planting OECD UI: BI-AIC891-8 Commercial seeds material	22'000 €

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 AIA procedure and the role of Customs officers



Living modified organisms intended for direct use as food or feed, or for processing

The designation 'living modified organisms intended for direct use as food or feed, or for processing' (LMOs-FFP), refers to LMOs intended for direct consumption by humans or animals or to be processed into other goods or substances; they are not meant to be released into the environment.

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

- **Step 1:** Informing the Biosafety Clearing-House about the final decision on domestic use. Unlike the AIA procedure for LMOs, the procedure for LMOs-FPP does not necessarily require the Party of import to be notified directly prior to the import of an LMO-FFP into its territory. Instead, any Party that makes a final decision about the domestic use (including placing it on the market) of an LMO-FFP that may be subject to transboundary movement must inform the other Parties of this decision through the Biosafety Clearing-House. See Figure 2-8 for an example of a notification under the LMO-FFP procedure.
- **Step 2:** Decision making by a potential importing Party. A Party may take 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 Biosafety Clearing-House that its decision prior to the first import of an LMO-FFP will be taken in accordance with a risk assessment within a timeframe indicated in the Protocol.

Figure 2-8 Screenshot from the BCH of a notification by Argentina of a decision on the domestic use of genetically modified cotton

Living modified organisms for direct use as food or feed, or for processing, are the largest category of genetically modified organisms traded internationally. The trade may consist of bulk shipments of agricultural commodities, including genetically modified soybeans, corn/maize, cotton, canola/rapeseed and rice. This list is not exhaustive, however, and Customs officers should be aware that other types of organisms—including other species of plants as well as other organisms that are not plants—can be living modified organisms intended for direct use as food or feed, or for processing, as well.

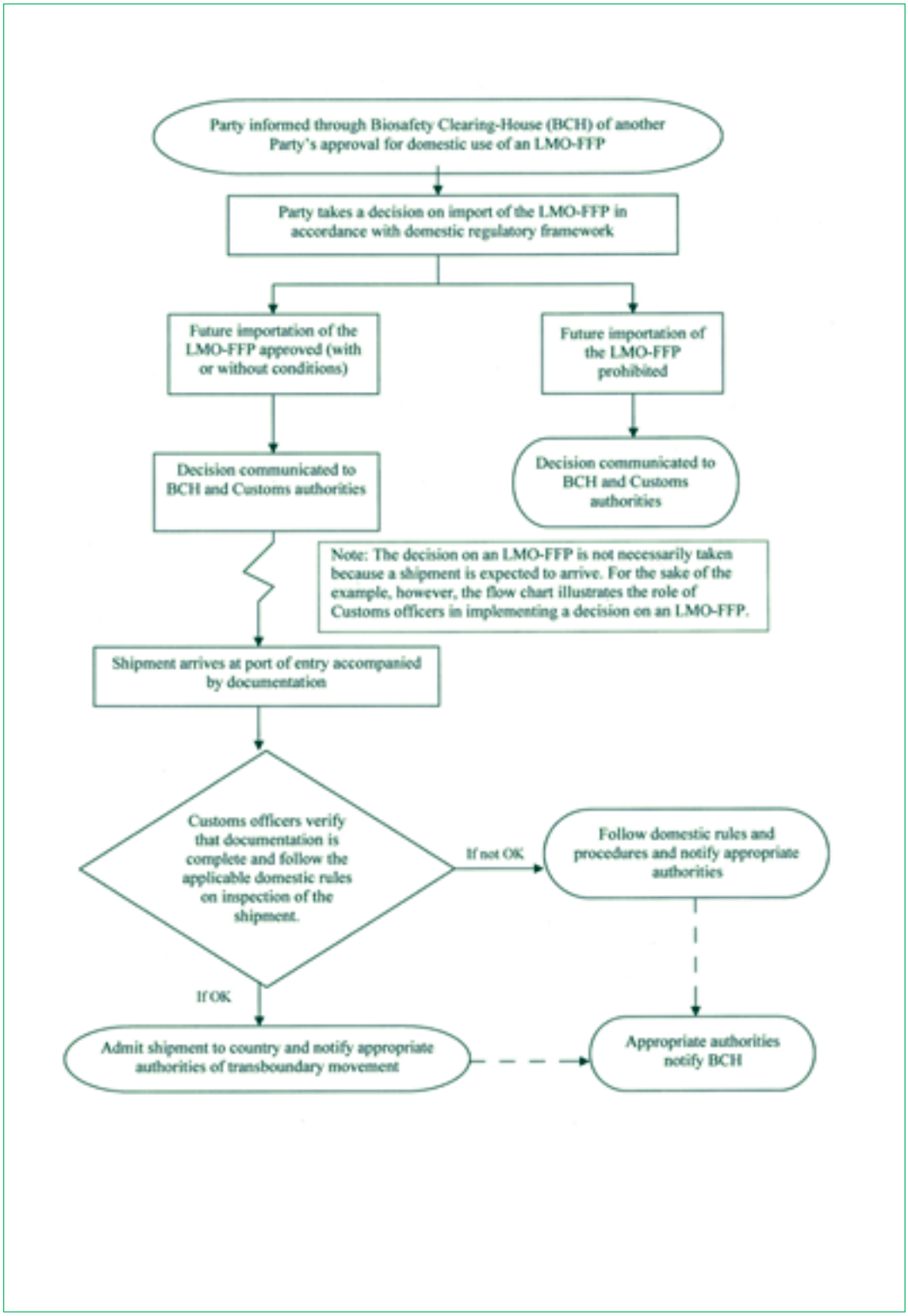
Shipment documentation

The documentation accompanying shipments of LMOs-FPP must 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
- 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 intended for direct use as food or feed, or for processing
- 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, as a key to accessing information in the Biosafety Clearing-House, its unique identifier code (see box "Unique Identification Systems")
- The Internet address of the Biosafety Clearing-House for further information.

The document accompanying such shipments must also contain the details of a contact point for further information: 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 more easily direct any questions they may have about a shipment. Customs officers should also verify that the LMOs in question are in commercial production and authorised in accordance with the domestic regulatory frameworks of both the exporting and importing countries.

Figure 2-9 Hypothetical example of decision making underlying the transboundary movement of an LMO-FFP and the role of Customs officers in the process



Other types of documents to accompany shipments

Documents that could possibly accompany shipments of LMOs-FFP include a commercial invoice, a document required or utilised by existing documentation systems or other documentation as required by domestic regulatory or administrative frameworks. The flow chart in Figure 2-9 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.

LMOs destined for contained use

The Biosafety Protocol attaches no procedure to the transboundary movement of living modified organisms for contained use. Nevertheless, shipments of these organisms are subject to a general requirement of safe handling, transport and packaging, and specific requirements apply for the purpose of identifying these organisms during transboundary movement.

LMOs destined for contained use can include any LMO intended for use in a laboratory or other setting that effectively limits its contact with, and impact on, the external environment.

Figure 2-10 Screenshot from the BCH with an example of a unique identification record

Shipment documentation

The documentation accompanying shipments of LMOs destined for contained use must 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 Organisation International des Epizooties), 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 the commercial names of the LMOs, if available, new or modified traits and characteristics such as event(s) of transformation, risk class, specification of use, as well as any unique identification, where available, as a key to accessing information in the Biosafety Clearing-House (see box "Unique Identification Systems").

Other types of documents to accompany shipments

Documents that could possibly accompany shipments of LMOs intended for contained use include a commercial invoice, a document required or utilised 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 that is presently in use in the context of the UN's Model Regulations on the Transport of Dangerous Goods (see box).

Unique identification systems

Decisions taken by the Parties to the Protocol have helped to elaborate 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 Biosafety Clearing-House (BCH).

Currently, the only existing unique identification system in international use is the OECD's[1] Unique Identifier for Transgenic Plants. The OECD naming system has been designed so that developers of a new transgenic plant can generate an identifier and include it in the dossiers they forward to national authorities during the safety 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 Biosafety Clearing-House. The unique identifier under the OECD system 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 2-10 for an example of a unique identification record in the BCH.

In the context of the Protocol, it is anticipated that the OECD unique identifier system will most frequently apply to LMOs-FFP because the OECD system is being used in association with living modified plants for commercial use. Thus documentation accompanying the transboundary movement of LMOs-FFP is required to include the unique identifier code of the LMO where it is available. It is also possible that the OECD unique identifier system, or another such system developed in the future, will apply to other categories of LMOs, including LMOs for contained use and LMOs for intentional introduction into the environment. Documentation accompanying the transboundary movement of such LMOs should thus also include the unique identifier where it is available.

[1] Organisation for Economic Cooperation and Development

UN's Model Regulations on the Transport of Dangerous Goods

Under the UN's Model Regulations on the Transport of Dangerous Goods, shipments of genetically modified micro-organisms (GMMs) and genetically modified organisms (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 micro-organisms (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:

- 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.

Unintentional transboundary movements

The Protocol on Biosafety requires Parties to notify affected or potentially affected States, the Biosafety Clearing-House and, where appropriate, the relevant international organisations when they know of a release that has led or may lead to an unintentional transboundary movement of an 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 provide the Biosafety Clearing-House with a contact point for receiving information about possible unintentional transboundary movements.

Customs officers play a role in preventing any unintentional transboundary movements through border checkpoints such as airports or seaports. Each country's contact point for notification of possible unintentional transboundary movements should communicate with Customs officers upon receiving such a notification. Customs officers need to know what type of organism may be involved in an unintentional transboundary movement, how the unintentional transboundary movement may take place, and what to do if they detect the unintentional transboundary movement.

Other procedures that may apply to certain transboundary movements of LMOs

Simplified procedure

Under the Protocol on Biosafety a Party may apply a simplified procedure to the import of certain LMOs, but the Party of import must inform the Biosafety Clearing-House in advance that it intends to use the procedure. The simplified procedure can take one of two forms:

- 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 advance informed agreement procedure. Figure 2-11 reproduces an example from the BCH of a declaration by South Africa of an import exempt from the AIA procedure.

Customs officers should inform themselves about whether their country has applied a simplified procedure to any LMOs. They must continue, however, 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.

● Bilateral, regional and multilateral agreements and arrangements

The Protocol also 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, which can cover any aspect of the intentional transboundary movement of LMOs such as documentation requirements and LMOs for contained use. Parties are to inform each other through the BCH of any such agreements or arrangements.

Customs officers should inform themselves about any bilateral, regional or multilateral agreement or arrangement their country has entered, the other country or countries party to the agreement or arrangement, and how the terms of the agreement or arrangement apply to the intentional transboundary movement of LMOs.

Customs officers and LMOs: A summary

Customs or border control officials do their part in implementing the Protocol on Biosafety by inspecting shipment documents to verify they are valid and shipments of goods to ensure they correspond to the documentation and by enforcing 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.

● 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 also include additional documentation and information requirements. Before inspecting shipment documents, Customs officers should verify these requirements with the appropriate domestic authority. They should also ensure that any handling requirements for the shipment are met. Figure 2-6 illustrates the form and possible content of documents that may accompany shipments of LMOs destined for contained use or intentional introduction into the environment.

Figure 2-11 Screenshot from BCH of a declaration by South Africa exempting imports of Bollgard II cotton from the advance informed agreement procedure

● **Inspecting shipments**

In addition to verifying documentation, Customs officers may need to inspect incoming shipments of LMOs to ensure they correspond to the documentation. Because different countries have different rules and procedures for determining when shipments must be inspected, Customs officials should familiarise 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. This verification task may be made more difficult by the fact that it is frequently impossible to visibly distinguish between an organism that has been genetically modified and one that has not. The Parties to the Protocol have recognised this problem. They recognise that it is important to build the capacity of officials in developing countries and countries with economies in transition, including Customs officers, in areas such as identifying LMOs and using and developing sampling and detection techniques.

● **Reporting the information to the relevant national authorities**

Just as Competent National Authorities should be communicating their decisions on the import of LMOs to Customs officers, so should Customs officers be communicating information to the Competent National Authorities on LMOs that arrive at a port of entry. Copies of the documents that accompany a shipment should be forwarded to the appropriate Competent National Authorities so they can verify compliance with their decisions and stay abreast of the LMOs that have entered the country.

● **Taking into account the relevant domestic regulations or administrative rules**

Unlike some of the other multilateral environmental agreements that prohibit or restrict the transboundary movement of specific chemicals or species, the Biosafety Protocol leaves it up to each Party to decide which LMOs it will allow into the country and which it will restrict or prohibit. Customs officers thus need to familiarise themselves with:

- How decisions on LMOs are made in their country in order to verify whether a transboundary movement of LMOs has followed the correct procedure
- The decisions made in their country on specific LMOs—or at least where and how to get this information—in order to verify whether the LMOs that someone wants to bring into the country have been approved for import
- The rules in their country on illegal transboundary movements in order to know 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 Biosafety Clearing-House is an ideal source of information on decisions and declarations that have been made under the Protocol as well as on how to identify the Competent National Authorities and National Focal Points of each Party (see the next section for more information on how to access the Biosafety Clearing-House).

Biosafety Protocol-specific training materials for Customs officers

A variety of information and training materials, particularly on the use of the Biosafety Clearing-House, have been prepared by the Biosafety Unit of the Secretariat to the Convention on Biological Diversity and others. Descriptions of some of these materials follow:

- BCH Central Portal Online Help. This online help portal for the Biosafety Clearing-House is available in all six United Nations languages. It includes extensive help documents about the BCH and the Protocol as well as training modules on how to use the BCH. It is available through the 'content' section of the following website: http://bch.cbd.int/help
- BCH Training Modules and Training Workshop Manual. Prepared as part of the United Nations Environment Programme–Global Environment Facility's Biosafety Clearing-House Project, this resource includes five modules:
  - "Introduction to the Cartagena Protocol on Biosafety"
  - "Introduction to the Biosafety Clearing-House"
  - "Introduction to the BCH Central Portal"
  - "Finding Information from the BCH Central Portal"
  - "Registering Data in the BCH Central Portal"

  It also includes a training workshop module, which provides guidelines on how a BCH training programme can be conducted. All these materials are being translated into the six United Nations

languages and are available online at: http://bch.cbd.int/help/training-modules/ as well as through the BCH Central Portal Online Help.

→ Biosafety and the Environment: An Introduction to the Cartagena Protocol on Biosafety. This booklet is intended to help the public better understand the Protocol. It is available in English, Spanish and French.
The English version is available at : http://www.cbd.int/doc/press/presskits/bs/cpbs-unep-cbd-en.pdf.

→ Frequently Asked Questions on the Biosafety Protocol. 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 FAQ are available in English and French. The English version is available at : http://www.cbd.int/biosafety/faqs.shtml.

For more information

For more information on the Biosafety Protocol, contact:

Secretariat, 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: secretariat@cbd.int

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

To access the Biosafety Clearing-House	**http://bch.cbd.int/**
To search for Competent National Authorities and National Focal Points	**http://bch.cbd.int/database/contacts/**
To obtain a list of Parties to the Protocol	**http://bch.cbd.int/protocol/parties**
To obtain a copy of the text of the Protocol	**http://www.cbd.int/biosafety/protocol.shtml**

CHEMICAL WEAPONS CONVENTION

ON THE PROHIBITION OF THE DEVELOPMENT, PRODUCTION, STOCKPILING AND USE OF CHEMICAL WEAPONS AND ON THEIR DESTRUCTION (CWC)

The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction entered into force in 1997. One hundred and eighty-four States are party to the Convention (see Figure 2-12). The main objectives of the Convention 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 of the activities not prohibited under the Convention. The verification regime established by the Convention consists of declarations by States Parties and inspection of relevant facilities by the Organisation for the Prohibition of Chemical Weapons (OPCW). The Convention commits its States Parties to working together to promote peaceful uses of chemistry for the purpose of pursuing their economic and technological development. Countries that do not have chemical weapons and that do not feel threatened by chemical weapons join the Convention largely because they not only support the ban on chemical weapons, but also want to develop their chemical industries and take part in scientific and technological exchange in the interest of chemistry for peaceful purposes.

OPCW Mission Statement

The Organisation for the Prohibition of Chemical Weapons was created in 1997 by the Chemical Weapons Convention. It is located in The Hague in the Netherlands.

The mission of the OPCW is to implement the provisions of the CWC to achieve the OPCW's vision of a world that is free of chemical weapons and of the threat of their use, and a world in which co-operation 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, the Secretariat proposes policies for the implementation of the CWC to the Member States of the OPCW, and develops and delivers programmes with and for them. These programmes have four broad aims:

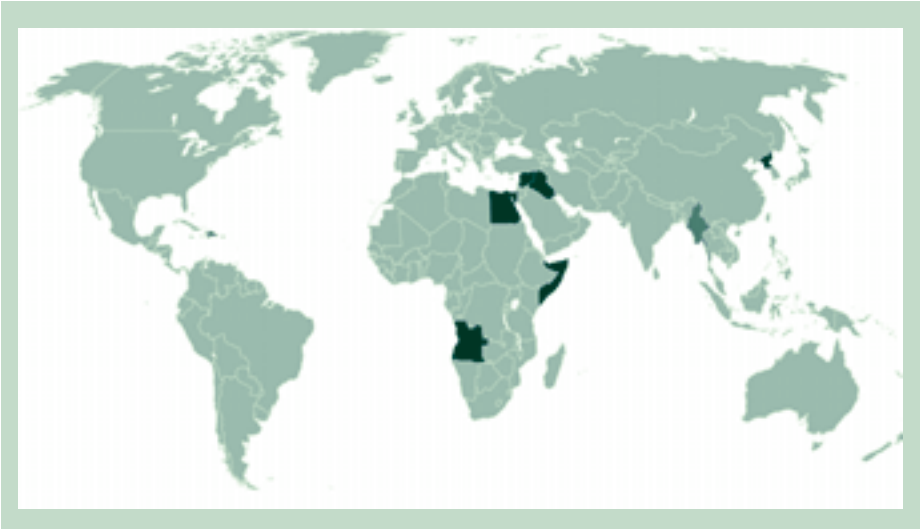
- To ensure a credible and transparent regime for verifying the destruction of chemical weapons and to prevent their re-emergence, while protecting legitimate national security and proprietary interests
- To provide protection and assistance against chemical weapons
- To encourage international co-operation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

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

The Convention affects a specific segment of the global chemical industry. In accordance with its purposes, the term chemical industry comprises all chemical, pharmaceutical and agrochemical enterprises and other related sectors that not only produce, process and consume, but also trade internationally those chemicals identified in the Convention for verification purposes. Thus not only those firms or plants grouped within the traditional chemical industry sector may be subject to the Convention's provisions, but also companies or facilities within other industrial or commercial sectors.

The chemicals explicitly specified in the Convention for monitoring purposes cover a wide range of compounds and include chemical warfare agents, as well as key and more distant precursors. These

Figure 2-12
States Parties to the Chemical Weapons Convention



Note: light green denotes the 184 States Parties. Dark green denotes Signatory States: Bahamas, Dominican Republic, Israel and Myanmar. Black denotes Non-signatory States: Angola, Barbados, Democratic People's Republic of Korea, Egypt, Iraq, Lebanon, Somalia and Syrian Arab Republic. The presentation of this map does not imply the expression of any opinion whatsoever on the part of the OPCW on the legal status of any country, territory or area, or on the delimitation of its boundaries.

chemical compounds, or families of compounds, are listed in the three schedules in the Convention'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. A list of scheduled chemicals 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 (Table 2-3). Schedule 1 contains chemicals known to have been developed or used as chemical weapons or are the immediate precursor compounds used in the production of chemical weapons. Almost none of the compounds on this schedule is known to have any significant legitimate commercial uses.

Under the Convention, 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 in order 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 as well as AIDS.
- **Mustine**. Mustine (one of the nitrogen mustards) is a component of mustine hydrochloride, which is 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 Convention, 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 examples of why a State Party might wish to import or export these chemicals, either as pure compounds or as components in formulations, are as follows:

- **Dimethyl methylphosphonate (DMMP)**. DMMP 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.** This chemical is widely employed in water-based dyes for the cloth manufacturing industries, including the rural industries of developing countries. And it is a key component of the water-based inks used in the manufacture of felt-tip pens and in 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.** Arsenic trichloride is the key starting material in the production of most arsenic-containing insecticides, fungicides, herbicides, rodenticides and defoliants.
- **Methyl phosphonic acid.** This chemical 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 Convention 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. Instructions and the appropriate forms are available at http://www.opcw.org.

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 vulcanising agents. Some reasons a State Party might wish to import or export these chemicals, either as pure compounds or as components in formulations, are as follows:

- **Trimethyl phosphite (TMP)**. TMP 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.** This chemical is a vulcanising 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 it is used as a treatment for vegetable oils and to harden softwoods.
- **Triethanolamine.** 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, textile specialties, waxes and polishes, herbicides, cements, pharmaceutical products and toiletries.

A list of the most commonly traded scheduled chemicals appears in Table 2.5.

● Unscheduled chemicals

The Convention 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.

The role of Custom organisations

● Collecting export and import data

Customs officers play a crucial role in helping National Authorities to comply with the Convention 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 Convention that may require the issuance of import/export licences for the transfer of scheduled chemicals
- Resolving discrepancies in data declared by other State 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 administrations 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. In this way, Customs agents could:

- Prevent shipments of Schedule 1 chemicals to States not Party and re-transfers to third states
- Compile data on the transfer of Schedule 1 chemicals for declarations
- Prevent shipments of Schedule 2 chemicals above specified concentration limits to States not Party
- Prevent shipments of Schedule 3 chemicals to States not Party without an end-use certificate
- Compile data on imports and exports of Schedule 2 and 3 chemicals for declarations.

Making a final check

Customs agents 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 transhipment, 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 it to the National Authority
- Exchange information with other Customs administrations on implementation of Convention requirements on transfers.

For more information

The following addresses and links will be helpful to those seeking more information on the chemical Weapons Convention:

General information
Media and Public Affairs Branch/External Relations Division
Organisation for the Prohibition of Chemical Weapons (OPCW)
Johan de Wittlaan 32 2517 JR The Hague
The Netherlands
Tel.: +31 70 416 3300
Fax: +31 70 306 3535
http://www.opcw.org

Legal issues
Office of the Legal Adviser, OPCW
Tel.: +31 70 416 3708
E-mail: legal@opcw.org

Declarations, information on chemicals, transfers of chemicals
Declarations Branch, OPCW
Tel.: +31 70 416 3039
E-mail: deb@opcw.org

Support to National Authorities in all key areas
Implementation Support Branch, OPCW
Tel.: +31 70 416 3376
E-mail: ipb@opcw.org

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: 1. The quantities of each Schedule 2 chemical produced, processed, consumed, imported and exported 2. The quantities of each Schedule 3 chemical produced, imported and exported 3. 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 tonne at any given time. Retransfer of Schedule 1 chemicals to a third State is prohibited.	On 29 April 2000, the transfers of 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 co-operation between their National Authorities, and that they agree on and apply similar rules and standards for collecting and reporting data.		

Important definitions

Annex on Chemicals.
One of three annexes to the CWC. It contains the Schedules of Chemicals and the criteria for 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 Convention 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.
The term applied to 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 criminalises 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 in order for a State Party to monitor effectively industry's use of toxic chemicals.

National Authority (NA).
The bodies established by a national government to act as liaison between the government and the Technical Secretariat for implementation of the CWC. NAs serve many functions, including co-ordinating 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 listed in the CWC's Schedules of Chemicals. Schedule 1 chemicals are the most dangerous, and therefore the most controlled, and have few peaceful uses. The restrictions on the chemicals listed in Schedules 2 and 3 are fewer, and they are often produced in large quantities for industrial purposes.

Schedules.
The Schedules of Chemicals, found in the Convention's Annex on Chemicals, lists toxic chemicals that either have been used as chemical weapons or are precursors to chemical weapons, and that may or may not be produced commercially. These chemicals, divided among three schedules, are controlled under the terms of the Convention.

State Party.
A state that has signed and ratified or acceded to the Chemical Weapons Convention 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 the Organisation for the Prohibition of Chemical Weapons. 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.

Definitions on import or export

Definitions of import and export depend on the legislation of State Parties and hence States Parties may declare imports and exports of scheduled chemicals in different ways. To have a common understanding on the terms import and export by all State Parties, the Executive Council of the OPCW on its 53rd Session, approved the Decision EC-53/Dec.16, dated 27 June 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.

Table 2-4 CWC Schedules of Chemicals

Schedule 1			(CAS Registry number)
A. Toxic chemicals:			
(1)	O-Alkyl (<C10, incl. cycloalkyl) alkyl (Me, Et, n-Pr or i-Pr)-phosphonofluoridates		
	Examples: Sarin:	O-Isopropyl methylphosphonofluoridate	(107-44-8)
	Soman:	O-Pinacolyl methylphosphonofluoridate	(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		(2625-76-5)
	Mustard gas: Bis(2-chloroethyl)sulfide		(505-60-2)
	Bis(2-chloroethylthio)methane		(63869-13-6)
	Sesquimustard: 1,2-Bis(2-chloroethylthio)ethane		(3563-36-8)
	1,3-Bis(2-chloroethylthio)-n-propane		(63905-10-2)
	1,4-Bis(2-chloroethylthio)-n-butane		(142868-93-7)
	1,5-Bis(2-chloroethylthio)-n-pentane		(142868-94-8)
	Bis(2-chloroethylthiomethyl)ether		(63918-90-1)
	O-Mustard: Bis(2-chloroethylthioethyl)ether		(63918-89-8)
(5)	Lewisites:		
	Lewisite 1: 2-Chlorovinyldichloroarsine		(541-25-3)
	Lewisite 2: Bis(2-chlorovinyl)chloroarsine		(40334-69-8)
	Lewisite 3: Tris(2-chlorovinyl)arsine		(40334-70-1)
(6)	Nitrogen mustards:		
	HN1: Bis(2-chloroethyl)ethylamine		(538-07-8)
	HN2: Bis(2-chloroethyl)methylamine		(51-75-2)
	HN3: Tris(2-chloroethyl)amine		(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	(676-97-1)
		Dimethyl methylphosphonate	(756-79-6)
	Exemption: Fonofos:	O-Ethyl S-phenyl ethylphosphonothiolothionate	(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	(108-01-0)
		N,N-Diethylaminoethanol and corresponding protonated salts	(100-37-8)
(12)	N,N-Dialkyl (Me, Et, n-Pr or i-Pr) 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	(75-44-5)
(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)

Table 2-5 List of the most traded schedule chemicals

No.	Sched.	CAS	Chemical name
1	2B04	170836-68-7	Mixture of CAS RN 41203-81-0 and CAS RN 42595-45-9
2	2B04	18755-43-6	Dimethyl propylphosphonate
3	2B04	294675-51-7	Phosphonic acid, methyl-, polyglycol ester
4	2B04	41203-81-0	Phosphonic acid, methyl-, (5-ethyl-2-methyl-2-oxido-1,3,2-dioxaphosphorinan-5-yl) methyl methyl ester
5	2B04	42595-45-9	Phosphonic acid, methyl-, bis[(5-ethyl-2-methyl-2-oxido-1,3,2-dioxaphosphorinan-5-yl)methyl] ester
6	2B04	68957-94-8	2,4,6-Tripropyl-1,3,5,2,4,6-trioxatriphosphinane 2,4,6-trioxide
7	2B04	70715-06-9	Mixture of dimethyl methylphosphonate, oxirane and phosphorus oxide(P2O5)
8	2B04	756-79-6	Dimethyl methylphosphonate
9	2B04	78-38-6	Diethyl ethylphosphonate
10	2B04	84402-58-4	Mixture: 50% Methylphosphonic acid/50% (Aminoiminomethyl)urea
11	2B04	84962-98-1	Sodium 3-(trihydroxysilyl)propyl methylphosphonate
12	2B08	76-93-7	2,2-Diphenyl-2-hydroxyacetic acid
13	2B10	4261-68-1	2-(N,N-Diisopropylamino)ethyl chloride hydrochloride
14	2B10	4584-46-7	2-(N,N-Dimethylamino)ethyl chloride hydrochloride
15	2B10	869-24-9	2-(N,N-Diethylamino)ethylchloride hydrochloride
16	2B11	96-80-0	2-(N,N-Diisopropylamino)ethanol
17	2B12	100-38-9	2-(N,N-Diethylamino)ethanethiol
18	2B13	111-48-8	Bis(2-hydroxyethyl)sulfide
19	3A01	75-44-5	Carbonyl dichloride
20	3A02	506-77-4	Cyanogen chloride
21	3A03	74-90-8	Hydrogen cyanide
22	3A04	76-06-2	Trichloronitromethane
23	3B05	10025-87-3	Phosphorous oxychloride
24	3B06	7719-12-2	Phosphorous trichloride
25	3B07	10026-13-8	Phosphorous pentachloride
26	3B08	121-45-9	Trimethyl phosphite
27	3B09	122-52-1	Triethyl phosphite
28	3B10	868-85-9	Dimethyl phosphite
29	3B11	762-04-9	Diethyl phosphite
30	3B12	10025-67-9	Sulfur monochloride
31	3B13	10545-99-0	Sulfur dichloride
32	3B14	7719-09-7	Thionyl chloride
33	3B15	139-87-7	Ethyldiethanolamine
34	3B16	105-59-9	Methyldiethanolamine
35	3B17	102-71-6	Triethanolamine

CITES

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 currently has 173 Parties. The trade in CITES-listed species is diverse, ranging from live animals and plants to food products, exotic leather goods, wooden musical instruments, timber, tourist curios and medicines and other wildlife products. The Convention accords varying degrees of protection to more than 33,000 species of animals and plants, whether they are traded as live specimens or as raw or finished products.

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 the Convention are authorised through a licensing system. Each Party to the Convention 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 need (see boxes "The CITES Appendices" and "Conditions for Trade").

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.

The Convention allows or requires Parties to make certain exceptions to the usual procedures, notably for:

- Specimens in transit or being transhipped
- Specimens acquired before CITES provisions were applied to them (known as pre-Convention specimens)
- Specimens that are personal or household effects
- Animals that were bred in captivity
- Plants that were artificially propagated
- Specimens that are destined for scientific research
- Animals or plants forming part of a travelling collection or exhibition, such as a circus.

There are special rules in these cases, but a permit or certificate is generally still required. Some Parties have domestic legislation with trade controls that are stricter than those required by CITES. In these cases, compliance with the basic CITES regulations may not be sufficient to ensure that trade is legal.

When a specimen of a CITES-listed species is transferred between a country that is a Party to CITES and a country that is not, the country that is a Party may accept documentation that is equivalent to CITES permits and certificates.

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, to check the validity of the documents submitted, and to 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

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 some 530 animal species and 300 plant species.

- Appendix II includes species not necessarily threatened with extinction, but for which trade must be controlled to avoid their becoming threatened. Appendix II also includes species that resemble those already in Appendix I or II. International trade is permitted but regulated. Appendix II lists more than 4,400 animal species and 28,000 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 160 animal species and 10 plant species are listed in Appendix III.

Customs units that specialise 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 the Convention must be authorised 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. Because 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 "Information on a typical CITES Permit"). 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 the Convention.

An import permit is required to import Appendix I specimens. It is not required by CITES for Appendix II specimens, but it 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

Important definitions

Conference of the Parties Refers to all the member States (Parties).
Every three years the Conference of the Parties meets to review the implementation of the Convention.
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 the Convention.
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. It may also include any recognisable part or derivative.
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 transhipment of specimens Refers 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 ATA Carnet.

issue have to be exported and consequently imported into the country of destination. For Appendix I and II specimens, the preparation and shipment of any live specimen must minimise any risk of injury, damage to health or cruel treatment, and in the case of live animal specimens shipped by air, conditions of transport must meet the International Air Transport Association (IATA) Live Animals Regulations. Accepted by CITES and recognised as the international standard for transport of animals by air, the IATA Live Animals Regulations (LAR) specify the minimum requirements for the international transport of animals and wildlife and indicate what precautions airlines, shippers, cargo agents and animal care professionals should take on the ground and in the air. In the case of plants, the IATA Perishable Cargo Manual applies. (The regulations are available both in bound copy and on CD-ROM.)

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 did 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 2-13 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

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 on the national laws, but the main conditions that apply for each Appendix are described below.

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 the Convention 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 to minimise 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 being 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 the Convention. In the case of a live animal or plant, it must be prepared and shipped to minimise 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 being brought.

Appendix III specimens

For trade from a State that included 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 to minimise 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.

Information on a typical CITES permit

- Name and logo of the Convention
- Unique number
- Document type
- Period of validity
- Exporter's address
- Exporter's signature
- Exporter's address
- 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-Convention)
- 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

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-Convention 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.

CITES-specific training materials for Customs officers

The CITES Secretariat has published an interactive, computer-based training course for Customs officers involved in processing CITES specimens or CITES documentation; personnel from other government departments concerned with the importation and exportation of CITES specimens, such as ministries dealing with fisheries, agriculture and plant or animal health inspection; and international authorities such as the World Customs Organization and Interpol. The course was designed in partnership with the Canada Customs and Revenue Agency and Environment Canada.

The course takes approximately three hours to complete. When the user is unable to complete the course in one sitting, a 'bookmark' will automatically be created at whatever point has been reached. This will allow the user to start a new session where he or she had stopped. Several persons can use the same programme (though not simultaneously) if each one chooses a different username and password. The course covers the following topics:

- What CITES is
- How CITES operates
- How to recognise CITES specimens
- What are the most common types of contraventions linked to CITES
- How to verify and validate documentation
- How to process CITES specimens
- When to refer CITES specimens to other agencies.

This course is designed for Customs officers involved in processing CITES specimens or CITES documentation; personnel from other government departments concerned with the importation and exportation of CITES specimens, such as ministries dealing with fisheries, agriculture, plant or animal health inspection; and international authorities such as the World Customs Organization and Interpol.

The CD-ROM may be copied for national, not-for-commercial distribution. Copies of the CD-ROM may be requested from the Capacity Building Unit of the CITES Secretariat.

Standard permit/certificate form

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA

PERMIT/CERTIFICATE No.
- ☐ EXPORT
- ☐ RE-EXPORT
- ☐ IMPORT
- ☐ OTHER:

Original

2. Valid until

3. Importer (name and address)

3a. Country of import

4. Exporter/re-exporter (name, address and country)

Signature of the applicant

5. Special conditions

For live animals, this permit or certificate is only valid if the transport conditions conform to the CITES Guidelines for transport or, in the case of air transport, to the IATA Live Animals Regulations

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.

SPECIMEN

Instructions and explanations

(These correspond to block numbers on the form)

1. Tick the square which corresponds to the type of document issued (export permit, re-export certificate, import permit or other). If the box "other" has been ticked, the type of document must be indicated. The original number is a unique number allocated to each document by the Management Authority.
2. For export permits and re-export certificates, the date of expiry of the document may not be more than six months after the date of issuance (one year for import permits).
3. **Complete** name and address of the importer.

3a. The name of the country must be written in full.

4. **Complete** name and address of the exporter/re-exporter. The name of the country must be stated. The absence of the signature of the applicant renders the permit or certificate invalid.
5. Special conditions may refer to national legislation or special conditions placed on the shipment by the issuing Management Authority. This block can also be used to justify the omission of certain information.

5a. The following codes should be used: **T** for commercial, **Z** for zoos, **G** for botanical gardens, **Q** for circuses and travelling exhibitions, **S** for scientific purposes, **H** for hunting trophies, **P** for personal, **M** for medical, **E** for education, **N** for reintroduction or introduction into the wild, and **B** for breeding in captivity or artificial propagation, **L** for law enforcement / judicial / forensic.

5b. Indicate the number of the security stamp affixed in block 13.

6. The name, address and country of the issuing Management Authority should already be printed on the form.

7-8. Indicate the scientific name (genus and species, where appropriate subspecies) of the animal or plant as it appears in the Convention Appendices or the reference lists approved by the Conference of the Parties, and the common name of the animal or plant as known in the country issuing the permit.

9. Describe, as precisely as possible, the specimens entering trade (live animals, skins, flanks, wallets, shoes, etc.). If a specimen is marked (tags, identifying marks, rings, etc.), whether or not this is required by a Resolution of the Conference of the Parties (specimens originating in a ranching operation, specimens subject to quotas approved by the Conference of the Parties, specimens of Appendix-I species bred in captivity for commercial purposes, etc.), indicate the number and type of mark. The sex and age of the live animals should be recorded, if possible.

10. Enter the number of the Appendix of the Convention (I, II or III) in which the species is listed.

    Use the following codes to indicate the source:

    W Specimens taken from the wild

    R Specimens originating from a ranching operation

    D Appendix-I animals bred in captivity for commercial purposes and Appendix-I plants artificially propagated for commercial purposes, as well as parts and derivatives thereof, exported under the provisions of Article VII, paragraph 4, of the Convention

    A Plants that are artificially propagated in accordance with Resolution Conf. 11.11 (Rev. CoP13), paragraph a), as well as parts and derivatives thereof, exported under the provisions of Article VII, paragraph 5 (specimens of species included in Appendix I that have been propagated artificially for non-commercial purposes and specimens of species included in Appendices II and III)

    C Animals bred in captivity in accordance with Resolution Conf. 10.16 (Rev.), as well as parts and derivatives thereof, exported under the provisions of Article VII, paragraph 5 (specimens of species included in Appendix I that have been bred in captivity for non-commercial purposes and specimens of species included in Appendices II and III)

    F Animals born in captivity (F1 or subsequent generations) that do not fulfil the definition of 'bred in captivity' in Resolution Conf. 10.16 (Rev.), as well as parts and derivatives thereof

    U Source unknown **(must be justified)**

    I Confiscated or seized specimens

    O Pre-Convention (may be used with other source codes).

11. The quantity and units indicated should conform to the most recent version of the *Guidelines for the preparation and submission of CITES annual reports.*

11a. Indicate the total number of specimens exported in the current calendar year (including those covered by the present permit) and the current annual quota for the species concerned (for example 500/1000). This should be done for the national quotas as well as for those determined by the Conference of the Parties.

12. The country of origin is the country in which the specimens were taken from the wild, bred in captivity or artificially propagated, except in the case of plant specimens that cease to qualify for an exemption from the provisions of CITES. In such instances, the country of origin is deemed to be the country in which the specimens ceased to qualify for the exemption. Indicate the number of the permit or certificate of the exporting country and the date of issuance. If all or part of the information is not known, this should be justified in block 5. This block must only be completed in case of re-exports;

12a. The country of last re-export is the country from which the specimens were re-exported before entering the country in which the present document is issued. Enter the number of the re-export certificate of the country of last re-export and its date of issuance. If all or part of the information is not known, this should be justified in block 5. This block must only be completed in case of re-export of specimens previously re-exported.

12b. The "No. of the operation" is the number of the registered captive-breeding or artificial propagation operation. The "date of acquisition" is defined in Resolution Conf. 13.6 and is required only for pre-Convention specimens.

13. To be completed by the official who issues the permit. The name of the official must be written in full. The security stamp must be affixed in this block and must be cancelled by the signature of the issuing official and a stamp or seal. The seal, signature and security-stamp number should be clearly legible.

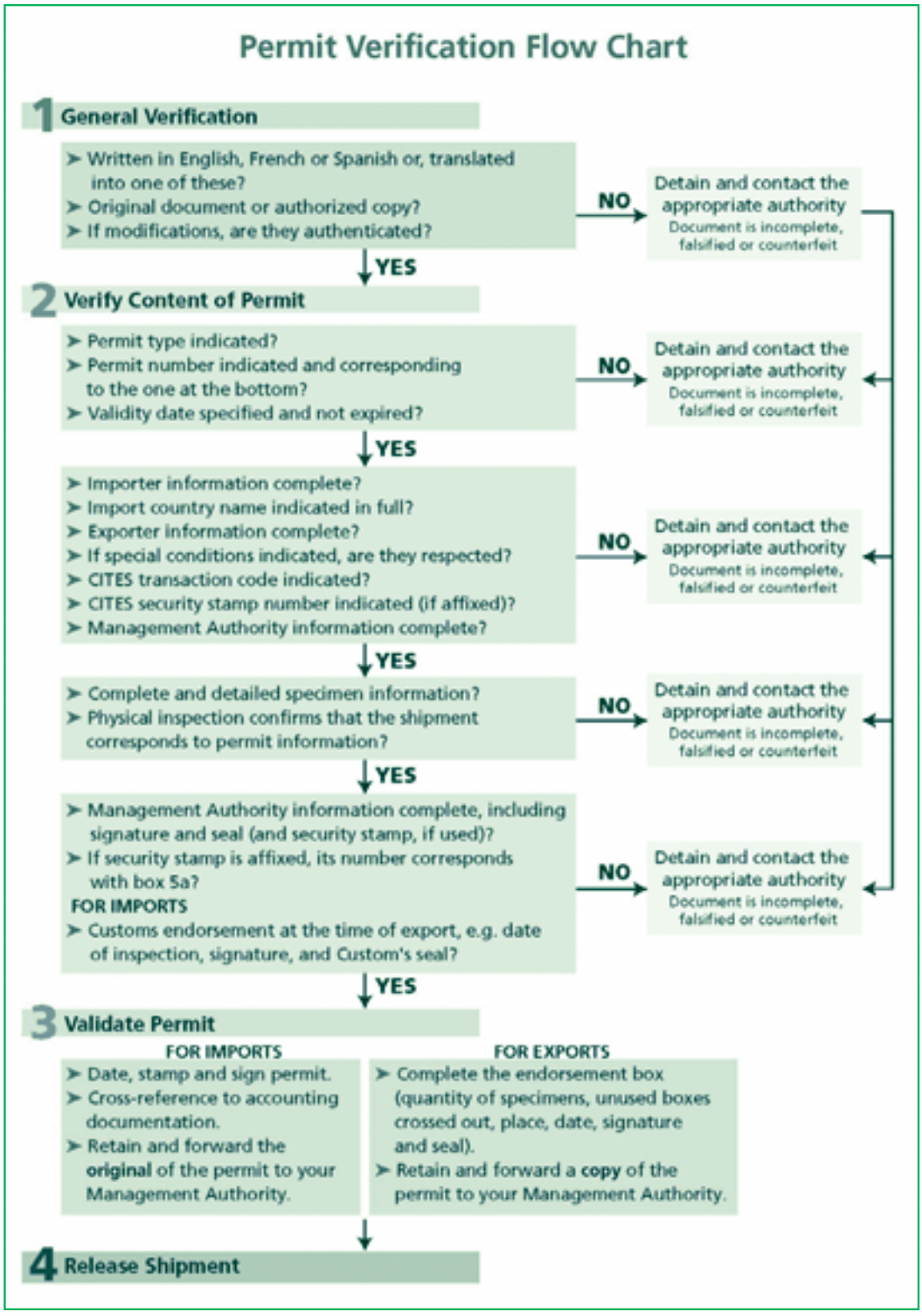
14. To be completed by the official who inspects the shipment at the time of export or re-export. Enter the quantities of specimens actually exported or re-exported. Strike out the unused blocks.

15. Enter the number of the bill of lading or air way-bill if the method of transport used requires the use of such a document.

The document must be written in one of the three working languages of the Convention (English, Spanish or French) or must include a full translation into one of these three languages. Exported and re-exported specimens should not appear on the same document unless it is clearly indicated which specimens are being exported and which re-exported.

AFTER USE THIS DOCUMENT MUST BE RETURNED TO A MANAGEMENT AUTHORITY OF THE IMPORTING COUNTRY.

Figure 2-13 Permit verification flow chart



For more information

Inquiries about CITES and the training course just described should be directed to:

CITES Secretariat
Capacity Building Unit
International Environment House
Chemin des Anémones
CH-1219 Châtelaine, Geneva, 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 Management and Scientific Authorities	**http://www.cites.org/common/directy/e_directy.html**
List of species covered by CITES	**http://www.cites.org/eng/app/index.shtml**
List of Parties to the Convention	**http://www.cites.org/eng/disc/parties/index.shtml**
Text of the Convention	**http://www.cites.org/eng/disc/text.shtml**
General information on CITES	**http://www.cites.org**

MONTREAL PROTOCOL

ON SUBSTANCES THAT DEPLETE THE OZONE LAYER

The Montreal Protocol is an international agreement that controls the production and consumption of specific man-made chemicals that destroy the ozone layer, the earth's protective shield. 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 2-14). This layer encircles the entire globe and acts as a filter for harmful ultraviolet radiation (UV-B). 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. The ozone layer is destroyed by ozone-depleting substances (ODS) when those 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, including skin cancer and cataracts and weakened immune systems. It also can damage terrestrial plant life, including crops, and aquatic ecosystems.

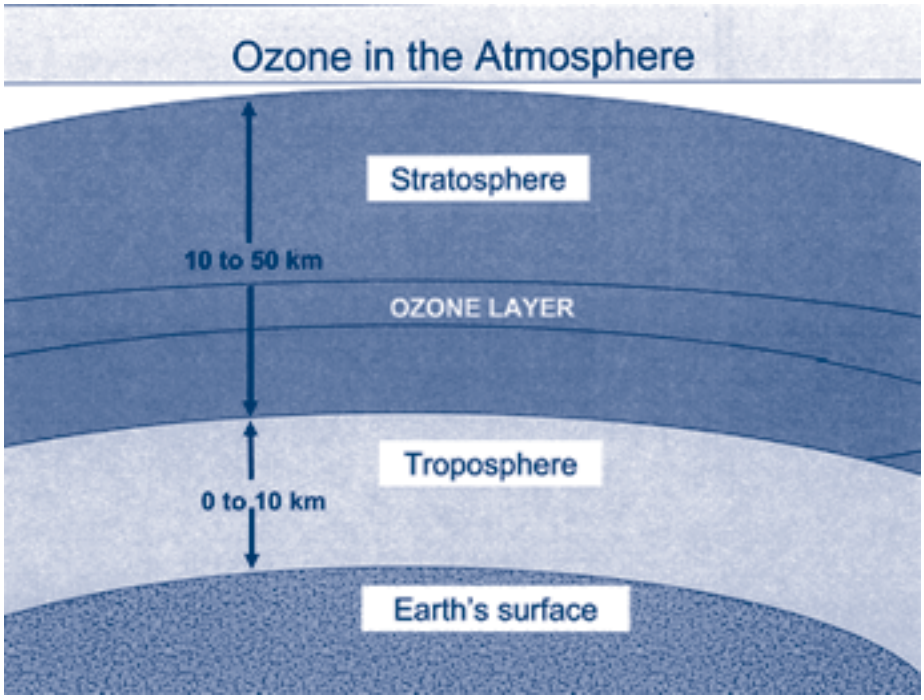


Figure 2-14 Layers of the earth's atmosphere

Main categories of Ozone Depleting Substances

- Chlorofluorocarbons (CFCs) e.g. CFC-12 (also known as R-12 or F-12)
- Halons (Bromochlorofluorocarbons) e.g. Halon 1301
- Carbon tetrachloride
- Methyl chloroform
- Hydrochlorofluorocarbons (HCFCs) e.g. HCFC-22 (also known as R-22 or F-22)
- Hydrobromofluorocarbons (HBFCs)
- Bromochloromethane
- Methyl bromide

Main uses of ODS and products that can contain ODS

- 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)

Over the years, ODS have been used worldwide in many common industrial processes and consumer products (see box "Main Categories of ODS and Products That Can Contain ODS"). 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. The main objective of the Protocol is to reduce and eliminate the consumption and production of ODS according to an agreed timetable for developed and developing countries.

The Montreal Protocol was signed on 16 September 1987 and came into force on 1 January 1989. 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 2-7).

How the Montreal Protocol regulates trade

Each Party to the Montreal Protocol is committed to complying with the Protocol's target schedule for ODS phase-out, and so each Party must introduce control measures to ensure that its government will meet its obligations.

A 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 countries with economies in transition receive similar support from the Global Environment Facility.

Financial and technical assistance is provided by the Multilateral Fund in the form of grants or concessional loans and is delivered primarily through four 'implementing agencies':

- United Nation Environment Programme (UNEP)
- United Nations Development Programme (UNDP)
- United Nations Industrial Development Organization (UNIDO)
- World Bank

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

Import/export licensing system and other instruments

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

The objective of a licensing system is to ensure that ODS are not imported or exported unless the importer or exporter first applies for and obtains an import/export licence (see Figure 2-15).

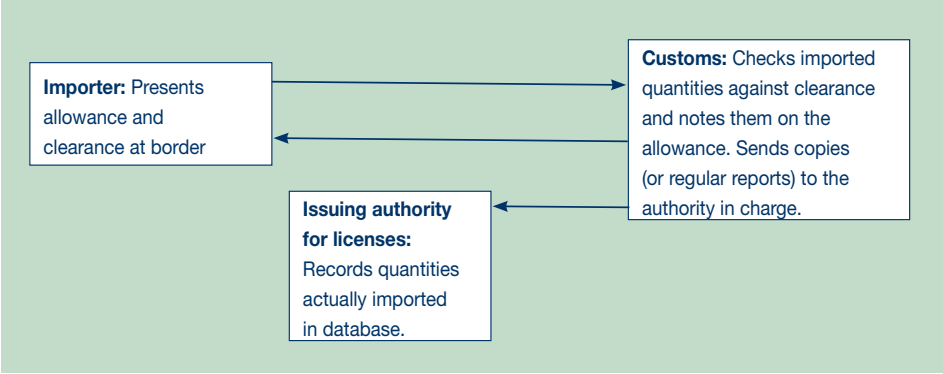


Figure 2-15 Import licensing process: The role of Customs

All Parties that have ratified the Montreal Amendment to the Montreal Protocol must introduce an import/export licensing system for new, used, recycled and reclaimed controlled substances. The elaboration or development of an ODS licensing system is a prerequisite, along with other control regulations and legislation and the commencement of a specific training programme for Customs officers on the Montreal Protocol. A licensing system facilitates the control of a country's ODS supply, increases the reliability of the monitoring and collection of information on imported and exported ODS quantities by chemical, and helps to identify end users and prevent illegal imports. Virtually all Parties have an ODS licensing system in place today.

Monitoring of ODS exports also helps to prevent illegal exports such as those intended for non-Party countries.

Format

The Parties have not adopted a standard or uniform format for the import/export licence. Each government issues its own import-export licence as mandated by its local regulations. Customs authorities should therefore establish close co-ordination with the country's National Ozone Unit (NOU) and the government agency that issues the import/export licence (see page 77 for the NOU contact details). And Customs officers should familiarise themselves with the relevant documents and learn to properly distinguish an authentic licence from a falsified one.

Enforcement and penalties

Customs officials, as well as NOU (usually located within the environment agency) and the prosecuting agency, usually enforce import/export licensing systems. Penalties are used to discourage the illegal importation or exportation of ODS, ODS-containing products or ODS-based equipment. The penalties are subject to the national laws related to the import/export licensing systems.

Seized ODS and ODS-based products and equipment

National laws and the provisions of the import/export licensing system prescribe what happens to seized ODS or ODS-containing products. The decision matrix in Table 2-6 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 country's specific situation and the costs. Customs officers may wish to discuss the approach presented in this table with the NOU.

Recording of data, data management and reporting

Other important aspects of import/export licensing systems are the recording of data, data management and reporting. The NOU, ODS licensing agencies and Customs administration usually collaborate on the collection of data. The NOU is in charge of reporting the data to the Ozone Secretariat in Nairobi Kenya, which in turn is responsible for receiving, analysing, and providing to the Parties data and information on the production and consumption of ODS. Data collection is handled differently in each country. Customs authorities co-ordinate with the NOU on data management.

Other instruments: Quotas and bans

Imports and exports of ODS can also be restricted through quotas or bans. Bans are the complete prohibition of the import of a specific ODS and also may apply to ODS-containing products or ODS-based equipment. A quota can be transformed into a ban once a specific ODS is phased out.

To comply with the phase-out schedules for ODS, a country must define its annual quotas for each type of ODS and then gradually reduce them from year to 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 importers' historic imports. Each time an importer wishes to import ODS, an import permit must be issued for the specified quantity. The importer must not exceed the granted allowance for a specific substance.

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.

● Training for Customs officers

The Multilateral Fund supports training programmes on the Montreal Protocol for Customs officers in Article 5 countries. This national training, which is conducted by the Fund's implementing agencies, forms part of a broader national plans for compliance with this treaty. Known as Refrigeration Management Plans or Terminal Phase-out Management Plans,

Option	Ozone-depleting substances (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)
Re-exporting to the country of origin or to any Party that wishes, and is entitled, to legally import the seized goods	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
Auctioning off to a licensed importer and deducting the quantity from the importer's allowance	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
Mandatory retrofitting of ODS-based equipment by certified service company	Not applicable	Not applicable	Cost of retrofitting to be borne by illegal importer or by licensed importer who bought the equipment from Customs
Disposal or destruction of the seized goods • Cost to be borne by illegal importer or Customs • 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
Long-term storage, an intermediate option that is costly for Customs and requires a final solution	If re-export, auctioning or disposal is not possible • This option to be avoided	If re-export, auctioning or disposal is not possible • This option to be avoided	If re-export, auctioning, retrofitting or disposal is not possible • This option to be avoided

Table 2-6 Decision matrix: Seized ODS and ODS-based products and equipment

these strategic integrated plans may include any of the following:

- Training of Customs officials and refrigeration technicians
- Policy instruments, including economic instruments for controlling and monitoring ODS imports and consumption
- Economic incentives for promoting the use and consumption of non-ODS refrigerants
- Education and the dissemination of information
- Recovery and recycling of ODS
- Institutional arrangements.

Customs training uses a two-phase approach: after a train-the-trainer workshop delivered by the implementing agency, the national trainers take charge of disseminating and replicating the training of Customs officers around the country. National Customs training institutions are encouraged to incorporate the training materials into their curricula to promote the long-term sustainability of the training.

● Freeze and phase-out schedules

Parties to the Montreal Protocol must freeze, reduce and phase out their production and consumption of ODS according to a specific step-wise schedule. Article 5 countries must follow the schedule as summarised in Table 2-7.

● Use of HS codes and other means of identifying ODS

Customs officers need 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 (see box "Trade Names"). Furthermore, many users in small and medium-size enterprises recognise chemicals only by their trade names, especially solvents and refrigerant mixtures.

All Parties to the Protocol are therefore strongly encouraged to exchange information and intensify joint efforts to improve means of identifying ODS, thereby preventing the illegal trade in ODS. Customs officers can consult UNEP's database of Trade Names of Chemicals containing ODS and their alternatives through UNEP's OzonAction website (see Figure 2-16). The current list contains nearly 900 products manufactured by 172 companies in 30 countries. The database can be consulted using the following criteria: (1) by trade/brand name of products containing ODS; (2) by trade/brand name of products not containing ODS; (3) by Harmonized System code listing; or (4) by Chemical Abstract Service (CAS) code listing. Users can also search the database by country of companies manufacturing or trading ODS. The database provides the Montreal Protocol control measures by substance.

Figure 2-16
List of trade names of chemicals containing ODS and their alternatives

Source: OzonAction Branch, United Nations Environmental Programme

Montreal Protocol–specific training materials for Customs officers

UNEP's OzonAction Branch, in collaboration with the Ozone Secretariat, has produced various guidelines and awareness and training materials that can be downloaded from the OzonAction website http://www.unep.fr/ozonaction/topics/customs.htm. Hard copies of videos and publications can also be requested through the website. The following are some of the materials intended for Customs officers and other stakeholders:

- *Nothing to Declare Good Customs to Save the Ozone Layer* (video). This video introduces Customs and National Ozone Officers to the reality of the illegal trade and to possible preventative measures. Intended for use

Trade names

The success of an import/export licensing system depends to a large extent on NOUs, Customs agencies and industries being able to distinguish between imported chemical products containing ODS and those that contain non-ozone-depleting alternatives. When information on trade names is available in the market, it is easier for these groups to track and combat illegal imports.
http://www.unep.fr/ozonaction/information/tradenames/main.asp

Table 2-7 Phase-out schedule of ODS 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.

in training programmes, the video includes comprehensive listings of ODS, their container types and smuggling examples. Undercover footage of ODS abuse and analysis by experts provide a thorough grounding in a critically important sphere of environmental crime.

- *Training Manual for Customs Officers* (publication). This manual provides NOUs and Customs trainers with guidance on how to organise and conduct multi-phased Customs training programmes. It includes generic agendas, concept notes, evaluation questionnaires, as well as all the relevant training materials and overheads. The programme focuses on identifying ODS and ODS-containing mixtures and products containing and equipment based on ODS, as well as the different smuggling schemes. It should be used in conjunction with the country-specific Country Handbook on ODS Legislation and Import/Export Licensing System.
- *Against CFC Smuggling and Customs Quick Tool.* (poster). This poster complements the Training Manual for Customs Officers. It includes a quick checklist and a summary of the key issues from the manual. The Customs Quick Tool provides references to various chemical codes for ODS.
- *Fact Sheet: Steps on Preventing Illegal Trade in ODS*.
- *Illegal Trade in Ozone Depleting Substances: Is There a Hole in the Montreal Protocol?* (newsletter). This special supplement to the OzonAction Newsletter raises awareness about the problem of illegal trade in ozone-depleting chemicals such as CFCs.
- *Combating the Illegal Trade in Ozone Depleting Substances: A Guide for Enforcement officers*. (Video and accompanying fact sheets).

These materials are available to Customs officers on request.

For more information

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

The Ozone Secretariat

Ozone Secretariat
United Nations Environment Programme
United Nations Avenue, Gigiri
P.O. Box 30552
Nairobi 0010
Kenya
Tel.: (254 20) 762 3850/51
Fax: (254 20) 762 46 91/92/93
E-mail: ozoneinfo@unep.org

Satellite link, via the UN facility in Italy (when public Kenya network lines are busy):
+39 083124 3691-3

http://ozone.unep.org

UNEP DTIE OzonAction Programme, (located both in Paris and in UNEP Regional Offices)

UNEP Division of Industry, Technology and Economics

OzonAction Branch
15, rue de Milan
75441 Paris Cedex 09
France
Tel.: +33 1 44 37 14 50
Fax: +33 1 44 37 14 74
E-mail: ozonaction@unep.fr
http://www.unep.fr/ozonaction
http://www.greencustoms.org/ozone

The regional teams of UNEP's Compliance Assistance Programme (CAP) are located in UNEP Regional Offices (in Bangkok, Thailand, for Asia/Pacific; in Nairobi, Kenya, for Africa; in Manama, Bahrain, for West Asia; in Panama City, Panama, for Latin America and the Caribbean).

The regional network co-ordinator assisting countries in Europe and Central Asia is based in the UNEP/DTIE Paris office. These regional teams can provide any type of technical or policy assistance required. They co-ordinate Regional Networks of NOUs as well as specific activities for Customs officers.
The regional CAP teams are in regular communication with the NOUs in their respective regions.

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

Contact list of National Ozone Units (NOUs)	**http://www.unep.fr/ozonaction/information/contacts.htm**
List of Parties to the Montreal Protocol	**http://ozone.unep.org/Ratification_status.asp**
Text of the Montreal Protocol treaty	**http://www.unep.org/ozone/pdfs/Montreal-Protocol2000.pdf**
UNEP Customs Training Manual and other material	**http///www.unep.fr/ozonaction/topics/customs.htm**
Contacts for UNEP CAP staff	**http://www.unep.fr/ozonaction/about/staff.htm**
Contacts for UNEP Regional Offices	**http://www.unep.org/Documents.Multilingual/Default.asp?DocumentID=296&ArticleID=3302&l=en**
Online resources for Customs officers about the Montreal Protocol	**http://www.greencustoms.org/ozone/home.htm**
Contacts for the Multilateral Fund's implementing agencies	**United Nations Environment Programme (OzonAction): http://www.unep.fr/ozonaction/** **United Nations Development Programme: http://www.undp.org/montrealprotocol** **United Nations Industrial Development Organization: http://www.unido.org** **World Bank: http://www.worldbank.org/montrealprotocol**
Commission for Environmental Cooperation (Canada, Mexico, United States), which has developed training on ozone for enforcement officers in North America	**http://www.cec.org**

Important definitions

Adjustments.
Adjustments of the Montreal Protocol itself may modify the phase-out schedules of already controlled substances as well as the 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, which introduced the controlled substance.

Amendments.
Amendments to the Montreal Protocol may introduce control measures or new ODS. 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 country.
Countries classified as "developing countries" by the United Nations using less than 0.3 kg ODP tonnes per capita per year of Annex A controlled ODS or 0.2 kg ODP tonnes of Annex B controlled ODS. Article 5 countries are entitled to delay for ten years their compliance with the control measures.

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 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 countries.

Feedstock.
Controlled substances used in the manufacture of other chemicals and completely transformed in the process are defined as feedstock.

Montreal Amendment.
The 1997 Ninth Meeting of the Parties in Montreal introduced inter alia 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 use of ozone-depleting substances (ODS) at an agreed schedule. The Fund is managed by an Executive Committee with an equal representation of seven industrialised and seven Article 5 countries which are elected annually.

NOU.
National Ozone Unit (usually located within the environment agency).

ODS.
ozone depleting substance. ODS uses included refrigeration, foam extrusion, industrial cleaning, fire extinguishing and fumigation.

Continues >>>

OzonAction.
The United Nations Environment Programme Division of Technology, Industry, and Economics (UNEP DTIE) OzonAction Branch assists developing countries and countries with economies in transition (CEITs) to enable them to achieve and sustain compliance with the Montreal Protocol.

Ozone layer.
The zone of the highest concentration of ozone molecules in the stratosphere. The layer, which lies approximately 20 -50 km above the earth's surface acts as a filter for some 99% of the harmful ultraviolet (UV-B) radiation.

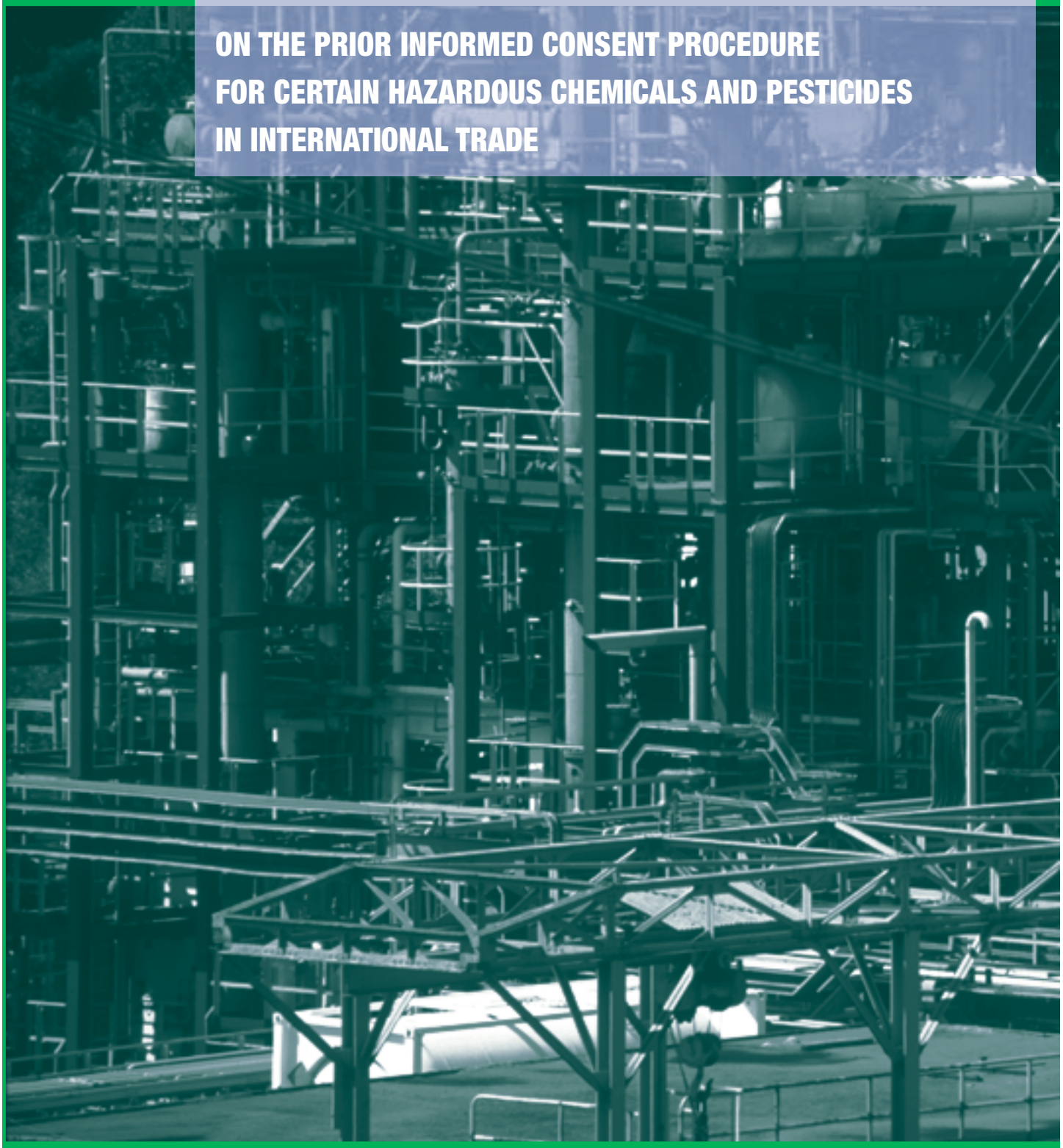
Ozone Secretariat.
The Ozone Secretariat is the Secretariat for the Vienna Convention for the Protection of the Ozone Layer of 1985 and the Montreal Protocol on Substances that Deplete the Ozone Layer of 1987. It is based at UNEP headquarters in Nairobi, Kenya.

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.

ROTTERDAM CONVENTION

ON THE PRIOR INFORMED CONSENT PROCEDURE FOR CERTAIN HAZARDOUS CHEMICALS AND PESTICIDES IN INTERNATIONAL TRADE



The objective of the Convention is to promote shared responsibility and cooperative effort among the Parties to the Convention 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, by facilitating the exchange of information about the characteristics of such chemicals, providing for a national decision-making process on their import and export and disseminating the decisions on the export and import of such chemicals to Parties.

The Rotterdam Convention was adopted and opened for signature at a 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 Conference of the Parties was convened in Geneva Switzerland in September 2004.

The Food and Agriculture Organization of the United Nations (FAO) and the United Nations Environment Programme (UNEP) jointly perform the Secretariat functions for the Rotterdam Convention.

SCOPE OF THE CONVENTION

The Rotterdam Convention applies to:

- Banned or severely restricted chemicals
- Severely hazardous pesticide formulations.

The 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.

How trade is regulated under the Rotterdam Convention

The Rotterdam Convention contains two key provisions: the prior informed consent or PIC procedure and information exchange.

● PIC Procedure

The PIC procedure is a mechanism used to formally obtain and disseminate the decisions of the importing Parties on whether they wish to receive future shipments of those 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 the obligations of the Parties in dealing 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 the regulatory decisions to ban or severely restrict the chemical for health or environmental reasons is circulated to Parties. Parties have nine months in which to prepare a response regarding future imports of the chemical. This import response can consist of either a final decision to allow import of the chemical, not to allow import or to allow import subject to specified conditions, or an interim response, which may include a request for additional information or 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 all sources of the chemical.

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

The PIC procedure does not provide for a global ban or restriction on chemicals. Instead it requires exporters to obtain the prior informed consent 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 and thus to exclude those they cannot manage safely. The Convention also requires labelling on potential health and environmental impacts of traded chemicals.

● 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 document in meeting 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 incidents involving pesticide formulations causing problems under the conditions of use (article 6). This information may be used by Parties to strengthen national decision making on chemicals.

Appendix IV of the PIC Circular provides Parties with a compilation of all the import responses submitted by Parties for chemicals listed in Annex III. It also includes a list of those Parties that have failed to submit an import response for each chemical. The PIC Circular is the official mechanism for transmitting the import decisions for chemicals in Annex III to Parties and is a key reference for exporting Parties in meeting their obligations under Article 11.

Under Article 12, 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. It must do it prior to the first export of the chemical following 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 to accompany 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 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.

● Illegal or unwanted trade

Some developing countries have expressed concern about illegal or unwanted trade in chemicals. The provisions of the Rotterdam Convention, in particular the PIC procedure, should help countries to reduce such trade. Furthermore, the World Customs Organization has assigned Harmonized System customs codes for the chemicals included in Annex III of the Convention in order to facilitate implementation and enforcement of the PIC procedure.

● The role of designated national authorities

Designated national authorities (DNAs) play play an important role in implementing the Convention. They serve as the key point of contact for the secretariat and in their respective countries are responsible for submitting import responses and for disseminating information on the PIC procedure to the relevant government departments and exporting and importing industries, among others.

The role of Customs officers in implementation of the Rotterdam Convention

The PIC procedure was developed based on the fact that some countries, especially developing countries or countries with economies, in transition lack the infrastructure to manage hazardous chemicals safely. By effectively ensuring that trade provisions relevant to the Convention are respected, customs officers contribute directly to the protection of human health and the environment from the potential adverse effects of these substances, while allowing the continued use of essential chemicals by countries with the capacity to manage them safely. A list of all DNAs and their full contact details can be found on the Convention website (www.pic.int).

In practical terms, customs officers are the gate keepers of the Convention because they are likely to encounter the chemicals subject to the Convention as part of their daily work. The successful identification of chemicals subject to the Convention, as well as a clear understanding of where to go for further information on the provisions of the Convention and applicable national laws are key to the success of their work. Clearly good communication between customs officers and DNAs is essential for the successful implementation of the Convention.
Customs officers should contact DNAs when they have questions about the applicability of the Convention. For example they may wish to know where they can find the 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.

Working with Harmonized System codes

Most of the chemicals listed in Annex III of the Convention and subject to the PIC procedure have been assigned specific customs codes by the World Customs Organization (WCO) under its Harmonized Commodity Description and Coding System. These codes entered into force on 1 January 2007. Harmonized System (HS) codes for the remaining chemicals are in the process of being assigned and would be expected to enter into force in 2012. The HS codes may be found in the 2007 edition of the Harmonized System Codes published by the WCO. They may also be found on the Convention website (http://www.pic.int). To facilitate access to the codes the Secretariat has prepared a fact sheet which lists the chemicals in Annex III and their respective HS Codes. The list of HS codes will be updated as codes are assigned to the remaining chemicals in Annex III and as new chemicals are listed in Annex III.

The HS codes should facilitate the implementation of the Rotterdam Convention by integrating the chemicals subject to the PIC procedure with the existing system for the identification of chemicals used by customs officers.

Customs inspections

Is your country a Party to the Rotterdam Convention?
If so, when inspecting a shipment of chemicals, customs officers will need to consider the following issues:
For exports:

- Is the chemical listed in Annex III of the Rotterdam Convention?
- Are the specific World Customs Organization's Harmonized System codes assigned to the chemical included in the shipping documents?
- If the chemical is listed in Annex III of the Convention, there is a need to check the import decision of the importing country in Appendix IV of the PIC Circular (or the Convention website www.pic.int)

for the chemical in question. If the decision is no consent then the export cannot proceed, if it is consent under certain condition it may be necessary to contact the DNA in the importing country before exporting the chemical in order to ensure that those conditions are met.

- If the exported chemical is listed in Annex III or is banned or severely restricted in your country check the following:
  - Does the chemical meet the labelling requirements for risks/hazards to human health and the environment? The label should contain information on possible hazards of the chemical and the safety data sheet should contain information on how to handle accidents and spills.
  - For chemicals that are to be used for occupational purposes, ensure that the safety data sheet, following an internationally recognised organised organisation, setting out the most up-to-date information available, is sent to each importer.
  - Are any corresponding requirements under national legislation relevant to this chemical or group of chemicals?
- Should you as a customs officer have any doubts regarding the above, contact your DNA(s) for further information and clarification.

For imports:

- Verify whether they are listed in Annex III, and
- Keep up-to-date regarding any import decision your Government has taken with respect to the chemical by checking Appendix IV of the PIC Circular or Rotterdam Convention website (www.pic.int);
- Is the chemical adequately labelled and accompanied by adequate information?
- Is a safety data sheet included if the chemical is used for occupational purposes? The safety data sheet should be in an internationally recognized format.
- Is the information on labels and safety data sheets provided, when possible, in the language of the importing Party.
- Should you as a customs officer have any doubts regarding the above, contact your DNA(s) for further information and clarification.

Customs training activities under the Rotterdam Convention

The Green Customs Initiative (GCI) is an important partner of the Rotterdam Convention Secretariat in training of customs authorities on the implementation of the Convention. It is recognised that, to implement the provisions of the Rotterdam Convention, an adequate exchange of information is essential between those responsible for implementation of the Convention at the national level and national customs officials. National legislation that gives customs officials the appropriate authority to operate effectively is needed as well.

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 effective implementation of the Convention.

As noted above, all chemicals included in Annex III of the Convention and subject to the PIC procedure have been assigned Harmonized System customs codes by the World Customs Organization. These codes should facilitate the integration of the requirements of the Rotterdam Convention into training programmes for customs officials. The Rotterdam 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 means of increasing awareness of the Rotterdam Convention, relevant information on the Convention has been made available to the WCO regional training centres and the organisation's customs enforcement network.

Also helpful to customs officers are case studies prepared by the Convention's designated national authorities of Jamaica and Switzerland. These case studies are intended to provide successful examples of how two countries, with very different operational realities, have integrated customs officers into their national processes for implementing the Convention.

The Secretariat of the Rotterdam Convention will continue to provide information on the Convention at national and regional workshops on the implementation of the Green Customs Initiative. The Secretariat is also co-operating with the Secretariats of the Basel and Stockholm Conventions to ensure that, wherever possible, synergies in customs training activities among the three Conventions is achieved.

List of chemicals subject to the Prior Informed Consent (PIC) procedure

39 chemicals are in Annex III and subject to the PIC procedure, many more will be added in future *

28 pesticides:

2,4,5-T, aldrin
binapacryl
captafol
chlordane
chlordimeform
chlorobenzilate
DDT
DNOC and its salts
ethylene dichloride
ethylene oxide
1,2-dibromoethane (EDB)
dieldrin
dinoseb
fluoroacetamide
HCH
heptachlor
hexachlorobenzene
lindane
mercury compounds
monocrotophos
parathion
pentachlorophenol
toxaphene

Plus certain formulations of methamidophos, 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.

11 industrial chemicals:

Five forms of asbestos (actinolite, anthophyllite, amosite, crocidolite and tremolite),
polybrominated biphenyls (PBB),
polychlorinated biphenyls (PCB),
polychlorinated terphenyls (PCT)
tetraethyl lead,
tetramethyl lead and
tris (2,3 dibromopropyl) phosphate

** August 2008 - please check the Rotterdam Convention website for up-to-date information on the chemicals listed in Annex III*

Important definitions

Banned chemical.
A chemical for which all uses within one or more categories have been prohibited by final regulatory action 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 in the face of clear evidence that such action has been taken to protect human health or the environment.

Chemical.
A substance that is by itself or in a mixture or preparation and is manufactured or obtained from nature, but does not include any living organism. Chemicals fall into two 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.
Respectively, the movement of a chemical from one Party to another Party; mere transit operations are excluded.

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.

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 this Convention and which has been duly authorised, 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 in order to protect human health or the environment.

For more information

Inquiries about the Rotterdam Convention should be directed to:

Food and Agriculture Organization of the United Nations (FAO)
Viale delle Terme di Caracalla
00100 Rome, Italy
Tel: (+39 06) 5705 2188
Fax: (+39 06) 5705 6347
E-mail: pic@fao.org

United Nations Environment Programme (UNEP)
11-13, Chemin des Anémones
CH - 1219 Châtelaine
Geneva, Switzerland
Tel: (+41 22) 917 8296
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Comprehensive information on the Rotterdam Convention may be found on the website www.pic.int

STOCKHOLM CONVENTION

ON PERSISTENT ORGANIC POLLUTANTS

The Stockholm Convention on Persistent Organic Pollutants is a global treaty to protect human health and the environment from chemicals that remain intact in the environment for long periods, become widely distributed geographically and accumulate in the fatty tissue of humans and wildlife. Exposure to persistent organic pollutants (POPs) can lead serious health effects, including certain cancers, birth defects, dysfunctional immune and reproductive systems, greater susceptibility to disease and even diminished intelligence. Given their long-range transport, no one government acting alone can protect its citizens or its environment from POPs. 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 currently 157 Parties to the Convention, which is administered by the United Nations Environment Programme and based in Geneva, Switzerland.

POPs are classified into two categories: those that are intentionally produced and those that are not. The intentionally produced POPs include pesticides and industrial chemicals that may be traded between countries. The unintentionally produced POPs are by-products of industrial or other processes involving combustion which are not products in commerce.

Because POPs are semi-volatile and take a long time to degrade in the environment, they are carried globally by wind and water currents and accumulate through the global food chain. Thus POPs 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.

The Convention

The goal of the Convention is to protect human health and the environment from POPs. The 12 POPs presently regulated by the Convention are:

- **Aldrin**, a pesticide applied to soils to kill termites, grasshoppers, corn rootworm and other insect pests.
- **Chlordane**, a substance used extensively to control termites and as a broad-spectrum insecticide for a range of agricultural crops.
- **DDT,** perhaps the best known of the POPs, a chemical used widely during World War II to protect soldiers and civilians from malaria, typhus and other diseases spread by insects. Several countries are still applying DDT to mosquitoes to control malaria.
- **Dieldrin**, a substance used principally to control termites and textile pests, but that also has been used to control insect-borne diseases and insects living in agricultural soils.
- **Dioxins**, chemicals produced unintentionally by incomplete combustion, as well as during the manufacture of certain pesticides and other chemicals. Certain kinds of metal recycling and pulp and paper bleaching also can release dioxins. Dioxins have been found as well in automobile exhaust, tobacco smoke and wood and coal smoke.
- **Endrin**, an insecticide sprayed on the leaves of crops such as cotton and grains. It is also used to control mice, voles and other rodents.
- **Furans**, compounds produced unintentionally by the same processes that release dioxins. They are also found in commercial mixtures of PCBs.
- **Heptachlor**, a chemical primarily employed to kill soil insects and termites and more widely to kill cotton insects, grasshoppers, other crop pests and malaria-carrying mosquitoes.
- **Hexachlorobenzene (HCB)**, a chemical that kills fungi that affect food crops. It is also released as a by-product during the manufacture of certain chemicals and from the processes that give rise to dioxins and furans.
- **Mirex**, an insecticide applied mainly to combat fire ants and other types of ants and termites. It has also been used as a fire retardant in plastics, rubber and electrical goods.
- **Polychlorinated biphenyls (PCBs)**, compounds employed in industry as heat exchange fluids, in electric transformers and capacitors, and as additives in paint, carbonless copy paper, sealants and plastics.
- **Toxaphene**, an insecticide, also called camphechlor, applied to cotton, cereal grains, fruits, nuts and vegetables. It has also been used to control ticks and mites in livestock.

The POPs Review Committee of the Stockholm Convention has recommended listing five additional chemicals in the Convention and may recommend another four chemicals to the Conference of the Parties at its next meeting in May 2009. At that meeting, the Conference could add as many as nine chemicals to the Convention.

Obligations of Parties under the Convention

The control measures of the Parties under the Convention include:

- Eliminating the production and use of chemicals listed in Annex A, which currently are aldrin, chlordane, dieldrin, endrin, heptachlor, HCB, mirex, toxaphene and PCBs.
- Restricting the production and use of chemicals listed in Annex B, which currently is DDT (the only allowable purpose of which is for disease vector control).
- Reducing or eliminating the production of unintentionally produced POPs listed in Annex C, which currently are furans and dioxins, and HCB and PCBs as by-products.
- Reducing or eliminating releases of POPs from wastes of all chemicals listed in Annexes A, B or C.

Obligations for intentionally produced POPs (the first two of the above points) are subject to exemptions for production and use. Any State upon becoming a Party may register, by informing the Secretariat, for a specific exemption for the production or use of a POP that is listed for a particular chemical in Annex A or B. Specific exemptions expire five years after they enter into force (for the initial 10 chemicals listed in these annexes, the expiration date is 17 May 2009), although a Party may request extensions of up to five years from the Conference of the Parties. Under Annex B, “acceptable purposes” are also allowed, but in the case of DDT Parties must notify the Secretariat of their intention to produce or use it and a DDT register was established to list those Parties that have done so.

To ensure the environmentally sound management 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 and implement strategies to identify stockpiles, products and articles in use, and wastes containing POPs
- Manage stockpiles in a safe, efficient and environmentally sound manner until they are deemed to be wastes
- Take 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.

Under the Convention, the Parties are also obligated to develop national implementation plans. Parties report to the Conference of the Parties on their national implementation measures by, among other things, providing data on imports and exports of each POP in the Convention.

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

How the Convention regulates the international trade in POPs

Obligations relevant to import/export activities cover intentionally produced POPs only.

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. All other exports between Parties are prohibited.

Export is also allowed to a State that is not party 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 provisions of the Convention on the management of wastes and stockpiles
- Complying with requirements for DDT production and use, if applicable.

Import and export requirements do not apply to quantities of chemicals to be used for laboratory-scale research or as a reference standard and to quantities of chemicals occurring as unintentional trace contaminants in products and articles. Quantities of POPs in articles manufactured or in use on 17 May 2004 (date of the entry into force of the Convention), should these articles remain in use and are notified to the Secretariat by a Party, are not covered by the Convention.

Role of Customs in implementation of the Convention

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

While controlling the import and export of POPs under the Convention, Customs officers should take into consideration the obligations of their country under the Convention. Figures 2-17 and 2-18 depict 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.

Finally, Customs agencies should co-operate with their counterparts in other Parties in order to ensure that all Parties share responsibility for the export and import of POPs under the Convention. Customs agencies should also co-operate closely with national implementing agencies, in particular with the co-ordinators of national implementation plans.

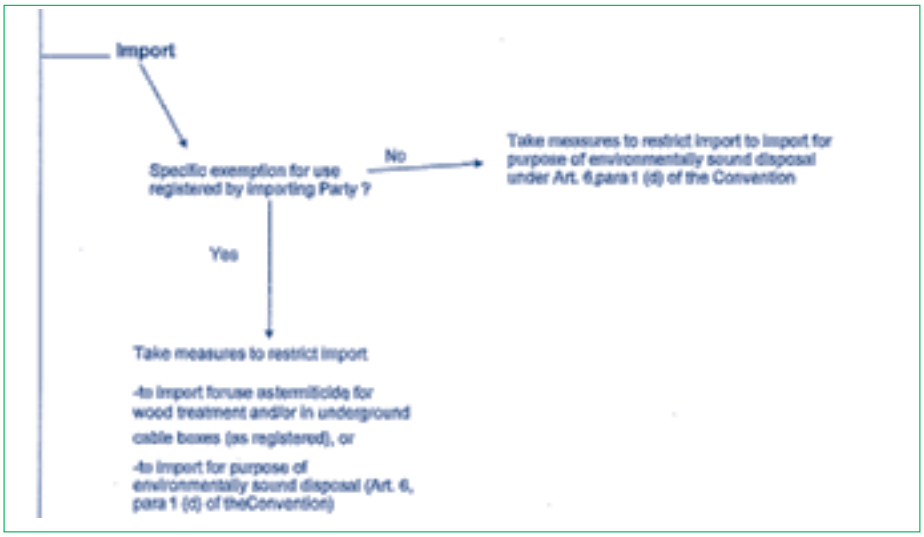

Figure 2-17 Approach of Customs to imported heptachlor

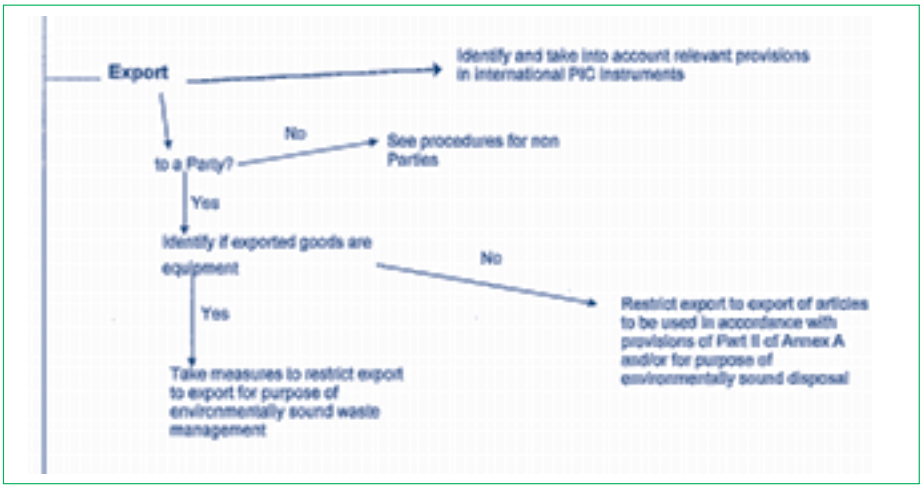

Figure 2-18 Approach of Customs to exported PCBs

For more information

Inquiries about the Stockholm Convention should be directed to:

Secretariat of the Stockholm Convention on Persistent Organic Pollutants
United Nations Environment Programme (UNEP)
International Environment House
11-13, chemin des Anémones
CH-1219, Châtelaine, Geneva, Switzerland
ssc@pops.int; http://www.pops.int


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3 THE PRACTICAL ASPECTS OF IMPLEMENTING MEA CONTROLS: THE ROLE OF THE CUSTOMS

Although each of the international agreements described in Chapter 2 has a different purpose, there are similarities between them at the operational level. Thus the types of issues facing a Customs or border control officer when implementing one treaty might resemble those encountered in implementing other treaties.

The first part of this chapter describes several common practical aspects of the multilateral environmental agreements described in Chapter 2 to better help customs officers play their role in implementing the agreements. As for the most recently adopted MEAs, later editions of this Guide will supplement information on procedures and processes as more experience is gained in implementation.

The second part of this chapter describes how to report cases of illegal trade related to MEAs, and how to benefit from international co-operation in combating illegal trade.

Common issues for Customs

Health and safety

Basel Convention

Customs officers should not approach a scene involving hazardous materials before assessing the situation, particularly before entering a confined space. Based on that assessment, they would then take the appropriate precautions. These precautions include:

- Do not open the trailer doors of trucks suspected of containing hazardous substances
- Do not open tanks, drums or other containers that may contain hazardous substances
- Do not assume that what is marked on a label, drum or container is what is inside because illegal traffickers often mix hazardous wastes with other materials
- Do not enter confined spaces that may contain hazardous substances.

Prudent steps include the following:

- Assess the situation
- Identify the hazardous substance (with the assistance of the appropriate scientific experts)
- Secure the scene
- Report the incident to the relevant health, safety and regulatory personnel.

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 Wastes" (http://www.basel.int/legalmatters/illegtraffic/index.html#subt2). This manual addresses general inspection of trailers and drums and techniques for safely gathering samples.

Biosafety Protocol

For both living modified organisms (LMOs) for intentional introduction into the environment and LMOs for contained use, the Biosafety Protocol requires that instructions for the safe handling, storage, transport and use of the LMOs be indicated in the documentation that accompanies the shipment. If there are no instructions, that fact 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 shipment of LMOs to determine whether they should take health and safety precautions.

Chemical Weapons Convention

Because the Chemical Weapons Convention (CWC) deals with the elimination of some of the most toxic substances known to humankind, health and safety concerns are central to its implementation. The health and safety policy and regulations of the Organisation for the Prevention of Chemical Weapons (OPCW), together with the Convention itself, lay down principles and obligations for both the Secretariat and States Parties through which the health and safety of all those associated with OPCW activities will be safeguarded (see Table 3-1).

The implementation of the OPCW's health and safety programme focuses on providing specialised 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 (that is, on the properties of chemicals, detection, protection, decontamination and medical treatment). These activities are performed in conjunction with the International Cooperation and Assistance Division.

More information on the activities of the OPCW is available from each country's National Authority (http://www.opcw.org/en/NA_menu.html).

CITES

Safety must be the first priority when dealing with live animals and plants, and parts thereof (see box "Things to remember . . ."). All animals, even those 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 a potentially fatal venom; and by the claws of cats, monkeys, turtles and birds. Indeed, mammals

Table 3-1 Do's and don'ts upon discovery of a chemical weapon or toxic chemical

Do's	Don'ts
• Assess the situation • Try to identify the substance only with information provided • Secure the scene • Report incident to the appropriate authority	• Take any action unless you have been trained in handling toxic chemicals. • Enter confined spaces • Open trailers or trucks • Open drums or other containers • Presume the exact contents of the cargo based on label • Destroy evidence

and birds can, for example, transmit to humans the infection caused by the fungus Aspergillus. Monkeys can be carriers of serious diseases such as hepatitis A and B, Ebola virus, Marburg disease and the simian immunodeficiency syndrome, a form of AIDS. Parrots can transmit psittacosis. Ducks and geese can be carriers of the bacteria that trigger botulism. And reptiles, more specifically turtles, are carriers of the bacteria that cause salmonellosis. And then there are the chemical products, such as pesticides and fungicides, that are routinely used to treat hunting trophies and artificially propagated plants. Such chemical products can release harmful particles. Even plants, although easy to examine, may carry potential health and safety risks.

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

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. They must not only make certain that the guidelines and regulations on the transport conditions of live animals are followed, but also monitor the specimens to ensure that they remain healthy while under the control of Customs. If after examining the documents and conducting a physical inspection Customs officers determine that the permit is not valid or of doubtful authenticity, they can apply the normal detention procedures and contact the relevant authorities. Otherwise, they should retain 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) and forward them to the CITES Management Authority.

Montreal Protocol

Ozone-depleting substances 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.

The following general rules should be observed:

- → 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 authorised to do so
- → Use leak detectors to inspect refrigerant cylinders for leaks; inspect the cylinders and valves for damage
- → Use protective clothing (gloves, goggles) when

handling containers of pressurised gases such as CFCs or HCFCs, as they may cause frostbite
- Store refrigerant cylinders vertically and secure in a protected, well-ventilated area
- Do not expose refrigerant cylinders to open flames or direct sunlight; they contain pressurised gases
- Handle refrigerant cylinders carefully and do not drop them; that may lead to valve damage
- Display warnings clearly in storage areas
- Do not dispose of any refrigerant by using methods other than recovery and recycling, reclaim, reuse, adequate storage or destruction
- Observe local regulations and standards on the handling, transport and storage of refrigerants

Seizures and storage

Basel Convention

Like the Biosafety Protocol, the Basel Convention does not refer specifically to seizures or confiscation. It does, however, allow the State of export to re-import a shipment found to be illegal.

Countries have established national rules and procedures to apply when an illegal shipment of hazardous wastes is identified and seized. The Competent Authority can advise Customs officers on these rules and procedures. The storage requirements for wastes depend on, among other things, their chemical composition. Expertise scientific advice should, therefore, be sought from the Competent Authority, or other appropriate environmental authority, when determining how to store a seized shipment.

Biosafety Protocol

The Biosafety Protocol makes no mention of seizures or confiscation. It does, however, state that in the event of an illegal transboundary movement of a living modified organism, 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 an illegal transboundary movement of an LMO is detected.

Chemical Weapons Convention

Countries should have established national procedures to apply if an illegal shipment of scheduled chemicals is identified and seized. Any Customs officers not aware of these rules should contact the Convention'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.

CITES

The CITES Management Authority should be informed of any seizures of CITES specimens. Because the Convention states that any living specimen confiscated shall be entrusted to the Management Authority of the State of confiscation, it is the responsibility of the Management Authority to care for and to decide on the disposal of confiscated specimens. Customs administrations may not have the facilities and expertise to care for confiscated live specimens of plants or animals, and such specimens may need immediate attention, depending on the circumstances of the seizure. The storage of seized products may raise health and safety concerns, and some high-value products, such as sturgeon caviar, may be highly perishable if not stored at the correct temperature. Because confiscations might occur outside of normal government working hours, Customs officers should ensure that they have the after-hours contact information for the CITES officials and experts.

Montreal Protocol

Table 2-6 in Chapter 2 lists all necessary recommendations and options on seizures and storage under the Montreal Protocol. The National Ozone Unit should be informed at the earliest opportunity.

Communication

All treaties offer similar advice on communication: Customs officers should be aware of the national contact point for each MEA to which their country is a Party, and they should receive regular updates from contact points on how to implement the treaties.

Basel Convention

Each Party to the Basel Convention is required to designate two national authorities for the purposes of the Convention:
- The Focal Point, which is the government entity

responsible for submitting information to and receiving information from the Secretariat of the Basel Convention
- The Competent Authority, which is the government body or bodies designated by a Party as responsible for dealing with notifications of a transboundary movement of hazardous wastes or other wastes.

Customs officers are likely to have the most contact with the Competent Authority, because it is the agency that can verify whether a shipment has secured the necessary permissions. Because some shipments of hazardous wastes may contain highly toxic substances, it is important to keep the contact details of the Competent Authority close at hand. Furthermore, some countries have multiple Competent Authorities, each responsible for different waste streams or different regions in the country. It is essential to know who to call in a particular situation. A full list of Competent Authorities is accessible at http://www.basel.int/contact-info/frsetmain.html.

Biosafety Protocol

Communication is central to the operation and implementation of the Biosafety Protocol. The Biosafety Clearing-House (BCH), in particular, plays a crucial role, allowing Parties to post information about their decisions under the Protocol. Customs officers should feel comfortable using the BCH and know how to search it for various kinds of information.

Communication between the competent national authority or authorities in a country and its Customs officers is also very important. Competent national authorities can help to keep Customs officers informed and up-to-date on the different LMOs being approved, restricted or prohibited from import into the country. National authorities should also facilitate access to the BCH by Customs officers.

Chemical Weapons Convention

The National Authority plays an important role in the implementation of the Convention and in the communication associated with it. Although the 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". The National Authority must be designated by the date of the entry into force of the Convention for the State Party concerned.

States Parties enjoy wide discretion in determining the size, structure, composition and mandate of their National Authorities. State Parties 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 weapons production facilities, Schedule 1 facilities, a significant chemical industry or export/import activities relevant to the Convention, 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 centralised entity with responsibilities covering all aspects of national implementation of the Convention or a decentralised entity that acts as liaison between the OPCW and the several government departments or agencies responsible for specific aspects of national implementation. OPCW States Parties have structured their National Authorities in a variety of ways.

As the national focal point for liaison with the OPCW and other States Parties, the national data collection point and the facilitator of national implementation, an effective National Authority is of central importance to the effectiveness of the Convention itself. To meet its basic obligations, each State Party must be in a position to:
- Submit all the required declarations
- Act as liaison with the OPCW
- Co-operate with other States Parties
- Facilitate OPCW inspections
- Respond to OPCW requests for assistance
- Protect the confidentiality of classified information
- Monitor and enforce national compliance
- Co-operate in the field of chemical activities for purposes not prohibited under the Convention.

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 entry into force of the Convention, 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 co-operation with the National Authority in their country will greatly assist in the effective implementation of the CWC obligations related to trade in chemicals. A complete list of National Authorities with their contact details is available at http://www.opcw.org. In those countries in which the National Authority is still being formed, the Permanent Representative to the OPCW of those countries, usually the diplomatic mission posted in The Hague (Netherlands) or Brussels (Belgium), can be contacted for advice. A full list of Permanent Representatives to the OPCW is available at: http://www.opcw.org as well.

CITES

For a Customs or border control officer, assistance with CITES matters should be a telephone call away. It is therefore important that officers have on hand the contact names, details and numbers they may need (contact details and useful links can be found in chapter 2). They also should be fully informed about CITES and, most important, about any changes in CITES or in national controls that could have an impact on their work. That very important task falls to the CITES Management Authority. It should send Customs offices regular updates on CITES.

Identification

Basel Convention

If they are fully aware of the requirements for lawful shipments of hazardous materials and wastes and of the schemes used by illegal traffickers in the past, Customs officers can better identify illegal shipments of hazardous wastes. The Basel Convention and national law require that the transboundary movement of hazardous wastes or other wastes be controlled. Legitimate shipments must be appropriately packaged and accompanied by documentation, including a hazardous waste movement document, hazardous materials placards and Acknowledgement of Consent from the receiving country.

Placards, labels and shipping papers are designed to assist in the identification of hazardous materials as they are transported. Shippers of hazardous materials, including wastes, must (1) classify the material; (2) select a proper shipping name; (3) determine the packing group; (4) select an authorised container; (5) mark and label the container; (6) load and brace containers; (7) placard the vehicle; (8) prepare the shipping papers; and (9) furnish emergency information.

The classifications most relevant to shipments of hazardous wastes are as follows:

- Class 1: Explosives
- Class 2: Compressed gases
- Class 4: Flammable solids
- Class 7: Radioactive
- Class 8: Corrosive
- Class 9: Hazardous substances, wastes, unknown

Of course, these declared classifications are based on legitimate companies' good faith efforts to comply with requirements to identify their shipments appropriately. Observations by Customs officers may be more important than recognising these labels in identifying illegal shipments of hazardous wastes when they are not declared. Officers who observe that a hazardous substance may be present should proceed on that assumption until proven otherwise. Such indications could include:

- **Shapes of container.** Tankers, drums, storage tanks and compressed gas containers are all possible receptacles for hazardous substances. A Customs officer approaching any of these containers should assume that they contain a hazardous substance.
- **Industrial sector.** Manufacturing sectors known to be users of hazardous substances usually generate hazardous waste. Indicators that a shipment is from an industrial sector or facility that is associated with hazardous materials should be treated with caution.
- **Senses.** The last way a Customs officer wants to find out that a hazardous substance is present is by smell, taste or other senses. If officers encounter a smell that burns their eyes, mouth, nose or skin, they should leave the area immediately and contact health and safety professionals.

A first step in further investigation is to check with the Competent Authority of the importing or exporting agency, usually the environmental agency or ministry, to verify that the State of import consented to the shipment and, if so, for what substance and in what amount. A misrepresentation on these documents or material non-conformity may constitute illegal trafficking of hazardous wastes or another crime or Customs violation. The smuggling techniques for hazardous wastes are similar to those used by smugglers of ozone-depleting substances (ODS).

Biosafety Protocol

It may not be possible to distinguish a living modified organism from its non-modified counterpart by visual inspection alone. Sampling and detection techniques are frequently necessary to test for the presence of an LMO. Unfortunately, these techniques can be costly and out of the reach of some countries. The Parties to the Protocol have adopted an Action Plan for Building Capacities for the Effective Implementation of the Biosafety Protocol. Under the Action Plan, identification of LMOs (including their detection) is a key element requiring concrete action. Customs officers should discuss their needs for identifying LMOs with the appropriate authorities so capacity building can be undertaken to help meet these needs.

Chemical Weapons Convention

Three tools are available for use in identifying scheduled chemicals under the Convention:

- **"Handbook on Chemicals".** The "Declaration Handbook" provides simple, clear guidance for preparing the national declarations of the States Parties in accordance with the requirements of the Convention. Annex 2 of the "Declaration Handbook" is the "Handbook on Chemicals", intended to help Customs officers and others to identify chemicals. The chemicals included in the handbook have been declared by States Parties; it is not a list of all declarable chemicals. The 2005 version includes information on just under 900 chemicals. Paper copies of the "Declaration Handbook" are available from the OPCW Documentation Counter, or they can be sent by post upon request (e-mail: deb@opcw.org). The electronic version is available on CD-ROM, or it can be downloaded from http://www.opcw.org.

- **OPCW Central Analytical Database.** This database serves as a source of the information Customs laboratories need to identify chemical weapons related chemicals. It contains information on over 3,000 related chemicals, including mass spectra, infrared (IR) and nuclear magnetic resonance (NMR) spectra, and gas chromatography retention indices. The database can be obtained through National Authorities or directly through the OPCW.

- **"Selection of Generally Used Traded Scheduled Chemicals".** This brochure was produced by the Technical Secretariat to facilitate the identification of some scheduled chemicals of particular interest because of their trade or their use. The list is intended to help National Authorities and related organisations and institutions to identify declarable activities and to serve as a general reference. A free copy of this brochure can be requested from the Declarations Branch, OPCW (e-mail: deb@opcw.org).

CITES

Over 32,000 species of wild fauna and flora are covered by the Convention. This large number places a very difficult burden on Customs and border control officers, who must physically inspect shipments to ensure a match between their contents and their documents and who, as non-specialists, are often expected to know every species listed in a permit application or CITES document. Indeed, the routine exports of a country may be familiar to its Customs officers, but imports or specimens in transit may be unfamiliar and very difficult to identify. An ability to identify specimens correctly is essential for verifying the validity of documents and detecting fraud. Yet the knowledge needed to identify species in the form they are traded is not easy to acquire, and access to specialists is not always the answer. The difficulties encountered in identifying specimens vary. For example, orchids have spectacular flowers to aid with identification, and yet most orchid plants in trade will not be flowering. An ornithologist identifying a bird in the field has much additional information on which to rely, such as habitat, behaviour and the known ranges of species, but identifying a bird in a crate that may be one of a hundred birds with damaged or soiled plumage, and perhaps from an unknown source, is quite another matter. Raw, semi-finished and finished products may be particularly difficult to detect or identify, and the provisions that relate to parts and derivatives may be quite different from those for whole or live specimens.

Thankfully, many Parties, institutions, intergovernmental agencies and non-governmental organisations (NGOs) 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. The Management Authority should be contacted for details on what tools are available and appropriate for that country and to assist in solving any difficulties encountered in identifying species during inspection.

Montreal Protocol

Checking documentation can yield many valuable clues about whether a shipment is legitimate. Because there is no common international standard, Customs officers should ask the following questions:

- Is the consignment's classification consistent, and do the Harmonized System code, ASHRAE and UN 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 party to the treaty, and is the paperwork consistent with the markings of the container?
- Does the container number match the documents, and is it a genuine container number (verify with the shipping line or owner of the container)?
- Does the importer's address actually exist? The authorised licensing agency can help to verify that 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 the source of the chemical 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?

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 colour of 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)?

Table 3-2 The main smuggling techniques for ODS encountered by Customs officers.

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.
Mis-declaration. Controlled chemical declared on the documentation as another chemical (smugglers assume that officials are unfamiliar with chemical names and codes), cylinders declared empty, mis-declaration 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.
Transhipment fraud, which consists of elaborate shipping routes, fictitious destinations and false paperwork to put officials off the scent.	• Pursue international co-operation 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.

- Are the manufacturer's contact details printed on the cylinder?
- Is the date of manufacture consistent with the paperwork?

Customs officials should treat neutral packaging with no labelling, country of origin or manufacturer as suspicious, and they should call trained personnel for further testing (identifying) if needed. Colour codes can now be used to identify the supposed content of a cylinder. See example in Table 3-3 using Air-conditioning and Refrigeration Institute (ARI) codes.

Table 3-3 Colours of cylinders for main refrigerants (ARI colour code)

ODS

CFC-11: orange
CFC-12: white
HCFC-22: light green
CFC-113: dark purple

Alternatives

HFC-134a (R-134a): light blue (sky)

Note: ARI codes are a US standard and not applicable in all countries.

Legislation

For all the conventions, it is important that Customs administrations are well informed of the relevant legislation and are consulted during preparation of the legislation applying international obligations, and that they are aware of their duties and mandate under the national law for implementation of the international convention. More specific guidance is described in the following sections.

Basel Convention

Parties to the Basel Convention are obligated to take the appropriate legal, administrative and other measures to implement and enforce the provisions of the Convention, including measures to prevent and punish conduct in contravention of the Convention. States are under a specific obligation to introduce national/domestic legislation to prevent and punish illegal traffic. The Convention also permits Parties to adopt stricter measures than those required by the Convention, even to the extent of prohibiting exports or imports. Customs officers should be familiar with the requirements of their national legislation and other relevant measures, particularly because the actions they take may be the first step taken by their national authorities in a journey that could lead to criminal prosecution or some other form of punitive measure.

Biosafety Protocol

Many countries are adopting new legislation or amending existing laws in order to implement the Protocol in their jurisdiction. These laws often include rules defining 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.

Chemical Weapons Convention

All States Parties are required to adopt the necessary measures to implement the Chemical Weapons Convention (including the enactment of penal legislation) and to inform the OPCW of any legislative and administrative measures they have taken.

National implementing legislation is also important for submission of the 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 with the Convention. 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 co-operate 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. The law will 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 Convention
- 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.

Derogations

Basel Convention

No reservations or derogations may be made to the Convention.

Biosafety Protocol

No reservations or derogations may be made to the Protocol.

Chemical Weapons Convention

No reservations or derogations may be made to the Convention.

CITES

In its Article VII, the Convention allows or requires Parties to make certain exceptions to the general provisions of the Convention. This situation can result in exemptions to the normal procedures in which no CITES documentation is required, or in special procedures in which trade is regulated but the specimens are subject to the provisions of an Appendix different to the one in which it is listed, or documents other than the normal CITES documentation are required.

Specimens in transit or transhipment

"Specimens in transit or transhipment" refers only to specimens that remain under the control of Customs, that are in the process of shipment to a named consignee through or in the territory of a third Party, or for which interruption in their movement stems only from arrangements necessitated by the requirements of transport. In these cases, the normal provisions of CITES do not apply. The Parties nevertheless recommend that if national legislation allows, authorities should verify the presence of valid CITES documents and seize or confiscate specimens without valid documentation. If seizure or confiscation is not possible, shipment details should be sent to the country of final destination, to other countries of transhipment and to the CITES Secretariat. These procedures should also apply if the country of origin or country of final destination is a non-Party.

Pre-Convention specimens

The normal provisions do not apply to traded specimens if they were acquired before the Convention applied to them (that is, the date on which the species was first included in the Appendices). If the Management Authority is satisfied that this is the case, it can issue a certificate to that effect (a pre-Convention certificate). It is up to the Management Authority to decide whether to issue a pre-Convention certificate.

Personal or household effects

"Personal or household effects" refers to specimens that are personally owned or possessed for non-commercial purposes, legally acquired, and at the time of import, export or re-export either are worn or carried or included in personal baggage or are part of a household move. Personal effect exemptions do not apply to live specimens; these still require permits. Some countries have adopted stricter domestic measures and do not allow exemptions for personal effects.

The exemption for specimens that are personal or household effects is the only true exemption in which no CITES documentation is required for specimens of species included in the Appendices. However, the exemption does not apply to all situations in which a person is returning to his State of usual residence with a CITES specimen for personal use. Specifically, the exemption does not apply to Appendix I specimens when they are obtained in a State other than the owner's State of usual residence

(these are considered imports). The exemption also does not apply to Appendix II specimens when the specimen was removed from the wild in a State that is not the person's State of usual residence; when the specimen is being imported into the owner's State of usual residence; and when the State where removal from the wild occurred requires the issuance of an export permit before export (in these cases an export permit is required).

The term tourist souvenir specimen applies only to personal and household effects acquired outside a person's State of usual residence; it does not apply to live specimens. Tourist souvenir specimens of species listed in Appendix I should not be exempted from the usual CITES provisions for Appendix I species.

Captive-bred animals and artificially propagated plants

If a Management Authority is satisfied that a specimen of an Appendix II or III species has been captive-bred or artificially propagated for any purpose, or an Appendix I specimen has been bred or propagated for non-commercial purposes, a certificate stating this fact can be accepted (usually the standard permit form, but identified as a captive breeding certificate or certificate of artificial propagation).

Exchange between registered scientific institutions

The Convention provides for the possibility of exempting the donation or exchange of certain types of scientific material from the usual provisions, if such specimens are being transferred between scientists or scientific institutions registered by a Management Authority of their State. This exemption applies only to herbarium specimens, live plant material, and preserved, dried or embedded museum specimens. The container in which the specimens are shipped should carry a label indicating the type of specimens, the name and address of the exporting institution, and the codes of the exporting and importing institution.

Travelling exhibitions

The Parties use a system of special travelling exhibition certificates with a validity of three years and suited for multiple use for pre-Convention or captive-bred specimens. Of the other conditions, the most important is that the specimens be marked or otherwise easily identifiable.

Montreal Protocol

The four main derogations of the Montreal Protocol are as follows:

- The imports and exports of recycled and used ozone-depleting substances are not taken into account in calculating a Party's consumption, provided such data are reported to the Ozone Secretariat
- The use of methyl bromide for quarantine or pre-shipment treatment does not count as consumption for the country. National Ozone Units can provide more information on this category of use
- Feedstock and process agents, where the chemicals are used in chemical processes and result in non-ODS products
- Equipment containing ODS is not controlled by the Montreal Protocol. However, the Ozone Secretariat holds a list of countries that do not manufacture for domestic use and do not wish to import products and equipment whose continuing functioning relies on CFCs and halons. National Ozone Units can provide more information.

The Montreal Protocol also includes provisions for exempting the production and consumption of certain ozone depleting substances for three broad sets of exemptions; 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 National Ozone Unit about other derogations that may apply in their country.

Non-Parties

Basel Convention

Parties to the Convention are prohibited from exporting hazardous wastes to, or importing hazardous wastes from, a non-Party, unless a bilateral, regional or multilateral agreement on transboundary movements is in place to which both the Party and non-Party are subject and as long as that agreement does not derogate from the environmentally sound management of hazardous wastes as required under the Convention. Any agreement of this nature entered into by a Party must be notified to the Secretariat of the Basel Convention.

Biosafety Protocol

Although countries that are not Parties to the

Biosafety Protocol are not bound by its provisions, they may be required indirectly to abide by its terms if they are trading in living modified organisms with Parties. Article 24 of the Protocol requires the transboundary movements of LMOs between Parties and non-Parties to be consistent with the objective of the Protocol. The Biosafety Clearing-House, which is used by both Parties and non-Parties, includes numerous records of decisions on LMOs that have been taken by non-Parties.

Chemical Weapons Convention

Under the terms of the Convention, the transfer of Schedule 1 chemicals to States not Party is forbidden.

A similar ban on the transfer of Schedule 2 chemicals to and from States not Party 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 States not Party:

- 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.

It is permitted to transfer Schedule 3 chemicals to both State Parties and States not Party. However, an exporting State Party must obtain an end-use certificate from the recipient State not Party to ensure that the chemicals are being used for purposes not prohibited under the Convention. 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.

The Convention does foresee that States Parties may consider other measures regarding the transfer of Schedule 3 chemicals to States not Party five years after the Convention enters into force.

CITES

When an export or re-export is to, or an import is from, a State not a Party to the Convention, comparable documentation, issued by the competent authorities in that State, that substantially conforms to the requirements of CITES 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-Parties and to the documents that accompany them.

Montreal Protocol

For Parties to the Montreal Protocol, ODS imports from or exports to countries not party to the Protocol are forbidden. Currently the only non-Parties to the Montreal Protocol are Andorra, San Marino, and Timor Leste.

Free trade zones

Generally, Customs officers should check with the relevant authority about how the trade rules of MEAs to which their country is party are implemented in specific zones such as free trade zones.

Chemical Weapons Convention

The free flow of goods in free zones and free ports is a revenue generator, and thus is vital to the economic health of some States Parties. How stringently must the CWC controls be applied and enforced in these special legal regimes? The obligation to prohibit certain activities in “any place under its control” implies a strict regime, including in free zones and free ports. And yet over-regulation could choke off international trade. The States Parties must therefore achieve a balance.

The legislation, regulations and procedures applicable in the free zone or port will determine whether the port authority will routinely be aware of illegal transfers and in a position to enforce the Convention. In cases in which the violation is brought to the attention of the port authority by another State Party, the Convention is explicit: Article VII, paragraph 2, stipulates that the State Party shall co-operate and afford the appropriate form of legal assistance. The extent to which the Convention is being enforced in free zones or free ports varies. Some States Parties to the Convention have drafted their legislation in such a way that the Convention can be stringently enforced in their free zones or ports.

A complementary tool to the Green Customs Guide

UNEP "Manual on Compliance with and Enforcement of Multilateral Environmental Agreements"

The "Manual on Compliance with and Enforcement of Multilateral Environmental Agreements" is part of the efforts by the United Nations Environment Programme (UNEP) to strengthen countries' capacities to implement, comply with and enforce MEAs and environmental law more broadly. It has been developed to facilitate the use and application of another UNEP tool, the "Guidelines on Compliance with and Enforcement of Multilateral Environmental Agreements". The guidelines were developed by UNEP with the co-operation of governments and many other stakeholders and approved by UNEP's Governing Council at Cartagena in February 2002.

The manual complements the guidelines by providing specific examples from around the world of how governments, NGOs, the private sector and other institutions have utilized the various approaches set forth in the guidelines. It also provides detailed explanations, checklists and additional resources that lend depth to the specific approaches.

The manual targets the wide audience and stakeholders who play a role in ensuring effective implementation of MEAs. These include Customs officers, as well as treaty negotiators, decision makers, legal practitioners, police, researchers and legal drafters in government, outside government, academia and professional institutions. Indeed, the manual is a reference tool and a guide to all enforcement officials. It can be consulted via a fully searchable online version (http://www.unep.org/dec/onlinemanual). A CD-ROM version of the manual is also available to provide interactive access to the manual for users who do not have regular access to the Internet as well as a convenient and low-cost method of distributing the manual at meetings or training programmes and to a variety of stakeholders.

Reporting cases of illegal traffic in environmentally sensitive items

WCO enforcement instruments

Global Information and Intelligence Strategy (GIIS) and Risk Assessment Indicators

Risk management is central to reconciling the requirements of enforcement, security and facilitation. Intelligence, in turn, is a key component of risk management. To assist its members in constructing their national information and intelligence systems, the World Customs Organization (WCO) has developed and periodically updated its Global Information and Intelligence Strategy (GIIS, EC0132E1).

Since 2005, the WCO has developed Standardized Risk Assessments Model Risk Indicators/Profiles (EC0149E7). Among other things, this tool contains specific indicators for MEA-related trafficking. The indicators help Customs officers target goods and conveyances either for physical inspection or for post-importation audit, thereby allowing them to operate more efficiently and effectively.

Both of these tools have proven effective in collecting and analysing data, enhancing international co-operation and providing members with guidelines.

WCO Customs Enforcement Network (CEN) and Regional Intelligence Liaison Office (RILO) network

The Customs Enforcement Network is an Internet-based global enforcement system designed to support and enhance data exchange and communication between Customs services in their fight against transnational organised crime. It has four main components:

- A non-nominal seizure database of 13 commodities, including CITES and hazardous waste. Ozone-depleting substances are scheduled to be added to the database in 2008. Customs administrations are encouraged to report relevant seizures to allow analysis of the global and regional trends in trafficking of environmentally sensitive items.
- A website that is constantly updated and fed with vital Customs information, such as alerts, intelligence reports, as well as information from other organisations.
- A Concealment Picture Database (CPDb), which aims to illustrate exceptional concealment methods with pictures. Customs officials can obtain the full details on single cases, where available.
- A real-time communication system (CEN COMM) in which authorised users may exchange information in the form of encrypted preformatted messages or plain text e-mail. It is specially designed for Customs operations or joint Customs operations involving other law enforcement agencies. Since September 2004, 32 operations have been run successfully on this system. It has proven secure, cost-effective, multifunctional, flexible and interactive.

WCO member Customs administrations are encouraged to report seizures to the CEN database on a voluntary basis. When a seizure is made, the Customs officials are expected to report it to the national contact points in their own country, so that they can put it in CEN in a timely manner.

CEN became operational in July 2000. Today, more than 1,800 Customs officers in over 150 countries have access to the more than 150,000 seizures contained in CEN. Access to CEN is controlled by a user name and password issued by the WCO Secretariat (contact cis@wcoomd.org for more information).

The Regional Intelligence Liaison Office network is a global intelligence network designed to improve the efficiency and effectiveness of Customs enforcement around the world. The RILO programme is organised on three essential and complementary levels: (1) contact points of member administrations, (2) RILOs and (3) WCO Secretariat. The network operates through its 11 worldwide RILOs to ensure collection, treatment, analysis and dissemination of intelligence. The RILO network is supported by the CEN.

For RILOs in different regions, please contact:

→ **RILO Asia/Pacific - China**
Chinese Customs Administration
10th Floor. East Wing. Jia 10.
Guang Hua Road - Chao Yang District
100026 Beijing
Tel: 86 10 8573 6348
Fax: 86 10 8573 6349
e-mail: rilo-ap@customs.gov.cn

→ **RILO Middle East**
P.O. Box 22631
Riyadh 114416, Saudi Arabia
Tel.: +966 1 478 78 89
Fax: +966 1 478 58 87
E-mail: rilo_riyadh@yahoo.com

→ **RILO Eastern and Southern Africa**
Times Towers, 9th Floor
Haile Selassie Avenue
P.O. Box 72236-00200
Nairobi, Kenya
Tel.: +254 20 340 414
Fax: +254 20 317 964 / +254 20 241 317
E-mail: rilo.esa@kra.go.ke

→ **RILO Central Africa**
Directorate General of Customs
P.O. Box 4049
Douala, Cameroon
Tel.: +237 3010464
Fax: +237 3010510
E-mail: Rilobrlr@yahoo.com

→ **RILO Western Africa**
Rue René Ndiaye angle Carde
B.P. 4033
Dakar, Senegal
Tel.: +221 8 22 11 85
Fax: +221 8 22 55 69
E-mail: brlrdakar@sentoo.sn or i.seck@sentoo.sn

→ **RILO North Africa**
Administration des douanes et impôts indirects
Boulevard Hassan II, B.P. 1799
Rabat, Morocco
Tel.: +212 37 71 78 38 /37 57 94 42
Fax: +212 37 71 78 38
E-mail: brlr.rilo.naf@douane.gov.ma
or
a.lakbir@douane.gov.ma

→ **RILO Eastern and Central Europe**
Room 4388, 12 Swietokrzyska Str.
00-916 Warsaw, Poland
Tel.: +48 22 8 26 91 89
Fax: +48 22 8 27 67 97
E-mail: agnes@rilo-waw.pl

→ **RILO West Europe**
Zollkriminalamt, Bergisch Gladbacher Strasse 837
D-51069 Köln, Germany
Tel.: +49 221 672 41 12
Fax: +49 221 672 41 11
E-mail: office@rilo-we.org

→ **Joint Intelligence Office (JIO), Caribbean CCLEC** – Caribbean Customs Law Enforcement Council
4 Manoel Street, P.O. Box 1030
Castries, St. Lucia
Tel.: + 1 758 453 2556 or 1 758 453 7705
Fax: + 1 758 453 2563
E-mail: cclec@candw.lc

→ **RILO South America**
Dirección nacional de aduanas
Plaza Sotomayor, 60
Valparaiso, Chile
Tel.: +56 32 200 645
Fax: +56 32 233 163
E-mail: rilosa@aduana.cl

→ **RILO CIS**
(Commonwealth of Independent States)
Central Enforcement Department of the Federal Customs Service
Novozavodskaya Street, 11/5
121087 Moscow, Russia
Tel.: +7 495 449 86 86
Fax: +7 495 449 86 90/86
E-mail: rilo-moscow@gubk.customs.ru

A note about the WCO website: The website has both a public area and a private one. 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

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.

It is important to keep in mind that environmental crime can be both local and transnational. For example, illegal dumping of hazardous waste obviously affects the site of the incident. But the generators and transporters of the waste, as well as the agents, principals and witnesses, may be far from the scene, and frequently reside beyond national borders. In those situations, the environmental crime is effectively countered only by good international co-operation.

More than a quarter-century of experience persuaded Interpol that the timely exchange of pertinent information is crucial to any campaigns that target international environmental crime. Interpol also learned, however, that information exchange between various countries can suffer from disruptive complications because:

- The required information often must be collected from widely scattered sources
- Countries do not have uniform reporting methods
- There has been no international repository for the collection, storage, analysis and circulation of information useful in efforts against environmental crime
- Investigators in one country often have not known which law enforcement agency or agencies were their appropriate contacts in other countries.

Interpol resolved these shortcomings by creating Ecomessage, a reporting system and database that 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 flora and fauna.

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 environmental crime data and enters it into a computerised data collection facility at the General Secretariat.

The Ecomessage system uses a simple, carefully designed form to transmit details of a particular crime to Interpol. The standardised design of the communication permits:

- 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 computerised database
- Organised 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 standardised procedure and routing. This systematic approach helps to ensure the validity of the data transmitted. 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, and the environment ministry or agency itself may have various enforcement authorities. The Customs agency 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, however, it should be brought to the Interpol National Central Bureau (NCB) of the reporting country. The NCB is usually found in the international relations department of the national police. If difficulty is experienced in locating the NCB in their country the Interpol General Secretariat should be contacted:

Interpol General Secretariat
200, quai Charles de Gaulle,
69006 Lyon, France

Fax: +33 (0) 4 7244 7163
Tel.: +33 (0) 4 7244 7000
E-mail CCC-OperationsRoom@interpol.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, the information it contains is entered into Interpol's computerised 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.
- The Ecomessage form also has provision for the reporting country to ask questions, and it provides a mechanism for international co-operation. For example, suppose a waste broker has shipped an illegal load of hazardous waste into Country X from Country Y. Using the questioning possibilities of Ecomessage, investigators in Country X can ask for information about the waste broker in Country Y, or the carrier involved. They can also ask anything else for which international information exchange will help their case along.
- 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 involved.

Although Interpol has been using the Ecomessage 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 the illegal international environmental crime.

Ecomessage Form

Examples of the Ecomessage form appear below. The style presented in this example can be used to transmit the Ecomessage to the Interpol General Secretariat in Lyon, France.

Anyone preparing an Ecomessage form should keep all entries in the same numbered and lettered sequence, which is important to maintain compatibility with the Interpol database. A properly prepared form will enter easily into the database and is much more likely to produce results.

If the information for a particular item on the form is not available, mark it as «unknown» or simply leave it blank.

The complete Ecomessage form should be delivered to the local Interpol National Central Bureau.

ECOMESSAGE FORMS

EXAMPLE I (GENERIC FORM)

1. Subject

1.1 A brief description of the offence
1.2 Code name
1.3 Legal description of the offence (Reference number, Citation of legislation violated and legally possible penalties)

2. Place and method of discovery

2.1 Place where offence was discovered (e.g. name of a port of city). If on sea or open countryside, indicate distance and direction to a known reference point.
2.2 Describe how the offence was discovered (e.g. customs control inspection, informant information, etc)
2.3 City, Country where offence was discovered.

3. Date and time

When the offence was discovered

4. Contraband products

4.1 ***Illegal wastes:*** Specify the nature of the wastes and their place of production: or

Radioactive substances: Specify the nature of the radioactive substance; or

Wildlife: Specify the scientific and common names of the species involved, with a precise description of the specimen (e.g. live, dead, part or derivative, age, sex, etc.)

4.2 ***Quantity and estimated value:*** Specify the units of measure and type of the currency

5. Identity of person(s) involved

Note: Items 5.a to 5.l must be completed for each person involved.

a) Date of arrest
b) Family name (and Maiden name)
c) First name(s)
d) Sex
e) Alias(es)
f) Date and place of birth
g) Nationality
h) Address
i) Information contained on passport or national ID
j) Profession
k) If and, function in any of the companies mentioned in item 6.
l) Other information: Numbers of telephone, fax, vehicle, etc. plus subject's function in the offence (courier, dealer, etc)

6. Companies involved

Note: Items 6.a to 6.f must be completed for each business involved.

a) Type: indicate the legal type of company
b) Name: Specify both the legal name and any trade names
c) Activities
d) Address and telecommunications details of headquarters
e) Registration number
f) Business address & phone/fax- If not same as item d)

7. Means of transport and route

Provide maximum details on means and routes of transportation for violations involving transport of contraband.

8. Locations

a) **Country and town of origin**: For wildlife, indicate country of origin according to CITES (country where the specimen was taken from the wild or bred in captivity), as well as according to Customs definition (county where the last substantial transformation occurred). Specimens originating from the sea should be indicates as "sea".
b) Country of Provenance: Country of last re-export
c) Country(ies) of transit: As much as can be determined
d) Country and address of destination: Both the destination declared on transport documents, and the real destination, if known.

9. Identification of documents used

Specify the types of documents, including authorisations, transport documents, permits and certificates, invoices, etc. Specify if such documents are altered of fraudulent.

10. Law Enforcement agency

Specify the name and address of the agency with primary responsibility for the case, along with telecommunications information and a contact person, if possible.

11. Modus operandi

Describe the modus operandi precisely, including: technique of concealment, type of packaging, techniques of document falsification, etc. as well as possible relationship with other cases. Attach photocopies (e.g. false documents) and photos (e.g. container) that illustrate the modus operandi.

12. Additional information

Other details deemed relevant

13. Information requested

Do investigators need information available from foreign countries (e.g. details about a foreign national's arrest record or a freight forwarding company's history of violations)?

ECOMESSAGE FORMS

EXAMPLE II (WILDLIFE)

1. Subject

1.1 Illegal trade in endangered parrots and their eggs
1.2 Operation Cockatoo
1.3 Article 3 of Law/Regulation (maximum penalty: 3 years prison and/or fine)

2. Place and method of discovery

2.1 Capital Airport
2.2 Discovered by X-ray and document examination
2.3 Camelot, Utopia

3. Date and time

30 April 2004 at 23:00 hours

4. Contraband products

4.1 3 *Cacatua goffini* (CITES App I) (live, age unknown)
1 *Cacatua moluccensis* (CITES APP I) (live, age unknown)
25 eggs of *Cacatua goffini, C. moluccensis, C. sanguinea*
4.2 Value about US $50,000

5. Identity of person(s) involved

Note: Items 5.a to 5.l must be completed for each person involved.

a) 30 April 2004
b) Kinobi
c) Obiwan
d) Male
e) Obi the Birdman
f) 18 November 1940, Manchester
g) Shangri La
h) Psitti St. 22, Parroton
i) Shangri La passport 255462 issued at 21/07/99 valid to 2009
j) Snake oil salesman
k) Unknown
l) Unknown

6. Companies involved

Note: Items 6.a to 6.f must be completed for each business involved.

a) Snake oil company
b) Viper Plus Inc.
c) Snake oil processing and marketing
d) Psitti St. 22, Parroton, Shangri La
e) Unknown
f) Psitti St. 22, Parroton, Shangri La, tel/fax 255678888

7. Means of transport and route

by plane from Atlantis to Shangri La (flight YL 123) and by plane from Shangri La to Utopia (flight YL 456)

8. Locations

a) East Indies (CITES definition) East Indies (customs definition)
b) Unknown
c) Shangri La
d) Utopia

9. Identification of documents used

False CITES Export Document, (East Indies). Unknown signature and false seal Nr.5567. Import document is falsified. Valid veterinary certificate may have signature of accomplice.

10. Law Enforcement agency

General Inspection Service, Utopia, P.O. Box 222, Capital, Utopia, and Interpol NCB, Utopia, P.O. Box 45, Capital, Utopia..

11. Modus operandi

12. Additional information

Above-mentioned company already listed in our files for illegal trade in birds (1999, 2001, 2002) Subjects passport has recent visas issues by East Indies, Atlantis and Valhalla.

13. Information requested

Requesting relevant Interpol NCBs for any available information.

4 CONCLUSION: NEXT STEPS

This Guide was prepared to provide Customs and border control officers with assistance in their efforts to prevent the illegal trade in environmentally sensitive commodities and to facilitate the legal trade in these items.

The preceding chapters have provided a brief explanation of multilateral environmental agreements (MEAs) and an introduction to the partners in the Green Customs Initiative including an overview of the main trade-related MEAs and some practical aspects of implementing these. This short concluding chapter highlights some follow-up actions that can be taken by users of this Guide. It is recognised that implementation of MEA requirements is a considerable task requiring a great deal of effort and commitment. The information provided in the previous chapters, in addition to the suggested follow-up actions presented here, should provide the tools needed to help in the task of facilitating the legal trade and preventing the illegal trade in environmentally sensitive commodities, thereby contributing to the provision of a better common global environment.

Talk to colleagues

It is important that Customs officers share the lessons from this Guide with their colleagues such as their supervisor, peers and personnel at the national Customs training institute. Trainers at the institute should know what training resources are available on Green Customs and on each of the MEAs. The institute may already have courses or curricula related to the environment and this Guide, and complementary documents may be included in its curriculum. Users of this Guide could serve as key resource persons for developing such courses at the national level.

Seek more information about multilateral environmental agreements

Although readers may already be familiar with some of the MEAs presented in this Guide, some may wish to obtain more detailed information and materials. Specific information can be found on the websites of the respective organisations. Chapter 2 contains contacts and resources from the secretariats that may be helpful in a search for information. The Green Customs Secretariat within UNEP's Division of Technology, Industry and Economics in Paris can provide more information and reference documents upon request (see details below). Some of the secretariats may be able to provide or suggest additional training, information or activities that can give Customs officers more detailed knowledge about the specific MEA or organisation.

Follow developments in the MEAs

This Guide contains information on how MEAs are implemented at the national level and on how to identify the main stakeholders in each country. The national office or bureau responsible for implementing each MEA in a country can provide more detailed information on national implementation measures. Moreover, the websites of the MEAs described in Chapter 2 are regularly updated and so include the most recent information on, for example, the latest status of ratification, new training tools and amendments to the agreements. The Green Customs website (http://www.greencustoms.org) also provides information on related events and developments.

Provide feedback to help develop national policies and legislation

A Customs office that has established contact with national MEA authorities and other stakeholders may be asked to participate in the national consultations during the development of legislation and regulations related to MEA implementation and data collection. Representation of Custom's viewpoint will help to ensure that new processes and procedures facilitate the work of Customs.

Provide feedback to the Partners to the Green Customs Initiative

Users with comments or suggestions on how this Guide could be improved or what additional information would be required should provide their comments or suggestions to the Green Customs Secretariat in UNEP DTIE Paris.

This Guide is available in both hard copy and electronically. A CD-ROM can be obtained from UNEP DTIE, or the Guide can be downloaded from http://www.greencustoms.org.

For more information

For more information on the Green Customs Initiative, contact:

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About the UNEP Division of Technology, Industry and Economics

The UNEP Division of Technology, Industry and Economics (DTIE) helps governments, local authorities and decision-makers in business and industry to develop and implement policies and practices focusing on sustainable development.

The Division works to promote:

> sustainable consumption and production,
> the efficient use of renewable energy,
> adequate management of chemicals,
> the integration of environmental costs in development policies.

The Office of the Director, located in Paris, coordinates activities through:

- **The International Environmental Technology Centre** - IETC (Osaka, Shiga), which implements integrated waste, water and disaster management programmes, focusing in particular on Asia.
- **Sustainable Consumption and Production** (Paris), which promotes sustainable consumption and production patterns as a contribution to human development through global markets.
- **Chemicals** (Geneva), which catalyzes global actions to bring about the sound management of chemicals and the improvement of chemical safety worldwide.
- **Energy** (Paris), which fosters energy and transport policies for sustainable development and encourages investment in renewable energy and energy efficiency.
- **OzonAction** (Paris), which supports the phase-out of ozone depleting substances in developing countries and countries with economies in transition to ensure implementation of the Montreal Protocol.
- **Economics and Trade** (Geneva), which helps countries to integrate environmental considerations into economic and trade policies, and works with the finance sector to incorporate sustainable development policies.

UNEP DTIE activities focus on raising awareness, improving the transfer of knowledge and information, fostering technological cooperation and partnerships, and implementing international conventions and agreements.

For more information, see **www.unep.fr**

The Green Customs Guide provides information and guidance to Customs and other border control officers to assist in their efforts to monitor and facilitate the legal trade and to detect and prevent the illegal trade in environmentally sensitive commodities 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 trade-related treaties and organisations that are included in this initiative. Information is provided on how trade is regulated and the responsibilities of Customs officers in implementing the various controls are described. Specialised terminology is explained and sources of further information and assistance is provided. The Guide is designed to be used as part of a training curriculum for customs officers or as a stand-alone resource.

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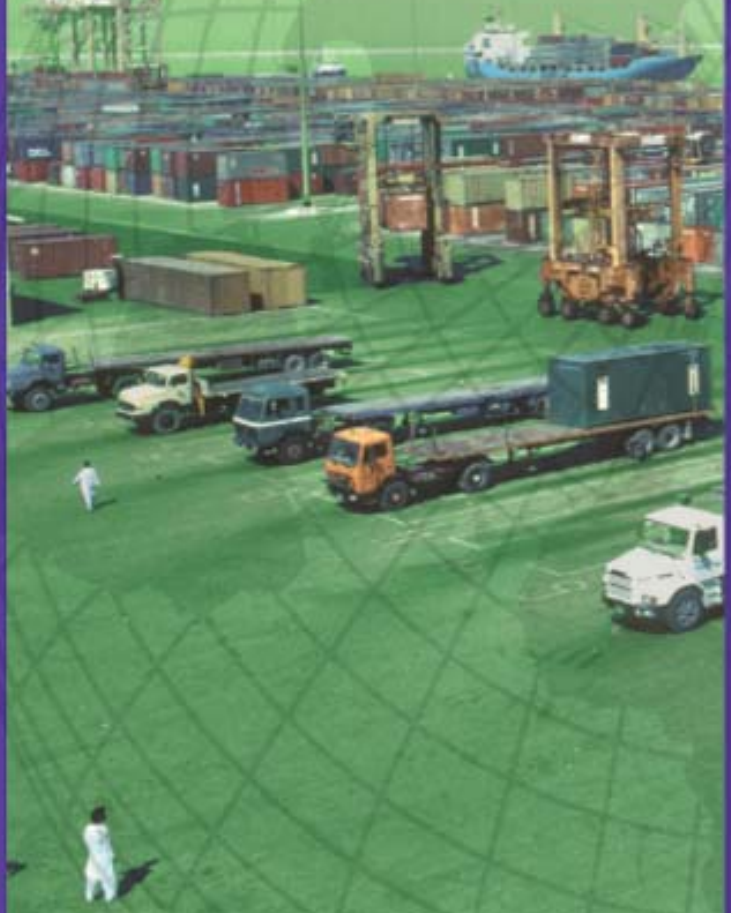

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