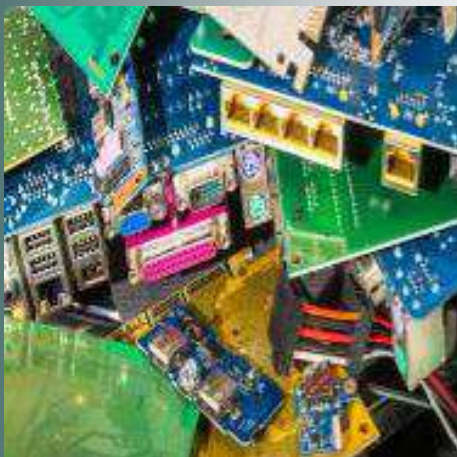




RILO WE INFO MAGAZINE

2024

**SPECIAL EDITION
ENVIRONMENT**

 **RILO**
Western Europe
World Customs Organization

Dear Readers,

we are particularly proud to bring to your attention a special edition of our RILO INFO magazine. It is dedicated to environmental topics, with particular emphasis on Customs and other law enforcement action taken against crimes of international waste trafficking.

Customs authorities play a key role in the implementation of the environmental regulations, protecting their respective countries against the illegal cross-border trade of hazardous chemicals and wastes, as well as other environmental related trafficking. This trade not only presents an increased threat to the environment, but also a significant challenge to the law enforcement. Western Europe has been particularly affected by this phenomenon, being a common country of origin, as evidenced by seizures during different international control operations such as WCO DEMETER.

To combat this growing threat, the member states of RILO Western Europe have come together and agreed to make the fight against environmental crime one of the priorities for RILO WE.

In line with this prioritization, RILO WE has produced this special issue of the Magazine to spotlight the topic and to raise awareness about this subject. Within this context, the current issue presents a comprehensive compilation of expert comments and research articles focusing on the subject matter and in particular outlining the implications on the customs law enforcement.

In addition, RILO WE has been actively pursuing the environmental topic at the international and multiregional level. In the spirit of the WCO 2024 theme, "Customs Engaging Traditional and New Partners with Purpose", RILO WE has established a new cooperation with the UN Environment

Program (UNEP) – OzonAction, having successfully represented the Western Europe region at the Europe and Central Asia (ECA) enforcement meeting in Tirana, Albania, 23 - 25 April 2024, concerning ODS-Montreal Protocol.

The growing significance of the customs' strategic position in the front line of the environmental protection is also evidenced by the ongoing discussions at the WCO level. During the 44th Enforcement Committee the WCO has stressed the importance of environmental protection, inter alia by strengthening the cooperation with BRS - Basel, Rotterdam and Stockholm Conventions Secretariat and by proposing Standard Operating Procedures (SOPs) for controls of waste shipments as guidelines for the national customs authorities.

As we look ahead, the subject of environmental customs law enforcement will surely continue to be a defining issue in the years to come. The international customs and law enforcement community must seize this opportunity to work together, across agencies and governments, to ensure environmentally responsible future.

We hope that you will enjoy reading this issue as much as we enjoyed putting it together! We also thank everybody who contributed, whether through articles or suggestions. It would not have been possible without you!

Your RILO WE Team

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UN ENVIRONMENT PROGRAMME (UNEP) - EUROPE AND CENTRAL ASIA (ECA) NETWORK ENFORCEMENT MEETING, TIRANA, ALBANIA, 23 - 25 APRIL 2024

RILO WE participated in the meeting organized by UNEP, the Ministry of Tourism and Environment of Albania, OZON Action and Multilateral Fund for the Implementation of the Montreal Protocol as part of the work programme of the regional network for Europe and Central Asia (ECA network).

The meeting took place at a time when developing countries are expected to reduce the consumption and production of hydrochlorofluorocarbons (HCFCs) below baseline by 2025 and to virtually phase-out their HCFC consumption by 2030.

All 11 countries of the ECA network ratified the Kigali Amendment to the Montreal Protocol and committed themselves to freeze their consumption and production of

hydrofluorocarbons (HFC) at the baseline level starting 1 January 2024 and to achieve a reduction by 10% below baseline starting 1 January 2029.

Participants of the meeting have also included Montreal Protocol Officers and Customs Officers from ECA network countries, major trade partners, experts from the Ozone Secretariat, Multilateral Fund Secretariat, European Commission, OLAF, WCO, Europol, Interpol, implementing agencies, RILO ECE and bilateral partners.



Main objectives of the meeting included:

- ▷ Enhancing cooperation between Montreal Protocol Officers and Customs Officers from ECA network countries and major trade partners,
- ▷ Sharing information on smuggling schemes, intelligence, illegal trade, seizures, subsequent prosecution and court decisions to enhance enforcement and to provide disincentive to potential smugglers;
- ▷ Enhancing cooperation with regional and international enforcement organizations, NGOs and UN bodies;
- ▷ Presenting available enforcement tools, training modules and publications;
- ▷ Promoting the informal Prior Informed Consent mechanism (iPIC) to prevent unwanted or illegal trade in ODS;
- ▷ Analyzing data discrepancies / differences between exports as reported by the exporting countries and imports reported by the importing countries;
- ▷ Conducting bilateral consultations on compliance and issues related to monitoring & control of trade in controlled chemicals.

RILO WE was invited as a speaker by the conference organizers and took the opportunity to present the law enforcement activities in part of the Western European area related to fighting illegal trade in ODS in cooperation with international partners as well as RILO WE analysis products and information exchange tools, which might be useful for combatting illicit trade in environmental matters.

Regional cooperation between Montreal Protocol Officers and Customs Officers is crucial for the efficient monitoring of trade and for the prevention of illegal trade (ex. Operations DEMETER by WCO).

The last ECA enforcement meeting with Montreal Protocol Officers and Customs / Enforcement officers took place in Kiev, Ukraine, 24 - 27 September 2019 and included the ceremony for the "Global Montreal Protocol Award for Customs and Enforcement Officers".

The lessons learnt from the Global Montreal Protocol Award are described in UNEP's publication "Watch out for illegal trade of HCFCs and HFCs".

The publication is available from:

www.unep.org/ozonaction/resources/publication/watch-out-illegal-trade-hcfc-and-hfc-lessons-learnt-global-montreal.

The online ceremony of the 5th edition of the "ECA Montreal Protocol Award for Customs and Enforcement Officers" took place on 29 March 2023.





NORWEGIAN EXPORT OF PLASTIC WASTE

SUMMARY

The Norwegian export of plastic waste increased by 23 per cent (a quarter) from 2018 to 2022. In 2022 alone 157 000 tons plastic was exported.

It is a stated national aim that plastic waste shall be recycled. Norway does, however, not have sufficient capacity nationally. Norway follows the global trend and generates a steeply increasing volume of plastic waste. The Norwegian use of plastics resembles the European pattern, but with a higher concentration in the fisheries and aquaculture sectors.*¹

EUs Waste Shipments Regulation (No 1013/2006) is incorporated into the Norwegian national waste regulation.

All waste export must be declared to Norwegian Customs. Plastic waste has four commodity codes under 39.15 Waste, parings and scrap of plastics.

On January 1st 2021 a new national export ban came into force: Those plastic waste fractions that are challenging to recycle may no longer be exported to non-OECD countries. Clean or sorted plastic waste may, on the contrary, still be exported to non-OECD countries provided the recipient country allows such import.

The Norwegian declared plastic waste export to non-OECD (South Asian countries) is consistently low in the period 2018-2022. While Germany and Sweden (2010-2017) were the largest importers of Norwegian plastic waste, Poland and Lithuania display a steady increase.

In 2022 Poland imported as much as Germany, while Lithuania had become the by far largest importer of Norwegian plastic waste (shown in graph 1).

While the European organization Plastics Recyclers Europe write of an increased recycling capacity in several European countries among them Poland, there is no

mention of dramatically increased capacity in Lithuania.*²

A compliance manager in the Norwegian waste sector, however, offers the following explanation for the shift from Germany and Sweden to Poland and Lithuania: Germany which for many years has been a hub for plastic waste in Europe used to re-export considerable amounts to South-East Asia. This export is no longer possible. Poland and Lithuania are low- cost countries and attractively priced compared to Sweden and Germany. According to the same compliance manager there is heavy investment in new recycling facilities in Lithuania, partly by Chinese companies.

Our analysis shows that several Norwegian waste exporters are owners or partly own waste facilities in EU countries, in particular Lithuania and Poland. Large volumes plastic waste are declared to Norwegian owned, or partly Norwegian owned, facilities in EU.

The Norwegian Environment Agency has in cooperation with Norwegian Customs inspected 11 plastic waste exporters in 2022 and 2023: 8 were found to have shipped plastic waste illegally from Norway.*³ Inspections found that huge volumes had been exported to Egypt, Malaysia, Vietnam and India.

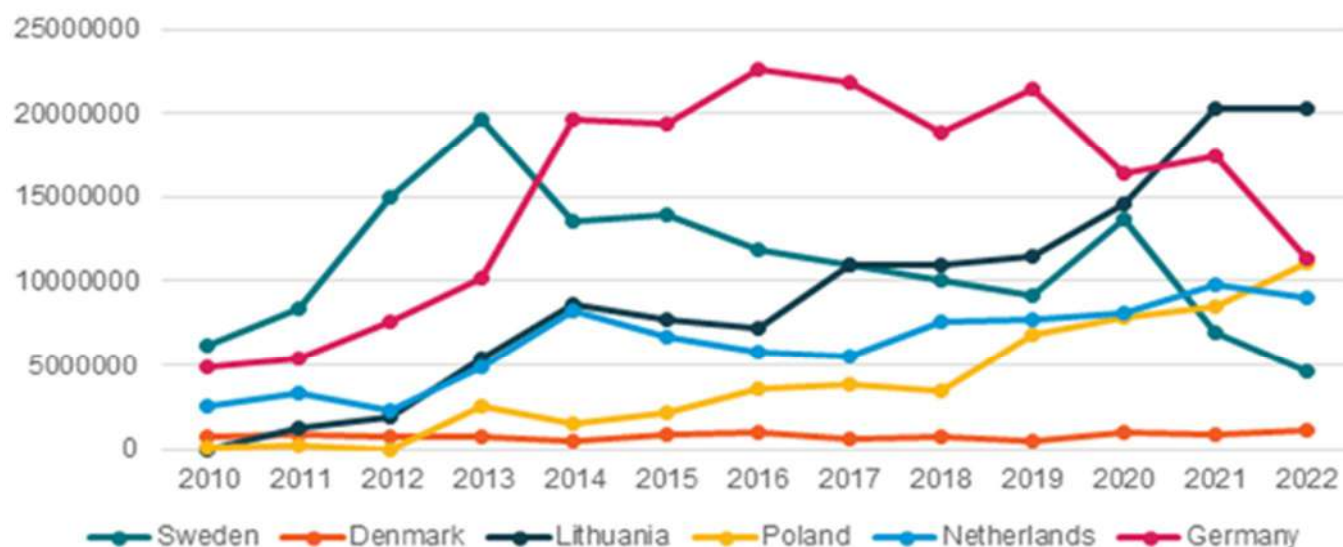
Norwegian findings are similar to those previously seen by other customs authorities: Large volumes of plastic waste are wrongfully exported as (declared as) used plastic goods. Furthermore, large amounts of notifiable waste are illegally exported as green-listed.

*¹ The Norwegian Government's Plastics Strategy, <https://www.regjeringen.no/no/dokumenter/noregs-plaststrategi/id2867004/?ch=3>

*² Plastic Recyclers Europe: Plastics recycling industry in Europe. Mapping of installed plastics recycling capacities, 2021, <https://www.plasticsrecyclers.eu/publications/>

*³ Miljødirektoratet.no: Avdekte ulovleg export av plastic waste, 10.11.23 <https://www.miljodirektoratet.no/aktuelt/nyheter/2023/november/avdekte-ulovleg-export-av-plastic-waste2/>

Plastic waste exported to EU countries 2010-2022



Graph 1: Declared total weight in kilos of plastic waste (39.15) to the top six recipient countries (2010-2022)

An internationally known modus is to declare waste shipment to non-OECD countries with an EU-recipient country. Large shipments of Norwegian waste are declared with road transport over the Swedish land border. Rail is also to some extent the transport mode. Container on ship is typically used for shipments out of EU. We therefore assess the declared combination EU-recipient country and container shipment as transport mode as an indicator of EU not being the real end-destination for the waste.

Norwegian Customs would like to see more information regarding illegal waste export with EU as declared destination.

Norwegian Customs and The National Environmental Agency will continue their close dialogue and cooperation on plastic waste. Norwegian Customs participates in EMPACT Envicrime 2024-25 in the activities regarding waste.

Courtesy of Norwegian Customs



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WASTE EXPORT IN DENMARK

In 2023 the Danish Customs Agency carried out analysis on plastic waste usually being exported under HS code 3915. The analysis team found that the value of the goods in this chapter was much lower than the value of other goods declared under HS chapter 39.

Therefore, it was decided to check whether the value was an indicator for products exported in other positions under HS chapter 39 and whether they were falsely declared as plastic products, instead of plastic waste – making it unnecessary for the exporter to get in contact with the Danish Environmental Protection Agency and to fulfill the environmental requirements.

The analysis team of the Danish Customs Agency set up a risk profile in the system, and in 2023 a total of 27 controls were carried out on basis of this profile. It turned out that 19 of these were problematic and were stopped by the Danish Customs Agency upon export, primarily due to lack of permission to export from the Danish Environmental Protection Agency.

However, two of the containers were special as the goods description stated foil declared under HS code 3920 with a value of approximately 400 EURO pr. ton. However, it turned out to be the remaining product of foil from a production plant and other types of trimmings from the production. The exporter was a company based in the Netherlands in the recycling business, buying this residual product from a production company in Denmark, and selling to a recycling company in Mexico.

The Danish Customs Agency got in contact with the Danish Environmental Protection Agency, which confirmed that since the Mexican receiver was in the recycling business, it was important to investigate if the receiving country, Mexico, had any restrictions regarding import of plastic waste. If classified as waste in Mexico, the goods should be accompanied by a waste movement document

Due to unexpected circumstances, the containers left from Denmark before the Danish Customs Agency received the information from the Danish Environmental Protection Agency. They were shipped from Denmark via Hamburg to Mexico. The Danish Customs Agency decided to alert colleagues in Mexico via OLAF in case they would classify the contents as waste providing them the option of returning the container.



At the same time, the Danish Customs Agency informed Customs colleagues in the Netherlands - who confirmed that the exporter where in the recycling business.

Based on the experience from these containers, the Danish Customs Agency has learned the importance of good communication flow and cooperation between Customs and the competent authority - two elements making it possible for jointly solving a problem, before exporting goods.

Unfortunately, the Danish Customs Agency never received a response from Mexico.

Due to a RIF received from Belgium in 2021, the Danish Customs Agency decided to activate a risk profile in the national system

Focus of the RIF was on export of products under HS code 7404 00 99 - copper waste destined for specific countries in Asia. Since these countries have introduced restrictions on some kinds of waste products upon importation, this type of goods must be accompanied by a waste notification.

In 2021 the risk profile activated by the Danish Customs Agency showed that 14 export declarations had been made under HS code 7404 00 99 to these Asian countries and two of them weren't accompanied by a waste notification document. Therefore, they were handed over to the Danish Environmental Protection Agency.

In 2022 and 2023 the risk profile didn't generate any hits since the HS chapter 7404 was changed into some other sub-position and the exporters therefore used another position different from 7404 00 99.

At the end of 2023, the Danish Customs Agency therefore edited the risk profile to focus only on HS chapter 7404 to the Asian countries. From 1. January to the middle of February 2024, the profile has triggered ten export controls, and none of the exports have been accompanied by a waste notification. The controls have therefore been handed over to the Danish Environmental Protection Agency.

Courtesy of Danish Customs



STRENGTHENING WASTE MANAGEMENT: SWEDISH CUSTOMS' VIGILANCE ON TRANSBOUNDARY SHIPMENTS

In the realm of waste management, Swedish Customs is at the forefront, diligently conducting inspections on transboundary shipments along its external borders. These inspections are strategically executed based on comprehensive risk profiles, ensuring a proactive approach to regulating the flow of waste materials.

Sweden, divided into 21 regional authorities known as County Administrative Boards, plays a pivotal role in overseeing transboundary waste shipments. Among these, five boards are designated as competent authorities for managing such movements.

Collaboration is the key in this process. Swedish Customs liaises with the relevant County Administrative Board responsible for the location of the goods. The synergy between the two authorities is evident in their joint inspections, where Customs contributes its expertise in identifying noteworthy shipments, and the County Administrative Boards assess whether these shipments comply with waste regulations. Non-compliant shipments face export bans, effectively preventing them from leaving the country.

This collaborative effort, built over several years, has proven to be highly effective, with a significant percentage of inspections resulting in export bans. Typically, the figures hover around 90 to 95 percent. Notably, a substantial portion of these inspections targets shipments destined for Western Africa and Asia, focusing on items such as cars, car parts, and plastic waste.

The year 2022 marked a milestone in this endeavor, with a total of 1 043 tonnes of waste halted from export. During a dedicated inspection week, conducted across six different ports, 221 tonnes were intercepted. This initiative was further reinforced by comprehensive training sessions for companies and customs agents, aimed at enhancing awareness of waste regulations. The success of this inspection week garnered widespread media attention, being featured in newspapers, television, and radio broadcasts.



Examples of waste



Border Sweden

In contrast, 2023 witnessed a decline in results due to increased resource allocation towards sanctions against Russia and Belarus. Despite this challenge, 597 tonnes of waste were prevented from export. During the WCO operation Demeter IX, which involved inspections at all border points along the extensive 1630 km Swedish-Norwegian border, thirteen shipments were halted, primarily focused on imports or transit, resulting in a cumulative weight of 243 tonnes (these numbers are not included in the numbers for exports ban mentioned above).

Swedish Customs maintains robust collaboration not only with Customs Authorities in other Member States but also with Norway, reinforcing its commitment to effective waste management practices. As the regulatory landscape evolves, Swedish Customs remains steadfast in its dedication to ensuring the responsible and sustainable movement of waste across borders.

Courtesy of Swedish Customs



AGENZIA

ADM

L'AGENZIA DELLE ACCISE, DOGANE E MONOPOLI

18 TONS OF SPECIAL WASTE DESTINED FOR SENEGAL SEIZED AT THE PORT OF PALERMO

In April 2023, officers of the provincial Command of Guardia di Finanza (GdF) in Palermo, together with the local Customs and Monopolies Agency seized 18 tons of special waste at the port, crammed inside a container bound to Senegal.

Inside, there should have been used photovoltaic panels sold by a company from Catania to a Senegalese person, who should recondition them for subsequent reuse.

However, the check carried out by the GdF together with by the Customs officials supported by the technicians from ARPA Sicilia (a regional environmental agency) ascertained that in reality the shipment was illegal cross-

border trafficking of waste electrical and electronic equipment (WEEE) directed to the sub-Saharan area by exploiting false documents accompanying the goods.

Two people were reported for illicit trafficking and unauthorized waste management.





EIGHT PEOPLE INVESTIGATED FOR THE ILLEGAL TRAFFIC OF MORE THAN 5,700 TONS OF PLASTIC WASTE

In 2023, the Spanish Civil Guard, with the collaboration of Europol in the so-called Plastics operation, has investigated eight people for the alleged illegal traffic of more than 5,700 tons of plastic waste and has carried out a total of 141 inspections of companies that manage this waste.

The operation began due to the alarming increase in illegal waste traffic in recent years, which stands out among the environmental crimes linked to organized crime in Europe, due to the associated penalties, the difficulty of control and the wide margin of benefits.

Faced with this situation, Europol began Operational Action 2.4 on illegal waste trafficking and management, belonging to the EMPACT (European Multidisciplinary Platform against Criminal Threats) on serious environmental crimes, leading the Civil Guard action aimed at combating trafficking and waste management. plastic waste. During the operational phase, inspections were carried out on managers of plastic waste or in containers belonging to them and prepared for export.

In the province of León, a company has been identified that was clandestinely storing a large amount of plastic waste from other autonomous communities with the aim of eventually abandoning it or setting it on fire.

Further, in the Port of Barcelona, 40 tons of plastic waste have been intervened and a company as well as its two managers are being investigated for the illegal transfer of 43,220kg of plastic waste. Another company, also located in Barcelona, would have transferred to France 222,682 kg of material declared as plastic, when in reality it was plastic waste.

In Palencia, a company has been investigated that would be engaged in the management and irregular transfer of both plastic waste and electrical and electronic equipment waste, without having any type of authorization or control mechanism.



Another company investigated in the province of Jaén, was dedicated to extracting plastic waste from vehicles at the end of their useful life to later send them illegally, camouflaged as raw material. It would have sent 900 tons to Thailand, 98 to Hong Kong, 312 to Malaysia and 2,302 to Morocco.

Two people have been investigated for these events.

In the province of Alicante, another company has been investigated that, without having an activity license, was engaged in the illegal management and storage of waste, including plastic waste, for its subsequent illegal export.

The actions have been coordinated with the Fiscal Service of the Civil Guard and with Customs Surveillance, due to the cross-border nature of these exports to third countries.

Courtesy of Border Security Report



OPERATION 30 DAYS AT SEA 3.0 REVEALS 1,600 MARINE POLLUTION OFFENCES WORLDWIDE

Agencies in 67 countries uncovered crimes ranging from illegal dumping to waste trafficking.

Thousands of suspects, companies and criminal networks engaged in maritime pollution have been detected and investigated in a global INTERPOL-led operation.

Operation 30 Days at Sea 3.0 (1-31 March) saw simultaneous action by 300 agencies across 67 countries resulting in an unprecedented 34,000 inspections at sea and inland waterways, coastal areas and ports to detect marine pollution violations.

Frontline action followed five months of intelligence collection and analysis, enabling the identification of specific hotspots and suspects behind the criminal, deliberate pollution of the world's waterways.

Preliminary results from the operation's tactical phase included the detection of 1,600 marine pollution offences, often triggering fines and follow-up investigations across all continents.

These include:

- ▷ Nearly 500 illegal acts of pollution committed at sea, including oil discharges, illegal shipbreaking and sulphur emissions from vessels;
- ▷ 1,000 pollution offences in coastal areas and in rivers, including illegal discharges of sewage, mercury, plastics, and other contaminants, leading to serious water contamination which flows into the oceans;
- ▷ 130 cases of waste trafficking through ports.



WITH SURVEILLANCE DOWN, CRIMINALS ARE SEIZING OPPORTUNITIES

With many enforcement resources being reassigned to tackle the pandemic, criminals have been quick to exploit growing vulnerabilities in environmental security and reduced risk of detection.

Authorities in Indonesia detected 65 oil spills and detained two vessels which tried to evade detection by turning off geolocation systems and concealing their national flags.

A major criminal network trafficking plastic waste between Europe and Asia was exposed, triggering cooperation between authorities from both regions. So far, 22 suspects have been arrested and thousands of tonnes of waste have been prevented from being illegally shipped to Asia, where it would have likely been dumped, contaminating soils and generating considerable marine litter.

Several countries from Europe, Asia and Africa reported illegal shipments of contaminated or mixed metal waste falsely declared as metal scraps. In one case, the Italian Coast Guard seized and prevented 11,000 tonnes of metal scraps mixed with plastic, rubber, mineral oil and other contaminants from being loaded onto bulk carriers headed for Turkey. Namibia, the Philippines and Croatia also reported cases of illegal waste shipments from Europe.

Growing trends included COVID-19 disposable items such as masks and gloves, with 13 cases involving medical waste opened as a result of the operation.

With the value of gold on the rise, agencies across Africa, Central and South America worked to track illegal mining, which often results in devastating contamination due to mercury discharges.

INTERPOL Secretary General Jürgen Stock said:

“Although this is the third edition of 30 Days at Sea, it is never the same exercise. The threat of pollution crime is constantly evolving, endangering the air we breathe, our water and soil. Although this is the third edition of 30 Days at Sea, it is never the same exercise.

It is thanks to a global yet agile network that we have seen the number of inspections more than double since the first edition: a clear sign that the international community will not stand for criminal attacks on our environment.”

INTERPOL will assist member countries in their follow-up operations and intelligence analysis with support from its Pollution Crime Working Group.



JOINING FORCES FOR GREATER IMPACT

With INTERPOL's Environmental Security Programme coordinating the operation globally, Europol and FRONTEX (European Border and Coast Guard Agency) provided crucial support by coordinating the European leg of 30 Days at Sea 3.0, as part of the EMPACT action plan on environmental crime.

Europol's Executive Director Catherine De Bolle said:

"Marine pollution is a serious threat, which endangers not only the environment but our health and in the long run our global economy. Criminals do not care about the environment; they do not think of tomorrow, but only of increasing their profits on the back of our society. Consolidated law enforcement efforts such as 30 Days at Sea are critical to tackle these borderless crimes and protect our environmental heritage for generations to come."

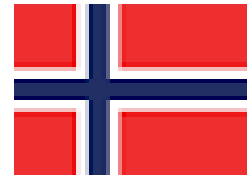
"Environmental crime is one of many criminal activities Frontex targets as part of our mission as the European Border and Coast Guard Agency. This is our contribution to the protection of the environment. I'm proud that, as part of 30 Days at Sea, FRONTEX aerial and maritime assets monitored nearly 1 000 vessels," said FRONTEX Executive Director Fabrice Leggeri.

All three editions of Operation 30 Days at Sea have been carried out with funding from the Norwegian Agency for Development Cooperation (Norad).

PARTICIPATING COUNTRIES

A	▷ Angola, Argentina, Australia
B	▷ Bangladesh, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria
C	▷ Cameroon, Canada, Chile, China, Cote d'Ivoire, Croatia, Cyprus
D	▷ Democratic Republic of Congo
E	▷ Ecuador, Ethiopia
F	▷ Fiji, Finland, France
G	▷ Georgia, Germany, Ghana, Greece, Guatemala, Guinea Bissau
H	▷ Honduras
I	▷ India, Indonesia, Ireland, Israel, Italy
K	▷ Kenya, Kuwait
L	▷ Latvia, Liberia
M	▷ Malaysia, Maldives, Malta
N	▷ Namibia, Netherlands, Nigeria, Norway
P	▷ Peru, Philippines, Poland, Portugal
Q	▷ Qatar
R	▷ Republic of Korea, Romania, Russia
S	▷ Saudi Arabia, Senegal, South Africa, Spain, Sweden
T	▷ Tanzania, Thailand, Timor Leste
U	▷ Ukraine, United Kingdom, United States, Uruguay
V	▷ Vietnam
Z	▷ Zimbabwe

Courtesy of **INTERPOL**



INTERPOL, UNODC AND NORWAY REINFORCE ALLIANCE AGAINST FORESTRY CRIME. RENEWAL OF LAW ENFORCEMENT ASSISTANCE PROGRAMME TO REDUCE TROPICAL DEFORESTATION (LEAP)

An international coalition led by INTERPOL and the United Nations Office on Drugs and Crime (UNODC) has launched the second phase of a global programme to tackle forestry crime. With its emphasis on intelligence-led operations, multi-agency cooperation, and technical law enforcement expertise, the programme - codenamed LEAP II - will offer a unique portfolio of support that helps countries across Latin America and Southeast Asia address forestry crime and illegal tropical deforestation.

Funded by Norway's International Climate and Forest Initiative (NICFI), LEAP helps global law enforcement disrupt international criminal networks and protect the world's forests.

BRINGING KEY PLAYERS TOGETHER TO FIGHT CRIMES AGAINST THE PLANET

Building on the success of Phase 1, LEAP II will continue to help countries identify illicit activities along the timber supply chain and prevent, detect and disrupt global criminal networks involved in forest crime.

Officers on the frontlines will use global police databases and intelligence to uncover suspected criminals, detect the movement of protected merchandise and spot suspicious companies across multiple jurisdictions.

"Billions are being made in illicit profits by criminals effectively looting our planet. It is only through committed law enforcement efforts and multi-agency

and private sector cooperation at the global level that can we effectively tackle this global crime," said INTERPOL Secretary General Jürgen Stock.

"Phase I of LEAP saw significant successes in fighting one of the world's most lucrative environmental crimes, so INTERPOL is very pleased to renew our working relationship with both NICFI and UNODC," added Secretary General Stock.

TARGETED LAW ENFORCEMENT OPERATIONS TO END ILLEGAL DEFORESTATION

The first phase of LEAP led to the seizure of more than 500 tonnes of illegal timber, numerous arrests and the disruption of several criminal networks worldwide.

"We cannot afford to allow the continued exploitation of our rainforests. Criminals have been selfishly profiting from illegal deforestation for too long, putting our climate, biodiversity, and human health at gigantic risk," said Ghada Waly, Executive Director of UNODC.

"By joining forces with INTERPOL and Norway, LEAP has been a powerful way to fight back against this alarming threat, and I am confident that its second phase will continue to help safeguard our rainforests for generations to come," added Executive Director Waly.

In 2022 alone, INTERPOL and LEAP partners coordinated four global operations targeting illegal logging and wildlife crime, with over 1,000 timber seizures in 40 countries, the equivalent of 50,468 m3 or 20 Olympic swimming pools with a total value of USD 740,000.

Field operations saw the arrest of some 300 individuals, triggering more than 20 transnational investigations in LEAP beneficiary countries as well as the identification of 25 new international illegal timber trade routes.

“Illegal logging poses a threat to the rainforest. Behind are often powerful people and networks who profit from the logging and who convert the forest to cultivate coca and other crops or to develop mines,” said Espen Barth Eide, Norway’s Minister of Climate and Environment. ***“I am proud to announce Norway’s support to a new phase of our collaboration with INTERPOL and the UNODC. This will enable them to continue their support to rainforest countries in their investigations and prosecutions of forest crime.”***

LEAP I - implemented between 2018 and 2022 - served to establish tailored working relationships with law enforcement agencies across the globe, building a solid foundation for sustainability and efficiency in tackling organized forest crime.

The three organizations supporting LEAP work together to improve law enforcement capacity, connectivity between countries and agencies, and the successful prosecution of cases related to illegal deforestation.

The launch of LEAP’s phase II is particularly timely given the official kick off today of the Nature Crime Alliance (NCA) during the Global Environment Facility in Vancouver, Canada.

With close NCA-INTERPOL collaboration key to greater impact in tackling environmental crime, INTERPOL is one of the launch partners of this global, multi-sector network aiming at raising political will, mobilizing financial commitment, and bolstering operational capacity to fight crimes against the environment.

Courtesy of INTERPOL



FRONTEX COORDINATES LARGE-SCALE OPERATION AGAINST ILLICIT WASTE TRAFFICKING ACROSS EU EXTERNAL BORDERS

Illicit waste trafficking is a crime that brings enormous profits and comes at a relatively low risk. It is an increasingly popular crime that spans across borders and has a terrible impact on the environment.

Fighting illicit waste trafficking requires an international and strong response: FRONTEX, 29 EU and non-EU countries, as well as EU bodies under the EMPACT framework came together to target this crime. FRONTEX standing corps officers supported local authorities when performing border checks.

Labelled as “Operation TRASH”, the action targeted the illicit trafficking of waste via the EU’s external land and sea borders, both on entry and exit from EU. As part of the operation, law enforcement officers checked vans, trucks, ships and other cargos.

Among the waste, they found used cars parts, plastics, batteries, exhausted oil, metal scraps, used tires, textiles and electronic waste, but also hazardous waste. The waste was meant to be transported to Africa, Asia and Central/Eastern Europe, to be dumped, burned or dispersed, poisoning land, air and water.

In addition, participating countries reported a large number of suspects to judicial authorities and imposed considerable amounts of fines.

Associated criminal activities have also been identified, such as document fraud and lack of proper permissions.

The operation was carried out with the enormous support of Europol and the European Anti-Fraud Office (OLAF), who ensured the participation and coordination of national customs authorities.

This represents an example of effective EU and multinational response against the emerging global threat of illicit waste trafficking. The key to the success of the operation was the cooperation on international and local levels, in particular between border and coast guards, police, environmental inspectorates and customs authorities.

In line with the EU Green Deal, Frontex is actively engaged in law enforcement activities, while building on circular economy actions, climate neutrality, and strengthening the European responsibility on waste management and trade policy.



TOGETHER AGAINST ORGANISED CRIME

The action was organised cooperation between under EMPACT, the national authorities, EU European Multidisciplinary institutions and bodies, and Platform Against Criminal international partners. Threats. It tackles the most EMPACT runs in four-year important threats posed by cycles focusing on organised and serious common EU crime international crime priorities. Fighting affecting the EU. EMPACT trafficking in human beings strengthens intelligence, is one of the priorities for strategic and operational the 2021 - 2025 cycle.

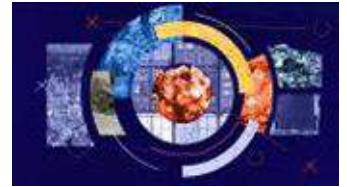
Courtesy of FRONTEX

FACTS

2.500 Controls, 100 cases of illicit waste trafficking

43 Arrests

International effort: 25 countries, 5 EU bodies



OPERATION NOXIA:

OLAF LEADS OPERATION AGAINST DANGEROUS SUBSTANCES

Operation NOXIA: Over 1221 tonnes of illicit waste, 27 469 litres and 5 tonnes of illicit pesticides as well as over 67 million cigarettes and 10 tonnes of tobacco have been seized as a result of the OLAF-led ASEM Joint Customs Operation. The operation took place in spring 2023 and targeted deep-sea containers in EU and Asian ports in a bid to prevent dangerous substances from being smuggled.

Joint Customs Operations aim at placing shipments under surveillance for a limited time in order to detect sensitive, prohibited or dangerous goods – in this case pesticides and cigarettes headed from Asia to Europe as well as waste shipments from Europe to Asia.

In addition to these goods, customs authorities in close cooperation with other fellow national authorities also detained several shipments of illicit products containing over 1 600 000 batteries, 5 127 pieces of clothing, 100 game consoles and 14.5 tonnes of fertilisers – either found to be counterfeit or intended to be smuggled.

Operation NOXIA - code-named in a reference to the English word “noxious” which means harmful, poisonous due to its focus on dangerous substances – was conducted as a part of the joint efforts of OLAF and the participating countries in the fight against dangerous substances. OLAF coordinated the operation from the

planning phase to the analysis of results, provided a safe communication IT environment for information sharing, analysed intelligence and brought together the responsible liaison officers. Operation NOXIA was supported by EUROPOL and the World Customs Organization (WCO).

Ville Itälä, OLAF Director-General, said: ***“We are immensely proud of the seamless collaboration between OLAF and our partners at ASEM during the Operation NOXIA. The ASEM brings together 53 partners from across Europe and Asia, which represent around 65 percent of global GDP and 68 percent of global trade. Together, we have exemplified the power of international cooperation, demonstrating that with united efforts, we can combat illicit activities and protect citizens and markets from dangerous substances and smuggling.”***

The countries that participated in Operation Noxia were 24 EU Member States: **UK, Australia, Bangladesh, Cambodia, People’s Republic of China, India, Indonesia, Lao PDR, Mongolia, Myanmar, New Zealand, Pakistan, Philippines, Singapore, Thailand and Viet Nam.**

BACKGROUND

ASEM, short for The Asia-Europe Meeting, is an intergovernmental process established in 1996 to foster dialogue and cooperation between Asia and Europe. The ASEM dialogue addresses political, economic and cultural issues, with the objective of strengthening the relationship between the two regions, in a spirit of mutual respect and equal partnership. Joint Customs Operations are part of the inter-governmental discussions and their implementation is agreed by the Customs administrations of the ASEM states. ASEM has 53 Members around the world.

The conclusions of the 13th ASEM meeting of Directors General/Commissioners of Customs in Ha Long, Vietnam from 9 to 10 October 2019 call for global action to

combat the illicit trade of dangerous substances. The participants agreed to proceed with the implementation of an ASEM Joint Customs Operation (JCO) to be mutually agreed by the Customs administrations of the ASEM states. The European Anti-Fraud Office (OLAF) was designated as the coordinator for such a JCO with the support of the General Department of Customs and Excise of Cambodia, the General department of Customs of Viet Nam and the General Administration of The General Administration of Belgian Customs and Excises and Excises. The JCO took place at the end of the COVID-19 crisis.

OLAF MISSION, MANDATE AND COMPETENCES:

OLAF's mission is to detect, investigate and stop fraud with EU funds.

OLAF fulfils its mission by:

- ▷ carrying out independent investigations into fraud and corruption involving EU funds, so as to ensure that all EU taxpayers' money reaches projects that can create jobs and growth in Europe;
- ▷ contributing to strengthening citizens' trust in the EU Institutions by investigating serious misconduct by EU staff and members of the EU Institutions;
- ▷ developing a sound EU anti-fraud policy.

In its independent investigative function, OLAF can investigate matters relating to fraud, corruption and other offences affecting the EU financial interests concerning:

- ▷ all EU expenditure: the main spending categories are Structural Funds, agricultural policy and rural development funds, direct expenditure and external aid;
- ▷ some areas of EU revenue, mainly customs duties;
- ▷ suspicions of serious misconduct by EU staff and members of the EU institutions.

Once OLAF has completed its investigation, it is for the competent EU and national authorities to examine and decide on the follow-up of OLAF's recommendations. All persons concerned are presumed to be innocent until proven guilty in a competent national or EU court of law.

Courtesy of OLAF



olaf-media@ec.europa.eu



CRACKDOWN ON A CRIMINAL NETWORK DEALING WITH WASTE TRAFFICKING AND MONEY LAUNDERING

Supported by Eurojust and Europol, judicial and law enforcement authorities in Italy and Germany have dismantled an organised crime group (OCG) suspected of illicit waste trafficking, false invoicing and money laundering in several European countries.

Eurojust coordinated the joint action that led to the arrest of 14 suspects. Forty searches were carried out. The preventive seizure of assets worth EUR 90 million was ordered. The Agency also assisted the authorities in setting up and funding a joint investigation team (JIT) into the case.

The OCG is believed to have illegally acquired up to 165,000 tonnes of scrap iron through a network of iron recycling companies operating in Italy and abroad. The criminal network reintroduced the iron into the legal market or directly into steel mills, claiming it had been imported from Germany.

According to the investigation, a German bogus company connected to the leader of the OCG had issued false invoices for the fictitious acquisition of the scrap iron.

The leader and other members of the criminal network introduced money into Italy, including up to EUR 70 million in cash withdrawn from German bank accounts.

The money was then transferred between several fictitious companies managed by the OCG in Germany and other countries. The profits were invested either in the illicit trafficking of waste or laundered through legitimate activities such as the acquisition of a football team in Italy.

The scrap iron was never cleaned or recycled, despite the false documentation on declarations of conformity or shipping documents. The OCG also manipulated large quantities of special and hazardous waste, such as tar, the real nature of which was obscured by false certificates.

In a joint action day on 15 February, 14 suspects were detained in Italy and Germany. A total of 40 searches were carried out, 26 in Italy and 14 in Germany. The

preventive seizure of assets worth EUR 90 million was ordered.

Eurojust supported the authorities involved in setting up and funding a JIT in August 2020. The Agency also hosted seven coordination meetings to facilitate judicial cooperation and provide support for the coordinated investigative efforts. During the action day, Eurojust set up a coordination centre to facilitate rapid cooperation between the judicial authorities.

Europol contributed to the investigation by analysing the data stemming from the complex scheme and deployed one of its experts on-the-field to Italy to support the national authorities with their investigative measures.



THE FOLLOWING AUTHORITIES TOOK PART IN THIS INVESTIGATION:

- **Italy:** Public Prosecutor's Office of Milan; Public Prosecutor's Office of Reggio Calabria; Carabinieri for the protection of the environment and ecological transition of Milan; Carabinieri of NOE (Environmental Operating Centre)
- **Germany:** Public Prosecutor's Office Munich I; Federal Criminal Police Office in Wiesbaden.

Courtesy of EUROJUST

JOINING FORCES WITH CUSTOMS AND ENFORCEMENT OFFICERS FOR SAFEGUARDING THE MONTREAL PROTOCOL

The Montreal Protocol on Substances that Deplete the Ozone Layer controls the production and consumption of over a hundred manufactured ozone-depleting substances (ODS) and global warming hydrofluorocarbons (HFCs). Since it was adopted on 16 September 1987, all member states of the United Nations have ratified the Protocol. It enacts a phase-out in ODS consumption and production, and a phase-down in HFC consumption and production, with different timelines for developed and developing countries.

Phase - out of hydrochlorofluorocarbons (HCFCs)

HCFCs are ozone-depleting substances and powerful greenhouse gases. They are widely used in refrigeration, foam blowing, fire-fighting and other sectors. The most widely used gas of this group of chemicals is HCFC-22. Developed countries have phased out consumption and production of HCFCs by 2020, allowing a small servicing tail of 0.5% of the baseline until 2030. The HCFC phase-out schedule for developing countries is 35% below baseline in 2020, 67.5% in 2025, and complete phase-out in 2030, allowing a small servicing tail of 2.5% of the baseline until 2040.

Phase-down hydrofluorocarbons (HFCs)

HFCs do not contribute to ozone depletion in the stratosphere but are potent greenhouse gases with high global warming potentials (GWPs). Currently, HFC emissions are increasing at a pace of 8% per year, and by 2050 they would account for 7-19% of the global CO₂ emissions without corrective action. Therefore, efforts to limit global warming to 1.5 degrees Celsius this century are hindered by the uncontrolled increase in HFCs. The Kigali Amendment added 18 HFCs to the list of controlled substances and established a schedule for their progressive decrease by 80-85 percent by the late 2040s. As of 3 April 2024, 158 countries have ratified the Kigali Amendment.

UNEP Montreal Protocol Network for Europe & Central Asia (ECA network)

The ECA network includes 11 developing countries that spread from Central Asia and the Caucasus to the

Balkans. Neighbouring countries include major trade partners such as China and European Union countries, countries with economies in transition (CEITs), as well as Afghanistan, Islamic Republic of Iran, Iraq, and the Syrian Arab Republic.

Albania, Republic of Moldova, Montenegro, North Macedonia, Serbia, Türkiye, and Ukraine are candidate countries to the European Union. Armenia and Kyrgyzstan joined the Eurasian Economic Union (EEU) between Belarus, Kazakhstan, and the Russian Federation in 2015.

All ECA countries ratified the Kigali Amendment and committed themselves to freeze their consumption and production of HFCs at the baseline level starting 1 January 2024, and to achieve a reduction by 10% below baseline starting 1 January 2029. In parallel, they are gradually phasing out HCFCs targeting the complete phase-out by 2030, save for the servicing tail mentioned above. Their HCFC phase-out and HFC phase-down schedules differ from those of the developed countries and of the European Union under the EU F-gas regulation.

During this period, some refrigerants might already have been phased out in developed / European Union countries while certain quantities are still allowed in developing countries. What is banned in some countries e.g. the use of disposable refrigerant cylinders, might still be legal in others. Considering the low risk of being prosecuted, and the usually low level of fines and penalties, the risk of illegal trade is increasing as the profit margins for potential criminals are tempting. Hence, this all adds to the complexity of the matter. Furthermore, there will be a continued demand of restricted / banned refrigerants for servicing existing equipment which often has a long lifetime and high costs of replacement or retrofitting.

* ¹ Albania, Armenia, Bosnia and Herzegovina, Georgia, Kyrgyzstan, North Macedonia, Republic of Moldova, Montenegro, Serbia, Türkiye, and Turkmenistan.

Such equipment might be serviced with recycled / reclaimed refrigerant, but there is usually a shortage of recycled / reclaimed refrigerant. In summary, drivers for illegal trade in HCFCs and HFCs are:

- ▷ Different HCFC phase-out and HFC phase-down schedules in developing countries, developed countries and the European Union
- ▷ Ongoing legal trade requiring export and import licenses (exemptions for essential or critical uses, recycled / reclaimed substances)
- ▷ High profit margin (shortages and high prices in some countries and low prices in others)
- ▷ Low risk of being prosecuted (lack of enforcement, small penalties and administrative fines, fines are often not covering the costs of destruction)
- ▷ Continued demand for HCFCs and HFCs (long equipment lifetime and high costs of replacement or retrofitting).

ECA network and enforcement meetings

The ECA network implements enforcement-related activities since its inception in 2003 including regional enforcement meetings, border dialogues and a series of awards for Customs and Enforcement Officers. This year's ECA network and enforcement meeting takes place in April 2024 in Tirana, Albania.

This article will also serve as a background document for the meeting. The meeting is jointly organized by UNEP and the Montreal Protocol Unit of Albania's Ministry of Tourism and Environment. Participants include the Montreal Protocol Officers and Customs / Enforcement Officers of the 11 ECA network countries, 5 European Union countries as well as Enforcement Experts from World Customs Organization, Regional Intelligence Liaison Offices for Western Europe (RILO WE) and Eastern and Central Europe (RILO ECE), Interpol, Europol, European Commission DG Climate Action, European Anti-Fraud Office OLAF, Environmental Investigation Agency, CEFIC/EFCTC, Ozone Secretariat, Fund Secretariat, UNIDO, UNDP, World Bank and UNEP. The meeting documents and presentations will be shared on OzonAction's meeting portal <https://www.ozonactionmeetings.org/>.

Global Montreal Protocol Award

Customs and Enforcement Officers play a crucial role in monitoring and controlling trade in ODS and HFCs and help countries meet their Montreal Protocol commitments, including data reporting. The global award sought to recognize Customs and Enforcement Officers for their efforts in combating illegal ODS and HFC trade, but also aimed at collecting data on the magnitude of illegal trade in controlled substances and the smuggling schemes and routes used, and at encouraging the reporting of illegal trade cases and seizures to the Ozone Secretariat and WCO's Customs Enforcement Network (CEN). The series of award schemes was initiated in the ECA region in 2009 and thus far, five regional editions of the ECA award have been conducted, and one global edition.



Awardees during the ECA ceremony of global award in Kiev, Ukraine in September 2019

Within the context of the Global Montreal Protocol Award for Customs and Enforcement Officers, 24 countries reported 587 seizures of ODS and HFCs, corresponding to 256 MT of substances, 19,992 cylinders and 27,944 items of equipment. The cases showed that illegal trade in controlled substances continues and that the different phase-out and phase-down schedules encouraged illegal trade. The publication Watch out for illegal trade of HCFCs and HFCs - Lessons learnt from the Global Montreal Protocol Award for Customs and Enforcement Officers, is available at UNEP's document repository.

Cover page: UNEP publication Watch out for illegal trade of HCFCs and HFCs – Lessons learned from the Global Montreal Protocol Award for Customs and Enforcement Officers



Based on the fifth edition of ECA Montreal Protocol Award for Customs & Enforcement Officers, the collected data related to illegal trade cases during the period 2019-2020 shows:

- ▷ 64 seizures reported by 10 countries: Bulgaria (5 cases), France (4 cases), Georgia (2 cases), Germany (1 case), Italy (2 cases), Netherlands (2 cases), Poland (5 cases), Romania (10 cases), Spain (2 cases), Uzbekistan (31 cases)
- ▷ 380 MT of ODS / HFCs seized
- ▷ 14,617 refrigerant cylinders (including 9 ISO containers) seized
- ▷ 215 pieces of equipment / compressors seized.

Award schemes	Year	Number of seizures	Number of cylinders seized	Number of equipment seized	Amount of chemicals seized/MT	IPIC prevented trade/MT	Pair illegal trade detected/MT
ECA award 1 st edition	2010	4	35	248	368	87	805
ECA award 2 nd edition	2012	17	3,016	72	61	342	103
ECA award 3 rd edition	2014	133	9,513	7,370	467	846	175
ECA award 4 th edition	2016	258	10,201	9,947	70	174	50,000 fridges
ECA award 5 th edition	2023	64	14,617	215	380	167	31 HFC trade 589 hazard. waste 100 illegal venting

Comparison of the ECA award editions in relation to number of seizures, type of seizure, amount seized, etc.

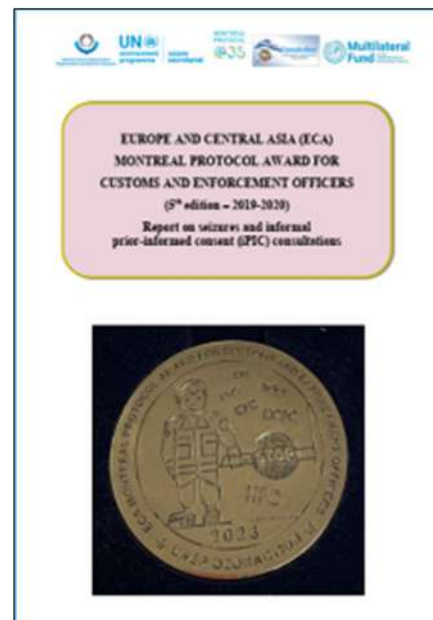
Informal Prior Informed Consent (iPIC)

iPIC consultations between exporting and importing countries prior to the issuance of the mandatory export and import licenses avoided significant amounts of unwanted / illegal shipments of controlled substances. The reasons for not issuing export / import licenses include existing import bans, importers who are not authorized or not registered, fake licenses, no or not sufficient import quota, import licenses already used, or presenting a safety sheet instead of an import license (language issue).

Under the Global Montreal Protocol Award, 11 countries and the European Commission on behalf of four member states reported successful iPIC consultations. They prevented 47 cases of illegal trade, corresponding to more than 2,000 MT of ozone-depleting substances (ODS), making it a notable accomplishment.

In the context of the 5th edition of the ECA Montreal Protocol Award, iPIC consultations between ECA countries and their trade partners in just a two-year period (2019-2020) avoided 12 illegal shipments of more than 167 MT of controlled substances. iPIC consultations have been regularly initiated by exporting countries such as China and European Union countries. The Report on seizures and informal prior-informed consent (iPIC) consultations is available at UNEP's document repository.

Cover page: ECA report on seizures and iPIC consultations reported under the 5th edition of the ECA Montreal Protocol Award for Customs and Enforcement Officers



Lessons learnt and recommendations for successful enforcement

- ▷ Customs inspections are the most common means of detecting illegal trade.
- ▷ Provide continued training and instructions to Customs and Enforcement Officers, including training on the methods of identification of traded substances.
- ▷ Employ a range of enforcement actions, recognize the need for a multifaceted approach to combating illegal trade, including preventive actions.
- ▷ Apply different types of controls, including joint inspections, post-entry controls and in-country inspections.
- ▷ Blockchain technology has been used by Customs Authorities in some countries to enhance the tracking and monitoring of transboundary movement of goods.
- ▷ Enhance risk profiling and regional cooperation on illegal trade in ODS, HFCs, mixtures and products / equipment.
- ▷ Standardize the reporting and record-keeping procedures (consistency / comparability of reporting), improve the reporting rate and the quality of information reported, and encourage voluntary reporting.
- ▷ Encourage participation in WCO operation DEMETER focusing on illegal trade in ODS, HFCs, mixtures and waste.
- ▷ Include illegal trade in ODS, HFCs, mixtures and products / equipment in the RILO work programmes.
- ▷ Encourage reporting of cases of illegal trade / seizures of ODS, HFCs, mixtures and products / equipment and share seizure data with other countries via CEN, also in bilateral contacts and to the Ozone Secretariat.
- ▷ Continued vigilance and effective monitoring frameworks to deter and tackle illegal trade in controlled substances.
- ▷ Implement positive reinforcement and visibility schemes (i.e. Customs and Enforcement Award initiated by the ECA network in 2009) toward an effective strategy to incentivize actions in detecting illegal trade and enforcing measures against such instances and fostering a culture of transparency and accountability as well as reporting of such cases.
- ▷ Promote international cooperation and exchange of information with Montreal Protocol Officers.
- ▷ Review the publications Watch out for illegal trade of HCFCs and HFCs, the seizure report of the 5th edition of the ECA Award for Customs and Enforcement Officers and the resources on the Ozone Secretariat's website including information reported by the Parties on illegal trade.

World Customs Organization (WCO) Initiatives - Operation DEMETER

Operation DEMETER is the flagship law enforcement operation of the WCO that targets the illicit trade of wastes regulated under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, as well as substances controlled under the Montreal Protocol. UNEP OzonAction is supporting this initiative since 2019. The DEMETER operations also focus on strengthening law enforcement efforts, while emphasizing the importance of combating environmental crime for Customs Administrations. Additionally, they help the WCO and its partners identify areas requiring capacity building and shaping future support activities.

The ninth iteration of WCO Operation DEMETER in October 2023 witnessed a record level of participation, with the involvement of 106 Customs Administrations.

This edition also led to a record number of 46 seizures of substances controlled under the Montreal Protocol and equipment containing such substances. This represented a significant increase of more than 250% compared to Operation DEMETER VIII in 2022. In terms of quantities, a cumulative total of more than 130 MT of controlled substances were seized, showing a substantial increase of more than 420% compared to the previous edition. Moreover, 575 pieces of appliances were seized during this operation in 2023.

Among the illicit commodities seized, HFCs stood out as the most prominently trafficked, accounting for 19 seizures, constituting 41% of the total number of seizures, and more than 74 MT seized, constituting 57% of the total quantity of seized refrigerants.

In addition to the commendable efforts of participating Customs Administrations and their growing interest in fighting the trafficking of wastes and controlled substances, Operation DEMETER IX notably highlighted the need for implementing:

▫ Effective cooperation mechanisms: fostering collaboration among environmental authorities, other law enforcement agencies, the private sector, and the public

▫ Training focused on risk analysis and intelligence sharing: empowering Law Enforcement Officers to work more effectively and efficiently

▫ Sound reporting mechanisms: increasing the submission of high-quality data to allow for a better grasp of the latest global trends in illicit trade.

Harmonized System (HS) for traded goods

The Harmonized Commodity Description and Coding System, generally referred to as "Harmonized System" or simply "HS", is a multipurpose international product nomenclature developed by the World Customs Organization. It is commonly used by Customs and traders for the uniform classification of goods traded internationally.

On 1st January 2022, the 7th edition of the HS nomenclature came into force. New subheadings were created for commonly traded substances controlled by the Montreal Protocol, and mixtures containing them. They are structured according to the importance of controlled substances in international trade and their environmental impacts.

Controlled substances like CFCs, HCFCs and HFCs are recorded in subheadings to the heading 29.03, and mixtures containing them in subheadings to the heading 38.27. Please refer to the Annex for the list of subheadings and to UNEP's "WhatGas" application allowing to search substances or mixtures by HS code, ASHRAE designation, trade or chemical name.

There is a wide range of products and equipment containing or relying on controlled substances, including cooling and heating equipment, foams and foamed products, aerosols, fire extinguishers, pre-blended polyols, dry cleaning machinery and others. The Montreal Protocol does not impose trade restrictions on products and equipment, but national legislation often does. Products and equipment are classified under different HS chapters, headings, and sub-headings.

Examples of classifications for these types of products and equipment include the following:

- ▷ Air-conditioners (under 84.15 but also 94.06.00)
- ▷ Refrigerators, freezers, water coolers, ice machines, heat pumps (under 84.18 but also 84.15, 84.19, 89.09, 87.16)
- ▷ Milking machines and dairy machinery (under 84.34)
- ▷ Machinery, not specified or included elsewhere (under 84.38)
- ▷ Fork-lift trucks, other works trucks fitted with lifting or handling equipment (under 84.27)
- ▷ Other lifting, handling, loading or unloading machinery (under 84.28, but also 89.29, 89.30, 89.31, 89.32, 89.33, 89.36)
- ▷ Compressors (under 84.14 but also 84.11, 84.12, 84.15, 84.18, 84.24, 84.25, 84.30)
- ▷ Cars, vans, trucks, buses, tractors, agricultural and building machines and parts thereof (under 87.01, 87.02, 87.03, 87.04, 87.05, 87.08, 87.09, 87.10)
- ▷ Other means of transport, like railway or tramway vehicles, trailers, and parts thereof (under 86.04, 86.05, 86.07, 87.16)
- ▷ Bicycles and motorcycles, carriages, and parts thereof - saddles only (under 87.11, 87.12, 87.13 and 87.14)
- ▷ Ships, yachts and boats if refrigerated or/and containing moulded foamed and microcellular elements (under 89.01 - 89.08)
- ▷ Fire extinguishers (under 84.24)
- ▷ Dry cleaning machinery (under 84.50, 84.51)
- ▷ Aerosols (under 33.05, 33.07, 34.03, 38.08, 38.14, 38.24, 93.04)
- ▷ Pre-blended polyols (under 39.09, but also 39.07, 39.99)
- ▷ Foamed plastics (under 39.21 and 39.26, but also waste, parings and scrap of plastics if foamed or microcellular (under 39.15) and other foamed or microcellular plastic goods (under 39.17 - 39.19, but also 39.23 or 39.25)
- ▷ Containers if containing foamed or microcellular elements (under 86.09)
- ▷ Medical goods, e.g. orthopaedic appliances, foot impression boxes, enclosures/housings for medical equipment, some devices used in dental surgery if containing foamed or microcellular elements (under 90.21)

▷ Skis, water-skis, surfboards, sailboards and other water-sport equipment if containing foamed or microcellular elements (under 95.06)

▷ Various tanks, boxes or other containers if containing foamed or microcellular elements (under 73.09 - 73.12)

▷ Building structures and elements if foamed or microcellular, e.g. garage doors or panels with insulating core (under 73.08)

▷ Trunks, suitcases, vanity cases if containing foamed or microcellular elements (under 42.02).

The classification of products and equipment is rather complex and additional information can be found in UNEP's Customs Manual (3rd edition) in Annex B4. HS codes for products and equipment that contain or rely on ODS are basically the same as those for products and equipment containing or relying on HFCs.

The European classification system CN (8 digits) and the European TARIC system (10 digits) provide additional granularity than the HS system (6 digits).

To provide an example for air-conditioning (AC) systems:

- ▷ 84.15.10HS code for self-contained or split AC systems
 - ▷ 84.15.10.10CN code for self-contained AC systems
 - ▷ 84.15.10.10.10TARIC code for self-contained AC systems pre-charged with HFCs
 - ▷ 84.15.10.10.90TARIC code for self-contained AC systems other
- ▷ 84.15.10.90CN code for split AC systems
 - ▷ 84.15.10.90.10TARIC code for split AC systems pre-charged with HFCs.
 - ▷ 84.15.10.90.90TARIC code for split AC systems other.

The classification of products and equipment containing or relying on controlled substances is increasingly getting important. Many countries have introduced or are planning measures to control, restrict or ban their imports, exports or placing on the market. These measures might depend on the type of equipment and products, their capacity, refrigerant charge, GWP of the refrigerant, energy-efficiency (MEPS), or whether they are new or used (second hand). The correct classification of such equipment and products is crucial to enforce such measures as e.g. by providing risk indicators triggering the review of shipment papers and physical inspection.

ODS and HFC licensing systems are mandatory and of vital importance for legal trade. Trade statistics are normally collected by Customs using the HS codes. Trade statistics are important for governments to monitor and report consumption of controlled substances and mixtures containing them. The Montreal Protocol defines consumption as imports - exports + production - destruction. Compliance with the Montreal Protocol

depends on timely and accurate reporting of trade data separately on specific substances and mixtures, and timely establishment and reporting of licensing systems for controlled substances. The updated HS nomenclature enables Customs Officers to differentiate between the most common ODS, HFCs and mixtures for reporting purposes. It also supports Customs in enforcing ODS and HFCs licensing systems, monitoring cross-border trade, verifying compliance with regulatory requirements, and preventing illegal activities.



Ozone Secretariat initiatives

The Ozone Secretariat organized a Workshop on Strengthening the Effective Implementation and Enforcement of the Montreal Protocol (Bangkok, Thailand, 2 July 2023). The workshop report and pre-session documents are available from the Ozone Secretariat's website.

As of 3 April 2024, 568 cases of illegal trade were reported to the Ozone Secretariat over the period 2002–2024. The number of submissions per year fluctuates, with an overall increase in the number of submissions in the last five years (Figure 1). The Ozone Secretariat informs all Parties on newly reported cases during the annual Meetings of the Parties. Forty-six of the 198 parties to the Montreal Protocol (23 per cent) have reported cases of illegal trade since 2002. The geographical distribution of reported cases is shown in Figure 2.

The highest number of cases has been reported by ECA countries, which does not necessarily mean there are less illegal trade activities in other regions. Since 2009, ECA countries were encouraged to report report illegal trade cases to the Ozone Secretariat and through WCO's Customs Enforcement Network (CEN).

Figure 1 and 2 see next page.

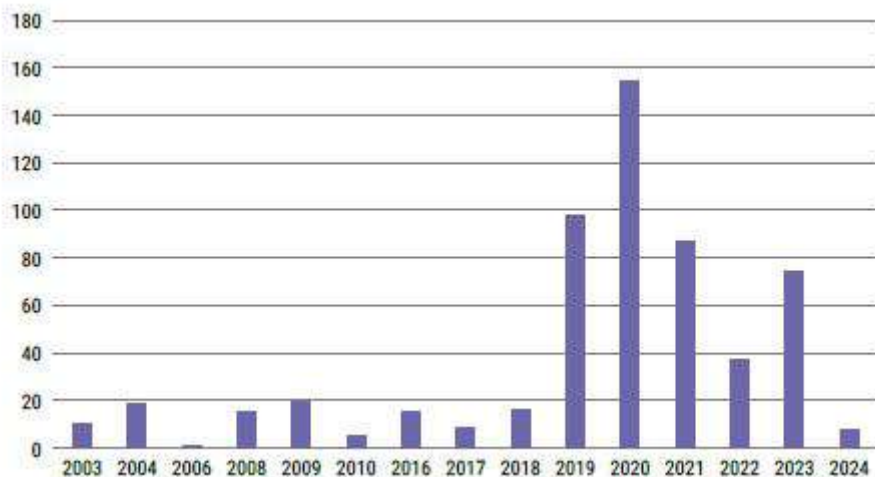


Figure 1. Number of reported cases, by year

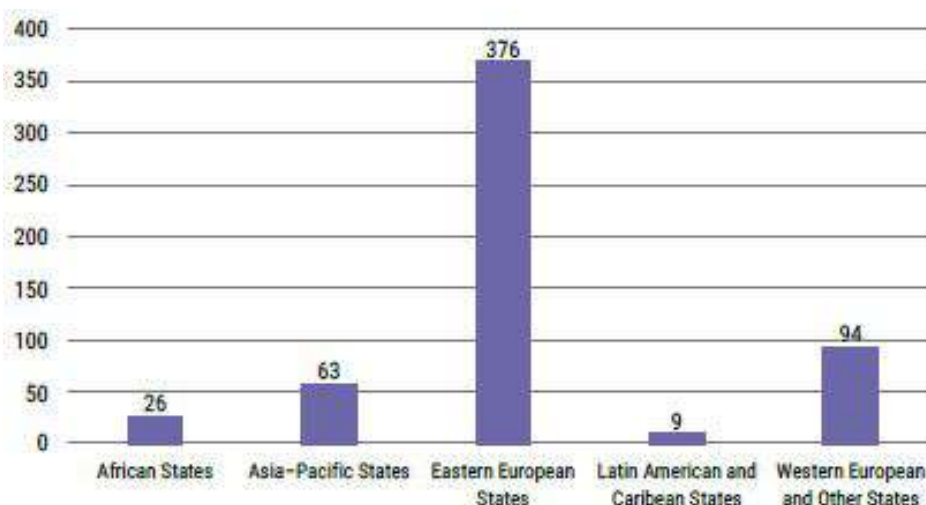


Figure 2. Geographical distribution of reported cases

Table 2 depicts the most common substances and mixtures traded illegally since 2002, with a total substance weight amounting to approximately 1,780 MT. Trade patterns and substances traded illegally might have changed over time.

Substance	Number of reported cases	Weight (kg)
HFC-134a	231	312,787
R-404A	137	137,143
HCFC-22	82	373,242
R-410A	57	62,961
CFC-12	43	345,135
R-407C	21	54,264
HFCs (not specified)	19	190,333
HFC-32	16	32,323
R-507A	10	29,997
CFC-11	9	63,078

The most common methods of illegal trade, as identified in various sources of information on illegal trade in ODS and HFCs, include importing and exporting without a license or without a declaration or with a false declaration; mislabelling and misidentification of substances, including mislabelling of virgin substances as recycled; and concealment. These methods are not mutually exclusive and often overlap.

Many of the reported cases (more than 95 per cent) involved illegal imports, and only 26 (less than 5 per cent) referred to illegal exports. The trading and smuggling of non-refillable/disposable cylinders were found in 208 cases (37 per cent of total cases).

Common means of detecting illegal trade and strengthening enforcement frameworks

The most common means of detection include:

- ▷ Customs inspections (document inspection, risk-profiling, physical inspection of shipments and random checks)
- ▷ Inspection and special law enforcement operations
- ▷ Tip-offs from informants and intelligence from other agencies

▷ Detection of possible illegal trade through data monitoring and analysis of discrepancies

▷ Detection using identifiers and laboratory analysis

▷ Post-clearance audit.

Despite of the limitations, based on available data, the fact that most of the illegal trade cases are detected and intercepted at the border and by Customs Services, as well as through special enforcement operations, indicates the value of building stronger relationships between Customs and Enforcement Agencies.

It also shows the importance of promoting cross-border cooperation and allocating more resources to environmental law enforcement frameworks, including

sharing information among the agencies for risk profiling, providing refrigerant identifiers and other technological solutions, and enhancing capacity for detection and investigations. Therefore, regional cooperation between Montreal Protocol Officers and Customs Officers is crucial for the efficient monitoring of trade and the prevention of illegal trade.

Further reading

UNEP has a vast document repository which can be accessed online, in various UN languages. Some of the relevant resources pertaining to the topic of Customs and Enforcement, are the following:

- ▷ Training Manual for Customs and Enforcement Officers – 3rd Edition: Saving the Ozone Layer (2013) English and Russian
- ▷ Green Customs Guide to Multilateral Environmental Agreements (2022) English
- ▷ Risk Assessment on Illegal Trade in HCFCs (2011) English
- ▷ Watch out for illegal trade of HCFCs and HFCs: Lessons learnt from the global Montreal Protocol award for Customs and Enforcement Officers (2023) English
- ▷ Dealing with Seized ODS: Options for Article 5 countries (2020) English and Russian

▷ Europe and Central Asia (ECA) Montreal Protocol Award for Customs and Enforcement Officers (5th edition 2019-2020): Report seizures and Informal Prior-Informed Consent (iPIC) Consultations (2023) English

▷ Technical Brief on Refrigerant Cylinder Labelling (2021) English and Russian

▷ Checklist on Auctioning of Seized Refrigerants - How to Get it Right (2020) English and Russian

▷ Checklist for Environmental Inspectors (based on Serbia's Checklist) (2019) English and Russian

▷ Factsheet on iPIC Platform (2020) English

▷ What gas application to search by HS code, ASHRAE designation, trade or chemical name.

Annex: 2022 HS codes for commonly used substances controlled by the Montreal Protocol

Controlled ozone-depleting substances	HS code	Status
Halons (all), bromofluorocarbon	2903.76	Substance has been phased out and is no longer produced (except for some limited exempted uses). Any proposed international trade should be investigated.
Chlorofluorocarbons - CFCs (all)	2903.77	
Carbon tetrachloride	2903.14	
Methyl chloroform (or R-140a)	2903.19	
HCFC-22	2903.71	Substance currently being phased out - trade restrictions apply.
HCFC-123	2903.72	
HCFC-124	2903.79*	
HCFC-141, HCFC-141b	2903.73	
HCFC-142, HCFC-142b	2903.74	
HCFC-225, HCFC-225ca, HCFC-225cb	2903.75	
Hydrobromofluorocarbons - HBFCs (all)	2903.79	Substance has been phased out and is no longer produced (except for some limited exempted uses). Any proposed international trade should be investigated.
Methyl bromide (or Bromomethane)	2903.61	
Controlled global warming substances	HS code	Status
HFC-23	2903.41	Controls on HFCs came into force in 2019, extending to developing countries in 2024.
HFC-32	2903.42	
HFC-41, HFC-152, HFC-152a	2903.43	
HFC-125, HFC-143, HFC-143a	2903.44	
HFC-134, HFC-134a	2903.45	
HFC-227ea, HFC-236cb, HFC-236ea, HFC-236fa	2903.46	
HFC-245ca, HFC-245fa	2903.47	
365mfc, HFC-43-10mee	2903.48	
Mixtures containing controlled substances	HS code	Status
Mixtures containing CFCs (e.g. R-500, R-501, R-502, R-503, R-504, R-505, R-506)	3827.11	Substance has been phased out and is no longer produced (except for some limited exempted uses). Any proposed international trade should be investigated.
Mixtures containing HCFCs (e.g. R-406A)	3827.31, 3827.32	Substance currently being phased out - trade restrictions apply.
Mixtures containing HFCs (R-404A, R-507A)	3827.51, 3827.61, 3827.62, 3827.63, 3827.64, 3827.65, 3827.68	Controls on HFCs came into force in 2019, extending to developing countries in 2024.

* Code 2903.79 covers also other HCFCs which have not been assigned a separate HS code

Note: EU legislation also controls HFC-161 and per fluorinated compounds (PFCs) under HS code 2903.49

Courtesy of UNEP



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World Customs Organization - www.wcoomd.org/en/contact-us.aspx

COMBATING ILLEGAL CROSS BORDER TRAFFICKING OF WASTE

Climate change, biodiversity loss, and pollution are major threats to humanity. Yet, alongside these challenges, the illicit trade in environmentally sensitive commodities (ESC), including endangered species, hazardous waste and chemicals, hinders global efforts to address these environmental challenges and undermines the attainment of UN Sustainable Development Goals. In this context, Customs plays a crucial role in environmental protection by enforcing trade-related Multilateral Environmental Agreements (MEAs).

WASTE TRAFFICKING

Waste trafficking, involving the illegal movement and disposal of hazardous waste materials, poses a severe threat to the environment and to human health. The repercussions span contamination of soil, water, and air, amplifying ecological degradation. This illicit activity stems from a combination of economic incentives, regulatory gaps, and enforcement challenges. Profits drive waste trafficking, exploiting weak waste management infrastructure, inadequate regulations, and disparities in environmental standards, thereby contributing to the illicit trade.

The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (the Basel Convention) is the main international instrument for regulating transboundary movements of waste. It provides a framework for countries to work together in regulating the movement of hazardous waste and combatting illegal trafficking. Customs administrations, tasked with enforcing national implementation of the Basel Convention and upholding international legal frameworks, are responsible for detecting and intercepting illegal transboundary movements of waste.

WCO OPERATION DEMETER SERIES

Acknowledging the necessity for robust collaboration in preventing and detecting illicit transboundary movements of waste, the international Customs community, with the support of the WCO Secretariat, has made a priority of combatting waste trafficking. This commitment is exemplified through the inception of the global enforcement initiative, Operation DEMETER, in 2009. Since then, expanding from 64 to 106 participating Customs administrations by 2023, this Operation has consistently contributed to fighting illegal waste trade through the implementation of effective enforcement measures by participating Member administrations.

Moreover, the Operation's efficacy has been bolstered through collaboration with other law enforcement authorities and WCO partners such as the Basel, Rotterdam, and Stockholm Conventions (BRS) Secretariat, the United Nations Environment Programme (UNEP) OzonAction, the European Anti-Fraud Office (OLAF), the United Nations Office on Drugs and Crime (UNODC) Unwaste

Project, the International Criminal Police Organization (INTERPOL), the European Union Agency for Law Enforcement Cooperation (EUROPOL), the WCO-UNODC Container Control programme (CCP), and the European Union Network for Implementation and Enforcement of Environmental Law (IMPEL).

Notably, as a co-initiator of the Operation, China Customs has played a pivotal leading role by facilitating the coordination of the Operation, financing and supporting diverse capacity-building activities, organizing high-level forums, and deploying human resources. The WCO Regional Intelligence Liaison Office for Asia and the Pacific (RILO A/P) has played a pivotal role as the Operational Coordination Unit (OCU), offering technical support. Furthermore, other RILO offices, particularly RILO WE which assumed the role of an OCU in Operations DEMETER I and II, have contributed through intelligence and technical analytical support, further enhancing the overall effectiveness of the Operation.

Since its inception in 2009, Operation DEMETER has undergone significant transformations, marking a profound evolution in its approach to combating environmental crimes, involving:

- ▷ **Organizational Methodology:** Initially focused on reporting of seizures, Operation DEMETER has evolved into an integrated environmental law enforcement platform. This transformation encompasses various facets, including information and intelligence exchange, capacity building, and multilateral and bilateral cooperation. Notably, regional coordination between RILOs and participating Members, alongside targeted investigative cooperation for specific cases, have become integral components of the operation.
- ▷ **Enhanced International Cooperation:** Over the years, Operation DEMETER has witnessed a remarkable expansion in its network of international partners. This heightened level of

collaboration has significantly broadened the Operation's scope and effectiveness in tackling environmental crimes on a global scale.

- ▷ **Increased Support from Environmental Agencies:** The growing recognition of the importance of environmental law enforcement has led to a notable rise in support from environmental agencies. This support has been instrumental in bolstering the Operation's capabilities and resources.
- ▷ **Expansion of Geographic Reach:** Initially concentrated in Asia and Europe, Operation DEMETER has expanded its horizon to encompass regions worldwide. During DEMETER IX, capacity-building activities extended to South America, the Caribbean, and Africa. Consequently, reported cases from these regions have experienced a substantial surge, underscoring the Operation's growing global impact.

OUTCOMES OF THE RECENT OPERATION DEMETER ITERATIONS

The analysis of outcomes of enforcement actions, like the global Operation DEMETER, provides insights into global trends. However, it is crucial to contextualize these findings by considering the level of engagement by WCO Customs administrations. The ongoing contributions of various Customs administrations to the Operation does not automatically imply that the participating Members are either the primary source or destination locations in the global context.

Number of seizures and Quantities of illegal waste seized

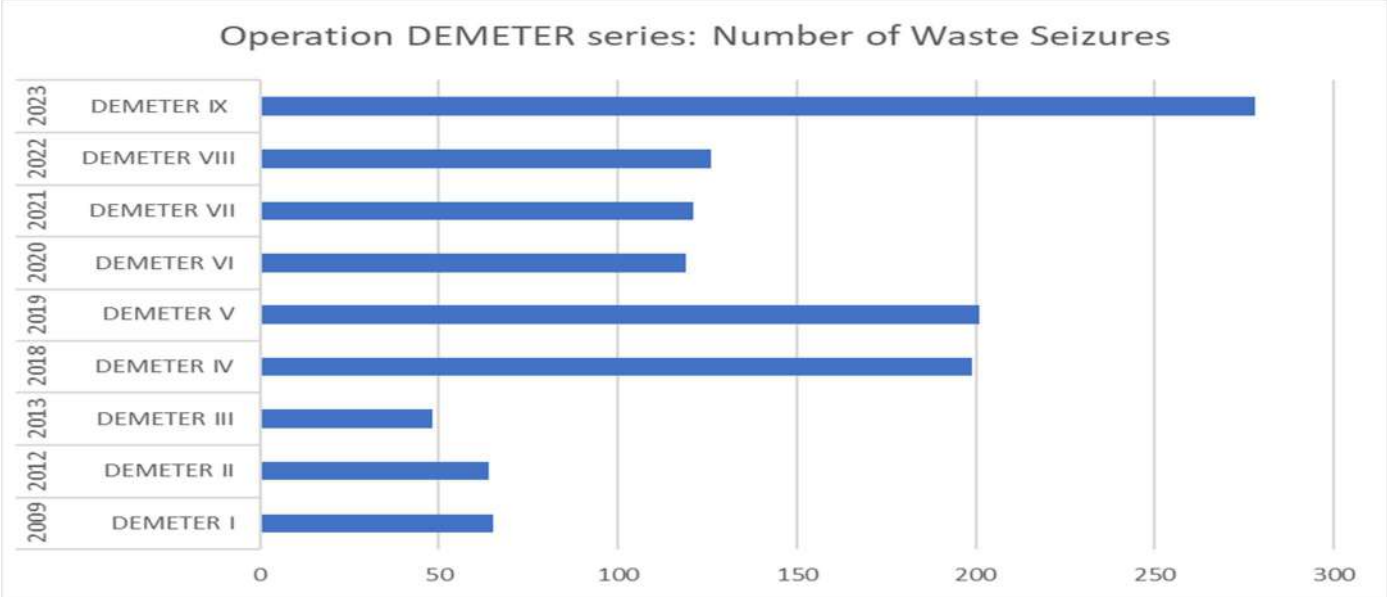
The outcomes from the Operation DEMETER series, specifically the number of reported seizures exhibit fluctuations over time, as illustrated in the figure below. Such variations could stem from many factors, including shifts in enforcement strategies, changes in illicit trade

routes, and fluctuations in the demand for illicit waste disposal.

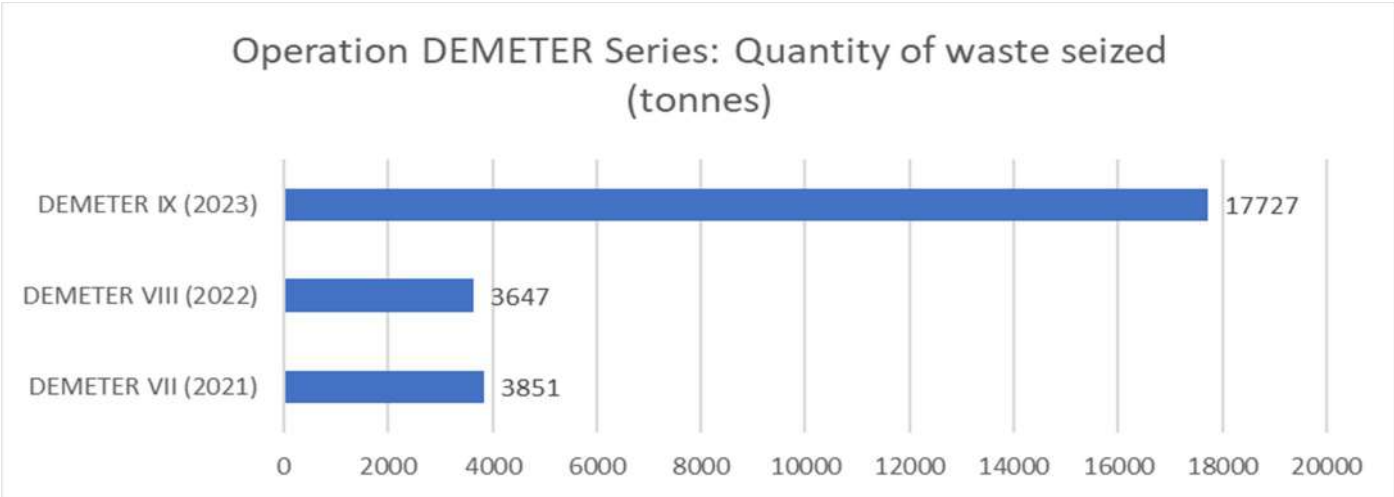
A notable surge of 153% in the total number of seizures was observed during DEMETER IX (2023). The number of waste seizures increased by 121 %. This increase can be attributed to several factors, such as the development of dedicated tools and guidelines by the WCO Secretariat, enhanced capacity building by the Secretariat with financial support from the China Cooperation Fund (CCF China), and a growing number of Customs administrations backing the Operation. Additionally, an increased engagement in reporting control results, notably from European and African Customs administrations, played a pivotal role. European Customs administrations reported a total of 186 cases, while African administrations reported 87 cases.

Furthermore, collaborative efforts between environmental authorities and Customs administrations, particularly by the European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL), played a substantial role in providing information for DEMETER IX.

In addition to the notable surge in the number of waste seizures, there was a significant increase of 385% in the quantities of seized waste during DEMETER IX.



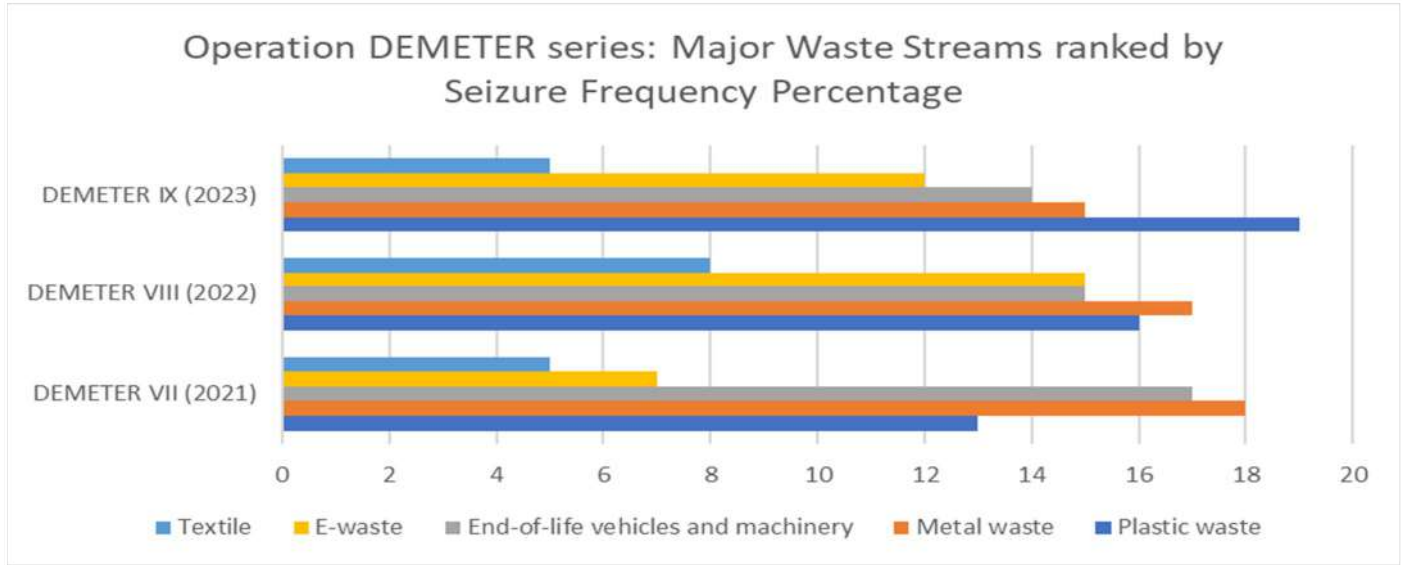
Graph 1. Number of waste seizures in Operation DEMETER series



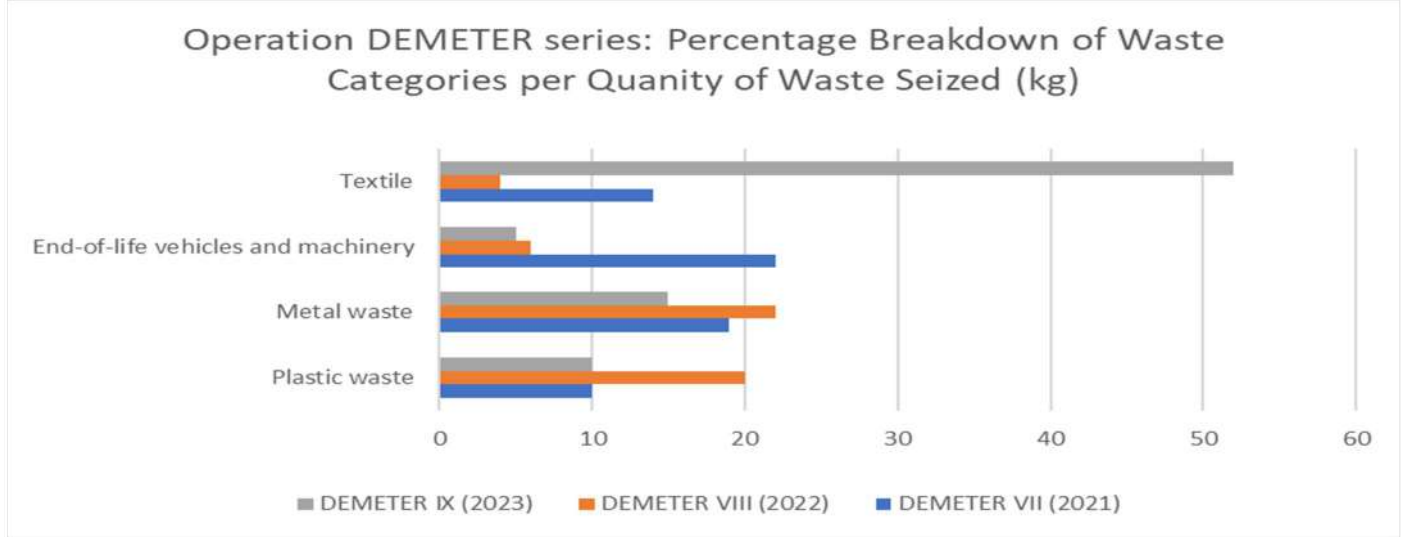
Graph 2. Quantity of waste seized in Operation DEMETER VII, VIII and IX iterations (tonnes)

Waste streams

The analysis of DEMETER VII, VIII and IX results reveals a recurring pattern of reported waste types, with plastic waste, metal waste, end-of-life vehicles and machinery, during Operation DEMETER editions VII-IX, considering E-waste, and textile waste emerging as the most frequently seized categories of waste.



Graph 3. Major waste streams ranked by seizure frequency percentage in Operation DEMETER editions VII, VIII, and IX



Graph 4. Major waste streams ranked by seizure frequency percentage in Operation DEMETER editions VII, VIII, and IX

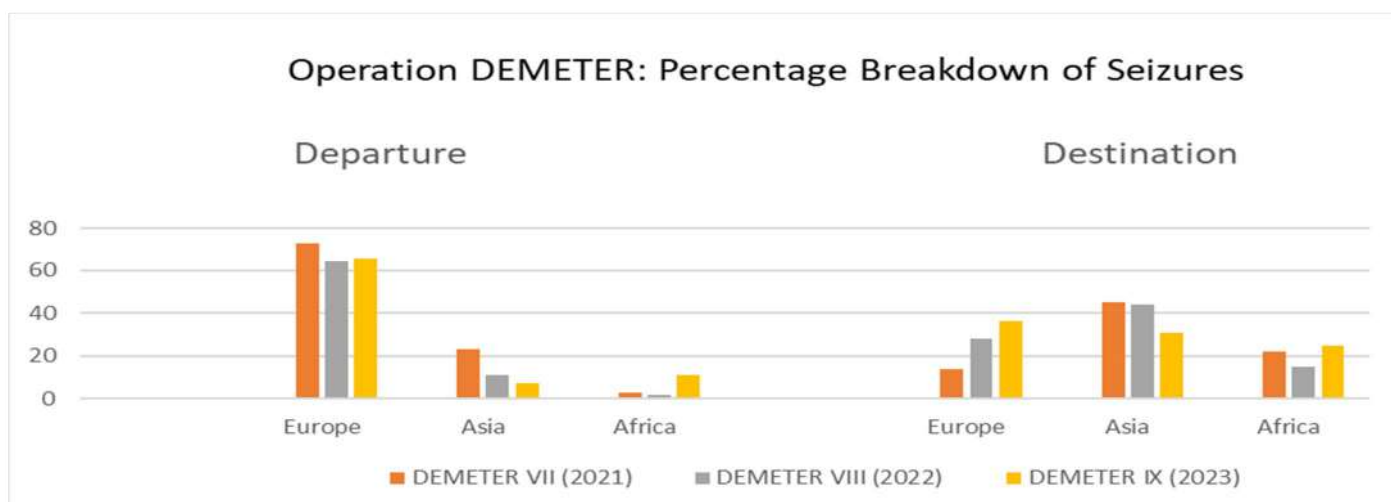
Routes

The examination of illicit waste shipment routes reveals a complex network of connections. Operation DEMETER findings show a pattern of intertwined routes, with notable flows observed from Europe to Asia, Europe to Europe, Asia to Asia, Europe to Africa, and Africa to Africa.

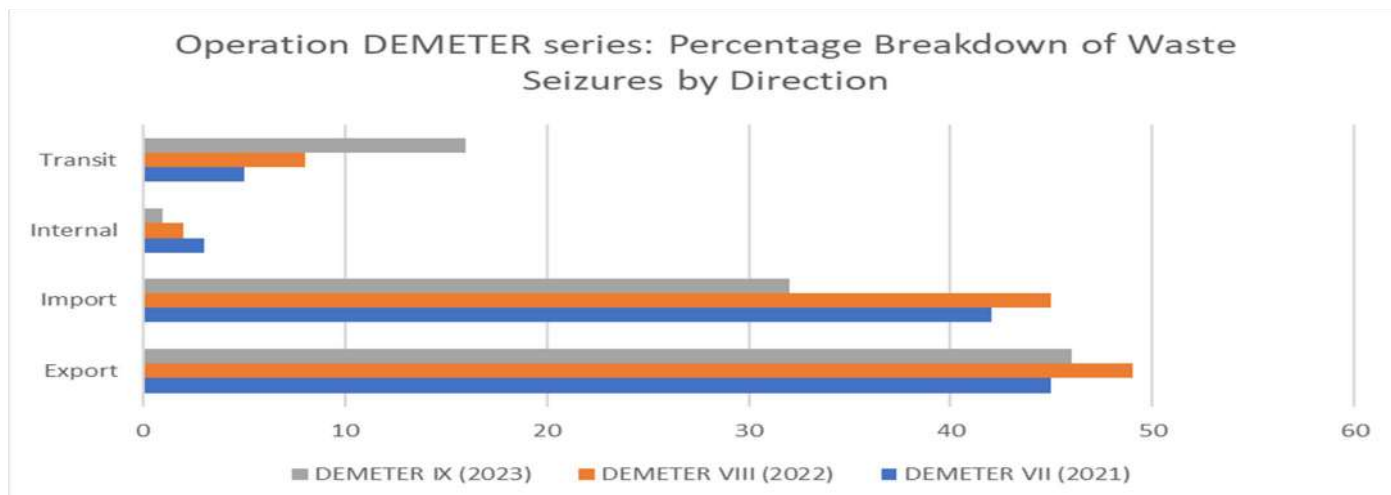
In terms of departures, the illegal shipments usually originated in Europe and were destined for Asia and Africa. Europe is also a major destination of illegal waste, notably, in Operation DEMETER IX, within Europe, over 50 % of internal movements constituted illegal shipments.

The primary categories of illicit waste reported within Europe include plastic waste, metal waste, end-of-life vehicles and machinery, wood waste, and paper. Similarly, the categories of waste most frequently reported in illicit waste movements destined for Asia include metal waste, plastic waste, e-waste, paper, and end-of-life vehicles and machinery. The prevalent categories of illicit waste destined for Africa include end-of-life vehicles and machinery, E-waste, plastic waste, textiles, mixed waste, and batteries.

During Operation DEMETER VII in 2021, noteworthy shifts were observed, as for the first time seizures at export were the most frequent in comparison with previous Operations. Subsequently, the number of seizures reported at import and export became relatively balanced. For Operation DEMETER IX, seizures made at export and in transit collectively accounted for 59% of the total, highlighting sustained efforts and growing awareness in both origin and transit locations.



Graph 5. Percentage Breakdown of Departure and Destination regions in Operation DEMETER editions VII, VIII, and IX



Graph 6. Percentage Breakdown of Waste Seizures by Direction in Operation DEMETER editions VII, VIII, and IX

Modus operandi

According to the Basel Convention, illegal traffic occurs when transboundary movement of hazardous wastes or other wastes takes place. This occurs when: there is a lack of notification to all States concerned; there is an absence of consent from all States concerned; consent is obtained through falsification, misrepresentation or fraud; there is a material discrepancy between documents and wastes; or the movement results in deliberate disposal of the wastes in contravention of the Convention (e.g. dumping).

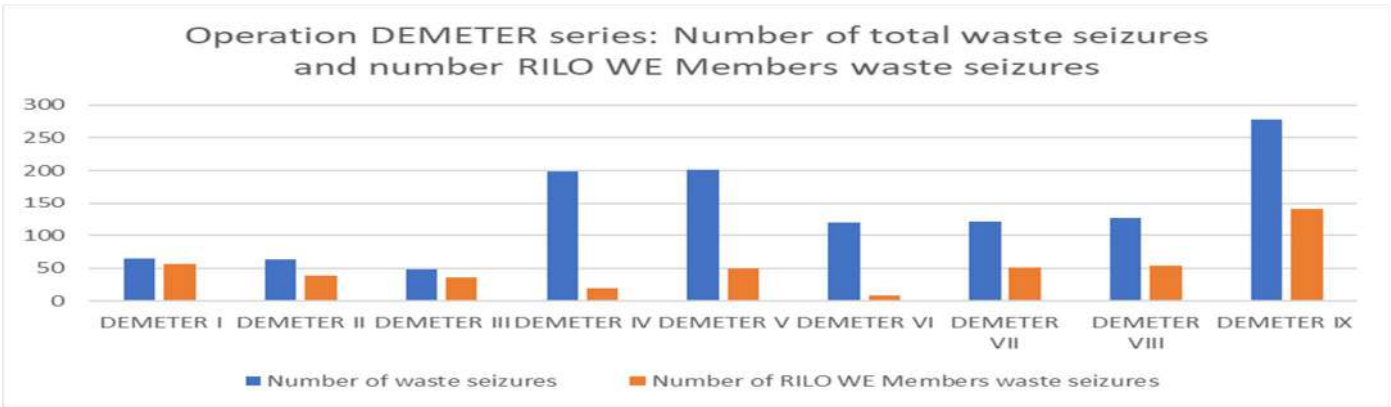
Throughout the Operation DEMETER series, various modus operandi were detected. These include misdeclaration, misdescription, and license abuse, in an attempt to circumvent Customs controls.

RILO WE MEMBERS IN OPERATION DEMETER SERIES

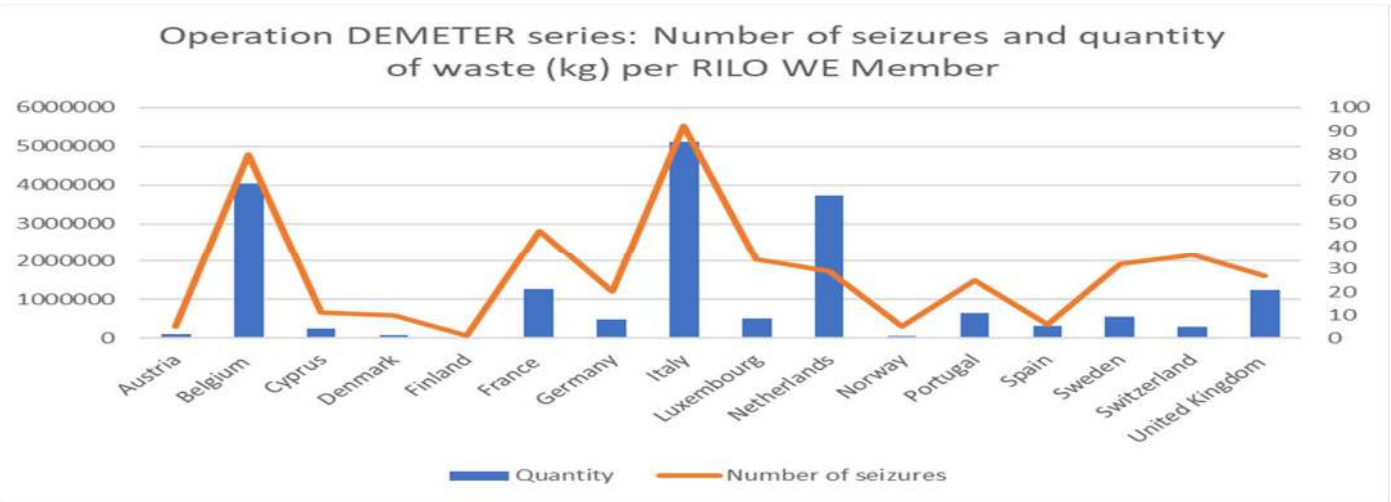
RILO WE Members took part in all iterations of Operation DEMETER. In total, they were responsible for 455 seizures, representing 37% all waste seizures. The graph below illustrates the distribution of waste seizures by RILO WE Members across each edition of Operation DEMETER, as well as the percentage breakdown for each iteration.

indicative picture of the waste movements can be observed. A total of 44 illegal waste shipments were destined for locations in Central and Eastern Europe, as well as in the Commonwealth of Independent States (CIS), while 43 shipments were bound for Western Europe. The following significant destinations included Poland, Luxembourg, Belgium, and Germany.

Zooming in on the internal flow seizures within the European region during Operation DEMETER IX, an



Graph 7. Number of total waste seizures and RILO WE Members waste seizures for each iteration of the Operation DEMETER series



Graph 8. Number of seizures and quantity of waste per RILO WE Member in Operation DEMETER iterations I - IX ^{*1}

^{*1} The total number of seizures includes instances involving waste products, where the weight was not reported.

The top departure points within Europe included France, the United Kingdom, Luxembourg, Norway, and Germany. Remarkably, Luxembourg and Germany played crucial roles as transit locations within Europe, as they served as both departure and destination locations. Additionally, Europe served as a departure point for illegal waste destined for Asia and Africa, with a total of 96 seizures recorded.

The most frequently reported categories of illicit waste within Europe encompassed Plastic waste, Metal waste, End-of-life vehicles and machinery, Wood waste and Paper.



Operation DEMETER IX, Switzerland Customs



Operation DEMETER IX, Belgium Customs

WAY FORWARD

Customs serve as a crucial first line of defence against the illicit trafficking of waste. Through the concerted efforts of the WCO and its Member administrations, significant strides have been made in combating such offenses. Operations like DEMETER exemplify the tangible results that can be achieved through concerted action, showcasing the effectiveness of joint enforcement efforts. These operations not only yield measurable outcomes but also serve as litmus tests for the efficacy of capacity-building initiatives.

By bolstering cooperation, sharing intelligence, and engaging in targeted enforcement actions, Customs administrations worldwide continue to fortify their ability to thwart waste trafficking and other illicit activities. In doing so, they are safeguarding both economic interests and the well-being of communities and the environment. As the WCO continues to lead the charge in promoting operational collaboration and innovation, the fight against waste trafficking remains a pivotal frontier in ensuring global security and sustainability.



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Courtesy of WCO

ENVIRONMENTAL NETWORK FOR OPTIMIZING REGULATORY COMPLIANCE ON ILLEGAL TRAFFIC (ENFORCE) AND GREEN CUSTOMS INITIATIVE, WCO, BRUSSELS, BELGIUM, 05 - 08 FEBRUARY 2024

STRENGTHENING THE GLOBAL RESPONSE TO ENVIRONMENTAL LEGISLATION THROUGH PARTNERSHIPS

In a collaborative effort to bolster global environmental protection, the Basel Convention Environmental Network for Optimizing Regulatory Compliance on Illegal Traffic [in waste] (ENFORCE) and the partners from the Green Customs Initiative recently assembled at the World Customs Organization (WCO) headquarters. The meetings, held on 5 and 6 February and 7 and 8 February, respectively, align with the WCO's theme of the year: "Customs Engaging Traditional and New Partners with Purpose."

ENFORCE, operating through a network of experts, is committed to promoting compliance with the provisions of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (Basel Convention). The focus lies in preventing and combating illegal traffic in hazardous wastes and other wastes through the more effective implementation and enforcement of national laws. ENFORCE seeks to enhance cooperation, coordination, and capacity-building activities to tackle the challenges associated to illegal traffic. Since joining ENFORCE in 2020, the WCO has collaboratively undertaken numerous initiatives with fellow partners. These efforts have been dedicated to implementing a range of activities aimed at enhancing capacity-building for Customs administrations and reinforcing enforcement operations, exemplified by the successful Operation DEMETER series that focus on fighting waste trafficking.

Launched in 2004, the Green Customs Initiative (GCI) brings together the Secretariats of trade-related MEAs, the International Criminal Police Organization (INTERPOL), the United Nations Office on Drugs and Crime (UNODC) and the WCO. The collective aim is to empower Customs and border control officers to monitor legal trade while detecting and preventing the illegal trade in environmentally sensitive commodities outlined in relevant MEAs and international conventions. This collaboration aims also to advance objectives related to greening the supply chain, and is marked by successful contributions of the Secretariats of the MEAs to the development of the Harmonized System (HS).

Discussions during the meetings emphasized the importance of partnerships in capacity building and the development of tools to empower Customs officers and

national environmental authorities to implement trade-related provisions of the Multilateral Environmental Agreements (MEAs).

These strategic initiatives aim to provide the knowledge and skills necessary for effectively addressing environmental crimes, ensuring that customs officers are well-equipped to identify and tackle illicit activities threatening the environment through joint capacity-building and enforcement activities.

The meetings served as a platform for partners to reaffirm their commitment to support sustainable Customs practices. Embracing the WCO's theme of the year, participants explored ways to foster sustainable partnerships that transcend geographical and organizational boundaries. The convergence of the ENFORCE network and GCI Partners at the WCO headquarters reflects a collective dedication to combating environmental crimes and facilitating the legal trade of environmental commodities.

During the GCI meeting, Mr. Pranab Kumar DAS, Director of Compliance and Facilitation Directorate at the WCO, stated, ***"The meetings on the implementation of the MEAs held at the WCO this week mark a critical moment in our commitment to address environmental challenges through shared expertise and concerted action. The partnership between the ENFORCE network and the Green Customs Initiative exemplifies our dedication to enhancing global cooperation and building the capacity needed to effectively implement environmental legislation. By fostering sustainable partnerships and empowering Customs officers with the tools and knowledge required, we aim to strengthen our collective resolve in combating environmental crimes and ensuring the lawful trade of environmentally sensitive goods."***



SOME OF THE RELEVANT RESOURCES PERTAINING TO THE TOPIC OF CUSTOMS ENFORCEMENT OF WASTE-RELATED LEGISLATION ARE THE FOLLOWING:

The Basel, Rotterdam and Stockholm conventions' e-learning course is available in English, French and Russian on the CLiKC! platform.

On CLiKC!, all Customs officers from WCO Member administrations can access a gold mine of learning opportunities, and participate in scheduled global and regional training workshops. Register now to grow your knowledge and obtain certification on key Customs topics.

This course will inform you about the principles and trade-related procedures of these three multilateral environmental agreements. It describes in general how Customs and law enforcement entities can facilitate the legal trade in hazardous chemicals and waste. It will also help you to understand how to identify and deal with possible cases of illegal traffic and trade in hazardous chemicals and waste.

This course has been developed by the Secretariat of the Basel, Rotterdam and Stockholm Conventions.



The WCO learning
platform for
Customs officers



BASEL / ROTTERDAM / STOCKHOLM
CONVENTIONS

The WCO "Customs Enforcement Handbook on Circular Economy" provides a collection of tools, resources and best practices related to enforcement of environmental laws, including those related to trans-boundary movements of waste.



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NAVIGATING THE WASTE TRAFFICKING MAZE: ROUTES, KEY PLAYERS, AND GLOBAL DYNAMICS

Waste trafficking poses a significant problem in today's global landscape, encompassing various environmental, social, and economic implications. Flourishing in the shadows, this clandestine industry thrives due to its profitability and the limited risk of detection in many jurisdictions. Its significance lies in the adverse impact it inflicts on local communities and the environment, whether through shipping hazardous materials disguised as non-hazardous waste, importing undeclared waste, or falsifying waste classifications to circumvent regulations. These illicit practices pose grave threats to public health, ecological balance, and sustainable development efforts.

However, despite its significance, much of waste trafficking remains shrouded in ambiguity. The clandestine nature of these activities often renders them invisible to conventional monitoring and surveillance mechanisms. Consequently, there exists a substantial gap in our understanding of the scale of this illegal trade and the networks of offenders behind it. The lack of comprehensive data and research compounds the challenge, leaving many aspects of waste trafficking obscured from scrutiny.

This veil of uncertainty significantly complicates the work of law enforcement agencies (LEAs) tasked with combating such criminal activities. The transnational dimension of waste trafficking further exacerbates these challenges, as criminal networks exploit porous borders and regulatory disparities to evade detection and prosecution. Coordinating efforts across jurisdictions becomes increasingly arduous, as legal frameworks and enforcement capacities vary widely between countries.

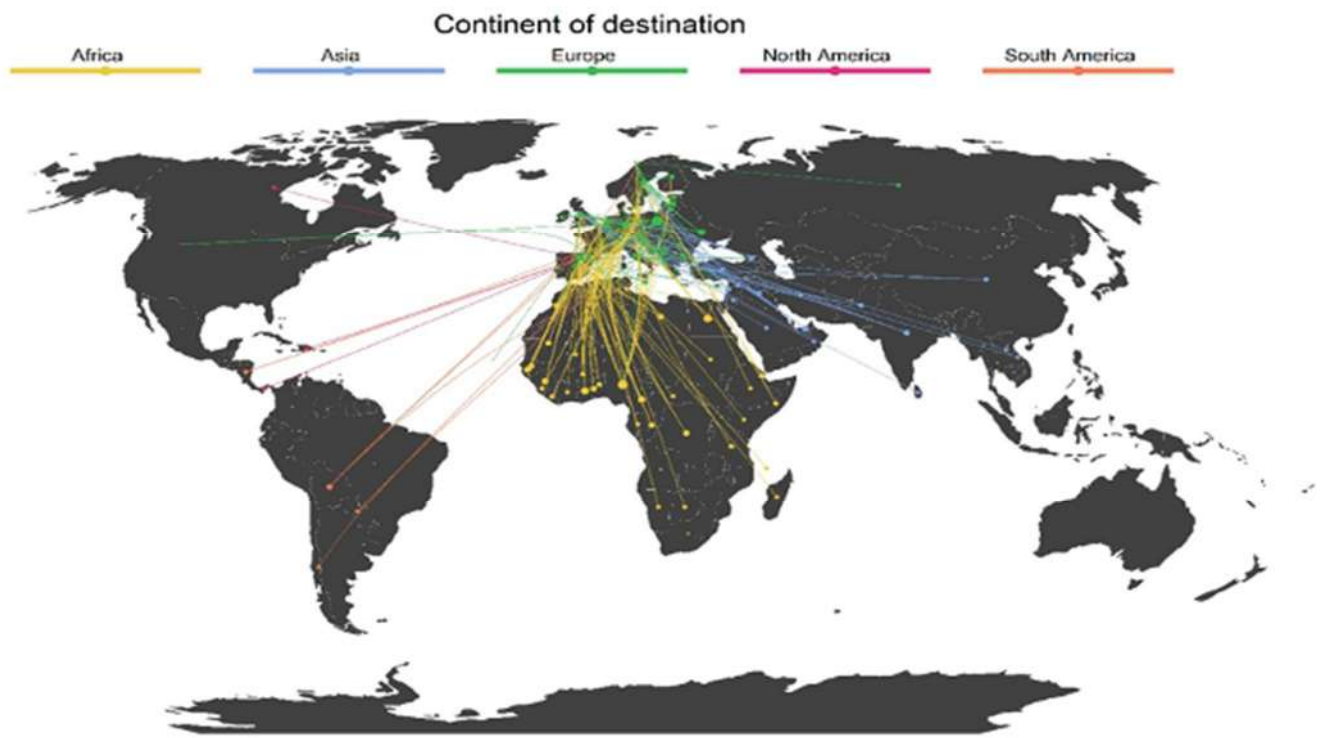
Nevertheless, amidst these complexities, strides are being made towards a greater understanding of waste trafficking. Enhanced collaboration between LEAs, environmental agencies, and international organizations has led to improved intelligence sharing and operational coordination. Seizure data on illegal waste shipments or information related to police operations coming from judicial files are increasingly being used by researchers to study waste trafficking networks worldwide and draw some conclusions on the most relevant trafficking routes, actors involved and most trafficked waste types (e.g., end-of-life vehicles and e-waste).

According to one of the most recent studies that analysed all globally reported illegal shipments of end-of-life vehicles and e-waste between 2016 and 2019, Western European countries are predominantly responsible for exporting end-of-life vehicles and e-waste to countries of the Global South (Favarin et al., 2023). This dynamic showcases a troubling aspect of global waste management, where the burden of hazardous waste is shifted from richer to less equipped societies.

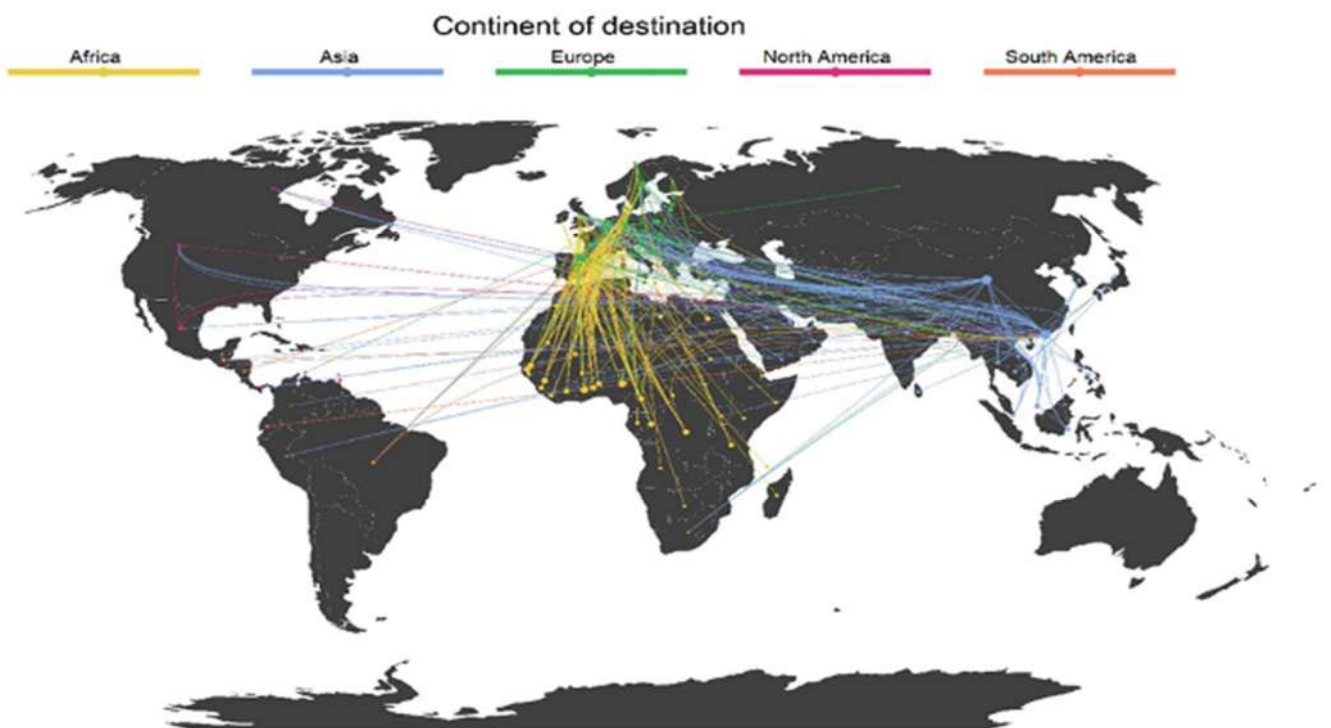
Illegal shipments of both end-of-life vehicles and e-waste predominantly travel from countries in the Global North to those in the Global South, with 57% of trafficking routes for both waste types following this pattern. However, 40% of the illegal flows involving end-of-life vehicles and 28% of the illegal flows of e-waste originating in the Global North are directed to other Global North countries. In a minority of cases, countries in the Global South also send their illegal waste to both Global North countries and other Global South countries (Figure 1 and Figure 2, see page 43) (Favarin et al., 2023).

France, the UK, and Sweden are the primary exporting countries for illegal end-of-life vehicles, whereas the UK, France, Germany, and Sweden are the primary exporting countries for illegal e-waste (Figure 3, see page 43). Nigeria, Poland, and Egypt serve as the main importing countries for illegal end-of-life vehicles, while China, Hong Kong, and Nigeria are the main importing countries for illegal e-waste. In general, nations shaded in dark and light blue in Figure 3 primarily act as exporters, whereas those shaded in dark and light red are identified as primary exporters.

In conclusion, waste trafficking emerges as a relevant problem with far-reaching implications. While much remains unknown about this illegal trade, concerted efforts are underway to shed light on its intricacies and develop robust strategies for its prevention and enforcement. By fostering international cooperation, investing in research and innovation, and strengthening legal frameworks, the global community can strive towards mitigating the environmental and social harms wrought by waste trafficking.

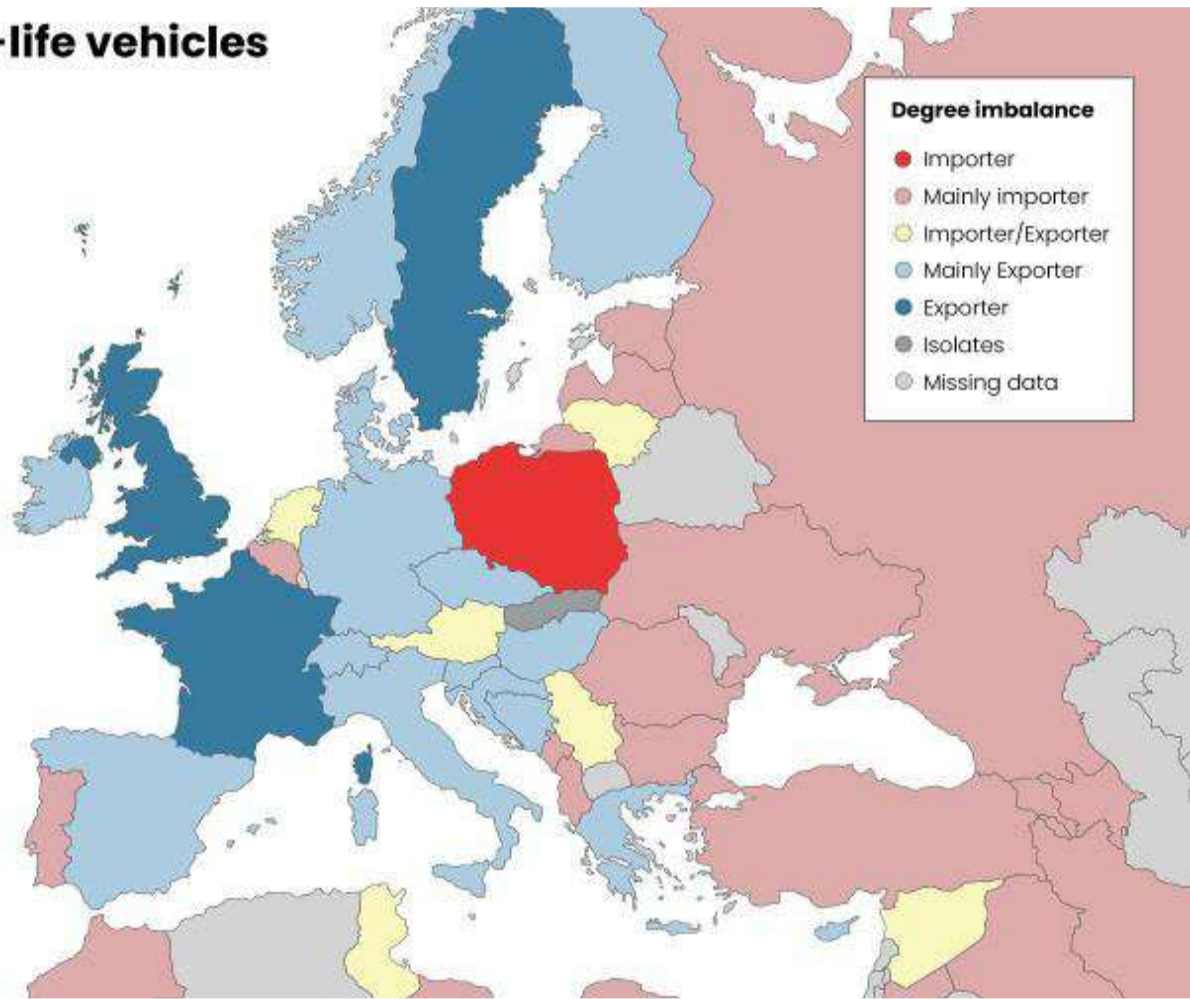


Connections among countries that illegally exchange end-of-life vehicle by continent of destination, 2016 - 2019

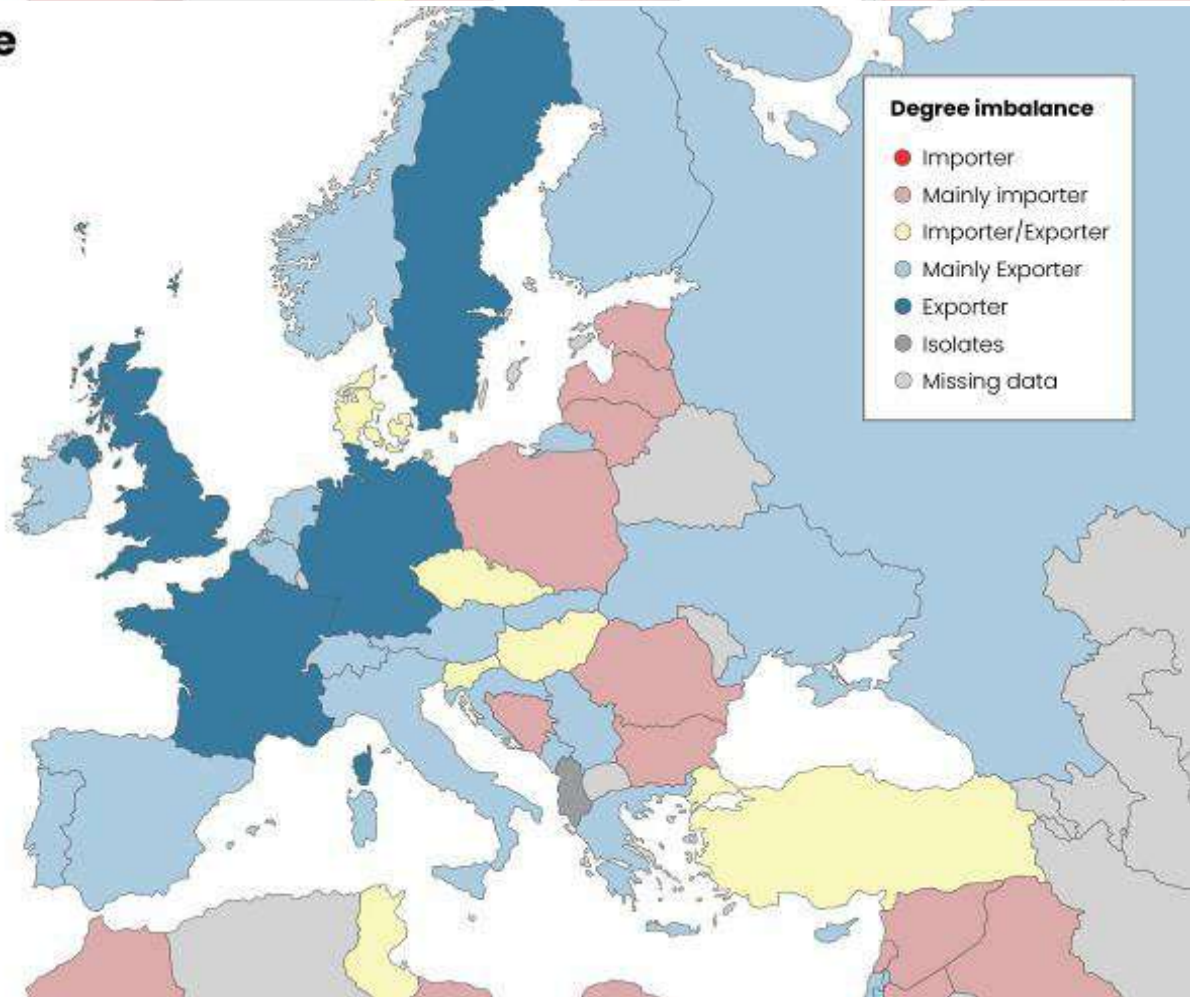


Connections among countries that illegally exchange e-waste by continent of destination, 2016 - 2019

End-of-life vehicles



E-waste



EXAMPLES OF POLICE OPERATIONS CARRIED OUT INVOLVING THE TRANSBOUNDARY MOVEMENTS OF ILLEGAL WASTE

Old rags and second-hand clothing were legally imported from Germany, while others were collected, both legally and illegally, from municipal trash bins designated for old garments in various cities within the Campania Region, Italy. However, the company responsible for the imports from Germany operated as a shell company for other commercial enterprises. These entities falsified documents indicating the improper treatment of the old rags, falsely classifying them as secondary raw materials. Subsequently, these materials were either illegally traded within Italy or exported from Naples harbour to destinations including the United Arab Emirates, India, North Africa, and South America. The old garments were purportedly sold and reused in these countries.

A coalition of Italian and Chinese offenders colluded to smuggle illegal plastic waste from Genoa harbour (Italy) to China, via Hong Kong harbour. Specifically, a Hong Kong-based family, residing and operating in the Lombardy region, controlled both a wholesale supplier of plastic materials in Lombardy and a trading and intermediary firm in Hong Kong, neither of which were authorized to handle waste. To set up a lucrative illegal waste trafficking operation, they opted to utilize authorized recovery facilities as shell companies,

facilitating the illicit export of waste derived from various business endeavours.

A coalition of Italian and African offenders, predominantly Nigerian, collaborated in exporting large quantities of e-waste (and, to a lesser extent, end-of-life vehicles) from Turin to Nigeria and the Ivory Coast. A consortium of commercial business owners transferred the e-waste to collectors without charge. Subsequently, a group of offenders ("land tenants") leased a parcel of land in the outskirts of Turin. Both the land tenants and their accomplices stored and facilitated the transportation of the waste from Turin to Genoa harbour, and onward to Nigeria and the Ivory Coast (the final destinations). Upon arrival in these countries, the waste was sold to unidentified individuals.

REFERENCES

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TRANSCRIME'S BRIEF DESCRIPTION

Transcrime (<https://www.transcrime.it/en/>) is the Joint Research Centre on Innovation and Crime at the Università Cattolica del Sacro Cuore of Milan. Since 1994, it has been a leading European hub for research on organized crime, economic crime, money laundering, illicit markets, and urban crime. Its spin-off, Crime&tech (<https://crimetech.it/>), translates Transcrime's research into solutions for both the public and private sectors to

assess, prevent, and mitigate security and crime risks. In the field of environmental crime, Crime&tech is also a partner in the EU-funded EMERITUS project (<https://emeritusproject.eu/>), which aims to develop an investigation protocol and intelligence platform to combat waste crime.



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