WORKSHOP REPORT

Train-the-Trainers Workshop for Customs and National Stakeholders
on
Monitoring & Control of Ozone Depleting Substances

Organized by the
National Academy of Customs, Excise and Narcotics (NACEN),
Chennai
&
Ozone Cell, Ministry of Environment and Forests
Government of India

In coordination with the
United Nations Environment Programme

Chennai, India, 11-14 August 2003
**TABLE OF CONTENTS**

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive Summary</td>
<td>3</td>
</tr>
<tr>
<td>1. Background</td>
<td>5</td>
</tr>
<tr>
<td>2. Objectives</td>
<td>7</td>
</tr>
<tr>
<td>3. Expected results</td>
<td>8</td>
</tr>
<tr>
<td>4. Participants and speakers</td>
<td>9</td>
</tr>
<tr>
<td>5. Methodology</td>
<td>10</td>
</tr>
<tr>
<td>6. Contents and structure of the workshop</td>
<td>11</td>
</tr>
<tr>
<td>7. Results and lessons learned</td>
<td>13</td>
</tr>
<tr>
<td>8. Follow-up action plan</td>
<td>16</td>
</tr>
<tr>
<td>9. Evaluation by participants</td>
<td>17</td>
</tr>
<tr>
<td>10. Annexes</td>
<td>17</td>
</tr>
<tr>
<td>Annex 10.1 Workshop Agenda and resource materials</td>
<td>18</td>
</tr>
<tr>
<td>Annex 10.2 List of participants</td>
<td>25</td>
</tr>
<tr>
<td>Annex 10.3 List of trainers, speakers and invitees</td>
<td>26</td>
</tr>
<tr>
<td>Annex 10.4 Workshop recommendations</td>
<td>27</td>
</tr>
<tr>
<td>Annex 10.5 Evaluation by participants</td>
<td>29</td>
</tr>
</tbody>
</table>
Executive Summary

Developing countries have just started phasing out of ozone depleting substances (ODS) in line with the phase-out schedules agreed upon by the Parties of the Montreal Protocol on substances that deplete the ozone layer (MP). For the most commonly used ODS - chlorofluorocarbons (CFCs) applied mainly as refrigerants - the first control measure was freeze of production and consumption at an average level of 1995-1997 starting from 1 July 1999 and now the developing countries are preparing for 50% reduction starting from 1 January 2005. However, the process of phasing out ODS is endangered by the illegal trade in ODS and ODS-containing products which is developing due to the scarcity of controlled substances and high cost of changing to alternative technologies. Recognizing the serious threat to the smooth phase out created by illegal trade in ODS, in 1997 the parties to the MP signed the Montreal Amendment to the MP which introduced a requirement for all Parties – signatories to that amendment to establish a licensing system for ODS imports and exports.

India is one of the largest producers and consumers of ODS in the world, so phasing out CFCs in India is a serious problem which has not only a local, but also a global dimension. Preventing development of illegal trade in ODS in India is then crucial for ensuring smooth ODS phase out in the Region and in the whole world.

As India ratified not only the Vienna Convention on the protection of the ozone layer and the MP, but also all amendments to the MP including the Montreal Amendment, it was obliged not only to follow the ODS phase-out schedules, but also to establish a licensing system for ODS imports and exports. Actually, the licensing system, which meets the substantial requirements specified in the Montreal Amendment, had been established in India well before that Amendment was introduced. Effective enforcement of the system depends on the awareness of the officers of the relevant government agencies which execute monitoring and control of ODS import and export. The crucial agency involved in control of trade in ODS is customs, so extensive training of customs officers (and other key stakeholders) is needed to ensure prevention of illegal ODS traffic. Such training activities have been envisaged as part of the Technical Assistance component of the CFCs production sector phase out in India and as part of the Refrigeration and Air Conditioning (RAC) servicing sector strategy, which will be developed by India in collaboration with UNEP. Under that framework, a workshop on monitoring and control of ODS was organized in the premises of National Academy of Customs, Excise and Narcotics of India (NACEN) in Faridabad in November 2001. The participants of that workshop were senior officers from Indian customs, including in particular NACEN customs trainers, and representatives of other key Indian government agencies. It was also decided that the customs officers from the other selected countries from different regions of the world would participate in that workshop in order to create a group of well-trained teachers, which would be able to conduct train-the-trainers workshops in their regions. The workshop consisted of two parts: a 3 day standard training module used also at other train-the-trainers workshops and a 2 day advanced module designed specifically to extend the knowledge and skills of the participants, so that they were able to conduct the train-the-trainers courses themselves. Later on, a few customs training workshops were organized in different places in India and in some other countries with active participation of the trainers trained in Faridabad in 2001, but it was found that the number of teachers would be not enough to serve a number of courses that were planned to be conducted both in India and abroad. It has been decided by UNEP and the Government of India that NACEN will collaborate with UNEP in that respect and that more NACEN teachers are to be trained in order to gain ODS-specific knowledge and skills.
Following that approach, the Indian Government in collaboration with UNEP organized two train-the-trainers-of-the-trainers workshops in NACEN complex in Faridabad and in NACEN office in Chennai. The participants (ca. 20 for each workshop) were customs officers from NACEN and selected representatives of regional customs departments of India and also some key government agencies. The main instructor for the workshops was Dr. Janusz Kozakiewicz (UNEP International Consultant) and the other trainers and speakers were local persons, including Ms. Meenakshi Passi and Mr. K.M. Nair who got experience as trainers in ODS monitoring and control at the train-the-trainers workshops both in India and abroad. The lists of participants and the list of trainers, speakers and invitees are included to this report as Annexes 10.2 and 10.3, respectively. The objective of the workshops was to build the capacity of NACEN teachers and key stakeholders associated with India policy and training strategy connected with the ODS phase out on the MP related issues for subsequent training within India and possibly also abroad.

The workshops were structured in a similar way as the workshop held in Faridabad in 2001. The first three days were the actual delivery of the three-day Phase I train-the-trainers for customs officers’ module of UNEP in the context of India. The next two days were devoted to building the capacity of the participants even further by concentrating on agenda issues that need intensive interface and on the practical exercises and interactive sessions which allowed for deeper understanding of the issues related to the ODS monitoring and control and for testing the knowledge and skills of the individual participants. Because of unavoidable reasons, the workshop held in Chennai had to be compressed to four days through tightening the regime of the sessions, but contained the same material as the workshop in Faridabad. This report concerns the workshop held in Chennai.

The agenda of the workshop held in Chennai and the resource materials handed out to the participants are included to this report as Annex 10.1. Individual participant’s package contained the “Country Handbook on the national regulations for monitoring and controlling production and use of ODS in India” prepared by the Ozone Cell of India, the UNEP’s Customs Training Manual “Saving the Ozone Layer”, most of the presentations made for the workshops and the special binder prepared by UNEP International Consultant containing the extensive reference materials on issues related to the subjects discussed at the workshop. A CD with most of the presentations and the film recorded at the workshop was also included. The video films on ozone layer depletion and on illegal trade in ODS were shown to the participants during the workshop.

During the workshop most of the participants were very proactive and seemed very much committed to the issues presented to them. Based on extensive discussions carried out in the working groups at the Break-out session and in the plenary, the participants developed a very comprehensive set of valuable recommendations suggesting improvements to the existing system of monitoring and control of ODS in India and to the execution of that system in practice. The participants as part of the recommendations also proposed an action plan for the Phase II and III of customs training in India. The recommendations are included in this report as Annex 10.4.

The results of the workshop evaluation made by the participants showed that the workshop was very much appreciated by them. The overall evaluation of the workshop was excellent - all marks except one were “excellent” rating very distinctly prevailed (84%). Very encouraging evaluation results were obtained with regard to the question concerning the usefulness of the course, and the training materials as well as to the presentations and breakout sessions, which received quite high ratings.

At the end of the workshop, certificates were handed over to the participants by the Director General of NACEN, Ms. Parveen Talha, former Executive Secretary of the UNEP Ozone
Secretariat in Nairobi, Mr. K.M. Sarma, and the Secretaray to Government Dept. of Environment and Forests of Tamil Nadu, Shri S.P. Elangovan.

Media coverage of the workshop was excellent. The representatives of the main Indian newspapers and radio/TV programmes were present during the opening ceremony and workshop valediction and the awareness of general public in India on problems related to ODS could be effectively raised through quite a few press releases and radio/TV broadcasts.

The workshop report will be placed on UNEP's homepage at: http://www.unep-tie.org/ozonaction.html

1. Background

In the beginning of the eighties the scientists found that the ozone layer that surrounds the Earth and absorbs large part of the harmful uv-B radiation from the sun had been seriously depleted by the man-made chemicals, later called ozone depleting substances (ODS). Recognizing the threat of ozone layer depletion to the life on Earth the international community decided to sign the Vienna Convention for the Protection of the Ozone Layer in 1985 and the Montreal Protocol on Substances that Deplete the Ozone Layer (MP) in 1987. While developed countries have already phased out most of the ODS, developing countries are still using them, mostly in the Refrigeration and Air Conditioning (RAC) sector. According to the phase-out schedules agreed upon by the Parties of the MP developing countries had to freeze their production and consumption of the main ODS – chlorofluorocarbons (CFCs) – starting from 1 July 1999. The next step will be 50% reduction of production and consumption of those chemicals starting from January 2005. The phase out schedules for other ODS (halons, carbon tetrachloride, methyl chloroform, methyl bromide) have already begun or will begin in the near future. Even the intermediate substitutes for CFCs – hydrochlorofluorocarbons (HCFCs) that are now widely used will have to be phased out after some time. Compliance with the ODS phase out schedules set out in the MP is a great challenge for developing countries and achieving the required levels of reduction will need much effort from developing countries and financial assistance from developed countries. Moreover, the process of phasing out ODS in both developed and developing countries has been seriously endangered by the illegal trade in ODS and ODS-containing products which increases the market demand for ODS, in particular for CFCs which are used mostly in the RAC sector. Monitoring and control of ODS traffic has become inevitable to prevent that illegal trade. In view of this, in 1997 the parties to the MP decided to sign the Montreal Amendment to the MP where the establishment of the licensing system designed to monitor and control imports and exports of ODS was included as mandatory requirement for signatories of that treaty.

India is one of the largest ODS producers and consumers in the world. In 2002 total production of ODS in India was over 33 thousand metric tonnes, not including transitional substances – HCFCs. Presently, India produces three main CFCs (CFC-11, CFC-12 and CFC-113), carbon tetrachloride, methyl bromide and the main substitute for CFC-12 - HCFC-22. Though a number of conversion projects has been introduced aiming at diminishing ODS use in certain sectors (aerosol, foam, R&AC, solvent etc.), demand is still very high, especially in servicing R&AC equipment with CFC-12. Full compliance of India with the MP phase out schedules has then not only national, but also global implications. India has agreed to phase
out production of CFCs by 2010 with financial assistance provided by the Multilateral Fund of the MP.

It should be emphasized here that the government of India has actively participated in the international negotiations that led to signature of the MP and has been always committed to follow the MP provisions related to the ODS phase out. India acceded to the Vienna Convention on 18th March 1991 and Montreal Protocol and London Amendment to the Montreal Protocol on 19th June 1992. The India Country Programme for ODS Phaseout was prepared in 1993. Recently, the government of India decided to ratify also the remaining amendments to the MP, including the Montreal Amendment. Though before ratification of the Montreal Amendment the establishment of ODS import/export licensing system was formally not mandatory for India, such system was introduced in India already in 1995 and since then several improvements to the originally designed legislation have been made. In particular, very important regulatory mechanisms were introduced by the “ODS Rules 2000”. However, the taxation system has not been changed which makes the price of legally produced CFCs quite high on Indian market while illegally imported CFCs cost much less. This may be the main reason of development of illegal trade in ODS observed recently in India. Curbing that illegal ODS traffic has become quite important for India and also for the whole South Asia Region and for the whole world.

Customs agencies and other enforcement bodies play an essential role in the effective monitoring and control of import/export licensing mechanisms, in the collection of import/export data, in the enforcement of ODS regulations and in the prevention of illegal trade. In order to effectively implement and enforce a given regulatory regime, customs agencies must be made familiar with any legislative and regulatory mechanisms that require their attention. To achieve this objective, the training programme for customs officers must be aimed at (1) enabling customs officers to control and monitor the imports and exports of CFC refrigerants as well as other ODS and (2) assisting the country to comply with the freeze and phase-out schedules for ODS under the Montreal Protocol.

The standard UNEP training programme for customs officers follows the "train-the-trainers" approach with the following key stages:

- Phase I is a “train-the-trainers” workshop. Once the national ODS import/export licensing system is in place or ready to be put in place and a Country Handbook on ODS legislation and import-export licensing system has been prepared Phase I is conducted. A group of 20-25 selected customs trainers, senior customs officers and other stakeholders involved in the monitoring and control of ODS are trained as trainers by an international consultant.
- Phase II: A selected group of customs officers from the most important customs entry points are trained by the local trainers trained during Phase I.
- Phase III (concurrent with phase I and II) is monitoring and evaluation of the results of the programme and preparation of a follow-up report.

Based on the above principle, since 1999 UNEP DTIE has been successfully organising train-the-trainers workshops on monitoring and control of ODS for customs officers in Article 5 countries. The programmes of those 3-day workshops are similar and are based on the generic agenda contained in “Training Manual for Customs Officers” published by UNEP DTIE in cooperation with other agencies and institutions. In India the customs training programme started in
November 2001 when a 5-day workshop was conducted in the premises of National Academy of Customs, Excise and Narcotics in Faridabad. The participants of that workshop were not only Indian customs officers and key stakeholders, but also selected customs officers from the other regions of the world. The main objective of that workshop was to improve skills and knowledge of the participants on ODS related issues in order to allow them to conduct train-the-trainer workshops on monitoring and control of ODS in India and in the other countries. That workshop was split into two separate modules: a 3-day “standard” train-the-trainers workshop and an advanced 2-day “train-the-trainers-of-the-trainers” course. Since then a few other workshops were organized in different places in India and in some other countries. Those workshops involve active participation of the trainers trained in Faridabad in 2001. However, it was found that the number of teachers trained in ODS would be not enough to serve a number of courses that were planned to be conducted both in India and abroad. It has been decided by UNEP and the Government of India that NACEN will collaborate with UNEP in that respect and that more NACEN teachers are to be trained in order to gain ODS-specific knowledge and skills.

Following that approach, the Indian Government in collaboration with UNEP organized two train-the-trainers-of-the-trainers workshops in NACEN complex in Faridabad and in NACEN office in Chennai. This report relates to the second of those two workshops.

2. Objectives

The main objective of the “standard” part of the workshop was to build the participants’ capacity on Montreal Protocol related issues for subsequent training within India under the India policy and training programme.

That objective was achieved by:

I. Increasing awareness of ozone depletion issues
II. Introducing the different types of ODS being used in the particular sector and for which applications
III. Introducing the provisions and phase-out schedules of the Montreal Protocol and its Amendments and basic elements of related international conventions, in particular the synergisms and common elements with the MP
IV. Providing officers with understanding of the national obligations and response with regard to monitoring and control of ODS
V. Providing an overview on the licensing and quota system for ODS and its implications for customs officers, and other stakeholders.
VI. Presenting the revised HS customs codes for ODS and products containing them and pointing out the problems in identification of ODS/ODS-containing products by the customs codes
VII. Refining and optimizing the establishment of the operational details of the monitoring and control system for ODS in India
VIII. Providing an overview of regional context of the monitoring and control system for ODS and discussing the most popular ODS smuggling schemes
IX. Training in the use of identification equipment for refrigerants
X. Designing the basic elements of the training of the remaining customs officers in the country.
Second important objective of the standard UNEP module was equipping the selected group of customs officers representing NACEN, customs regional departments, enforcement agencies of India and other key government institutions with basic knowledge needed for active participation in the subsequent advanced course.

The detailed programme designed to meet the above objectives is given in Chapter 5 below.

The main objective of the advanced “train-the-trainers-of-the-trainers” course that followed the “standard” module (in Chennai that course had to be compressed and combined with the standard module in 4 days because of time constraints) was to provide the participants with knowledge and skills related to monitoring and control of ODS so as to establish the background needed for them to be able to conduct 3-days “standard” UNEP modules not only in India, but also in the other countries in the South Asia region. This would allow for fast and cost-effective spreading of the knowledge and skills needed to better monitor and control trade in ODS and to prevent and combat illegal trade in ODS in the region. This objective was achieved through the programme especially designed for that course explained in Chapter 5 below.

3. Expected results

It is expected that the immediate substantial result of the combined 4-day training would be availability of a number of knowledgeable and skilled customs officers and representatives of other key agencies in India who may be able to teach the future customs trainers both in India and in the other countries in the region on problems related to monitoring and control of ODS traffic. This will be in line with the general concept of regionalisation of the OzonAction Programme under the framework of CAP. It was thought that recommendations for the subsequent Phase II training of customs and enforcement officers in India would also be an important output from the training. It was expected that a Montreal Protocol related training module would be included in the ongoing training programmes of the customs department for new customs officers in India and that it would also be integrated in the refresher courses for experienced officers. Thus the sustainability of the training programme would be ensured.

The expected long-term result of the combined 4-day workshop is to enhance awareness of ozone depletion issues among customs authorities and other relevant stakeholders as well as the achievement of the specific training objectives as stated in Chapter 2.

In addition, synergies for the enforcement of other relevant international environmental agreements such as the Basel Convention, Rotterdam Convention, Kyoto Protocol and CITES will be encouraged. It is expected that the lessons learnt from two workshops held in Faridabad and in Chennai will serve as a basis for designing the other customs training workshops that are to be conducted in India soon.

4. Participants and speakers
In total, 19 participants attended the 4-day workshop in Chennai (see the table below for participants’ composition).

<table>
<thead>
<tr>
<th>Participants</th>
<th>Number</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senior officers from NACEN</td>
<td>8</td>
<td>42</td>
</tr>
<tr>
<td>Senior customs or excise officers from outside NACEN</td>
<td>8</td>
<td>42</td>
</tr>
<tr>
<td>Senior officers from other enforcement agencies</td>
<td>2</td>
<td>10</td>
</tr>
<tr>
<td>Senior officers from the Ministries</td>
<td>1</td>
<td>6</td>
</tr>
</tbody>
</table>

As it can be seen from the table, the majority of participants were senior officers from NACEN (8) and other customs and excise agencies (8) what is quite understandable in view of the fact that NACEN is supposed to organize future trainings in India. On 26.08.2003 NACEN signed a MOU with UNEP to conduct training workshops in the other countries. Among the remaining participants there were one officer from the Ministry of Environment and Forests of Tamil Nadu, and 2 senior officers from key enforcement bodies, other than customs (CONCOR and Coast Guard). On the request of Ms. Parveen Talha, Director General of NACEN, the names of a few participants who would be considered by NACEN as trainers for the first round of the workshops that are to be organized in Phase II of the training programme in India and for the national train-the-trainers workshops to be organized in the other countries were selected by the UNEP International Consultant based on their activity during the course. The participants of the workshops to be organized in India will be selected from the remaining customs officers in the country.

The complete list of participants is attached as Annex 10.2.

The main instructor and speaker for the 4-day combined workshop was Dr. Janusz Kozakiewicz, Industrial Chemistry Research Institute, Poland (UNEP International Consultant) who also represented UNEP at the workshop. He was assisted by Ms. Meenakshi Passi, Additional Commissioner from Mysore Central Excise who had good experience in training in ODS monitoring and control from the previous customs training workshops held in India and abroad.

Additional instructors and speakers for “standard” and “advanced” modules were:
### Name | Institution | Standard module | Advanced module
--- | --- | --- | ---
Mr. K.M. Nair* | NACEN, Centre for Excellence, Chennai | ✓ | ✓
Ms. Usha Chandrasekhar | Ozone Cell, Ministry of Environment and Forests of India | ✓ | |
Dr. S. Sathpathy | Project Management Unit, Ministry of Environment and Forests of India | ✓ | ✓
Mr. R. Sekar | | | ✓
Mr. O.P. Hisaria | Directorate General of Foreign Trade, India | ✓ | |
Mr. S.C. Wadhwa | Gujarat Fluorochemicals Ltd, India | ✓ | ✓
Dr. Amandeep Singh | Customs Division, Raxaul | | ✓

*Mr. K.M. Nair, Director General of the Centre for Excellence, NACEN, Chennai, was also the head of organizing committee of the workshop in Chennai.

The details of all trainers/speakers and invitees are attached as Annex 10.3.

### 5. Methodology

As it was mentioned in Chapter 1, the workshop consisted of two combined modules: a “standard” train-the-trainers module and an advanced “train-the-trainers-of-the-trainers” course. The workshop was conducted in English. The methodology used in both modules is described below in detail.

#### 5.1. The standard module

The general idea of the standard train-the-trainers module was to build up the capacity and skills of customs trainers from India to carry on training on issues related to monitoring and control of ODS in India and in the other countries.

Actually, the standard module can be considered as the first stage of the customs training programme in India, which is supposed to be implemented in three phases:

- **Phase I:** standard train-the-trainers workshop
- **Phase II:** Subsequent training of the selected other customs officers in the country
- **Phase III:** Monitoring & evaluation (concurrent with Phase I and II)
The training materials for the standard module consisting of UNEP’s Customs Training Manual “Saving the Ozone Layer”, copies of all presentations and break-out session forms as well as UNEP and EIA brochures dealing with illegal trade in ODS were distributed to the participants at the workshop. Apart from presentations, the standard module contained an interactive session involving discussion on the case studies on illegal trade, a Break-out session where discussion in groups was carried out and a special “hands-on” session where practical demonstration of ODS identification was made. Two video films: a UNEP film presenting the threat of ozone depletion to the life on Earth and an EIA film describing the cases of illegal trade in ODS were shown to the participants.

5.2. The advanced module

The advanced train-the-trainers-of-the-trainers course that followed the “standard” customs training module was oriented on more interactive participation of the audience and was designed specifically to provide to the participants extended information on issues related to the Montreal Protocol and allow them to exercise their skills through discussing specific questions concerning ozone layer depletion and the Montreal Protocol, the problem of illegal trade in ODS from India’s perspective and customs classification of ODS, and solving practical problems of identification of ODS.

At the beginning of the course the participants received a special booklet designed by the UNEP International Consultant and containing detailed resource study materials that would help them in preparations for conducting the train-the-trainer workshops on monitoring and control of ODS for customs officers in the other countries. Contents of that booklet are given in Annex 10.1.

6. Contents and structure of the workshop

6.1. The standard module

The standard train-the-trainers module included the following sessions:

Session 1: Introduction
Session 2: Ozone layer depletion
Session 3: National obligations and response
Session 4: International response
Session 5: National import / export licensing system
Session 6: Global & regional context of trade in ODS
Session 7: Identification of ODS and ODS-containing equipment and goods (including a presentation on HS classification of ODS)
Session 8: Problem of illegal trade in ODS and possible means to solve it
Session 9: Case studies
Session 10: Safe handling, transport and storage of ODS
Session 11: Related international conventions
Session 12: ODS Rules and Regulations 2000
Session 13: Practical exercises on identification of ODS
Session 14: Role of customs officers and other stakeholders and checking papers, forms and permits
Session 15: Introduction to the Breakout Session on effective operation of ODS import / export licensing system and enforcement of ODS regulations
Session 16: Breakout Session on effective operation of ODS import / export licensing system and enforcement of ODS regulations
Session 17: Presentations of the results of the Break-out Session to the plenary

3 working groups were created during the break-out session in order to discuss specific topics in the area of operation of the ODS import/export licensing system and of the enforcement of ODS regulations. The groups discussed, respectively, the following topics: “Effective operation of the ODS import/export licensing system”, “Enforcement of ODS regulations” and “Action Plan for Phase II and III of customs training”. Each group prepared reports with their findings and recommendations that were then discussed in the plenary and became the basis for formulating the final workshop recommendations. Based on results of discussion held in the working groups and in the plenary not only the general recommendations, but also detailed suggestions for executing further customs training were developed – see Annex 10.4.

It was recommended that NACEN would take the lead in training of the remaining customs and enforcement officers in the country and that both experienced and newly employed customs officers would receive training on ozone-related issues. More train-the-trainers workshops would be carried out to spread the knowledge in Customs Commissionerates and other enforcement agencies in India. NOU would be responsible for monitoring the training progress.

6.2. The advanced module

The advanced train-the-trainers-of-the-trainers module included the following sessions:

Session 18: Lessons learned from the other train-the-trainers courses
Session 19: Illegal trade in ODS (round table discussion)
Session 20: Global and regional trade agreements
Session 21: Teasers in Montreal Protocol
Session 22: Panel discussion on 8 digit HS coding
Session 23: Problem of illegal trade in ODS from regional perspective
Session 24: Identification of ODS (practical group exercise)
Session 25: Reporting of the group findings to the plenary and discussion

The sessions contained in the advanced module (specifically “Teasers in the Montreal Protocol”) were conducted as seminars with active participation of the audience. E.g. the participants were asked to answer the questions related to ozone layer depletion or to discuss the specific problems of interpretation of the MP provisions. Round table discussion on illegal trade was combined with the presentation on illegal trade from the regional perspective what allowed for discussing in detail the issues that were considered the most important by the participants. Panel discussions on 8 digit coding of ODS was combined with a general plenary discussion on workshop recommendations what helped in pointing out what is to be improved.

At the session on practical identification of ODS the participants were split into 4 groups. Each group had to identify the disguised material (ODS or not ODS gas) delivered in one cylinder based on the information contained in customs declaration and displayed on the cylinder, present their findings in the plenary and then check the actual contents of the cylinder using refrigerant identifier without any assistance from the instructors. The UNEP International Consultant designed the experiments and the representative of the organisation of Indian ODS producers REGMA prepared the disguised containers.
The workshop was opened by Mr. K.M. Nair, head of the organizing committee of the workshop and Director General of Centre for Excellence, NACEN, Chennai. The inaugural address was delivered by Mr. K.M. Sarma, former Addl. Secretary to the Government of India and Executive Secretary of the Ozone Secretariat, UNEP, Nairobi. The opening ceremony included also the introductory remarks given by Ms. Usha Cghandrasekhar, Director of the Ozone Cell in the Ministry of Environment and Forests, workshop address presented on behalf of UNEP by Dr. Janusz Kozakiewicz - UNEP International Consultant, and Vote of Thanks presented by Ms. Meenakshi Passi, Additional Commissioner, Customs&Excise, Mysore.

The Course Valediction that closed the workshop contained the ceremony of handing out the participation certificates to the participants and closing statements by Mr. K.M. Nair, Mr. K.M. Sarma, Ms. Parveen Talha (Director General, NACEN) and UNEP International Consultant (on behalf of UNEP). Valedictory address was given by Shri S.P. Elangovan, Secretary to Government, Dept. of Environment and Forests, Government of Tamil Nadu. At the end, a Vote of Thanks was presented by the representative of participants.

Media coverage of the workshop was excellent. The press and radio/TV journalists were present at the opening ceremony and at the Course Valediction and press conference was held after the Course Valediction. The workshop was covered in major English National Dailies having the highest circulation in India: “The New Indian Express” (12.08.2003 and 15.08.2003), “The Hindu”(11.08.2003 and 25.08.2003). The reports highlighted the cause and effects of ozone depletion, efforts taken by UNEP on the Montreal Protocol, ODS phase-out schedules and warned the public about the awful effects of ODS. The training activities undertaken by NACEN in coordination with UNEP and Ozone Cell of the Ministry of Environment and Forests were also underlined. The same issues were also included in Tamil (vernacular) Daily on 15.08.2003. The visual media (SUN TV, Raj TV and Asianet) showed the clippings of the valedictory function, which was telecast in English apart from Tamil, Telugu and Malayam for a brief spell.

The detailed Workshop Agenda containing both standard and advanced modules combined in 4 days is attached in Annex 10.1

7. Results and lessons learned

The detailed objectives set out for the first part (standard module) of the workshop were fully met through the appropriate design of the workshop agenda during which the 17 workshop sessions addressed all relevant issues. A detailed evaluation of the most relevant issues is included in Annex 10.5.

<table>
<thead>
<tr>
<th>OBJECTIVES SET OUT</th>
<th>RESULTS ACHIEVED</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. Increasing awareness of ozone depletion issues</td>
<td>Through Session 1,2 and the video film</td>
</tr>
<tr>
<td>II. Familiarizing enforcement officers with the different types of ODS being used in different sectors and for different applications</td>
<td>Through Sessions 2, 3, 4</td>
</tr>
<tr>
<td>III. Familiarizing enforcement officers with the provisions and phase-out schedules of the Montreal Protocol and its Amendments and with related international conventions</td>
<td>Through Sessions 4, 11</td>
</tr>
</tbody>
</table>
IV. Providing officers with understanding of the national obligations and response with regard to monitoring and control of ODS  
Through Session 3

V. Providing an overview on the national licensing and quota system for ODS and its implications for customs officers  
Through Session 5

VI. Presenting the revised HS customs codes for ODS and products containing them and pointing out the problems in identification of ODS/ODS-containing products  
Through Session 7

VII. Refining and optimizing the operational details of the monitoring and control system for ODS in India  
Through Sessions 5, 12, 14

VIII. Providing an overview of regional context of monitoring and control system for ODS and discussing the most popular ODS smuggling schemes  
Through Sessions 6, 8, 9

IX. Training in the use of identification equipment for refrigerants  
Through Session 13

X. Designing the basic elements of the training of the remaining customs officers in the country.  
Through Sessions 14-17

In addition, the following specific outcomes were achieved:

- Successful training and certification of 19 participants on monitoring and control of imports and exports of ODS and ODS products/equipment. This, followed by the further training of the selected remaining customs officers in the country should be a major help in preventing the illegal trade in ODS in the region.
- Providing the participants with skills and knowledge needed to attend the advanced part of the course
- Explaining and demonstrating methods of identification of ODS refrigerants and suggesting the right approach to checking freight papers and permits.
- Demonstrating the photos of various ODS containers and the smart methods used to smuggle ODS
- Exchange of information and experiences between the participants and development of a network of personal contacts
- Detailed workshop recommendations by the participants containing, inter alia, a new idea of improving monitoring and control of ODS trade by creating an ODS Trade Control Cell in the structures of DGFT, suggestions for amendments to legislation concerning ODS and to 8-digit coding system for ODS and a detailed draft plan for further customs training
- Valuable comments on the workshop itself, “India Country Handbook” and UNEP “Customs Training Manual” given by the participants (see Annex 10.5).
- Certification of the participants by the Government of India

The objective of the advanced part of the workshop was met through careful design of the sessions and resource study materials that were closely related to the subjects discussed during the sessions and helped the participants to think over the problems addressed by the course. In general, the sessions were:

- Dealing more deeply with the issues already briefly discussed at the “standard” module in order to point out the most sensitive elements and to release participants’ own initiative in approaching the problems set out by the instructor (sessions on Teasers in the Montreal Protocol and on Illegal Trade in ODS)
- Introducing entirely new information needed for supplementing the knowledge of future trainers-of-the-trainers (sessions on Global and Regional Trade Agreements and on Teasers in the Montreal Protocol)
- Allowing participants to practice the skills needed for being future instructors for the others (Practical Exercise on Identification of ODS)

The following lessons were learned from the two workshops held in Faridabad and in Chennai:

- As in the 5-day combined workshop conducted in Faridabad in 2001, the similar workshops held in Faridabad and in Chennai clearly demonstrated how important the proper selection of the participants can be for the success of the workshop. Good proportion between NACEN teachers and officers from the other agencies as well as the proper selection of their representatives (usually they were at the level of Joint Director) enabled the discussions to be really focused on the most important issues. However, great differences in the ability of the participants to absorb and deeply understand the material given to them were observed when the instructors checked their skills and knowledge at the interactive sessions. This could result both from the different background of the participants and from their individual skills. It should be emphasised here that though it is anticipated by UNEP that all participants of the train-the-trainers courses will be the trainers in the future, it will obviously never happen because not all people have got the teaching skills and unless the selection of participants is made after preliminary tests showing those skills, only very few of the trainees can be good trainers themselves. Therefore, the request of Director General of NACEN to identify the most promising group of future trainers was definitely right. It is suggested that in the future workshops the participants will be requested to give very short presentations on the topics discussed at the workshop. Two possible approaches are possible here. One is that the topics would be randomly drawn by the participants, so nobody would know in advance which topic he/she is going to talk about. In that case, time for a talk should be very short – max. 3 minutes. This approach would give the instructor the idea of level of understanding the topics discussed at the workshop, but would not allow for judgement of the teaching skills of the participant. Another approach can be that the participants know about their topics in advance and have some time for preparing their presentations. In that case, the presentations can be longer – 5-7 minutes. That approach would give the instructor the idea of teaching skills of the participants, but would not allow for testing the level of understanding the material. The suggestions presented here can be implemented only in the combined (5-day) workshops because otherwise time for such test would not be available in the agenda.

- It should be emphasised that the activity of the participants of both workshops measured by number of questions asked and proactive approach to discussions in the plenary and in the breakout session was really outstanding. This was the general impression of the instructors, but obviously the activity of the individuals was not equal – see the observations presented above.

- The recommendations developed at both workshops were really excellent because they touched the most important problems of monitoring and control of ODS in India. Guidance given to the participants of Faridabad workshop by the Director General of NACEN in her speech at the opening ceremony and during the discussions on recommendations should be highlighted here.

- Not only the final recommendations as such, but also the way the partial recommendations from the working groups were presented in the plenary by the rapporteurs was
outstanding, in particular in Chennai where the rapporteurs made very nice power point presentations. It may be then suggested that in the future workshops computers are available for the working group discussions at the breakout sessions, so that the rapporteurs could make good-looking presentations in the plenary. The positive role of the interactive way of conducting the workshop sessions was clearly demonstrated at both workshops. However, it should be noted that such approach was possible only after the participants had been equipped with knowledge by listening to standard presentations delivered in the first part of the workshop. It means that at the standard 3-day workshop such approach cannot be used. It again proves that elongation of the duration of standard UNEP customs training module is needed.

- Presentation of audiovisual aids (video films, real pictures of seized containers etc.) at the workshop helped much in absorbing the attention of the audience and in understanding the issues discussed at the workshop. It is then recommended that such approach is always taken in the future workshops. Also it should be pointed out that a thoughtful design of the contents of the individual participant’s package is very important for the success of any customs training workshop. The participants appreciated the choice of materials prepared for workshops held in Faridabad and in Chennai, in particular they liked the idea of including a CD with the presentations and films and a booklet with resource study materials that would help them in their future service as trainers.

- Discussions on illegal trade in ODS from the regional perspective seem to be very important for the success of any customs training workshop. At the workshops held in Faridabad and in Chennai it was possible to have those discussions because of the presence of the representative of Indian Association of ODS producers who had all data on illegal trade in the region. Presentation by the customs officer who seized a number of illegal ODS shipments at the India-Nepal border was also very useful. At the workshops conducted in the other countries such data were not available. This situation may change since after implementation of Decision X/14 of the Parties to the MP the countries will be more open in revealing illegal trade cases.

- Introducing the panel discussion on ODS customs codes to the workshop programme appeared to be very useful since the discussion revealed some inconsistencies in the current customs classification of ODS in India thus assisting in its improvement. For example, it was noticed that the code for methyl bromide in Indian classification was not consistent with the HS system since it was classified there as pesticide. At the workshop held in Chennai it was explained by the representative of CBEC that this was because of the decision of Supreme Court of India. Since it seems to be a very strange approach taken by the Supreme Court, it was agreed that the new proposal in that regard which will be consistent with HS rules would be presented by CBEC.

8. Follow-up action plan

India is implementing a major project in collaboration with UNEP on training enforcement bodies in India and preparing a strategy for policy and customs officers training. The objective of this project is to assist the Government of India to formulate a strategy and an action plan for implementation and enforcement of all the policies and regulations related to ODS phase-out including a strategy for customs officers training in India. This project, as part of the RAC servicing sector strategy, is presently being considered by the Executive Committee of the MP. The participation of NACEN trainers, senior customs officers and other key stakeholders from India at the workshop gave India an insight into preparing both
the Phase I and subsequent phases of training of customs officers in the country. It has been recommended that NACEN will take a lead in organisation of the training. It is planned that more train-the-trainers workshops will have to be organised in order to spread the knowledge wider in Customs Commissionerates. Moreover, on the basis of the MOU that is to be signed soon between UNEP and NACEN, the trainers for conducting the national train-the-trainers workshops in the other countries will be selected from the workshop participants. However, based on the earlier experiences it seems rational that, in the beginning, one or two workshops will be delivered by each newly identified customs trainer together with UNEP International Consultant or NACEN trainer already experienced in conducting workshops on ODS monitoring and control. UNEP will assist in organisation of the training of customs officers outside India.

It has also been suggested that the NOU and other agencies involved will consider and, as far as possible, take care of implementation of workshop recommendations for further training and also of the other recommendations as adopted by the workshop participants (see Annex 10.4). The recommendations will also be communicated to the relevant decision-makers and politicians, and their support requested.

9. Evaluation by participants

The overall evaluation of the workshop (Q1) was excellent - all marks except one were “excellent” or “very good” and the “excellent” rating very distinctly prevailed (84%). Very encouraging evaluation results were obtained with regard to the question concerning the usefulness of the course (Q2, Q6) and the training materials (Q7). Also the presentations and break-out sessions received quite high ratings. The highest number of “excellent” and “very good” marks was given to the following issues: identification of ODS and ODS-containing equipment and other goods (95%) and international response to ozone layer depletion (84%). Based on the comments given in the evaluation questionnaires it is clear that the participants appreciated very much the workshop organisation and the way the training was conducted. This should be especially emphasised taking into account the teaching experience of most of the participants and their good background in the issues related to prevention of illegal trade in general.

A graphic analysis of the received evaluation questionnaires as well as the detailed comments received from the workshop participants concerning the workshop itself, the UNEP “Training Manual for Customs Officers” and to “India Country Handbook” are included in Annex 10.5.

10. Annexes

| Annex 10.1 | Workshop Agenda and resource material |
| Annex 10.2 | List of participants |
| Annex 10.3 | List of trainers, speakers and invitees |
| Annex 10.4 | Workshop recommendations |
| Annex 10.5 | Evaluation by participants |
ANNEX 10.1 Workshop Agenda and resource materials

Workshop Agenda
(standard and advanced modules combined)

11.08.2003

09.00  Registration of participants

10.15  Opening Ceremony

11.15 (1)  Introduction – Mr.K.M.Nair, Addl.Director General, “Center for Excellence”, NACEN.
- Introduction of faculty and participants.
- Linking course to the world situation. - Ms.MeenaKshi Passi, Addl.Commissioner, Mysore.

Session 1
- Objectives of the Course.
- Outline of the Course.
- Questions and Answers.
- UNEP Video – Every Action Counts.

11.45 (2) Ozone Layer Depletion – Dr. Janusz Kozakiewiez
- Ozone Layer Science
- Environmental and human health consequences
- Discussion

12.30 (3) National obligations and response – Ms. Usha Chandrasekhar, Director, (Ozone Cell)
- Overview of national ODS consumption pattern.
- National Phase-out and reporting obligations.
- Discussion.

13.15  LUNCH

14.00 (4) International response – Dr. Janusz Kozakiewiez
- International response – the Montreal Protocol and its amendments
- Phase-out schedule and strategies for Article 2 and Article 5 countries
- Discussion

14.45  TEA

15.00 (5) National Import/Export Licensing System – Dy.DGFT & Mr. S. Sathpathy, PMU.
- Institutional framework.
- National ODS regulations.
- Structure of national import/export licensing system.
- Institutional arrangements and procedures to manage the system.
- Import quotas and application for permit and allowances.
- Information to importers, wholesalers and end-users.
- Handling of seized ODS and ODS-containing equipment and goods.
- Enforcement and penalties.
- Forms introduced by the licensing system.
Discussion.

16.15 (6) Global and regional context of trade in ODS – Mr.K.M.Nair Addl.Director General, “Centre for Excellence”, NACEN.
- Global production and trade with ODS and ODS – containing products.
- Regional and global trade agreements.
Session 6 - Transhipment harbours, production, disposal, reclaim facilities in the Region.
- Impact on trade and economy.
- Discussion.

12.08.2003

09.30 (7) Identification of ODS and ODS-containing equipment & goods. Dr.Janusz Kozakiewicz.
- Harmonized System Codes for pure ODS, ODS-containing mixtures and ODS-containing products.
- Common trade names for ODS and ODS-containing mixtures.
- Other means of identification of ODS (Labeling, ASHRAE/CAS Numbers, Colour codes, etc.) and detection of mislabeled containers.
Session 7 - Identification of ODS–containing equipment and goods.
- Examples of ODS containers and cylinders and ODS-containing equipment and goods.
- Discussion.

10.45 TEA

11.00 (8) Problem of illegal trade in ODS and possible means to solve it. Ms.Meenaakshi Passi
- Global dimensions of illegal trade in ODS.
- Causes and trends of illegal trade in ODS.
- Problems in monitoring and control of trade in ODS by the Customs.
Session 8 - Methods of illegal trade in ODS.
- Detecting legal and illegal trade in ODS.
- Involvement of International Agencies and NGOs in monitoring and combat of illegal trade of ODS.
- Video on illegal trade.
- Discussion.

12.15 (9) Case Studies – Dr.Janusz Kozakiewicz

13.00 LUNCH

14.00 (10) Safe handling, transport and storage of ODS – Ms.Meenaakshi Passi.
- ODS chemical information relevant to customs officers.
- Safe handling of ODS and ODS-containing products.
Session 10 - Safe transport and storage of ODS and ODS-containing products.
- Safe sampling of ODS – who is allowed to take samples and to use refrigerant identifiers.
- Discussion.

- Kyoto Protocol (global warming)
- Basel Convention (hazardous waste)
Session 11 - Rotterdam/Stockholm Convention (hazardous pollutants)
- CITES and Lusaka Agreement (illegal trade in wild fauna and flora)
- Common features related to the control of trade and synergies for Customs
authorities for effective enforcement.
- Discussion.

15.00 (12) ODS (Rules and Regulations), 2000 – Dr. S. Satapathy

15.45 TEA

16.00 (13) Practical exercises on identification of ODS
- Dr. Janusz Kozakiewicz, Ms. Meenakshi Passi, Mr. S.C. Wadhwa, REGMA

Session 13
- Use of refrigerant identifiers (theory)
- Hands-on work with CFC detection equipment, if available.
- Identification of ODS-containing equipment and goods, if available

13.08.2003

09.30 (14) Role of Customs Officers and other Stakeholders and checking papers, forms, permits – Mr. K. M. Nair.
- Key Players in monitoring and control of imports/exports of ODS and ODS-Containing equipment and goods (customs, coast guard, police, court, chemistry, laboratory, importers, wholesalers, end-users).
- Reporting legal and illegal trade with ODS and ODS-containing products.

Session 14
- Enforcing ODS legislation.
- Check List for Customs Officers.
- Checking papers, forms, permits.
- Discussion.

- In addition to three key topics, participants may suggest 1 additional topic of interest.

Session 15
- Topic 1: How to effectively operate ODS import/export licensing systems.
- Topic 2: How to effectively enforce ODS regulations.
- Topic 3: Action Planning for further Customs Training and training of other stakeholders.
- Topic 4: To be suggested by participants.

11.30 TEA


Session 16
- Group moderators will co-ordinate the break-out sessions. They will ensure the preparation of a short report and presentation of their findings including the group recommendations.

13.00 LUNCH

13.45 (17) Break-out session 16: Presentation of findings of the group work to the plenary.
- Ms. Meenakshi Passi
- Hand-over of reports to the lead consultant.
- Presentation of group recommendations to the plenary (10 minutes per group)
- Discussion and adoption of group recommendations (5 minutes per group).
15.15 TEA

15.30 (18) lessons learned from other Train the Trainers courses. – Dr. Janusz

16.00 (19) Illegal Trade in ODS – Dr. Janusz Kozakiewicz

- Introduction – Recent MP decision on illegal trade. - Dr. Janusz Kozakiewicz

Session 19
- Round Table Discussion: Moderator: Ms. Meenakshi Passi
  Panelists: Participants and Faculty: Mr. S.C. Wadhwa.

16.45 (20) Global and Regional Trade Agreements – Mr. K. M. Nair.

- WTO and Environment.

Session 20
- ASEAN and Environment.
- NAFTA and Environment.
- SAARC and Environment.

14.08.2003

09.30 (21) Teasers in Montreal Protocol – Dr. Janusz Kozakiewicz.
  - Frequently Asked Questions related to Ozone Layer Depletion.

Session 21 - Further clarification of substantive terms and definitions contained in MP (Party Vs. Non-party, ODS, ODS containing product, recovery/recycling/reclamation; feedstock, process agent, essential use/critical use, quarantine and pre-shipment, laboratory and analytical users).

11.00 TEA

11.15 (22) Panel discussion on Eight digit HS Coding
  Introduction – Recent WCO recommendations on new HS Codes for mixtures containing ODS.
  Panelists: Mr. R. Sekar & Dr. Janusz Kozakiewicz

12.00 (23) Problem of illegal trade in ODS from regional perspective.
  - Mr. S. C. Wadhwa, REGMA.

13.00 LUNCH

14.00 (24) Identification of ODS & Group Activity.
  - Dr. Janusz Kozakiewicz & Ms. Meenakshi Passi

Session 24
  Group Activity (identification of One Gas Cylinder)
  - (A) Based on information provided (Chemical Names, Chemical Formula, Trade Name, Customs Code or ASHRAE/UN/CAS Number) and that was supposed to be included in Customs Documents and on information displayed on the label attached to the container.
  - (B) Using ODS Identifier.

15.30 (25) Reporting the group findings of (A) and (B) to the plenary and discussion.

16.00 Course Valediction.
Resource materials for standard module:

- UNEP „Training Manual For Customs Officers”
- India “Country Handbook”
- Photocopies of all presentations
- Special UNEP brochure devoted to illegal trade in ODS “Is there a hole in the MP”
- EIA Brochure „Unfinished Business” devoted to illegal trade in ODS

Resource study materials for the advanced course
(contained in the specially prepared folder handed over to the participants)

1. Session on Teasers in Montreal Protocol
   1.1. List of frequently asked questions related to Ozone Layer Depletion, possibly supplemented with a brochure “Twenty Questions and Answers about the Ozone Layer”
   1.2. Main text of the Montreal Protocol as adjusted and amended, supplemented with:
      (a) letter of the Ozone Secretariat containing corrected summary of the control measures under the MP – Document: OZ.Sec/UNEP/Ozl.Pro/WG1/20/INF/2/Rev.1
      (b) letter of the Ozone Secretariat containing explanation of classification of CFC-113a as a controlled substance – Document OzL/ODS/MG/Im
      (c) list of Parties that don’t wish to receive products and equipment whose continuing functioning relies on Annex A and B substances (Decision X/9)
   1.3. Recent list of Parties to the MP/Amendments
   1.4. Selected Decisions of the Parties (on definitions, on restrictions on trade with non-Parties, on control of trade with Parties, on licensing, on transhipment, on customs codes, on illegal trade, on essential uses)
   1.5. Annex VII to the Report to IX MP dealing with reporting requirements

2. Session on Illegal Trade in ODS
   2.2. Recent decision of the Parties to the MP dealing with monitoring the international trade in ODS and prevention of illegal trade in ODS (Decision XIV/7)
   2.3. Report of the Ozone Working Group to the Plenary Meeting of the Workshop on Enforcement of and Compliance with MEAs (Geneva 1999)
   2.4. Selected fragments of the “ODS Antisnuggling Group – Survey Results and Update” (paper presented at XII MOP in Beijing – 2000)
   2.5. UNEP OzonAction brochure : Illegal trade in ozone depleting substances – is there a hole in the Montreal Protocol?*
   2.7. other EIA leaflets (if available)*

Note: The leaflets/brochures marked * have not been included in this booklet, but will be displayed during the first (3 days) part of the workshop or included in Individual Participant’s Package for that part of the workshop

3. Session on Practical Exercises in Identification of ODS
   3.1. Paper by J. Kozakiewicz on Identification of ODS (presentation prepared for the customs workshops)**
   3.2. Paper by K.M. Nair on HS classification of ODS, ODS-containing mixtures and ODS-containing products (presentation prepared for the customs workshops)**
   3.3. Basic information on identification of pure ODS, ODS-containing mixtures and products under the HS System
   3.4. Recommendation of WCO of 15 July 1999 concerning ODS
   3.5. Draft Recommendation of WCO of 23 June 2003 concerning ODS-containing mixtures
   3.6. Information on Chinese regulation concerning labelling of recycled ODS (sample label included)
Papers marked** will be included in the Individual Participant’s Package prepared for the first (3 days) part of the workshop

4. Session on Case Studies
   4.1. List of case studies for customs officers

5. Additional resource materials
   5.1. EU Regulation 2037/2000 + 2 amendments
   5.2. UNEP Customs Training Manual – will be included in the Individual Participant’s Package prepared for the first (3 days) part of the workshop
   5.3. India Country Handbook - will be included in the Individual Participant’s Package prepared for the first (3 days) part of the workshop
   5.4. Other relevant UNEP brochures – depending on availability

6. Diskette containing the revised power point slides included in UNEP Customs Training Manual that may be used for national customs trainings.

7. Session on Teasers in Montreal Protocol
   7.1. List of frequently asked questions related to Ozone Layer Depletion
   7.2. Main text of the Montreal Protocol as adjusted and amended supplemented with:
      (d) letter of the Ozone Secretariat containing corrected summary of the control measures under the MP, Document: OZ.Sec/UNEP/Ozl.Pro/WG1/20/INF/2/Rev.1
      (e) letter of the Ozone Secretariat containing explanation of classification of CFC-113a as a controlled substance – Document OzL/ODS/MG/Im
      (f) list of Parties that don’t wish to receive products and equipment whose continuing functioning relies on Annex A and B substances (Decision X/9)
   7.3. Recent list of Parties to the MP/Amendments
   7.4. Selected Decisions of the Parties (on definitions, on restrictions on trade with non-Parties, on control of trade with Parties, on licensing, on transshipment, on customs codes, on illegal trade, on essential uses)
   7.5. Annex VII to the Report to IX Meeting of the Parties dealing with reporting requirements

8. Session on Illegal Trade in ODS
   8.1. Background paper by J. Kozakiewicz “Problem of illegal trade in ODS and possible means to solve it”
   8.2. Recent decisions of the Parties to the MP dealing with monitoring the international trade in ODS and prevention of illegal trade in ODS (Decisions XII/10 and XIII/12)
   8.3. Report of the Ozone Working Group to the Plenary Meeting of the Workshop on Enforcement of and Compliance with MEAs (Geneva 1999)
   8.4. Selected fragments of the “ODS Antismuggling Group – Survey Results and Update” (paper presented at XII MOP in Beijing – 2000)
   8.5. EIA Briefing Leaflet displayed at XXI OEWG in Geneva (2001)
   8.7. Fragments of Greenpeace leaflet dealing with illegal trade in ODS

9. Session on Identification of ODS
   9.1. Paper by J. Kozakiewicz on Identification of ODS (presentation prepared for the customs workshops)
   3.7. Paper by J. Kozakiewicz on HS classification of ODS, ODS-containing mixtures and ODS-containing products (presentation prepared for the customs workshops)
   3.8. Basic information on identification of pure ODS, ODS-containing mixtures and products under the HS System
   3.9. Recommendation of WCO of 15 July 1999 concerning ODS
   3.10. Information on Chinese regulation concerning labeling of recycled ODS (sample label included)

10. Session on Case Studies
   4.1. List of case studies for customs officers
11. Additional resource materials
   11.1. EU Regulation 2037/2000 + 2 amendments
   11.2. UNEP Customs Training Manual (supplied to participants at 3-day course)
   11.3. Other relevant UNEP brochures – depending on availability

12. Diskette containing the revised power point slides for use by the participants at the train-the-trainers courses
**ANNEX 10.2  List of participants**

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name of the officer</th>
<th>Designation</th>
<th>Place of working</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Ashok Mehta</td>
<td>Additional Director</td>
<td>NACEN, Faridabad</td>
</tr>
<tr>
<td>2</td>
<td>Manoj K. Arora</td>
<td>Additional Director</td>
<td>NACEN, Faridabad</td>
</tr>
<tr>
<td>3</td>
<td>Deepak Arora</td>
<td>Joint Director</td>
<td>NACEN, Mumbai</td>
</tr>
<tr>
<td>4</td>
<td>C.F. Murugan</td>
<td>Additional Director</td>
<td>NACEN, Chennai</td>
</tr>
<tr>
<td>5</td>
<td>S. Rajkumar</td>
<td>Additional Director</td>
<td>NACEN, Chennai</td>
</tr>
<tr>
<td>6</td>
<td>S. Bhowmick</td>
<td>Assistant Director</td>
<td>NACEN, Kolkata</td>
</tr>
<tr>
<td>7</td>
<td>Mohd. Ali Iqbal</td>
<td>Assistant Director</td>
<td>NACEN, Hyderabad</td>
</tr>
<tr>
<td>8</td>
<td>C. Rajan</td>
<td>Commissioner</td>
<td>Central Excise, Cochin</td>
</tr>
<tr>
<td>9</td>
<td>P. Ayyam Perumal</td>
<td>Additional Commissioner</td>
<td>Central Excise, Chennai II</td>
</tr>
<tr>
<td>10</td>
<td>C.P. Rao</td>
<td>Additional Commissioner</td>
<td>Air Customs, Chennai</td>
</tr>
<tr>
<td>11</td>
<td>K.C. Johny</td>
<td>Joint Commissioner</td>
<td>Central Excise, Chennai-I</td>
</tr>
<tr>
<td>12</td>
<td>D.P. Nagendra Kumar</td>
<td>Additional Commissioner</td>
<td>CC Unit, C.Ex.Bangalore</td>
</tr>
<tr>
<td>13</td>
<td>Smt.T.R.Gajalakshmi</td>
<td>Assistant Director</td>
<td>NACEN, Chennai</td>
</tr>
<tr>
<td>14</td>
<td>John Joseph</td>
<td>General Manager (Customs)</td>
<td>CONCOR</td>
</tr>
<tr>
<td>15</td>
<td>Dr. S. Balaji, IFS</td>
<td>Director</td>
<td>Min. of Environment Govt. of Tamilnadu</td>
</tr>
<tr>
<td>16</td>
<td>Sudhir Kumar Rana</td>
<td>Commandant (JG)</td>
<td>Coast Guard, Chennai</td>
</tr>
<tr>
<td>17</td>
<td>A. Ameer Raza Khan</td>
<td>Asst. Chemical Examiner</td>
<td>Custom House, Chennai</td>
</tr>
<tr>
<td>18</td>
<td>Dr. Amandeep Singh</td>
<td>Deputy Commissioner</td>
<td>Customs, Raxaul</td>
</tr>
<tr>
<td>19</td>
<td>V.M. Vairavan</td>
<td>Superintending Mechanical Engineer (Works)</td>
<td>Chennai Port Trust</td>
</tr>
</tbody>
</table>
### ANNEX 10.3. List of trainers, speakers and invitees

<table>
<thead>
<tr>
<th>S.NO.</th>
<th>NAME AND DESIGNATION</th>
<th>ADDRESS</th>
<th>TELEPHONE/ FAX NUMBER</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Shri K.Madhava Sarma, IAS</td>
<td>Former Addl. Secretary to Govt of India, Executive Secy to Ozone Secretariat of UNEP, Nairobi AB-50, Anna Nagar Chennai-600 040</td>
<td>044-26268924® 044-26200263(f)</td>
</tr>
<tr>
<td>2.</td>
<td>Ms. Parveen Talha  Director General,</td>
<td>National Academy of Customs, Excise and Narcotics (NACEN) Sector-29, Faridabad, Haryana</td>
<td>0129-2504638 0129-2504640® 01292504632(F)</td>
</tr>
<tr>
<td>3.</td>
<td>Mr. S.P. Elangovan , IAS</td>
<td>Secretary, Min of Environment &amp; Forests, Govt. of Tamilnadu</td>
<td>044-25671511(o) 044-25670560(f)</td>
</tr>
<tr>
<td>4.</td>
<td>Dr. Janusz Kozakiewiez</td>
<td>Associate Professor, Director’s Plenipotentiary for Ozone Layer Protection Affairs, Head of Ozone Layer Protection Unit, POLAND</td>
<td>Ph/Fax +48(22)6339291 Ph:+48(22)633 9511 ext.2845 e-mail: <a href="mailto:kozak@ichp.pl">kozak@ichp.pl</a></td>
</tr>
<tr>
<td>5.</td>
<td>Mr. K.M. Nair  Additional Director General</td>
<td>National Academy of Customs, Excise and Narcotics (NACEN) Chennai</td>
<td>044-28294617 044-28152701® 044-28291552(f)</td>
</tr>
<tr>
<td>6.</td>
<td>Mrs. Usha Chandrasekhar  Director (Ozone)</td>
<td>Ozone Cell (MOEF) Core IVB, 2nd Floor, India Habitat Centre Lodhi Road, New Delhi-110003</td>
<td>011-24642176(o) 011-24642175(f)</td>
</tr>
<tr>
<td>7.</td>
<td>Dr. S. Satapathy  Joint Director (PMU)</td>
<td>Ozone Cell (MOEF) Core IVB, 2nd Floor, India Habitat Centre Lodhi Road, New Delhi-110 003</td>
<td>011-24643325(o) 011-24643318(f)</td>
</tr>
<tr>
<td>8.</td>
<td>Ms. Meenaksi Passi  Additional Commissioner</td>
<td>O/o the Commissioner of Central Excise, Mysore.</td>
<td>0821-2476913(o) 0821-2476916® 0821-2476915(f)</td>
</tr>
<tr>
<td>9.</td>
<td>Mr. S. C. Wadhwa</td>
<td>Gujarat Fluoro chemicals Ltd. New Delhi</td>
<td>011-23355796(o) 011-23355797(o) 011-23715164(f) 011-23320792(f)</td>
</tr>
<tr>
<td>10.</td>
<td>Mr. R. Sekhar  Director, Central Excise (TRU), CBEC, New Delhi.</td>
<td></td>
<td>011-23093874(O) 011-23092971(F)</td>
</tr>
</tbody>
</table>
ANNEX 10.4 Workshop recommendations

RECOMMENDATIONS OF THE WORKSHOP ON MONITORING AND CONTROL OF ODS
CONDUCTED AT CHENNAI (11TH TO 14TH OF AUGUST 2003)

EFFECTIVE OPERATION OF ODS IMPORT/EXPORT LICENSING SYSTEM AND ENFORCEMENT
OF ODS REGULATIONS

- ODS Trade Control Cell (OTCC) should be created under CBEC. (Action MoF and MoEF)
- Designation of ODS officers in Custom Commissionerates for dealing specifically with ODS and ODS products import/export should be done. (Action CBEC)
- The power to issue licenses for ODS import/export should be delegated to the proposed ozone trade control cell. (Action CBEC)
- Registration of all categories of registrees being done under the ODS regulations should be done by the Central Excise Department of the CBEC. (Action CBEC)
- The OTCC should conduct a thorough pre-license verification of the applicant before issue of the license. The recommendation of the ozone cell will be taken into account anyway. (Action MoF and MoEF)
- The OTCC should undertake the following: (Action CBEC)
  (i) Co-ordinate with all national and international enforcement agencies as well as the ozone cell for licensing, enforcement, data management and any other such related issues.
  (ii) Maintain a database of all import/exports and persons based on monthly reports from the field formations.
  (iii) Disseminate the information to ALL stakeholders.
  (iv) Collect data relating to all categories of enterprises for ODS and to monitor the phasing out as per the directions and strategy of Ozone Cell.
- Overseas co-ordination of enforcement issues should be done through DRI. (Action CBEC)
- Suitable alterations in the customs tariff to have specific entries for each of the controlled ODS for effective licensing control and creation of database should be brought in. (Action CBEC)
- The existing message exchange servers of customs should be linked up with other stakeholders through the customs gateway. (Action CBEC)
- Designate one port for each license with no relaxation. (Action CBEC)
- There should be provision for fast track trial of ODS offenders and OTCC to get powers under the EPA. (Action MoF and MoEF)
- Section 123 of the Customs act should be amended to include ODS. (The burden of proof should be shifted to the person who is caught with the ODS.) (Action CBEC)
- Under Section 125 of the Customs Act, option of redemption of ODS should not be given. (Action CBEC)
- Section 110 (I) (a) of the Customs Act should be amended to facilitate pre-trial disposal. (Action CBEC)
- The scope of licensing should be expanded to include in-land and coastal transit also. (Action MoF and MoEF)
- The Customs act should be suitably amended to bring transshipment of ODS under control. (Action CBEC)
- Linking of all airports, LCS stations, through intelligence network, and to exchange of data of import, export; transshipment, seizure, modus operandi etc should be done. (Action CBEC)
- Environment preventive units should be set up at the areas where smuggling of ODS is prevalent across border and to check illegal trade. (Action CBEC)
- Provision of a legal framework for storage disposal in the form of rules should be brought in. (Action CBEC)
- Provision of Testing equipments in mobile units of CBEC for ODS identification should be made mandatory. Also to the Chemical labs. (Action CBEC)
- Power to search seizure and arrest to customs and central excise officers should be given. The financial limits for arrest and prosecution should not apply to ODS smugglers. (Action MoF and MoEF)
- Restriction of import and export of ODS should supersede every other trade facilitation measures like EOU/ SEZ etc.
- Rewards should be based on quantity of seizure and not on the value.
- Role of REGMA should be defined in terms of implementation of regulatory mechanism. *(Action CBEC and REGMA)*
- The WCO recommendations of 1999 and 2003 should be followed. A core committee should be formed to deliberate and make changes as required for the appropriate classifications for ODS. The Ministry of Environment should actively be a part of this committee.
- The refrigeration service sector should be brought under the registration network of the Central Excise. Mechanics should also be brought under Service Tax. *(Action CBEC)*

**ACTION PLAN FOR PHASE II TRAINING:**

- The officers at the cutting edge level of the examiners, appraisers, preventive officers (including superintendents), chemical examiners and Assistant Commissioners/ Deputy Commissioners in all customs formations should be trained. Officers at the level of asst. traffic manager/section Suprintendent of traffic dept. of the various port trusts or air cargo complex or custodians of ICDs can also be trained so that at the time of discharging of cargo they can segregate ODS from other cargo and store it in the hazardous shed. *(Action NACEN)*
- For those services, which have their own training institutes, training on this subject may be undertaken by them. NACEN may take up training on this subject, wherever requested for and required by any other organization. *(Action NACEN)*
- The ideal group for training should be of between 20-30 trainees. *(Action NACEN)*
- The course content should be different for different levels of officers. Officers at the level of A.C.s / D.C.s and those involved in appraising should have a conceptual basis. While the officers who inspect the goods should have a greater exposure to the physical characteristics of the goods. The number of courses should be accordingly designed. *(Action NACEN)*
- The regional ADGs of NACEN should be entrusted with the task of choosing the local trainers. *(Action NACEN)*
- In addition to what has been supplied the following books may be added to the participant’s portfolio: *(Action NACEN and Ozone Cell)*
  - (a) Environment protection Act;
  - (b) Rules and regulations under the act
  - (c) Compilation of CBEC circulars
- While for the group which have to have conceptual basis there can be more emphasis on topics enumerated up to session 5 of annex D7(page no.159 of training manual). On the other hand the group of actual examining officers should have greater emphasis on session 7 onwards covering primarily identification and sampling. *(Action NACEN)*
- In both cases a new topic covering Indian explosive act and gas cylinder rules should be added. The relevant study material also may be supplied. *(Action NACEN)*
- DG NACEN and Director Ozone Cell may monitor the training together. *(Action NACEN and Ozone Cell)*
- The DG NACEN and RTIs should train the trainees in their centers. Where the RTIs are not there the Chief Commissioner can train their officers at their respective head quarters. ADGs of RTIs should monitor the effect of the workshop. *(Action NACEN)*
- The monitoring should be done by the DG NACEN with regard to the actual training coverage. With regard to the actual effect of the training CBEC can monitor based on periodic reports from CCs and DG NACEN. *(Action NACEN)*
- The Secretary, MoEF should be reported about the effect of the training, who can in turn report to the UNEP. *(Action NACEN)*
- The lead trainers of NACEN and those identified by NACEN should be trained abroad in different workshops to keep them updated. *(Action NACEN)*

*These recommendations are accepted by the group on the 14th of August 2003.*
ANNEX 10.5 Evaluation by the participants

This annex concerns evaluation of the workshop by the participants summarised based on the evaluation questionnaires received.

Evaluation Questionnaire for the workshop

The following questionnaire was given to participants to evaluate the workshop. The responses are tabled in a graph at the end of this Annex. The rating “1” stands for poor performance and the rating “5” for excellent performance.

1. What is your overall evaluation of the course?
2. Did the course provide the information you expected?
3. Was the communication between participants possible and useful?
4. Was the composition of the audience adequate?
5. As far as the contents of the presentation are concerned, did you find them adequate in explaining the following issues:
   a) Environmental and human health consequences of ozone layer depletion?
   b) International response to ozone layer depletion (Montreal Protocol)?
   c) National obligations and phase-out strategy (RMP)?
   d) Regulatory framework for the national import/export licensing system?
   e) Problem of illegal trade of ODS?
   f) Role of customs officers in enforcing the import/export licensing system?
   g) Role of other stakeholders in implementing the import/export licensing system?
   h) How to identify ODS and equipment containing ODS and the use of ODS identifying equipment?
   i) Issues relating to safe storage and handling of ODS?
   j) Data reporting requirements and procedures?
   k) Enforcement and penalties

6. Did the training course provide you with adequate information regarding the subsequent training of the remaining customs officers?
7. Did the training course provide appropriate training material as the basis for the subsequent training of the remaining customs officers?
8. Can you think of any additional material that should be included in the "UNEP Customs Training Manual" to enable it to better achieve its goals?
9. Can you think of any additional material that should be included in the “India Country Handbook on National Regulations and Import / Export Licensing System for Phasing out of ODS” to enable it to better achieve its goals?
10. Please give additional comments about the quality of the course and how similar courses could be improved.

The following section includes feedback and suggestions received from the workshop participants concerning (a) the workshop itself – Q10, (b) The India Country Handbook – Q9 and (c) the UNEP Customs Training Manual” - Q8:
(a) General evaluation of and possible improvements to Phase I customs training

- The quality of the course was excellent.
- It was highly informative course. Infrastructure and other arrangements were excellent.
- Excellent course, both in contents and conduct. Immediate task will be to train officers of customs in the Docks Examination and Appraising Group in 2&DEEB Section and in the Intelligence Wing
- The quality of the course was excellent. Interaction was meaningful.
- The duration of the course was very short. If the course is kept for a week, there can be more individual participation. Anyway, presentation and participation of the present course was really very good.
- A detailed video projection on ozone layer depleting process may be considered
- The introductory session should start with a high school level chemistry and geography, as most of the non-science participants are not able to appreciate the technical terms. Overall – an excellent course. Personally, I’m fully prepared to take a training of officers on ODS issues all by myself.
- All the chemical examiners and other officers from the customs laboratory may be called for such workshops on rotation basis
- The quality of the course was very good, but it was filled with too many lectures. More interaction seminars cound be added
- Role of other stakeholders to be presented adequately vis-avis the role of customs

(b) Comments to India Country Handbook

- The country Handbook should be re-written to make it more user-friendly. It should have a quick guide included separately
- Environmental laws, regulations and hierarchical set-up should be added, so as to have better coordination
- Provisions of Environment Protection Act, base regulation on ODS 2000 (complete) and all relevant notifications on the subject should be included
- Gas cylinder rules and Indian Explosives Act could be included
- Case studies in the context of Indian experience should be included

(c) Comments to the UNEP Customs Training Manual

- Material supplied is sufficient
- A little more chemistry on ozone layer depletion by ODS could be included
- WCO recommendations in respect of illegal trade, investigation methods, techniques etc. should be added
CUSTOMS WORKSHOP EVALUATION - CHENNAI, INDIA 2003
(19 of 19 questionnaires returned)

1=POOR  2  3  4  5=EXCELLENT