REPORT OF THE FIRST JOINT SEAP-SA CUSTOMS – OZONE OFFICERS COOPERATION WORKSHOP
(3rd SEAP workshop – 1st SA workshop)

13th – 15th OCTOBER 2003
PHUKET, THAILAND
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Final Agenda

MONDAY 13 OCTOBER 2003

OPENING OF THE MEETING

09:00 – 09:20 Opening statements
Ms. Katarina Axelson, SEI, Sweden
Leo Heileman, Network & Policy Manager, UNEP CAP
Introduction of the workshop and its objectives
Ludgarde Coppens, Policy & Enforcement Officer, UNEP ROAP-CAP

LESSONS LEARNT FROM THE SEAP CUSTOMS-ODS OFFICERS COOPERATION

9:20 – 10:20 Report and follow-up on the achievements to date of the Regional cooperation for monitoring and control of ODS consumption in the SEAP Region
Thanavat Junchaya, SEAP Regional Network Co-ordinator, UNEP ROAP-CAP
Questions & Answers

10:20 – 10:40 TEA/COFFEE BREAK

PREVENTION OF ILLEGAL TRADE AT THE NATIONAL LEVEL

10:40 – 11:00 National training of customs officers: objectives; methodology; responsibilities of and co-operation between NOU and Customs for conducting effective trainings - Effect of trainings on regional enforcement
Mr. R.P.D. Tharaka Seneviratne, Deputy Director, Customs, Sri Lanka

11:00 – 11:20 Key elements in legislation to enable action to prevent illegal trade
Ludgarde Coppens, Policy & Enforcement Officer, UNEP ROAP-CAP

Ismail Ithin, Chief of Ozone Protection Unit, Malaysia
Mr. Sombat Chartchaiyawaivit, Customs Chief Inspector, Thailand
Ms. Ma Qi, Division Director, National management Office ODS Import Export, China

12:10 – 13:15 LUNCH

13:15 – 15:15 Discussions in working groups:
SEAP Working Group I: Key elements in legislation to enable action to prevent illegal trade
SEAP Working Group II: Optimising the results of Customs training:
- Necessary pre-conditions
- Ensure sustainability
SA Working Groups IIIa & IIIb: Model agreement for cooperation between NOU and Customs
- Identify and clarify responsibilities to monitor and control import/export of ODS
- Problems in establishing an agreement
- Potential solutions to overcome barriers

15:15 – 15:35 Coffee / Tea Break

15:35 – 16:15 Conclusions from the working groups I, II and III

INVESTIGATION OF ILLEGAL TRADE

16:15 – 16:45 Experience on smuggling methods in countries
Environmental Protection Unit, Intelligence & Enforcement Group, Philippines
Mr. Sombat Chartchaiyawaivit, Customs Chief Inspector, Thailand

16:45 – 17:45 Round-table: Follow up on CFC smuggling by countries
Moderator: Thanavat Junchaya
Setting up recovery & recycling shops as a business cover
Huge increase in import of HCFC-22
General discussion

18:00 - Reception hosted by UNEP

TUESDAY 14 OCTOBER 2003

GATHERING OF INFORMATION ON POSSIBLE ILLEGAL TRADE

09:00 – 09:30  Public-Private Sector partnerships (Cancelled)
              Dr. A. Mukherjee, Chief Technical Adviser, ESCAP

Experiences of industry with illegal trafficking of ODS and suggestions on possible cooperation
with the Government to prevent illegal trade

Mr. Wadhwa, REGMA, India

10:10 – 10:30  COFFEE/TEA BREAK

10:30 – 11:00 Implementation of Decision XIV/7 of the 14th Meeting of the Parties
              Ludgarde Coppens, Policy & Enforcement Officer, UNEP ROAP-CAP

11:00 – 13:00 Discussions in working groups:
             Working Group IV: How can the Government mobilise industry into the prevention of illegal
             trafficking of ODS
             Working Group V: Implementation of Decision XIV/7 of the 14th MOP:
             Monitoring international transit trade (para 1)
             Role of UNEP (para 6 clause 1)
             Working Group VI: Implementation of Decision XIV/7 of the 14th MOP:
             Information flow between countries and Ozone Secretariat (para 7 clause 3)
             Role of the Ozone Secretariat: Article 7 data (para 7 clause 4)

13:00 – 14:00 LUNCH

14:00 – 14:40 Conclusions from the working groups IV, V and VI

REGIONAL LEVEL COOPERATION

14:40 – 15:40 Recommendations and conclusions on information exchange Regional
             Network Co-ordinator, UNEP ROAP-CAP
             Presentation of the fact sheets prepared by countries
             Ludgarde Coppens, Policy & Enforcement Officer, UNEP ROAP-CAP

15:40 – 16:10 Information exchange between a limited number of countries:
             Information exchange and cooperation between Mongolia, China and Russia on
             control and monitoring of ODS trade
             Prof Adysuren, Director National ozone Authority, Mongolia
             Information exchange and cooperation between Nepal, China and India on control
             and monitoring of ODS trade
             Mr. Shrestha, Birguni Customs Office, Nepal

16:10 – 16:30 Tea/Coffee Break

16:30 – 17:30 Roundtable discussion: The Mongolia and Nepal Initiatives
             Moderator: Ms. Ma Qi, China
             Usefulness for other groups of neighbouring countries
             How to harmonise with cooperation at different levels

WEDNESDAY 15 OCTOBER 2003

REGIONAL LEVEL COOPERATION

08:30 – 09:00 Overview of regional organizations
             L. Coppens, Programme Officer (Policy & Enforcement), UNEP ROAP-CAP

09:00 – 09:30  Illegal trade of ODS in the Asia Region and how to encourage the reporting of CFC smuggling
                from the countries to RILO
                Integration of the ODS issue in RILO-CEN existing workshops, in view of the MOU between
                UNEP and WCO
Mr. Hidehiko Muramatsu, RILO AP

09:30 – 10:00 Role of EIA, and Interpol – suggestions for further co-operation with countries in the Region
  Mr. Von Bismarck, Senior Investigator, EIA

10:00 – 10:20 COFFEE/TEA BREAK

10:20 – 12:30 Discussions in working groups:
  Working Group VII: Framework for information / intelligence sharing between countries in the Region
  Working Group VIII: Enhancing co-operation with RILO, WCO
    ♦ Role of RILO, WCO
    ♦ Elements for cooperation
    ♦ Plan of Action
  Working Group IX: Enhancing co-operation with EIA, Interpol
    ♦ Role of EIA, Interpol
    ♦ Elements for cooperation
    ♦ Plan of Action

12:30 – 13:00 Conclusions of the working groups

13:00 – 14:00 LUNCH

ENFORCEMENT TOOLS

14:00 – 14:20 The Pakistan computerized system for monitoring ODS trade
  Mr. Muhammad Ramzan, Customs Officer, Pakistan

14:20 – 15:00 Desk Study by countries
  L. Coppens, UNEP ROAP-CAP
  Discussion: next steps

15:00 – 15:20 Tea/Coffee Break

NEXT STEPS

15:20 – 16:20 Briefing on available assistance under the project
  Thanavat Junchaya, UNEP
  Roundtable discussion:
    ♦ Possible demonstration projects to develop management/enforcement tools, ..
    ♦ Intelligence gathering and sharing

CONCLUSION OF THE MEETING

16:20 – 17:50 Conclusions and recommendations

16:50 – 17:00 Closing remarks

2 List of Participants

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<tr>
<th>Network Country</th>
<th>Participant Name</th>
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<tr>
<td>Bangladesh</td>
<td>Dr. Satyendra Kumar Purkayastha</td>
<td>Senior Officer, Ozone Cell</td>
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<td>Brunei</td>
<td>Mr. Haji Bakar Haji Ludin</td>
<td>Superintendent of Customs</td>
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<td>Cambodia</td>
<td>- Mr. Pak Sokharavuth</td>
<td>- Ozone Officer</td>
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<td>- Mr. Kong Sokphallakun</td>
<td>- Customs Officer</td>
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<td>China</td>
<td>- Mr. Lirong Yang</td>
<td>- Deputy Director, Project Management Division III, FECO</td>
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<td>- Ms. Ma Qi</td>
<td>- Division Director; National Management Office ODS Import &amp; Export</td>
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<td>Fiji</td>
<td>Mr. Semesa Bulikiobo</td>
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<td>India</td>
<td>- Ms. Usha Chandrasekhar</td>
<td>- Director, Ozone Cell</td>
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<td>- Mr Sanjeev Sachdeva</td>
<td>- Additional Director General, Customs</td>
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<td>Organisation</td>
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<tr>
<td>RILO Asia &amp; Pacific</td>
<td>Mr. Hidehiko Muramatsu</td>
<td>Intelligence Analyst</td>
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<td>EIA</td>
<td>Mr. Alexander von Bismarck</td>
<td>Senior Investigator</td>
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<td>Gujarat Fluorochemicals Ltd</td>
<td>Mr. S.C. Wadhwa</td>
<td>Vice President Corporate Marketing</td>
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<td>UNIDO</td>
<td>Mr Viktar Shatrauka</td>
<td>Montreal Protocol Branch</td>
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<td>UNEP CAP</td>
<td>- Mr. Leo Heileman</td>
<td>- Network &amp; Policy Manager</td>
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<td></td>
<td>- Ms. Ludgarde Coppens</td>
<td>- Policy &amp; Enforcement Officer</td>
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<td></td>
<td>- Mr. Thanavat Junchaya</td>
<td>- Regional Network Coordinator</td>
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<td>- Ms. Cecilia Mercado</td>
<td>- Programme Officer (MB)</td>
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<td>- Ms. Fu Lu</td>
<td>- Intern UNEP ROAP</td>
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**Indonesia**
- Ms. Kusmulyani Sugiarto
- Mr. Hendra Prasmono
- Mr. Ari Darmawan Pasek
- Staff to the Deputy for Environmental Conservation
- Chief Environment Section; Customs Technology Institute of Bandung

**Iran**
- Mr. Fereidoun Rostami
- Ms. Nayereh Aleyasin
- Manager, Ozone Layer Protection Unit
- Customs Department Administration

**DPR Korea**
- Mr. Kim Yong U
- Mr. Kim Yun Hum
- National Ozone Coordinator
- National Coordinating Committee for Environment

**Lao PDR**
- Mr. K. Inpenglasabout
- Mr. Thevorack Phonekeo
- Director; Customs Officer

**Malaysia**
- Mr. Ismail Ithnin
- Ms Mazwin Mohamad
- Chief; Ozone Protection Section
- Environmental Officer

**Maldive**
- Mr. Mohamed Anwar
- Mr. Moosa Ibrahim
- Deputy Director, Customs Service
- Assistant Research Officer, NOU

**Mongolia**
- Prof. Ts. Adyasuren
- Ms. Byambaa Dashzeveg
- Director, National Ozone Authority
- Customs State Inspector

**Myanmar**
- Mr. U Myo Khant
- Mr. Aye Tun,
- Head of Branch; National Commission Environmental Affairs
- Staff Officer; Customs Department

**Nepal**
- Mr. Govind Prasad Shrestha,
- Customs Officer

**Pakistan**
- Mr. Muhammad Shaukat
- Mr. Muhammad Ramzan,
- Deputy Director, Ozone Cell
- Member Central Board of Revenue, Customs

**Philippines**
- Mr. Prudencio Calado III
- Mr. Nicomedes Enad
- Ms. Teresita F. Abad
- Program Manager, Philippine Ozone Desk
- Bureau of Customs
- Special Assistant; Bureau of Customs

**Singapore**
- Ms. Rohaya Saharom
- Ozone Officer; Senior Engineer

**Sri Lanka**
- Dr. W.L. Sumathipala
- Mr. Tharaka Seneviratne
- Director; National Ozone Unit
- Deputy Director, Customs House

**Thailand**
- Ms. Bongkoch Kittisompun
- Ms. Wassana Leksomboon
- Mr. Naratip Lauhatiranananda
- Mr. S. Chartchaiyawawit
- Manager, Ozone Protection Unit
- Ozone Protection Unit
- Ozone Protection Unit
- Customs Chief Inspector

**Viet Nam**
- Mr. Nguyen Kim Tuyen
- Dr. Nguyen Duy Thong
- Ozone Officer, National Office Climate Change & Ozone Protection
- Chief of Division, Customs
3 Objectives of the workshop

- To inform the SA network countries about the recommendations of the first and second workshop of SEAP network countries in 2002, as well as other activities undertaken so far under the SEAP project
- To explore activities for prevention of illegal trade at different levels:
  - National activities and cooperation between stakeholders at the national level
  - Regional cooperation between neighbouring countries
  - Cooperation with Regional Organisations
- To follow-up on results of the first part of the desk study and discussion of further steps

4 Summary

4.1 Structure of the Workshop
Since this was the first workshop for SA network countries, it was important to inform them about the results so far achieved by the SEAP network.

Nine working groups discussed different aspects of cooperation at different levels. Representatives from both countries and different organizations were invited to introduce the different subjects before the workshops met. Background material was also provided to all participants. Guide questions were used although groups felt free to discuss any relevant item under the theme at hand. Each working group then reported back to the plenary, followed by a general discussion. Annex 1 gives reports in more detail on the activities of working groups.

The outcome of the three-day discussions formed the basis for conclusions and recommendations to be adopted unanimously by all participants.

All presentations can be obtained through UNEP-ROAP. A list is attached in Annex 3.

4.2 Opening Session
Mr. Leo Heileman, Network and Policy Manager of CAP, highlighted the importance of the workshop as illegal trade has emerged as a serious issue affecting ODS consumption in several countries. Since the SEAP and SA regions are the only ones to have specific initiatives to enhance practical cooperation between customs and ODS officers in the region, he noted that the outputs will also be very useful for other regions where such cooperative mechanisms do not yet exist.

On behalf of Ms. Katarina Axelsson, Mr. Thanavat Junchaya reminded the participants of the background and goals of the Swedish project.

4.3 Lessons learnt from the SEAP Customs-ODS Officers cooperation
For the benefit of the SA region, Mr. Junchaya briefed the participants on the outcomes of the two SEAP workshops held in 2002. The major outcomes include:
- Strengthen cooperation between customs and NOU where four countries (Fiji, Malaysia, Philippines and Thailand) have established formal agreements to define the responsibilities between the two agencies. It should be also pointed out that other countries have had established cooperation on an informal basis.
- Agreement to exchange information such as the list of official importers and exporters of ODS and on seizure cases.

On the development of risk profiling, the SEAP network countries were shown NIPS (Numerically Integrated Profiling System), which is the tool used by the Customs and Justice Departments in the US for addressing illegal trade of CFCs. Further training and applications of NIPS in the SEAP region are being planned. They should be expanded to the South Asia Region.

4.4 Prevention of illegal trade at the national level
Three important issues related to prevention of illegal trade at the national level, were covered:
- Customs training
- Legislation
Cooperation between customs and NOU

Mr. R.P.D. Tharaka Seneviratne, Deputy Director from the Customs Department in Sri Lanka gave a presentation on national training of customs officers, based on the Sri Lanka experience with implementing the RMP. He covered objectives, methodology, responsibilities of and co-operation between NOU and Customs for conducting effective trainings. He also highlighted the relevance of national customs training for regional cooperation and enforcement. His presentation formed the basis for discussions in Working group II on how to optimise the results of Customs training, through creation of the necessary pre-conditions and by ensuring sustainability. As a result of the discussions, the following recommendation was adopted:

To optimise the results of customs training, the establishment of reliable and effective ODS licensing system, and development of a national customs handbook are essential.
To ensure sustainability, the customs need to incorporate ODS checking as part of their inspection procedure and each checkpoint should have access to an identifier.
ODS training [and other MEA] should be part of the customs training curricula and be renewed on a yearly basis or every two years.
Public awareness raising activities are necessary as a supportive measure to optimise enforcement of legislation.

Ms. L. Coppens introduced Key elements in legislation to enable action to prevent illegal trade, as background for discussions in Working Group I.

Malaysia, Thailand and China explained cooperation mechanisms between national agencies involved in control and monitoring of ODS. Working Groups III a & b explored how such cooperation could be improved.

The conclusion of the meeting was:

While it was not felt necessary by some countries to have a formal MOU signed between Customs Authorities and the NOU, the Group does recommend that both Departments should cooperate very closely with regard to monitoring and control of ODS, including customs training and intelligence sharing for investigation. To facilitate this cooperation, it is essential that a focal point be designated in each Department within the country that the NOU can contact.

It must be noted that the conclusion reached by SA network countries is less explicit than the conclusion reached by the SEAP network at its first meeting in 2002, which requested countries to strengthen cooperation between Customs and NOU through an informal or formal agreement that clearly defines the responsibilities between the two agencies. Some South Asia countries felt that responsibilities between both agencies are clear, and that no further agreement would be necessary. However, they focused more on the need to improve close cooperation through the designation of a focal point.

4.5 Investigation of illegal trade

Philippines and Thailand informed participants about the experience gained through investigative work in their country on smuggling methods used. Two smuggling cases were caught in Philippines during 2003. In the first case, CFC-12 was misdeclared as HFC-134a but the stated price of HFC-134a was too low, which raised the suspicion of the officers. In the second case, CFC-12 containers were hidden behind two layers of HCFC-22 in a container. One case in Thailand was reported where the customs officials found unclaimed CFC-12 cylinders stored in a northeast border town.

A round table discussion extended the exchange of information on smuggling methods used in different countries.

Smuggling methods used in SEAP and SA regions were through misdeclaration, mislabelling, concealment, and the smuggling of CFCs through an army of smugglers that carry small quantities across the porous border between countries.

4.6 Gathering of information on possible illegal trade
At its 14th Meeting, Parties to the Montreal Protocol adopted a decision on “Monitoring of trade in ozone-depleting substances and preventing illegal trade in ozone depleting substances”. Para 1, Para 6 clause 5, and Para 7 clause 3 &4 all deal with different aspects of information gathering by countries, the Ozone Secretariat and UNEP DTIE. For all actors to be able to implement the decision in a meaningful way, it is important to clarify the roles and ways of exchanging information. These issues were analysed in working groups V and VI.

On information exchange with the Ozone Secretariat, the following recommendation was adopted:

*Information regarding detections of illegal trade should be shared as soon as possible after the seizure has taken place. While legal restrictions may prevent sharing full information, the following elements could be shared immediately:*

- Quantity seized
- Value of the seized good
- Date of seizure
- Description of the goods
- Place of seizure
- Modus operandi
- Country of origin / transit points

*Information regarding illegal trade before a seizure takes place can only be shared on a case-by-case and need basis. Possible sources for such information may be industry and users, other agencies, and informers.*

The issue of control of international transit trade was discussed extensively in the small working group as it became clear that definition of transit, free trade zones, etc. complicate controls by government officials. Nevertheless, some suggestions were made for mechanisms to be further explored to facilitate these controls, as per the following conclusion of the meeting:

*The group suggested that a system similar to the ATA-CARNET system might be a useful way for countries to monitor and control transit of ODS. It would involve a licensing document accompanying the goods that contains a separate sheet for every transit country, which is kept by the customs authorities in each transit country upon entry. The Group may consider the possibility for introducing such a control system to be discussed during the next MOP based on a CRP that could be tabled by one or more countries in the network.*

Being an important player in the market of ODS, industry may have access to information which might be difficult to gain by government agencies. Mr. Wadhwa from Gujarat fluorochemicals Ltd, a major producer of ODS in India, was invited to present his views on possible cooperation between industry and NOU / customs. The subject was further discussed in working group IV: “How can the Government mobilise industry into the prevention of illegal trafficking of ODS”.

Participants reached the following conclusion on cooperation between industry and Government:

*Cooperation between industry and the Government is important in preventing illegal trade and to improve intelligence gathering, especially from producers and importers. It is important that each country introduces quota for production, import and export.*

*Following actions may be considered to organize this cooperation:*

- Organise regular consultations and involvement of industry at the time of drafting of legislation and regulations
- Install a formal committee / group to steer consultations between enforcement departments and industry
- Involve industry through relevant industry associations wherever possible
- Guarantee the confidentiality of data when requested
- Establishment of a reward system to encourage informers to report illegal activities
- Survey the local market with the help of industry, as this may give a clue of availability of illegal material
- Blacklist the illegal producers and traders and make it public

### 4.7 Regional level cooperation

Mr. T. Junchaya presented the recommendations and conclusions on information exchange between SEAP countries.

*The South Asia members fully endorse the above-mentioned recommendations.*
Prof. Adysuren and Mr. Shrestha presented the outcome of the Mongolia and Nepal Dialogues. The dialogues were organised to discuss in depth problems related to trade of ODS between neighbouring countries. Customs officers active at the border were present to highlight specific problems related to border controls of import and exports of ODS. A roundtable discussion moderated by Ms. Ma discussed the usefulness of these discussions and explored the necessity for other groups of countries to initiate such dialogue. It was concluded that:

During the next Workshops of Ozone and Customs Officers, at least half a day should be scheduled for countries to discuss bilaterally, between neighbouring countries, or with the producing countries, on specific issues relating to illegal trade.

Ms. Coppens gave an overview of regional organizations, and requested member countries to consider which organizations should be invited at the next workshop to discuss initiating cooperation and information exchange. She also introduced the recently signed MOU between WCO and UNEP.

The group welcomes the MOU between UNEP and WCO, in particular Article 4 last paragraph on technical cooperation.

RILO for Asia and the Pacific, represented by Mr. Muramatsu, gave an overview of its activities in the Asia region with regard to intelligence work related to ODS trade. Mr. Von Bismark from the Environmental Investigation Agency explored possible ways in which the work of EIA could be coordinated with activities in the Asia networks.

Two working groups explored possible ways to improve cooperation with RILO, WCO, and EIA. On cooperation with RILO, countries adopted the following recommendation:

Easy access by different national enforcement authorities to intelligence reports on ODS from RILO is recommended. To this end, following actions may be taken:

- Network member countries who have not yet done so should apply for access to CEN by sending electronic application form to WCO through a national contact point
- Formation of an inter-agency committee between NOU and Customs, including the RILO focal point
- Countries with large borders should appoint a Customs officer in charge in each regional border office, acting as a liaison with the NOU for channelling of information
- Intelligence received from RILO should be forwarded to UNEP for further dissemination in the Region

While many countries would like to receive more clarification of the work of EIA, several activities were identified that may help the prevention of illegal trade in the Region:

EIA could assist countries through the following activities:

- Compilation of cases of illegal trade (success stories) may help countries to obtain high level support
- Presentation of success stories may also assist in getting publicity and broaden the interest in the illegal trade issue for ODS in general
- EIA may be able to assist countries during undercover work and investigations
- Countries may provide information to EIA on a voluntary basis
- EIA may assist the countries in integrated training on trade related MEAs by providing technical expertise and experience.
- EIA can provide assistance in improving and developing ODS enforcement regime in countries, whenever requested.

4.8 Enforcement tools

Mr. Muhammad Ramzan, Customs Officer of Pakistan explained the Pakistan computerized system for monitoring ODS trade to participants.

Ms. Coppens sketched progress on the desk study. The first part of the desk study questionnaire which was send to all countries aimed at designing information sheets on ODS licensing for different countries. These info sheets could be used during daily activities related to transboundary movements of ODS. Lists of importers and exporters for each country should facilitate the process of issuing a license as the officer could immediately see whether the actors (importer/exporters) are registered in the other country, and whether the substance/equipment can be imported from/exported to another
country. Details of officers that can be contacted for information at the time of issuing a license, or while executing controls at the border or during an investigation of possible illegal trade, are also included in the info sheets.

She clarified that little conclusions could be reached from the second part of the desk study that aims at analysing movements of ODS (import/export/transit) in the Region and beyond, due to limited response by countries.

After discussion on how to continue the work on the desk study, the meeting agreed to the following recommendation:

All countries are requested to provide the questionnaire response before end of December 2003, providing as much detail as possible. Countries may indicate in the comments why certain information may not be available in their country.

UNEP will present the results of the analysis of data provided in the desk study questionnaire Part A to the next SA-SEAP Workshop for Ozone and Customs Officers. The group may then decide on the usefulness of continuing the exchange of such data on a regular basis.

Members will discuss through the ozone-customs e-forum on further elements to be analysed and agree on the modalities for such study.

4.9 Next steps

Mr. Junchaya informed the meeting about the available assistance under the Swedish project to help countries in the development of management tools to address illegal trade of ODS. One tool mentioned earlier was the NIPS that could be integrated with the existing online goods clearance system to screen ODS shipments. Ma Qi expressed interest in getting assistance for China to strengthen their control of ODS export.

5 Conclusions and Recommendations

1. Recommendations on information exchange adopted by SEAP countries in 2002

The South Asia members fully endorse the above-mentioned recommendations.

2. Cooperation between NOU and Customs

While it was not felt necessary by some countries to have a formal MOU signed between Customs Authorities and the NOU, the Group does recommend that both Departments should cooperate very closely with regard to monitoring and control of ODS, including customs training and intelligence sharing for investigation. To facilitate this cooperation, it is essential that a focal point is designated in each Department within the country that the NOU can contact.

3. Customs Training

To optimise the results of customs training, the establishment of reliable and effective ODS licensing system and development of a national customs handbook, are essential.

To ensure sustainability, the customs need to incorporate ODS checking as part of their inspection procedure and each checkpoint should have access to an identifier.

ODS training [and other MEA] should be part of the customs training curricula and be renewed on a yearly basis or every two years.

Public awareness raising activities are necessary as a supportive measure to optimise enforcement of legislation.

4. Cooperation between industry and Governments

Cooperation between industry and the Government is important in preventing illegal trade and to improve intelligence gathering, especially from producers and importers. It is important that each country introduces quota for production, import and export.

Following actions may be considered to organize this cooperation:

- Organise regular consultations and involvement of industry at the time of drafting of legislation and regulations
- Install a formal committee / group to steer consultations between enforcement departments and industry
- Involve industry through relevant industry associations wherever possible
5. **Info sheets as developed based on the completed desk study questionnaire by countries in SA and SEAP**

All countries that have not yet done so are requested to send the completed questionnaires to UNEP by the end of 2003. The information contained in the information sheets should be updated on a yearly basis and shared initially within the SEAP-SA networks. UNEP should consult with the RNC of the other Regional Networks to encourage them to have similar info sheets prepared for the network countries in their regions. UNEP should also contact the NOU in Article 2 countries with the request that they develop similar info sheets for global distribution. The information sheets for all countries then may be made available globally.

6. **Desk Study**

All countries are requested to provide the questionnaire response before end of December 2003, providing as much detail as possible. Countries may indicate in the comments why certain information may not be available in their country. UNEP will present the results of the analysis of data provided in the desk study questionnaire Part A to the next SA-SEAP Workshop for Ozone and Customs Officers. The group may then decide on the usefulness of continuing the exchange of such data on a regular basis. Members will discuss through the ozone-customs e-forum on further elements to be analysed and agree on the modalities for such study.

7. **Small Group Country consultations**

During the next Workshops of Ozone and Customs Officers, at least half a day should be scheduled for countries to discuss bilaterally, between neighbouring countries, or with the producing countries, on specific issues relating to illegal trade. UNEP should consider the possibility, within available resources, to facilitate discussions between Philippines and China.

8. **International Transit Trade**

The group suggested that a system similar to the ATA-CARNET system might be a useful way for countries to monitor and control transit of ODS. It would involve a licensing document accompanying the goods that contains a separate sheet for every transit country, which is kept by the customs authorities in each transit country upon entry. The Group may consider the possibility for introducing such a control system to be discussed during the next MOP based on a CRP that could be tabled by one or more countries in the network.

9. **Cooperation with RILO**

Easy access by different national enforcement authorities to intelligence reports on ODS from RILO is recommended. To this end, following actions may be taken:

- Network member countries who have not yet done so should apply for access to CEN by sending electronic application form to WCO through a national contact point
- Formation of an inter-agency committee between NOU and Customs, including the RILO focal point
- Countries with large borders should appoint a Customs officer in charge in each regional border office, acting as a liaison with the NOU for channelling of information
- Intelligence received from RILO should be forwarded to UNEP for further dissemination in the Region

10. **Information exchange between countries and the Ozone Secretariat**

Information regarding detections of illegal trade should be shared as soon as possible after the seizure has taken place. While legal restrictions may prevent sharing full information, the following elements could be shared immediately:

- Quantity seized
Information regarding illegal trade before a seizure takes place can only be shared on a case-by-case and need basis. Possible sources for such information may be industry and users, other agencies, and informers.

11. Cooperation with EIA
EIA could assist countries through the following activities:
- Compilation of cases of illegal trade (success stories) may help countries to obtain high level support
- Presentation of success stories may also assist in getting publicity and broaden the interest in the illegal trade issue for ODS in general
- EIA may be able to assist countries during undercover work and investigations
- Countries may provide information to EIA on a voluntary basis
- EIA may assist the countries in integrated training on trade related MEAs by providing technical expertise and experience.
- EIA can provide assistance in improving and developing ODS enforcement regime in countries, whenever requested.

12. MOU between WCO and UNEP
The group welcomes the MOU between UNEP and WCO, in particular Article 4 last paragraph on technical cooperation.

6 Next Workshops
The next workshop will be held in Agra, India in April 2004
Annex 1: Breakout Sessions

Working Group sessions were organized on each major subject. Participants and resource persons introduced the subjects through presentations. Each working group received some key issues to guide the discussions. The group designated a chairman and reporter at the beginning of the sessions.

WORKING GROUP I: Key elements in legislation to enable action to prevent illegal trade

Participating countries: Philippines; Singapore; Fiji; Indonesia; Vietnam; Brunei

Background Information: Presentation gives the elements that can be discussed, but the group can identify other important elements they want to discuss

Topics for discussion:

1. Legislation: countries discuss which elements are covered in their respective legislation, which elements should be added on and give a tentative timetable for introduction:
   a. Licensing - quota – bans:
      - Substances
      - ODS-based equipment / products
      - Importers / exporters – permits of transit – registration – reporting
   b. Control of the Demand:
      - Market Control: pricing, sales bans, labelling
      - Reduction Use of ODS: certification of technicians, R&R, …

2. Ensure Enforcement: Countries discuss how the following elements are covered in their respective countries and what improvements could be made:
   a. Penalties
   b. Resources
   c. Secure essential information to track shipments of ODS
   d. Inter-agency cooperation

3. Right Environment: Discuss how the following elements are covered in your countries, and what is needed for improving the enforcement of legislation
   a. Law-enforcement agencies: human – financial – technical resources available
   b. Role of stakeholders: who are they and how are they involved during drafting and implementation of legislation
   c. Customs capacity for control and monitoring of ODS

4. International Cooperation:
   a. What are the problems to international cooperation such as exchange of information, cooperation to investigate, etc. e.g. confidentiality of data, time to get approval to provide data. Internal cooperation / communication in the country
   b. What action can be taken in your countries to solve these problems

SEAP Working Group II: Optimising the results of Customs Training

Participating countries: Malaysia – Thailand – Myanmar – Cambodia Laos

Report on Topics for discussion:

1. Challenges:
   - CFCs are imported as other chemicals;
   - Wrong HS codes were used in several shipments;
   - Lack of awareness;
   - Insufficient communication between Ozone Unit and Customs Department;
   - Lack of technical capacity to verify the content of the shipment;
   - Potential liability from stringent customs control of ODS and ODS products;
   - Lack of intelligence capacity.

2. Pre-conditions:
- ODS import/export licensing Systems should be developed. Harmonized coding system should be followed in all countries.
- Country Handbook is the most critical training tool for the national stakeholders. It is a good on-the-job reference manual for customs officers and other stakeholders.
- Formation of Technical Group at the national level to support customs department has proven to be a successful mechanism in some of the countries.
- Customs Department in all countries of the network should have a focal point on Ozone issues.

3. **Ensure sustainability:**
- Training updates and inclusion of customs training module in the regular training curriculum of customs academy will be critical factors in making the customs training sustainable.
- UNEP should prepare a list of current ODS and ODS based equipment manufacturers in the region and circulate to the member countries.
- National level websites of ozone offices could contain information on seizures of CFCs for the benefit of other countries.
- All stakeholders involved in enforcement should be involved.

**WORKING GROUP III: Model Agreement for cooperation between NOU and Customs**

Participating countries: SA network countries

**Background Information:**
The level of cooperation between the NOU and the Bureau of Customs will be the basis for looking at successful joint efforts towards combating illegal trade. In most countries, this cooperation has been institutionalised through the signing of an MOU between the NOU and the Bureau of Customs. As a document where long term collaboration will be based upon, it is necessary that the essential elements for this cooperation is clearly described in the agreement between the two agencies. This will ensure that even with changes in responsible people, the foundation for the cooperation will not. This working group should then look at what constitutes a model agreement, and how this can be easily implemented. Examples from countries who have had such agreements signed can be used as reference points for discussion. The guide questions below are provided to allow you to start exchanging ideas, but the discussion should not be limited to what is listed.

**Topics for discussion:**

1. Describe the specific responsibilities of both the Bureau of Customs and the National Ozone Unit in the joint monitoring and control of ODS imports/exports. Please look at the delineation of tasks between agencies, focusing on minimizing overlaps, but rather looking at complementary actions.
2. For the countries that now have agreements between the Customs offices and the NOUs, discuss the initial difficulties faced in finalising this agreement, and the solutions undertaken so that these difficulties could be resolved. Countries who have tried to broker such agreements but have not been successful may also want to share their own experience, with the objective of perhaps learning from those who have done so.
3. Implementation modalities: the agreement will need to be specific about how it will be implemented. Specific TOR for such implementation should likewise be included. Which specific elements for implementation need to be added onto the agreement?

**WORKING GROUP IV: How can the government mobilize industry for the prevention of illegal trade?**

Participating countries: Pakistan; Myanmar; Brunei; China; Indonesia; Maldives; Philippines

**Background Information:**
Industry cooperation with the government is an essential element in the fight to combat illegal trade. Importers associations in countries and other similar grouping should be the frontline in ensuring compliance with existing licensing systems in the country. The objective of “policing its own ranks” would also redound to economic benefits for the members of the association, and will be a sign of goodwill on the part of industry in the government’s efforts to promote sustainable development. However, there are also many constraints that face government-industry cooperation and although private-public sector partnerships are a good way to work hand in hand to reach a common goal,
government also has a role to play in encouraging involvement of industry by allowing consultation, providing incentives and business opportunities to name a few.

**Topics for discussion:**

1. As the NOU or the Customs Office, what are the current actions that have been taken by your government in order to encourage the ODS industry to assist in monitoring illegal trade? Are these actions sufficient? If not you may want to identify additional interventions necessary, based on difficulties that you have faced with your own industry. (Examples: incentives, reliable sources, protection of sources, level of openness, developing additional “cells” as information source)

2. Industry normally has a lot of information on the movements of colleagues, and who does what. Discuss what are the constraints faced by industry in becoming more active in the fight for illegal trade, especially in providing information to government that will help in apprehending potential illegal traders. What can the working group recommend as actions to assist the industry to be more open with such information?

3. Have you encountered specific situations in your country where the industry was actively involved in the prevention of illegal trade? Discuss and agree on what you think are the reasons that mobilized industry to participate in such actions. Specific country examples will be helpful in discussing this item.

**WORKING GROUP V: Implementation of Decision XIV/7 of the 14th MOP**

Participating countries: Fiji; DPR Korea; Thailand; Sri Lanka; Singapore; Nepal; Bangladesh;

**Background Information:** MOP Decision XIV/7, para 1 and para 6, clause 1

**Topics for discussion:**

Paragraph 1 “To encourage each Party to consider means and continued efforts to monitor international transit trade”

1. How do countries define “international transit trade”
2. Do special conditions exist where shipments arriving in a port are not considered “transit” and thus are outside any monitoring control by authorities (e.g. special zones.)
3. How do countries currently monitor “international transit trade”:
   a. Role of customs authorities
   b. Availability of a database (what information is kept; does it include info on goods and quantities,)
   c. What are the reporting requirements for transit
4. What actions can countries take to better monitor “international transit trade”:
   a. Include transit in the licensing system
   b. Improve reporting requirements at arrival (what is to be reported?)
   c. Information exchange between countries (prior notification – how should it work, other.)

Paragraph 6, clause 1 “To request the Division of Technology, Industry and Economics of the United Nations Environmental Programme through the Executive Committee to report to the Sixteenth Meeting of the Parties on the activities of the regional networks with regard to means of combating illegal trade;”

1. What activities of the regional networks with regards to means of combating illegal trade should be initiated / improved:
   a. ODS & Customs officers workshops
   b. Network meetings: agenda, recommendations, resource persons
   c. E-forum for ODS officers and Customs officers
   d. Activities between network meetings: S-S co-operation and assistance; information exchange, assistance through CAP, …
2. What is most important for UNEP to report to the MOP:
   a. Recommendations by countries in network meetings and workshops with status of implementation by countries (e.g. nomination customs focal pint in all countries)
   b. Co-operation of the networks with regional organizations (RILO, SACEP, …)
c. Co-operation of the networks with NGOs

d. Statistics on information exchange on issues related to illegal trade between countries –
UNEP – international/regional organisations – NGOs

e. Specific cases of illegal trade: how much information should be be available/proven
before it can be reported Lessons learned Is there a need for the network members to
approve/revise the report by UNEP to MOP

WORKING GROUP VI: Implementation of Decision XIV/7 of the 14th MOP

Participating countries: India; Iran; Malaysia; Cambodia; Vietnam; Mongolia; Lao

Background Information: MOP Decision XIV/7, para 7, clause 3 & 4

Topics for discussion:

Paragraph 7 Clause 3 “The Secretariat is requested to collect any information on illegal trade
received from the Parties and to disseminate it to all Parties”
Parties are required to report fully proven cases of illegal trade. However, the Secretariat is requested
to collect any information on illegal trade received from the Parties and to disseminate it to all Parties.

1. How are countries organised to collect information on illegal trade at the national level; which
office is responsible
2. What are the formal/informal sources of information countries can rely on (e.g. industry, users,
customs, …)
3. What validity check is to be done on information received (reliability of the source, importance
of the case, …)
4. How can countries compile / select information to be reported to the Ozone Secretariat (criteria
to be used, who makes the selection, …)
5. In what form is the information to be reported (is there a need for a format, should UNEP gather
all the info by countries and make a report to be send to the OS, …)

Paragraph 7 Clause 4 “The Secretariat is also requested to initiate exchange with countries to explore
options for reducing illegal trade”
Parties are requested to report data on imports and exports of ODS with information on countries of
destination plus quantities for exports and countries of origin plus quantities for imports. This
information could provide the Ozone Secretariat with an important tool to check for consistency
between the two sets of data of importing versus exporting countries.

1. What prevents countries to report the origin/destination countries for both imported/exported
ODS to the Secretariat
2. What measures can countries take to enable reporting of these data
3. How can the OS work with Parties on data inconsistencies:
   a. Info on inconsistencies; Directly with the countries concerned or through the RNC/PEO in the Region
   b. Consultation on data inconsistencies: bilaterally between countries or through either the OS / RNC or PEO in the Region
4. Feedback on data inconsistencies to the OS: directly by countries or through RNC – PEO in the Region
5. Do countries want to formalise this procedure

Working Group VII: Framework for information / intelligence sharing between
countries in the Region

Report on Topics for discussion:

1. What type of information can be shared?
- List of importers and exporters can be shared regionally, details on a need basis
2. What is the scope of information sharing
   - Regionally, and according to the need
3. Who collects and provides the information that is to be shared:
   - Customs and NOU will share the responsibilities
4. What are the best modalities to share information
   - Through email and website
5. When is it most important to share information
   - Especially during seizures, such info should be shared

WG VIII: Cooperation with RILO and WCO

Background Information:
RILO: Presentation by Mr. Muramatsu
What RILO tries to provide for members:
- Encourage the members to report their ODS seizures
- Introduced the members to the MOU in the Monthly
- Bulletins
- Linked between the CEN website and that of the Ozone Secretariat
- Attend the ODS workshops
- Exchange information with UNEP ROAP
WCO: MOU between UNEP and WCO
Article 2: Exchange of information
"To combat illegal trade and illegal traffic in endangered species and dangerous and harmful substances and products, the Parties will jointly draft and implement, each in its own field of competence, measures to improve co-operation and information exchange between customs authorities and national focal points, particularly for the purpose of detecting consignments likely to contain illegal material"

Report on Topics for discussion:
1. RILO: Discuss the role of CEN and how this network can be fully used for prevention of illegal trade in ODS
   - CEN is very useful on condition that member countries can get access to CEN, especially with regard to ODS smuggling
2. RILO: Based on ‘what RILO tries to provide to its members’:
   a. Do officers have easy access to the RILO Intelligence reports
   b. How can countries make full use of the facilities provided by RILO
   c. What is the role of the RILO focal point in your country, and is more active involvement and awareness needed
   d. Should improvements or additional activities should be considered
   - Access to RILO information is difficult as it is limited to Customs officers: the database contains confidential information, and only people from the network are allowed.
   - For easy and quick access, an interagency committee should be formed between Customs and NOU.
   - Countries with large borders should appoint a Customs officer in charge in each NOU or regional border office, as a liaison with NOU to channel information
   - Intelligence received from RILO should be forwarded to UNEP so that they can disseminate the information to other people in the region.
   RILO comments: Access to CEN needs application to RILO/WCO. Access includes information on seizures, etc.

3. MOU between UNEP and WCO: Article 2
   Discuss and suggest measures to improve cooperation and information exchange between customs authorities and national focal points, particularly for the purpose of detecting consignments likely to contain illegal material
   - An Interagency committee should be the action point for all the actions listed in the MOU, they are to ensure that these are replicated at the national level.
   - An MOU is needed at national level to promote cooperation between Customs and NOU
4. MOU between UNEP and WCO: Technical Cooperation
a. Which elements for technical cooperation are of interest to the Region and suggest ways to implement these.
b. Should a member of WCO be invited and what could be discussed
c. Is there a need to enter into a supplementary arrangement or agreement under Article 6 aiming at specific cooperation between WCO and UNEP for the Region.

- There are points of interest, and there should be mutual assistance among parties to share expertise and knowledge, and this should be provided to raise awareness.
- UNEP should work with WCO to design training materials that can be used by all parties. Both should assist to implement the integrated training approach. Other MEAs should also to be tackled in Customs training.
- Multilateral and bilateral agreements are needed to facilitate sharing of information.

**WG XIV – cooperation with EIA**

**Report on Topics for discussion:**

- The role of EIA needs to be clarified, so that countries are more comfortable working with them.
  1. How can EIA assist
  - Through compilation of cases of illegal trade (success stories), use in websites, and pull together high level support
  - Presentation of success stories assists in getting publicity, and broadening interest on illegal trade
  - Undercover work and investigations
  - Information can be provided to EIA on a voluntary basis
  - Strengthen integrated training for other MEAs, work closely with WCO to ensure that Customs is up to date and know what is happening on MEAs.
- UNEP to lead MEA training, with EIA providing technical expertise and experience.
  2. Assistance available under the project:
    - China would like to have assistance from international consultants on improving their system
    - Information gathering about what is there in the region may help (legal and illegal trade) to see how such information can help. Learning from each other
Annex 2: Contact Details of participants and speakers

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Annex 3: Full list of presentations/documents available

The following presentations and documents are available at UNEP’s Regional Office of Asia and the Pacific, Bangkok, Thailand:

Presentations:

- Achievements and Lessons Learnt from SEAP Customs – ODS Officers Cooperation; Thanavat Junchaya, SEAP Regional Network Coordinator, ROAP-CAP
- National Training of Customs Officers on ODS; Tharaka Seneviratne, Customs Officer, Sri Lanka
- Preventing illegal trade: Key elements in legislation - Ensure enforcement - Create the right environment - International; L. Coppens, Policy & Enforcement Officer, ROAP-CAP
- Process of Importation of CFC Products (R-11 and R-12); Ismail Ithnin, Malaysia NOU
- China: Country Experience in Establishing Operation Procedure to Monitor and Control Import/Export of ODS; Ma Qi, National Management Office of ODS Import and Export, China
- Philippines experience on smuggling methods of CFC-12; Nicomedes Enad, Bureau of Customs, Philippines
- Experiences of Industry with Illegal Trafficking of ODS and suggestions on possible cooperation with the Government to prevent illegal trade; S. C. Wadhwa, REGMA, India
- Implementation MOP-Decision XIV/7 - Monitoring of trade in ozone-depleting substances and preventing illegal trade in ozone depleting substances, L. Coppens, Policy & Enforcement Officer, ROAP-CAP
- Information Exchange between SEAP countries; T. Junchaya, SEAP Regional Network Coordinator, ROAP-CAP
- Country Consultation Meeting for the Protection of the Ozone Layer - Mongolia Dialogue Mongolia – China – Japan; Prof. Adiyasuren. Ts, National Ozone Unit, Mongolia
- Information exchange and cooperation on control and monitoring of ODS trade; Sita Ram Joshi & Govind Shrestha, Nepal Bureau of Standards and Metrology & Birgunj Customs office Nepal
- International Organisations – overview; L. Coppens, Policy & Enforcement Officer, ROAP-CAP
- RILO A/P’s Approach to Tackling ODS Trafficking; Hidehiko Muramatsu, RILO for Asia and the Pacific
- Combating Illegal Trade in ODS - Facing New Challenges through Regional Cooperation; Alexander von Bismarck, Environmental Investigation Agency
- Presentation; Muhammad Ramzan, Member (Customs) Central Board of Revenue Pakistan
- Desk study: Status and Further steps; L. Coppens, Policy & Enforcement Officer, ROAP-CAP
- Available Assistance under the Project; T. Junchaya, SEAP Regional Network Coordinator, ROAP-CAP