

WORKSHOP REPORT

Regional Workshop On Trade and Licensing Mechanisms in CEITs



Budapest, Hungary, 12-14 May 2004

Organized by:
United Nations Environment Programme
in cooperation with
The Hungarian Customs and Finance Guard

TABLE OF CONTENTS

<u>EXECUTIVE SUMMARY</u>	4
<u>1. BACKGROUND</u>	5
<u>2. OBJECTIVES</u>	6
<u>3. EXPECTED RESULTS</u>	6
<u>4. PARTICIPANTS</u>	6
<u>5. METHODOLOGY</u>	7
<u>6. CONTENTS AND STRUCTURE OF THE WORKSHOP</u>	8
<u>7. RESULTS AND LESSONS LEARNED</u>	9
<u>8. FOLLOW-UP ACTION PLAN</u>	11
<u>9. EVALUATION BY PARTICIPANTS</u>	11
<u>10. ANNEXES</u>	12
<u>ANNEX 10.1. WORKSHOP AGENDA</u>	13
<u>ANNEX 10.2. LIST OF PARTICIPANTS</u>	16
<u>ANNEX 10.3. FORMAT OF THE QUESTIONNAIRE SENT TO THE COUNTRIES</u>	23
<u>ANNEX 10.4 LIST OF WORKSHOP MATERIALS AVAILABLE FOR THE PARTICIPANTS</u>	27
<u>ANNEX 10.5 RECOMMENDATIONS FROM THE WORKSHOP</u>	28
<u>ANNEX 10.6 EVALUATION BY THE PARTICIPANTS</u>	31
<u>ANNEX 10.7 ABOUT THE OZONACTION PROGRAMME UNEP DTIE</u>	32

Executive Summary

The regional workshop on trade and licensing mechanisms in countries with economies in transition (CEITs) was a final activity under the GEF Project “Promoting Compliance with the Trade and Licensing Provisions of the Montreal Protocol in Countries with Economies in Transition” approved in 1998. Countries participating in the Project are Armenia, Azerbaijan, Belarus, Bulgaria, Croatia, Czech Republic, Estonia, Georgia, Hungary, Kazakhstan, Latvia, Lithuania, Moldova, Poland, Romania, Russian Federation, Slovakia, Tajikistan, Turkmenistan, Ukraine and Uzbekistan. The objective of the Project is to enable compliance of CEITs with the MP trade and licensing provisions, and Decisions IX/8 and IX/9 of the September 1997 MOP. Two series of workshops were conducted dealing with establishment of licensing systems in participating countries (1998, Bratislava and Kiev) and with enforcement of the already introduced regulations concerning monitoring and control of trade in ODS (2000, Budapest and Baku). With assistance of those workshops and other supporting actions all participating CEITs but one (Armenia) have established ODS import/export licensing systems.

The main objective of the workshop referred to in this report was to follow-up with NOU/customs officers in CEITs to ensure sustainability of the Project through effective implementation and enforcement of the established policies. Another objective of the workshop was to discuss the idea of “Green Customs Training” – the UNEP initiative of combining customs training on different environmental conventions in one course. The country participants of the workshop were the ozone officers and customs officers from 21 countries participating in the Project. The workshop was conducted by Dr. Janusz Kozakiewicz – UNEP International Consultant. Other resource persons were representatives of US DOJ, EIA, customs training centers from different regions of the world and UNITAR. UNEP DTIE was also represented. The full list of participants is contained in Annex 10.2. The workshop was conducted in two languages – English and Russian with simultaneous translation provided for presentations and discussions, including Round Table discussions. The workshop materials available for the participants are listed in Annex 10.4.

The workshop agenda (see Annex 10.1) included presentations and discussions concerning three major blocks of issues: implementation of the MP in participating countries with regard to monitoring and control of ODS trade, illegal trade in ODS and “Green Customs Training”. Presentations were designed to create background for two working sessions (on enforcement of ODS monitoring and control in participating countries and on implementation of Decision XIV/7 of the Parties to the MP on illegal trade in ODS) and two round table discussions (on countries feedback on status and impact of the Project and on cases of illegal trade in participating countries). Especially designed homework exercise on checking the customs documentation was also included in the workshop agenda. Important part of the workshop was discussion on the results of the survey made before the workshop in participating countries (see Annex 10.2 for the format of the questionnaire sent out to the countries).

As the result of discussions carried out at the workshop the participants developed a set of excellent recommendations (see Annex 10.5) dealing with implementation of the MP by the CEITs, monitoring and control of ODS, customs training and regional cooperation and institutional strengthening. Evaluation of the workshop by the participants is presented in Annex 10.6.

The workshop report will be disseminated to all participants. It will also be placed on UNEP's homepage at: <http://www.uneptie.org/ozonaction.html>

1. Background

In 1998 the Regional Project GF/2110-98-05 “Promoting Compliance with the Trade and Licensing Provisions of the Montreal Protocol in Countries with Economies in Transition” was approved for implementation by GEF. The project objective is to enable compliance of CEITs with the Montreal Protocol (MP) trade and licensing provisions related to ozone depleting substances (ODS), and related decisions of the Parties to the MP IX/8 (establishment of ODS import/export licensing system) and IX/9 (control of export of products and equipment containing ODS). 21 countries participate in the Project including 10 Central and Eastern European and Baltic States –CEEBS (Bulgaria, Croatia, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and Slovakia) and 11 Newly Independent States – NIS (Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Moldova, Russian Federation, Tajikistan, Turkmenistan, Ukraine and Uzbekistan).

The Project programme included the following activities :

- Development of Training Module and information materials
- Two Regional Training Workshops on establishment of ODS import/export licensing systems and on ODS monitoring and control
- Two Regional Training Workshops of Customs Officers on Implementing and Enforcing New Licensing Regulations and Policies
- Follow-up and monitoring with partners and stakeholders in participating countries to ensure effective implementation and enforcement of established policies.

Following the programme set up in the Project two series of workshops were organized in 1998 and 2000 : two regional workshops dealing with establishment of ODS import/export licensing systems (in Bratislava, Slovakia, 9-11 December 1998 for CEEBS and in Kiev, Ukraine, 14-16 December 1998 for NIS) and two regional workshops dealing with monitoring and control of ODS under the established systems (in Budapest, Hungary, 15-17 May 2000 and in Baku, Azerbaijan, 7-9 June 2000). Recommendations developed by the participants of those workshops were the basis for further actions aiming at enhancing the capability of the countries to monitor and control ODS trade that were undertaken at national, regional and international level. A spectacular result of the Project which had an international dimension was Decision XIV/7 of the Parties of the MP on illegal trade in ODS that was mostly based on recommendations from workshops in Budapest and Baku. On a national level, as a result of the Project activities and other support, out of 21 countries 19 have set up ODS import/export licensing systems. Overall observation is that while the Project led to positive impact in regard to establishment or improvement of legislation dealing with monitoring and control of ODS trade, enforcement of established policy is still lagging behind in some of the participating countries. It was also noted that Customs and related governmental officials need information and training on other relevant environmental conventions to enhance their skills to monitor the trade in environment-related commodities (hazardous chemicals and endangered species). This was evident as there are linkages between the MP and the Basel Convention, Rotterdam/Stockholm Convention and the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES).

Therefore, in order to meet these requirements and to ensure sustainability of the Project in regard to effective monitoring and control of trade in ODS in the framework of the established licensing systems and preventing development of illegal trade in ODS in the Region, it was decided to hold a Follow-up Regional Workshop with participation of NOU officers and customs officers from both CEEBS and NIS countries and a number of resource persons including representatives of customs training centres, Environmental NGO and CITES Secretariat. The workshop agenda is included as Annex 10.1 to this report.

2. Objectives

The objectives of the workshop were:

- To complete the follow-up activities of the Project and set up a self-propelling mechanism to sustain the momentum in compliance with the MP provisions
- To discuss the ways to sustain the impacts of the Project, review the ways to expedite the activities in the countries which are lagging behind and to agree on mechanisms to share information on impacts and achievements of the Project in future. The discussions was to include ways to ensure effective implementation and enforcement of established policies
- To consider the integrated implementation of customs training on environment-related conventions dealing with trade (“Green Customs Initiative”) and development of a network of Customs Training Institutes to achieve the integration.

3. Expected results

It is anticipated that the workshop will assist the participating countries in:

- forging stronger links between national ozone officers and customs both on national and regional level
 - identifying challenges and possible solutions in combating illegal trade in CEITs
 - identifying means to sustain the results already achieved.
- and the participating institutions in:
- enhancing collaboration in the implementation of the Green Customs Initiative
 - considering ways to finalize the Green Customs Training Manual
 - considering concepts for developing joint projects for funding.

4. Participants

In total, 47 participants attended the workshop. Out of that number 36 were country representatives (including 17 persons from 9 CEEBS and 19 persons from 11 NIS), 9 were invited as the resource persons and 2 were representing UNEP DTIE. The country participants were mostly the officers from NOUs and Customs Departments. The table below shows the country participants’ profile.

Participants	CEEBS	NIS
Ozone officers from NOUs or senior environmental officers	10	11
Senior officers from Customs Departments	7	8
Senior environmental inspectors	1	-

The lead instructor and speaker for the workshop was Dr. Janusz Kozakiewicz, Industrial Chemistry Research Institute (ICRI), Poland (UNEP International Consultant) who delivered some of the presentations, made analysis of the results of the survey on implementation of licensing systems in the participating countries and designed the materials for working sessions and a homework exercise for the participants. The representatives of UNEP DTIE at the workshop were Mr. Rajendra Shende, Head of UNEP DTIE OzonAction Programme and Ms. Nino Tkhilava, Programme Officer. The resource persons were representing Environmental Investigation Agency, US Department of Justice, customs training institutions from different regions (Customs Training Centre – Estonia, National Academy of Customs, Excise and Narcotics – India, Oceania Customs Organisation – New Caledonia, Customs Department – Senegal) and CITES Secretariat. Prof. Hans A.M. de Kruijf from United Nations Institute for Training and Research - UNITAR (Geneva) was present as observer.

Detailed list of all workshop participants including their contact addresses and phone/fax numbers is included as Annex 10.2 to this report.

5. Methodology

Key elements planned to be discussed during the workshop were:

- Consultation with National Ozone Officers and Customs Officers to ensure effective implementation and enforcement of ODS Control policies in CEITs
- Exchange experiences on legal and institutional aspects and the achievements and challenges in enforcement of the established licensing regulations among participating countries, also including prevention of illegal trade in ODS
- Awareness raising among National Ozone Officers and Customs Officers on the links between Compliance with the Trade and Licensing Provisions of the Montreal Protocol and the other Multilateral Environmental Agreements
- Progress to date on the Green Customs Initiative
- Training programmes of the Secretariats, Regional Training Institutes and WCO for 2004 and beyond and the common targets.

In order to collect information from the participating countries on status of implementation of ODS import/export licensing systems and of customs training the relevant survey was made before the workshop and presentation of the results was included in the workshop agenda. The format of the questionnaire sent out to the countries is attached as Annex 10.3 to this report. The background materials handed out to each participant before the workshop included, *inter alia*, all presentations, guidelines for working sessions, relevant

decisions of the Parties to the MP, Study by the Ozone Secretariat on monitoring trade and prevention of illegal trade in ODS, recent WCO recommendations concerning the customs classification of ODS and ODS-containing mixtures, UNEP brochure on illegal trade in ODS “Is there a hole in the Montreal Protocol?” and “Customs Quick Reference Tool” developed recently by UNEP ROWA. List of all documents that were available for the participants before the workshop is included as Annex 10.4 to this report.

Since the workshop participants from CEEBS were English-speaking and those from NIS were Russian-speaking it was decided to hold the workshop in two languages. Simultaneous translation was provided for presentations and discussions, including Round Table discussions. No translation was possible for the working sessions, so it was decided that two groups: English-speaking and Russian-speaking would be formed for the discussions at the working sessions. Each working group was asked to elect discussion moderator and rapporteur who would present the recommendations from the group to the plenary. UNEP International Consultant and the Resource Persons were listening to the group discussions and intervening when necessary.

6. Contents and structure of the workshop

The workshop was designed for three days. The programme of the first day covered issues related to implementation of ODS import/export licensing systems in the participating countries. Second day agenda was devoted mostly to prevention and combating of illegal trade in ODS. During the third day the participants were able to discuss problems related to “Green Customs Initiative”.

The workshop agenda included the opening ceremony, presentations, working sessions, round table discussions, development of workshop recommendations, workshop evaluation and closing session. At the opening ceremony welcome remarks were presented by the host country representatives (Dr. Janos Nagy, General Commissioner of Hungarian Customs and Finance Guard and Mr. Robert Rakics from the Hungarian Ministry of Environment and Water) and by Ms. Nino Tkhilava on behalf of UNEP DTIE. Dr. Nagy, *inter alia*, emphasised great progress in the field of ODS monitoring and control that has been achieved by CEITs, and in particular by Hungary since the last workshop held in the same facilities in Budapest in May 2000. Ms. Tkhilava greeted all participants on behalf of Ms. Monique Barbut, Director of UNEP DTIE and presented the objectives and expected outputs from the workshop.

In his presentation on the feedback of the countries on status and impact of the Project that opened the working part of the workshop Dr. J. Kozakiewicz (UNEP International Consultant) discussed the results of the survey made before the workshop in participating countries. Since some of the countries joined the European Community on 1 May 2004 and they were obliged to adjust their legislation concerning ODS to the EC Regulation 2037/2000, the analysis of the responses received was made separately for non-EC countries and for EC countries. 11 non-EC countries (out of 14 participating in the Project) and 3 EC countries (out of 7 participating in the project) responded to the questionnaire. The analysis of the responses received from the countries revealed the status of and problems related to:

- ratification of the MP
- establishment and implementation of ODS import/export licensings systems
- implementation of customs training programmes

and, together with Round Table discussion devoted to the same topics and presentations on the ODS licensing systems in the EC and in Russian Federation, made a good background for the working session “Enforcement of ODS monitoring and control in participating countries”

that followed. Detailed findings from the survey and discussions are contained in “Lessons Learnt” section of this report.

The second day of the workshop started with the UNEP film “Nothing to declare : good customs to save the ozone layer” followed by background presentation by Dr. J. Kozakiewicz on illegal trade in ODS supplemented with his introduction to the practical homework exercise on checking customs documents dealing with ODS. The participants were given copies of the original customs documentation from one of the proven cases of illegal trade in ODS and asked for analysing data contained there and suggesting what could be the basis for suspecting that the shipment was illegal. The results of that exercise were discussed later on at the workshop.

Next two presentations were also dealing with practical aspects of preventing and combating illegal trade in ODS. Mr. Bruce Pasfield from US DOJ talked about the international systems for sharing information by customs and governments with regard to ODS, and Dr. Ezra Clark from EIA presented cases of illegal trade in ODS in Europe and suggested the mechanisms of preventing illegal trade. Round Table discussion that followed, conducted by Dr. J. Kozakiewicz, was dealing with cases of illegal trade in the participating countries. Though only few countries revealed cases of illegal trade, those could be analysed and some characteristic features could be pointed out.

The subject of the working session that followed was “Implementation of Decision XIV/7 in the participating countries (achievements, constraints and suggestions for improvement and recommendations)”. At that session the participants discussed the various aspects of that decision including: monitoring of transit trade, economic incentives to promote ODS substitutes, implementation of WCO recommendation of 23 June 2003 dealing with customs classification of ODS and mixtures containing ODS and exchanging information on illegal trade and initiate joint efforts to prevent illegal trade.

The third day of the workshop started with two parallel sessions : one was a separate meeting of partners on “Green Customs Initiative” led by Mr. Rajendra Shende with involvement of experts from different environmental conventions and the other was continuation of the main course of the workshop in the plenary, including presentations by Dr. J. Kozakiewicz on interrelations of the MP with the related MEAs and by Mr. B. Pasfield on progress on various activities under the “Green Customs” followed by presentation on CITES by Mr. Stephen Nash from CITES Secretariat and brief information on training programmes of the Regional Customs Training Institutes and UNITAR. The workshop ended with detailed discussion of recommendations and closing remarks were made by Mr. J. Nagy and Mr. R. Shende. The recommendations agreed at the workshop are included in this report as Annex 10.5. The participants made also evaluation of the workshop (see Section 9 and Annex 10.6 of this report).

The report from the workshop will be available on UNEP's homepage at: <http://www.uneptie.org/ozonaction.html>

7. Results and lessons learned

The objectives set out for the workshop were fully met through the appropriate design of the workshop agenda. The general outputs of the workshop reflected in detailed recommendations developed by the participants include :

- forging stronger links between National ozone officers and customs, both at national and regional level

- identifying challenges and possible solutions in combating illegal trade in ODS in CEITs
- identifying ways to expedite activities in regard to monitoring and control of ODS trade in countries lagging behind and means to sustain the achievements in that area the other countries

Conclusions and lessons learnt from the workshop are presented below:

- Survey made before the workshop revealed that :
 - o ratification of the amendments to the MP is very much progressed in the countries that have joined the EC and not quite satisfactory in most of the non-EC countries. Two countries (Belarus and Ukraine) which did not ratify Copenhagen Amendment and do not plan to ratify Beijing Amendment may face serious problems with importation of HCFCs
 - o CEITs made a considerable progress in implementation of measures to monitor and control ODS trade. All countries but one (Armenia) have ODS licensing systems established and, except Georgia, those systems cover both import and export
 - o in all countries (except for Armenia, Belarus and Ukraine) customs training programmes have been started, but only in few (Bulgaria, Croatia and Hungary) Phase II has been completed. More than 1700 customs officers have already been trained and more than 370 ODS identifiers have been purchased under those programmes. However, in some countries not all identifiers have yet been delivered to customs

This clearly shows that the series of four workshops held in 1998 and in 2000 under the Project helped the countries very much in their efforts to control ODS trade effectively, but also suggests that the follow-up activities would be needed in those countries which are still lagging behind.

- the idea to structure the workshop in such way that issues related to implementation of the MP in participating countries with regard to monitoring and control of ODS trade, to illegal trade in ODS and to “Green Customs Training” have been dealt with in separate blocks was proved to be quite rational since the discussions could focus more on a particular subject. The example of structuring this workshop can serve as a model for other regional workshops dealing with monitoring and control of ODS.
- including in the programmes of such workshops the practical aspects of preventing and combating illegal trade in ODS through demonstration of real cases of illegal trade and relevant original customs documentation as well as through showing how the system of information on illegal trade between the countries is actually working and how investigations can lead to the illegal traders seem to be inevitable for raising awareness of the key stakeholders and encouraging them to follow examples of the actions shown in order to combat illegal trade effectively. That part of the workshop was especially welcomed by the participants. In particular, including the practical exercise on checking the original customs documentation for indicators of illegality of the shipment in the workshop agenda is definitely a good example to be followed.
- combining in one workshop the experiences of the countries that have already joined the EC with those of the countries which have just started to introduce measures to

control ODS allowed for very useful exchange of information. Good examples of ideas that emerged in discussions carried out at the workshop and have been reflected in the workshop recommendations are : mandatory reporting by ODS users, development of mandatory unified system which would enable tracking ODS shipments (including transit shipments), implementation of recent WCO recommendations concerning customs classification of ODS, requesting the producers of ODS-containing mixtures to label them properly or ensuring participation of environmental inspectors in regional customs training workshops.

- presentation of the advanced system of monitoring and control of ODS in the EC enabled formulation of useful recommendations concerning enhancement of ODS regulations in non-EC countries, e.g. introducing periodical control of ODS leakages and establishing qualification requirements for refrigeration technicians

8. Follow-up action plan

Though the workshop was the last activity planned in the framework of the Regional Project GF/2110-98-05 “Promoting Compliance with the Trade and Licensing Provisions of the Montreal Protocol in Countries with Economies in Transition”, certain follow-up actions have been defined based on the recommendations from the workshop. Those include :

- UNEP DTIE to consider facilitating further development of funds for customs training programmes
- participating countries to establish permanent training programmes for customs officers on monitoring and control of ODS
- UNEP DTIE to stimulate participation of WCO representatives in the customs training process
- UNEP DTIE to continue its “Green Customs Initiative” taking into account the need of allowing sufficient duration of the integrated courses
- UNEP DTIE to consider establishment of regional body for coordination of the activities of NOUs in the interested CEITs and central on-line database where each country could report cases of illegal trade in ODS and to facilitate bilateral and multilateral exchange of information between the countries
- participating countries to provide to UNEP DTIE updated information on responsible contact persons dealing with import/export of ODS
- GEF and its implementing agencies to consider providing further support to the eligible countries from the Region in the area of enhancement of their capabilities of preventing and combating illegal trade in ODS
- participating countries to initiate PARCs aiming at dissemination of information on ODS in order to prevent development of illegal trade in ODS

9. Evaluation by participants

The overall evaluation of the workshop (Q1) was undoubtedly excellent – only “excellent” and “very good” marks were given, and the share of “excellent” marks was 69%. Adequacy of composition of the audience (Q2) and usefulness of communication between participants (Q3)

were very similarly evaluated. Contents of presentations (Q4) and working sessions (Q5) received also almost exclusively “excellent” and “very good” marks and share of “excellent” marks was 54% and 43%, respectively. The detailed comments about the workshop presented by the participants and the graphic analysis of the workshop evaluation are presented in Annex 10.7 to this report.

10. Annexes

Annex 10.1	Workshop Agenda
Annex 10.2	List of participants
Annex 10.3	Format of the questionnaire sent out to the participating countries
Annex 10.4	List of workshop materials available for the participants
Annex 10.5	Recommendations from the workshop
Annex 10.6	Evaluation by participants
Annex 10.7	About the OzonAction Programme and UNEP DTIE

ANNEX 10.1. Workshop Agenda

DAY 1

Wednesday - 12th May

8:30 - 9:00 Registration of Participants

9:00 - 9:20 Opening Ceremony

Welcome remarks by:

Dr. Janos Nagy, Major General, Commissioner of the Hungarian Customs and Finance Guard;

Mr. Robert Rakics, Ministry of Environment and Water of Hungary;

Ms. Nino Tkhilava on behalf of *Mr. Suresh Raj*, Capacity Building Manager, UNEP DTIE – Objectives and Expected Outcomes of the Workshop

9:20 - 10:40 Countries Feedback on Status and Impact of the Project – round table discussion facilitated by *Mr. Janusz Kozakiewicz*

10:40 - 11:00 Coffee Break

11:00 - 11:45 Analysis of current status of Trade and Licensing Mechanisms (according to the survey results) – *Mr. Janusz Kozakiewicz*, Discussion

11:45 - 12:15 Monitoring and control of ODS in the EU, the status and challenges – *Mr. Janusz Kozakiewicz*

12:15 - 12:45 Status of ODS import/export licensing system in Russian Federation – *Mr. Vassily Tselikov*, Ministry of the Natural Resources, Russian Federation

12:45 - 14:00 Lunch

14:00 - 16:00 Working session I – Enforcement of ODS monitoring and control in participating countries (achievements, constraints and suggestions for improvement and recommendations) – 2 Working Groups: coordinated by *Mr. Janusz Kozakiewicz*, facilitated by *Mr. Simon Mancabo*, (Customs Department, Senegal), *Mr. Peeter Kove* (Customs Training Centre, Estonia), *Mr. Joselito Filimoehala*, Oceania Customs Organization (OCO, New Caledonia) and *Ms. Parveen Talha*- Director General of National Academy of Customs, Excise and Narcotics (NACEN, India)

16:00 - 17:00 Plenary presentations by the moderators of each of 2 Working Group, followed by discussion

DAY 2

Thursday - 13th May

9:00 – 9:20 Film – Nothing to Declare: Good Customs to Save the Ozone Layer

9:20 – 10:20 Illegal Trade in ODS – Background presentation by *Mr. Janusz Kozakiewicz* followed by introduction to the practical homework exercise on checking customs documents dealing with ODS

10:20 - 10:45 International systems for sharing information by customs and governments with regard to ODS – *Mr. Bruce Pasfield* – Department of Justice (US)

10:45 - 11:00 Coffee Break

11:00 - 12:00 Cases of illegal trade in Europe and suggested mechanisms of prevention - *Dr. Ezra Clark* – Environmental Investigation Agency (EIA,UK)

12:00 -12:45 Cases of illegal trade in ODS in the participating countries – Round table discussions facilitated by *Mr. Janusz Kozakiewich*

12:45 - 14:00 Lunch

14:00 - 16:00 Working session 2 – Implementation of Decision XIV/7 in the participating countries (achievements, constrains and suggestions for improvement and recommendations) - 2 Working Groups: facilitated by *Mr. Janusz Kozakiewicz* and the exports/country representatives (to be decided)

16:00 - 17:00 Plenary presentations by the moderators of each of 2 Working Group, followed by discussion

19:00 Reception given by The Hungarian Customs and Finance Guard

DAY 3

Friday - 14th May

Parallel sessions :

(1)

9:00 – 10:00 Press-conversation

10:00 – 13:00 Meeting of Partners on Green Customs Initiative

Review of past activities, barriers and discussions on future work plan

Mr. Rajendra Shende, Head, Energy & OzonAction Branch, UNEP DTIE

Mr. Stephen Nash, Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES);

Mr. Bruce Pasfield – Department of Justice (US);

Representative from Basel Convention - invited;

Representative from Regional Environmental Centre (REC, Hungary) - invited;

Ms. Elena Sobakina, the Rotterdam and Stockholm Convention Secretariats – invited;

Ms. Danielle Maiano, the World Customs Organization (WCO, Belgium) - invited

(2)

9:00 - 10:10 Discussion of the results of homework exercise on checking customs documents dealing with ODS

10:10 - 10:40 Interrelation of the Montreal Protocol with the related MEAs - *Mr. Janusz Kozakiewicz*

10:40 - 11:00 Coffee Break

11:00 - 12:15 Development of workshop recommendations

12:15 – 13:00 Evaluation by the participants

13:00 - 14:30 Lunch

14:30 –15:00 Progress on various activities under the Green Customs – *Mr. Bruce Pasfield* – Department of Justice (US)

15:00 – 15:30 Convention on International Trade in Endangered Species of Wild Flora and Fauna – *Mr. Stephen Nash* – (CITES Secretariat, Capacity Building Unit, Geneva)

15:30 – 16:30 Training programmes of the Regional Customs Training Institutes for 2004 and beyond. The common target countries, resources available and scope for further integration – (10 mins. each)
Ms. Parveen Talha - Director General of National Academy of Customs, Excise and Narcotics (NACEN, India);

Mr. Joselito Filimoehala, Oceania Customs Organization (OCO, New Caledonia);

Mr. Peeter Kove (Customs Training Centre, Estonia);

Mr. Simon Mancabo, (Customs Department, Senegal);

Mr. Hans de Kruijf, United Nations Institute for Training and Research (UNITAR, Geneva)

16:30-17:00 Workshop recommendations: presented by *Mr. Janusz Kozakiewicz*

17:00 – 17:30 Closing remarks by:

Dr. Janos Nagy, Major General, Commissioner of the Hungarian Customs and Finance Guard;

Mr. Rajendra Shende, Head, Energy & OzonAction Branch, UNEP DTIE

ANNEX 10.2. List of participants

COUNTRY PARTICIPANTS

No.	Name of participant	Address	Telephone / fax /email
1.	Mrs. Asya MURADYAN Chief Specialist of the Department of Environment, Ozone Focal Point	Ministry of Nature Protection 3rd Government Bld. Rep. Sq. Yerevan, 375010 Armenia	Office : 3741 58 39 34 Fax: 3741 58 39 33 Mobile: Email: asozon@nature.am asozon@yahoo.com
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ANNEX 10.3. Format of the questionnaire sent to the countries

Questionnaire

Under the Project GF/2110-98-05 “Promoting Compliance with the Trade and Licensing Provisions of the Montreal Protocol in Countries with Economies In Transition (CEITs)”, two regional training workshops dealing with the establishment of licensing systems in CEITs were held in 1998 (in Bratislava, Slovakia, 9–11 December and in Kiev, Ukraine, 14–16 December) and two regional training workshops dealing with monitoring and control of ODS under the established systems were held in 2000 (in Budapest, Hungary, 15-17 May and in Baku, Azerbaijan, 7-9 June).

UNEP DTIE is now planning to hold a Follow-up Regional Workshop on 12–14 May 2004 for the purposes of effective enforcement of Licensing Regulations under the Montreal Protocol in CEITs which participated in the aforementioned workshops.

The representatives of each country are invited to fill in this questionnaire and present their suggestions for measures to be introduced and actions to be undertaken in their countries in order to secure effective enforcement of established policies on ODS control and prevent illegal trade in ODS.

UNEP will monitor the follow-up of the implementation of these country-specific actions. These suggestions will be the basis for the preparation of the agenda for the forthcoming workshop.

Country Name : _____

1. Status of ratification of the Amendments to the Montreal Protocol:

(a) The London Amendment (1990)

Ratified	
Submitted for ratification	
Country is planning to ratify the amendment in near future	
Country is not planning to ratify the amendment in near future	

(b) The Copenhagen Amendment (1992)

Ratified	
Submitted for ratification	
Country is planning to ratify the amendment in near future	
Country is not planning to ratify the amendment in near future	

(c) The Montreal Amendment (1997)

Ratified	
Submitted for ratification	
Country is planning to ratify the amendment in near future	
Country is not planning to ratify the amendment in near future	

(d) The Beijing Amendment (1999)

Ratified	
Submitted for ratification	
Country is planning to ratify the amendment in near future	
Country is not planning to ratify the amendment in near future	

2. Establishment of Licensing Regulations:

(a) Please indicate which statement is appropriate, and give details of your national situation.

ODS import/export licensing system is established (date, number and title of the legal act –in English)

Is both import and export of ODS controlled by the system? If export is not controlled, please explain the reasons:

ODS controlled by the system - ALL or selected. If selected, please provide the list below and explain the reasons for excluding certain ODS from the system

Import quota established for the following ODS :

Import ban established for the following ODS (with exceptions allowed by the MP):

ODS import/export licensing system not in place

(b) ODS import/export licensing system is established formally but it needs future enforcement – if so, please indicate which are the major obstacles to the expeditious enforcement

(c) Implementation of Decision IX/9

Is labelling of products and equipment containing ODS or whose functioning relies on ODS mandatory? If so, which ODS are involved?

Is export of such products and equipment banned/licensed ? If so, which ODS are involved?

Is import of such products and equipment banned/licensed? If so, which ODS are involved?

3. (a) Customs Training on monitoring and control of ODS: Phase I refers to the “Train-the-trainers” workshop. Phase II refers to the training of the remaining/selected customs officers in the country. Please indicate which statement is appropriate and give details of your national situation. Please, indicate the source of funding for Phase I and Phase II of the customs training.

Phase I completed/not completed number of custom trainers trained _____

Phase II completed /not completed. number of customs officers trained _____

Please indicate any difficulties in the completion of Phase II training and identify needs or suggestions to assist you in the completion of your training exercises.

(b) Training of other stakeholders (environmental inspectors, trade inspectors, government officials etc.) on monitoring and control of ODS: Please describe any actions taken in that regard indicating the type of action, number of persons covered and source of financing

4. Equipment (ODS identifiers) for Customs Officers: Please indicate which statement is appropriate, and give details of your national situation.

- Number of units of identifiers distributed among the customs officers _____

- Source of funding for the purchase of identifiers : _____

Note (please tick):

- The number of identifiers distributed is enough
- The number of identifiers distributed is not enough

5. Do you feel that the establishment of a regional network (for Article 2 countries) of NOUs will assist you in the enforcement of your ODS Licensing System? (e.g. does it have the potential to facilitate the exchange of information on transit shipments and export licences between NOUs and customs in the neighbouring countries?)

6. UNEP DTIE is considering to introduce a new mode of customs training (Green Customs Training) which would involve a combined training of customs officers on monitoring and control of trade in ODS (Montreal Protocol), trans-boundary movement of hazardous wastes (Basel Convention) and trade in endangered species (CITES). The regional workshop addressing that new approach is planned by UNEP for CEITs. If such workshop is to be held, please indicate :

What sectors from your country do you foresee being represented?

Which stakeholders do you see being involved in the Green Customs exercise? Include the expertise already available in the various agencies in your country.

What further suggestions do you have for this Green Customs training exercise to build on what has already been achieved?

ANNEX 10.4 List of workshop materials available for the participants

- 1) Concept Note
- 2) Final Agenda
- 3) Workshop Evaluation Form
- 4) Guidelines for Working Sessions
- 5) “Study on Monitoring of International Trade and Prevention of Illegal Trade in ODS, mixtures and products containing ODS”, Report of the Ozone Secretariat presented to the 22nd OEWG Meeting held in Montreal in July 2002 (*UNEP/OzL.Pro/WG.1/22/4 of 23 April 2002*)
- 6) Decisions IX/8 and XIV/7 of the Parties to the MP
- 7) WCO recommendation of 23 June 2003 on customs classification of ODS and ODS-containing mixtures
- 8) UNEP brochure on illegal trade in ODS: Is there a hole in the Montreal Protocol”
- 9) “Customs Quick ReferenceTool” developed by UNEP ROWA
- 10) Copies of all presentations to be given at the workshop
- 11) EIA booklets on illegal trade in ODS
- 12) CITES CD – Introduction to CITES for Customs

ANNEX 10.5 Recommendations from the workshop

The participants of the workshop wish to express their appreciation to the Customs and Environmental Authorities of Hungary and UNEP DTIE for perfect organisation of the workshop. The participants wish to emphasise that since the last two regional workshops held in Budapest and Baku in the year 2000 a great progress has been made in their countries in regard to implementation of the Montreal Protocol (MP), and in particular in regard to establishment and enforcement of ozone depleting substances (ODS) import/export licensing systems and training of customs officers and other stakeholders. The countries wish to report with satisfaction that most of the important recommendations agreed at those workshops had been implemented. This concerns, in particular, the actions to be undertaken at the international scale aiming at prevention of illegal trade in ODS which were proposed at those workshops and then included in Decision XIV/7 of the Parties to the MP.

The participants believe that the recommendations presented below, if implemented by the relevant countries and organisations, will help to monitor and control trade in ODS in the CEITs more effectively and prevent illegal trade activities in the region.

Recommendations concerning implementation of the Montreal Protocol by the CEITs

1. Countries participating at the workshop which have not ratified all amendments to the Montreal Protocol (MP) are urged to do so. Special message is sent to the non-A5 countries which have not yet ratified Copenhagen Amendment and are not planning to ratify Beijing Amendment since they may face serious problems in securing imports of HCFCs in view of Decision XV/3 of the Parties to the MP.
2. Countries participating at the workshop which have not establish ODS import/export licensing system or have not fully implemented it are urged to do so. All countries are reminded that according to Decision IX/8 of the Parties to the MP any such system should cover all ODS and include also export controls.
3. Countries participating at the workshop which have not yet introduced mandatory labelling of products and equipment containing ODS of Annexes A and B to the MP or whose functioning relies on those ODS are requested to consider establishment of such obligation.
4. In order to apply alternatives to ODS in CEITs and A-5 countries in the region market mechanisms should be applied when possible, but, if applicable, external financial support should also be considered.
5. Periodical control of ODS leakages and establishing qualification requirements for refrigeration technicians should be mandatory in all countries.

Recommendations concerning monitoring and control of ODS

1. Producers of mixtures containing ODS are asked to label them properly showing chemical composition of the mixture on the label, so the proper customs code can be identified by the customs officers.
2. The participants suggest reporting to the relevant bodies be mandatory in all countries not only for importers/exporters but also for major users of ODS.
3. In order to improve monitoring of transit trade, Customs Authorities in the countries from/to and through which the transit of ODS or products containing ODS is going, should establish a system of information exchange between the relevant NOUs on such shipments.
4. The participants support the WCO recommendations of 28 June 2003 concerning introduction of separate codes for individual HCFCs and for mixtures containing ODS. All CEITs are urged to proceed with implementation of those recommendations in their countries. It is also suggested that

CEITs which did not accede to the EC establish a customs information system available through Internet, similar to the one available for the EC Member States.

5. Developed countries are requested to prevent export of technology and equipment, including second-hand equipment, operating on the basis of ODS to CEITs and A-5 countries from the region, taking into account relevant legislation in the importing countries.
6. The participants support the idea of development of mandatory unified system which would enable tracking ODS shipments, including transit shipments. Some participants indicated that in their countries transit-tracking system already exists and suggest that similar systems might be introduced in the other countries from the region.
7. Customs/NOUs in CEITs are requested to inform relevant authorities in their countries on cases of illegal trade in ODS and ODS-containing products.

Recommendations concerning customs training

1. UNEP DTIE is requested to consider facilitating further development of funds for customs training programmes in CEITs and, in order to achieve completion of Phase II as soon as possible, to monitor more closely the progress of customs training in all CEITs where it was designated as implementing agency.
2. Countries are encouraged to establish permanent training programmes for customs officers on monitoring and control of ODS and to identify regional, sub-regional or national centres to organise such trainings.
3. UNEP DTIE is requested to ensure participation of environmental inspectors in the regional customs training workshops what would facilitate the cooperation between customs authorities and environmental inspectorates needed for efficient combating the illegal trade in ODS.
4. UNEP DTIE is requested to stimulate participation of WCO representatives in the customs training process.
5. UNEP DTIE is encouraged to continue its Green Customs Training initiative and is requested to take into account recommendations of the interested countries concerning minimum 5 days duration of the training course. UNEP DTIE is also requested to ensure participation of representatives from Customs and Environmental Authorities, Focal Points for relevant conventions and NGOs in the future Regional Workshop on Green Customs Training initiative planned for the CEITs.

Recommendations concerning regional cooperation and institutional strengthening

1. Coordination of actions aimed at preventing illegal trade in ODS on regional and sub-regional level is needed to achieve success. Countries in the region are encouraged to exchange data on imports and exports of ODS. Exchange of information in that regard should also be established with more distant countries.
2. UNEP DTIE is requested to consider establishment of the regional body for coordination of activities of the NOUs in interested CEITs.
3. The countries are requested to inform UNEP DTIE regarding the update of the contact persons/addresses of the NOUs and of the contact persons dealing with issues concerning ODS import/export.
4. UNEP DTIE is requested to facilitate bilateral and multilateral exchange of information between countries in the region on the licenses issued for import/export of ODS and/or ODS-containing products. It is also suggested that the similar exchange of information on standards and legislation related to ODS, both existing and being under development is arranged.
5. UNEP DTIE is requested to consider establishment of central on-line database where each country could report the cases of illegal trade in ODS.
6. GEF and its implementing agencies are asked to consider providing support to the eligible countries from the region in regard to equipping customs officers and environmental inspectors

with technical tools needed to combat illegal trade in ODS and to the training of technical personnel. Following Decisions XV/51 and XV/52 GEF and its implementing agencies are asked to consider possibility of extension of Institutional Strengthening projects in those countries. It is advised that the GEF Focal Points and GEF Council Members in the relevant countries are requested by the NOUs to raise these issues at GEF meetings and write letters to GEF explaining the situation of their countries.

7. Countries in the region are encouraged to initiate Public Awareness Raising Campaigns (PARCs) aiming at dissemination of information on ODS what may help to prevent development of illegal trade.

ANNEX 10.6 Evaluation by the participants

Evaluation Questionnaire

The following questionnaire was given to participants to evaluate the training course. 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.

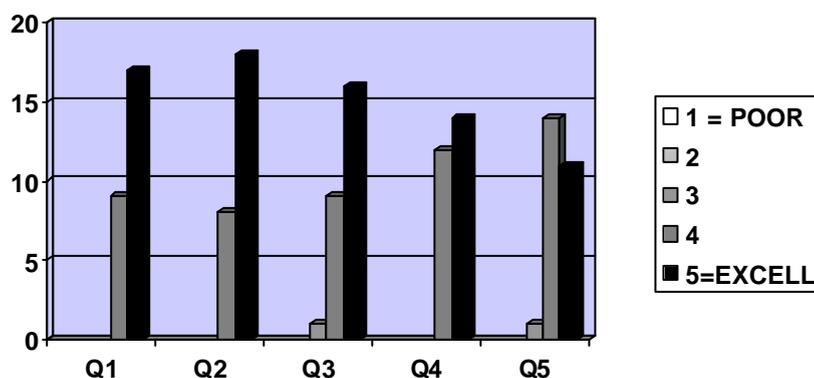
1. What is your overall evaluation of the course?
2. Was the communication between participants possible and useful?
3. Was the composition of the audience adequate?
5. As far as the contents of the presentation are concerned, did you find them adequate in providing the background for discussions?
6. Can you think of any additional material that should be included in the “UNEP Training Manual for Customs Officers” to enable it to better achieve its goals?
7. Can you think of any additional material that should be included in the Kuwait-specific “Country Handbook” to enable it to better achieve its goals?
8. Please, give additional comments about the workshop, if any

The comments about the workshop (answers to Q6), in particular those which were repeated in the answers provided by different participants, and the graphical analysis of responses to the Q1 – Q5 are presented below:

Answers to Q6 :

- Such follow-up workshops are very useful. I have received really useful information
- The workshop was very informative and interesting
- Organization of the workshop was perfect
- It would be useful if workshop materials could be distributed also on CD
- In the future also other countries of the region (e.g. Macedonia, Slovenia) should be invited
- Workshop materials should be translated to Russian
- It would have been useful if the workshop was conducted in only one language – misunderstandings in translation could be avoided

GRAPHICAL ANALYSIS OF THE WORKSHOP EVALUATION BY PARTICIPANTS



Annex 10.7 About the OzonAction Programme UNEP DTIE

Under the *Montreal Protocol on Substances that Deplete the Ozone Layer*, countries worldwide are taking specific, time-targeted actions to reduce and eliminate the production and consumption of man-made chemicals that destroy the stratospheric ozone layer, Earth's protective shield. Over 180 governments have joined this multilateral environmental agreement and are taking actions to phase out ozone depleting substances (ODS), which include CFCs, halons, methyl bromide, carbon tetrachloride, methyl chloroform, and HCFCs.

The Parties to this agreement established a Multilateral Fund that provides developing countries with the technical and financial assistance needed to comply with the Protocol. UNEP, UNDP, UNIDO and the World Bank are the Fund's Implementing Agencies.

The objective of UNEP's OzonAction Programme is to assist developing countries and Countries with Economies in Transition to achieve compliance with the control measures of the Montreal Protocol. Since 1991, the Programme has met this goal by strengthening National Ozone Units (NOUS) and facilitating regional and international responses to the ozone depletion challenge by providing the following need-based services:

Information Clearinghouse, which provides need-based information services that help decision-makers take informed decisions on policies and technologies required to phase out ODS. The clearinghouse has provided over 100 publications and other information aids, including guidelines, videos, CD-ROMs, public awareness materials, a newsletter, sector-specific publications, and a web site.

National and Regional Training, which builds the capacity of policy-makers, customs officers and local industry to implement national ODS phase-out activities. UNEP promotes the involvement of local experts from industry and academia in training workshops and brings together local stakeholders with experts from the global ozone protection community. To date, OzonAction has conducted 70 training programmes for customs officers and 62 for refrigeration technicians.

Regional Networking of ODS Officers, which provides a regular forum for those officers to exchange experiences, develop skills, and share ideas with counterparts from both developing and developed countries. Networking helps ensure that NOUs have the information, skills and contacts required to successfully manage their national ODS phase-out strategies. UNEP currently operates 8 regional/sub-regional Networks involving 115 developing and 9 developed countries.

Refrigerant Management Plans, which provide countries with integrated, cost-effective strategies for ODS phase out in the refrigeration and air conditioning sectors. RMPs assist developing with overcoming the numerous obstacles to phase out ODS in the critical refrigeration sector. UNEP currently provides specific expertise, information and guidance to support the development of RMPs in 67 countries.

Country Programmes and Institutional Strengthening, which support the development and implementation of national ODS phase-out strategies, especially for low-volume ODS-

consuming countries. The Programme has assisted about 100 countries to develop their CPs and 96 countries to implement their IS projects.

In 2002, UNEP restructured OzonAction to better respond to the evolving needs of developing countries during the compliance period. Its overall vision and work strategy was reoriented into the Compliance Assistance Programme (CAP). A major feature of the CAP strategy is to move away from a disparate project management approach towards integrated and direct implementation of the programme using a team of professionals with appropriate skills and expertise. UNEP has now regionalised the delivery of the programme and services by placing its Regional Offices at the forefront to assist the countries in the region.

Primarily funded by the Multilateral Fund, the OzonAction Programme also receives support from the Global Environment Facility, the Government of Sweden, the Government of Finland, and other bilateral sources.

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About the UNEP Division of Technology, Industry and Economics

The mission of the UNEP Division of Technology, Industry and Economics is to help decision-makers in government, local authorities, and industry develop and adopt policies and practices that:

are cleaner and safer;
make efficient use of natural resources;
ensure adequate management of chemicals;
incorporate environmental costs;
reduce pollution and risks for humans and the environment.

The UNEP Division of Technology, Industry and Economics (UNEP DTIE), with the Division Office in Paris, is **composed of one centre and five branches**:

/ **The International Environmental Technology Centre (Osaka)**, which promotes the adoption and use of environmentally sound technologies with a focus on the environmental management of cities and freshwater basins, in developing countries and countries in transition.

/ **Production and Consumption (Paris)**, which fosters the development of cleaner and safer production and consumption patterns that lead to increased efficiency in the use of natural resources and reductions in pollution.

/ **Chemicals (Geneva)**, which promotes sustainable development by catalysing global actions and building national capacities for the sound management of chemicals and the improvement of chemical safety world-wide, with a priority on Persistent Organic Pollutants (POPs) and Prior Informed Consent (PIC, jointly with FAO).

/ **Energy and OzonAction (Paris)**, which supports the phase-out of ozone depleting substances in developing countries and countries with economies in transition, and promotes good management practices and use of energy, with a focus on atmospheric impacts. The UNEP/RISØ Collaborating Centre on Energy and Environment supports the work of the Branch.

Economics and Trade (Geneva), which promotes the use and application of assessment and incentive tools for environmental policy and helps improve the understanding of linkages between trade and environment and the role of financial institutions in promoting sustainable development.

Coordination of Regional Activities Branch (Paris), which coordinates regional delivery of UNEP DTIE's activities and ensures coordination of DTIE's activities funded by the Global Environment Facility (GEF).

UNEP DTIE activities focus on raising awareness, improving the transfer of information, building capacity, fostering technology cooperation, partnerships and transfer, improving understanding of environmental impacts of trade issues, promoting integration of environmental considerations into economic policies, and catalysing global chemical safety.

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