

Summary of National Green Customs Initiative Workshop in Korea

Introduction

1. Venue : Customs Border Control Training Institute, Cheonan, Korea

2. Date : 7 - 8 June 2017

3. Organizer

- Korea Customs Service
- Green Customs Initiative
- World Customs Organization Regional Intelligence Liaison Office for Asia and the Pacific (WCO RILO AP)

4. Participants and Facilitators

- The workshop was attended by a total of 38 participants from the Korea Customs headquarters, 11 regional customs including Incheon, Seoul and Busan Customs and WCO RILO AP
- The facilitators for the workshop are as follows:
 - Mr. Atul Bagai, Senior Regional Coordinator, Compliance Assistance Programme, OzonAction Programme, Asia and Pacific Office, UN Environment
 - Mr. Hubrecht van Westen, Coordinator, Regional Enforcement Network for Chemicals and Waste, Law Division, Asia and Pacific Office, UN Environment
 - Ms. Lixia Zheng, Program Officer, Basel Convention Regional Center for Asia and the Pacific, Stockholm Convention Regional Center for Capacity-building and the transfer of Technology in Asia and the Pacific (*on behalf of the Secretariat of Basel, Rotterdam and Stockholm Conventions*)
 - Mr. Julian Newman, Campaigns Director, Environmental Investigation Agency
 - Mr. Hun Huh, Deputy Director, Biodiversity Division, Ministry of Environment (*on behalf of the Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora*)
 - Mr. Jong-pil Park, Senior Investigator, Narcotics Investigation Section, Incheon Customs
 - Mr. Jong-min Song, Senior Investigator, International Investigation Division, Korea Customs Service
- A list of participants is attached

5. Program: As per attached

Opening Ceremony

1. The workshop was opened by Mr. Lee-keun Yoon, Director of Investigation and Surveillance Bureau, Korea Customs Service. He warmly welcomed all participants and facilitators. Expressing concerns over illegal trade of environmentally sensitive items including hazardous wastes and endangered species which is showing an increasing trend, he introduced Korea Customs enforcement efforts against environmental crimes. Finally, he hoped that this workshop would provide an opportunity for Korea Customs Service to strengthen cooperation with Green Customs Initiative partners.
2. In his opening remark, Mr. Atul Bagai, Senior Regional Coordinator, Asia and Pacific Office, UN Environment appreciated the efforts of Korea Customs Service and RILO AP in co-organizing National Green Customs Initiative Workshop in Korea. He mentioned that Customs' role and cooperation are critical for the implementation of Multilateral Environmental Agreements (MEAs) and wished successful outcome of the workshop.
3. Official Group Photo was taken.

Introduction on the MEAs

4. Mr. Hubrecht van Westen introduced Green Customs Initiative, a partnership of international organizations including UN Environment, Basel, Rotterdam, and Stockholm Conventions (BRS), Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and World Customs Organization (WCO), cooperating to enhance the capacity of customs and enforcement officers to prevent the illegal trade in environmentally-sensitive commodities and to facilitate legitimate trade.
5. Ms. Lixia Zheng provided an overview of the Basel, Rotterdam and Stockholm Conventions. She introduced the objectives and scopes of each Convention including controlled substances and the characteristics of each framework as well as the import/transit/export procedures under the Convention.
6. Basel Convention covers wastes, in particular, the ones with hazardous characteristics including explosive, flammable, poisonous, infectious, toxic, etc., as described in Annex I as well as household wastes. Basel Convention features Prior Informed Consent (PIC) procedure with strict requirements for the transboundary movement of the controlled substances, which is only allowed among the Parties.
7. Rotterdam Convention covers pesticides and industrial chemicals listed in Annex III and other chemicals banned or restricted by a party. The Convention provides a mechanism for information exchange for risks associated to all chemicals. Under the Convention, Prior

Informed Consent (PIC) among the Parties applies for export or import of the chemicals.

8. The objective of Stockholm Convention is to protect human health and the environment from the harmful impacts of Persistent Organic Pollutants (POPs), of which the transboundary movement is prohibited and only allowed for the purpose of environmentally sound disposal or when the chemicals are imported to a Party that benefits from a specific exemption/acceptable purpose.

9. Mr. Jong-pil Park made a presentation on the Montreal Protocol on the Substances that Deplete the Ozone Layer and the roles of Customs for the implementation of the Convention. He highlighted the harmful impact of ODS often used for the refrigerant, fumigants, propellants and blowing agents in the gas form and explained phase-out schedule of substances such as CFC and HCFC as well as other important aspects of the Protocol.

10. Mr. Hun Huh introduced Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) on behalf of the CITES Secretariat including the current status of the Convention and import/export procedure of the species listed in Appendix I, II, and III. In addition, he outlined how the Convention was implemented in Korea and presented the frequently made inquiries related to customs clearance.

Cooperative Efforts to Combat Illegal Trade in Hazardous Wastes, ODS and Endangered Species

11. Mr. Hubrecht van Westen made a presentation on Regional Enforcement Network for Chemicals and Waste (REN) coordinated by UN Environment aiming to combat illegal trade in chemicals and wastes by improving capacities of the frontline customs and enforcement officers and promoting cooperation at national and regional levels. He highlighted activities and achievements of REN including organization of capacity building workshops, interception of illegal shipments by participating countries, and enforcement tools developed.

12. Mr. Sang-yong Park outlined the activities of WCO RILO AP for facilitating information and intelligence exchange and strengthening cooperation among the 33 affiliated Customs Administrations in the Asia-Pacific region. In particular, he featured efforts of RILO AP to enhance collaborative responses against environmental crimes including coordination of joint enforcement Operation SHESHA and monitoring Projects Sky-Hole-Patching and organization of regional Green Customs Initiative Workshop in 2015. He concluded his presentation introducing a plan to launch a new monitoring project codenamed Savannah targeting wildlife species under the CITES Convention.

Practical Aspects of Enforcement on MEAs and Combating Environmental Crimes

13. Mr. Park made a presentation on the trends of illegal trade in ODS. Taking examples of past detections, he described modus operandi and concealment methods used for ODS smuggling including false labeling, misdeclaration, double layer and forged trade documents. He explained risk analysis techniques for detecting illegal trade of ODS utilizing various risk indicators including HS code, source country, price and weight.

14. Mr. Hubrecht van Westen presented practical aspects of enforcement on Basel, Rotterdam and Stockholm Conventions sharing the experience of Netherlands in combatting illegal waste shipments. Briefly outlining regulations and restrictions under the Basel Convention and EU law on the exports of non-hazardous wastes, he showed trends and modus operandi of illegal transportation of wastes to other regions including false declaration of the destination country, mis-description and mixing of illegal wastes with legitimate items.

15. Mr. Hubrecht van Westen explained safety measures to be taken when handling containers possibly loaded with hazardous materials such as toxic chemicals, explosives and radioactive materials. He mentioned that these safety measures should be taken seriously including using basic safety equipment, checking dangerous goods mark or any signs of potential danger, and measuring gas level inside the container before opening.

16. Mr. Hubrecht van Westen shared risk profiling and identification techniques of illegal shipment of wastes or chemicals covered by Basel, Rotterdam, and Stockholm Conventions. He explained risk indicators to be considered in reviewing the trade documents including high-risk HS codes, goods description, value and destination (country and address). Also, he demonstrated the examples of previous detections of illegal shipment.

17. Mr. Kuk-ju Lee, Senior Investigator, Busan Customs, provided a case study covering illegal import of used batteries from the countries located in Africa and South America. Under the Basel Convention, the importer must submit export permit issued from the competent authority in the exporting country to be able to import the wastes. However, to avoid difficulties or to shorten processing time in receiving export permits from the respective exporting countries, the company falsely declared the departure country as the United Arab Emirates to the Ministry of Environment and thus illegally imported used batteries amounting to 220,000 tons through 3,102 times between March 2012 and January 2017.

18. At the end of his presentation, Mr. Kuk-ju Lee shared a challenge relating to waste tires sent from the United States in the sea containers. According to him, there has been

reported several cases of fraudulent transportation of waste tires sent from the United States, where the consignee of the cargo had been fraudulently registered. Due to enormous costs incurred including freight charge, storage charge, terminal fee, etc., these fraud cases have posed huge burden to the related industry and Korea Customs while fraudster gain profit by receiving the Subsidies for Pollution Control from the US government for conversion of waste tires.

19. Mr. Julian Newman introduced activities of Environmental Investigation Agency (EIA) for controlling illegal trade in endangered species. He showed concerns over ever growing scale of wildlife crimes often transnational organized crime and corruption are involved in. After a brief overview on the trafficking trend of major species, he provided an in-depth report on the ivory trafficking from Africa to China by a criminal syndicate originating from Southern China based on the investigation conducted by EIA. He covered modus operandi of the criminal syndicate in each stage of the crime from poaching to the end market including trafficking routes, goods declaration and concealment methods. At the end of his presentation he mentioned that Port Busan had also been used for transshipment of the ivory headed to Hong Kong for at least 2 years and is still active.

20. Mr. Jong-min Song made a presentation on the implementation and enforcement of CITES in the Korea Customs Service as well as cooperation with related government agencies. In addition to major cases in Korea investigated by Korea Customs and other enforcement agencies, he explained actions to be taken by the frontline officers when suspicious species or items are detected as well as procedures for identification and how to handle the detected items.

21. Participants took note of 'WildScan', a species identification tool developed by FREELAND Foundation to combat wildlife trafficking. The mobile application was designed to help the users identify, report and handle wildlife animals.

Break-out Session

22. Discussions were conducted in three break-out groups on different topics. Topics assigned to the three groups were as follows:

- How to handle seized goods: experience, challenges faced and suggestion for improvement;
- Lessons learnt during the workshop and how they will be implemented in the routine operation on the frontline;
- How to enhance inter-agency cooperation: experience, challenges faced and suggestion for improvement;

23. Group 1 discussed on the handling procedures of the detected or seized items. They

shared that they had been experiencing great difficulties in handling hazardous wastes and CITES species especially in terms of the costs incurring during the storage, management and disposal. In particular, the biggest challenge faced is the storage and disposal of waste tires sent from the United States: the whole cost incurring during the investigation is borne by the Customs. They suggested Korea Customs should benchmark how the advanced countries handle environmentally sensitive items when detected or seized.

24. Mr. Hubrecht van Westen shared how wildlife species were handled in Netherlands. According to him, MOU was signed between the Customs and a zoo in Rotterdam so that CITES animals could be given necessary care. Mr. Julian Newman mentioned that derivatives of CITES species such as ivories or rhino horns were often disposed or burnt to prevent theft. Mentioning that seized ODS should be handled with proper care, Mr. Atul Bagai suggested a possibility of inviting Korea Customs officers to an ODS training to be organized by UN Environment in cooperation with the Ministry of Environment.

25. Group 1 pointed out that it was necessary to compile an extensive manual on covering how to respond to the cross-border environmental crimes and the work procedures. Also, they mentioned that information should be provided to the frontline officers such as major seizure examples in and out of the country and the cases where the shipment was identified as waste along with the photos.

26. Group 2 discussed on the lessons learnt and how they can be implemented in their daily routine operation. They mentioned that while frontline officers were generally not familiar with control on illegal trade of environmentally sensitive items, hazardous chemicals posed greater difficulty than CITES. Therefore, they suggested that Korea Customs develop a detailed manual covering work procedures based on the international conventions and domestic regulations in addition to timely sharing of major detection or seizure cases. They took example of WildScan and suggested a similar mobile application be developed to assist them in carrying out control and handling the cases.

27. Group 2 shared prevalent complacency among the customs officers during the routine inspection or handling possibly harmful chemicals. They stressed the importance of keeping the safety measures including purchasing and using basic safety equipment.

28. Group 3 had a discussion on the ways to enhance inter-agency cooperation among the customs and competent authorities. They shared the situation of the frontline officers confronted with pressure and complaints from the clients and the industry when processing clearance of hazardous wastes or chemicals due to the delay from the complicated regulations covering them.

29. Therefore, they emphasized the importance of sharing risk indicators and related information among the Korea Customs through Customs Border Control Targeting Center as well as cooperation with various stakeholders including competent authorities and

clients. It was suggested that real-time communication channel should be established among the working level officers of the Customs and competent authorities and also communication should be enhanced with stakeholders in the private sector.

Closing Ceremony

30. At his closing remarks, Mr. Atul Bagai mentioned that this workshop had given him an opportunity to get to know the situation and challenges faced by Korea Customs officers. Hoping that this workshop had provided useful information and knowledge, he requested that the participants should make use of the lessons learnt from the workshop after returning to their routine operations. Finally, he requested continuous awareness and commitment of the participants and encouraged them to contribute to the interdiction and prevention of environmental crimes at the borders.