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**Conference of the Parties to the Basel Convention
on the Control of Transboundary Movements of
Hazardous Wastes and Their Disposal**

Eighth meeting

Nairobi, 27 November–1 December 2006

Item 6 (e) of the provisional agenda**

**Implementation of the decisions adopted by the Conference
of the Parties at its seventh meeting: Legal matters**

Illegal Traffic: report on workshops

Note by the Secretariat

Attached is the report of the Regional Workshop Aimed at Strengthening the Capacity of Customs and Enforcement Officers at the National Level to Prevent, Identify, Monitor and Manage Illegal Traffic of Hazardous Wastes and other Wastes held in Bratislava, Slovak Republic, from 3 to 5 October 2006. This workshop was organised with the kind support of the Technical Assistance Information Exchange Instrument of the European Commission (TAIEX) and the assistance of the Government of the Slovak Republic. For the annexes to the report of the workshop, please see the Basel Convention website (<http://www.basel.int/legalmatters/index.html>).

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Regional Workshop on Illegal Traffic for Central and Eastern Europe Aimed at Strengthening the Capacity of Custom and Enforcement Officers at the National Level to Prevent, Identify, Monitor and Manage Illegal Traffic of Hazardous Wastes and Other Wastes

Bratislava, Slovak Republic, 3-5 October 2006

Report of the Meeting

I. 3 October 2006

1. The Opening session of the Regional Workshop on Illegal Traffic aimed at Strengthening the Capacity of Custom and Enforcement Officers at the National Level to Prevent, Identify, Monitor and Manage Illegal Traffic of Hazardous Wastes and other Wastes was chaired by Ms. Dana Lapesova, Director of the Basel Convention Regional Centre in Bratislava (BCRC-Bratislava). She opened the workshop, welcomed the participants and introduced the speakers. Her opening speech was followed by welcoming remarks made by Mr. V. Blazicek, General Director, Ministry of Environment of the Slovak Republic (SR), on behalf of the Minister of Environment of the SR, who expressed his gratitude for the efforts of the Secretariat of the Basel Convention (SBC) and the BCRC-Bratislava in organising the workshop, as well as to the Technical Assistance Information Exchange Instrument of the European Commission (TAIEX), for providing the financial support.

2. Ms. Sachiko Kuwabara-Yamamoto, Executive Secretary of SBC, provided an opening statement, that was read by Ms. Laura Thompson, Legal Expert provided by SBC, in which she stressed the importance of addressing the issue of illegal traffic at the international level and pointed out that this workshop was the first time where the recently adopted Training Manual on Illegal Traffic was going to be used and invited all participants to make suggestions and comments on their experience in the use of the manual. She also expressed her gratitude to the Government of Slovakia, the BCRC-Bratislava, TAIEX and the other participating agencies for the support in the workshop.

3. The substantive part of the meeting began with an overview of the Basel Convention structure, goals and procedures presented by Ms. Thompson. She described the control system established by the Convention from start to finish, as well as the wastes covered and the classification system established by the Basel Convention. Participants raised issues regarding the difficulties faced by customs officers with the notification forms, the languages used, the variety of classification codes, the distinction between waste and products, and the lack of expertise at the borders to control shipments of hazardous wastes and to identify potential cases of illegal traffic of wastes.

4. Following Ms. Thompson's presentation, Mr. Joachim Wuttke, Head of Section and Basel Convention Focal Point, General Affairs of Waste Management, Federal Environmental Agency of Germany, presented an overview of the regulations on transboundary movements pursuant to European Union (EU) legislation, in particular regulation 259/93 and 1013/2006, the EU procedures, as well as of the similarities and differences between the EU and the Basel Convention systems.

5. In the afternoon session, Mr. Wuttke made a presentation on the waste definition and classification in the EU system, and made a comparison of the European Waste List, the OECD List of Wastes and the lists of wastes contained in the Annexes to the Basel Convention. Participants raised issues regarding the difficulties faced in determining which of the three lists apply and the codes used.

6. The presentation was followed by two practical exercises. In the first exercise, participants were divided into groups and provided with samples in order to determine whether they were wastes and classify them according to the Basel Convention, EU, and OECD lists. In the second exercise, participants were given five notification forms and were requested to identify the errors in the notifications.

7. The meeting was suspended at 5:00 pm.

II. 4 October 2006

8. At the beginning of the morning session, a presentation was made by Ms. Thompson on National Measures to Address Illegal Traffic of Wastes as defined in the Basel Convention, which emphasised the role of customs and enforcement officers and the need of cooperation between Customs and other Regulatory Authorities. Ms. Thompson also provided a list of the relevant reference materials that are available on the issue of illegal traffic including, the Technical Guidelines adopted by the Conference of the Parties of the Basel Convention, the Guide to the Control System, the Guidance Elements for Detection, Prevention and Control of Illegal Traffic in Hazardous Wastes, and the Training Manual on Illegal Traffic for Customs Officers and other Enforcement Agencies.
9. Following the programme, presentations were made by the participating countries on the National Procedures and Mechanisms that they have established to manage transboundary movements of hazardous wastes and to address cases of illegal traffic of such wastes, based on the responses to the Questionnaire No. 1, that had been circulated to the participants before the workshop.
10. Most countries indicated that they had enacted legislation that implemented the Basel Convention as well as the relevant regulations of the EU, and their procedures. Furthermore, several countries indicated that they have an import ban for final disposal and few countries mentioned that their national legislation considered as hazardous, additional wastes to those listed in the Basel Convention. Ms. Thompson reminded participants that import bans and national definitions of wastes have to be notified to the Secretariat in order to be in applicable to all Parties of the Basel Convention. Some countries indicated that they have task forces at the national level that include several agencies and that they participated in international programmes or networks such as CEN and IMPEL. Finally, most countries indicated that their customs and enforcement officials faced a lack of expertise and equipment in order to properly deal with illegal cases of transboundary movements of wastes.
11. In the afternoon, presentations on European and International Mechanisms Combating Illegal Traffic took place.
12. Ms. Jolanda Roelofs, VROM - Inspectorate, Ministry of Housing, Spatial Planning and the Environment of The Netherlands, made a presentation on the European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL), its procedures and objectives and the projects carried out or in process including, the results of the project Seaport and Verification, and the new IMPEL/TFS project enforcement actions.
13. Following that presentation, Ms. Tsvetelina Borissova-Filipova, Project Manager, Environmental Law Programme, Regional Environmental Centre for Central and Eastern Europe (REC), introduced the activities of REC, in particular, the AIMS project and Background report on Biodiversity and Chemicals/Waste MEAs in South Eastern Europe commissioned by UNEP within the project Bridging the Gaps: "Enhancing MEA Implementation in the Balkans".
14. Immediately after, a presentation by the members of the Organization for Security and Cooperation in Europe (OSCE) took place. Mr. Philip Reuchlin, Economic and Environmental Advisor, started with an overview of the organization and of the work of the Office of the Coordinator for Economic and Environmental Activities, followed by a presentation by Mr. Raul Daussa, Associate Programme Officer, on the scope of the Environmental and Security Unit. The presentation continued with an overview of the work of the Strategic Police Matters Unit, by Mr. Viacheslav Vorobiev, Police Affairs Officer, and of the Border and Security Management Concept, by Mr. Johann Wagner, Borders Advisor. The presentation focused on the relation between environment and security and the potential role that OSCE could play in this context.
15. The afternoon session continued with a presentations on international mechanisms combating illegal traffic. Starting with a presentation by Mr. Mark Measer, Crime Intelligence Officer, on the activities of Interpol, including projects such as Clean seas, Organized Crime, Penalty, Eco Message, Train-the Trainer, and the scope of the work of the Environmental Crime Committee.
16. To finalise the session, Mr. Etienne Gonin, Associate Programme Officer, of the UNEP Division of Technology, Industry and Economics presented the Green Customs Initiative, its goals and activities. He pointed out that a new Green Customs Guide to Multilateral Environmental Agreements and other Relevant Treaties will be available at the beginning of 2007.
17. The meeting was suspended at 5:00 pm.

III. 5 October 2006

18. The morning session began with a presentation by Ms. Lapesova on the work of the BCRC-Bratislava, its main areas of activity, the projects undertaken and the new Business Plan for 2007-2008, that was prepared in close cooperation with the National Focal Points of the Basel Convention in the region.

19. Presentations of cases of illegal traffic of waste that have been detected and/or prosecuted were made by the following countries: Croatia, the Czech Republic, Hungary, Poland, Serbia, Slovenia and Slovakia. The presentations were based on the responses to Questionnaire No. 2, that had been circulated to the participants before the workshop. Participants described the cases, indicated the procedures that were followed, the sanctions that were imposed, and the lessons learned.

20. Several countries identified the difficulties faced in prosecuting cases of illegal traffic at the national level due to the lack of knowledge of prosecutors and judges of the Basel Convention rules and procedures, and indicated that training from the Secretariat for prosecutors and judges will be needed in this respect. The same issue was raised in connection with the lack of knowledge of customs officers of the Basel Convention in the control of transboundary movements of wastes. The importance of improving the cooperation at the national and international level of agencies dealing with illegal traffic of wastes was stressed.

21. Ms. Thompson indicated that pursuant to a decision of the fifth meeting of the Open-ended Working Group, an outline of a manual for the Legal Profession was going to be considered at the eighth meeting of the Conference of the Parties, and that the Conference of the Parties will then take a decision as to whether such a manual shall be developed by the Secretariat.

22. A practical exercise consisting of a case study was distributed and participants were divided into three groups and requested to identify the potential violations to the Basel Convention from the countries involved in the transboundary movement of wastes.

IV. Final remarks/ recommendation

23. The participants recognised the importance of international cooperation and the timely exchange of information in dealing with illegal traffic of wastes. Furthermore, the need of improving the cooperation and coordination of the various agencies involved in the control of transboundary movements of wastes at the national level was stressed.

24. One country suggested that a follow-up training course for customs and enforcement officers, more focused on practical aspects, would be useful.

25. In view of the changing nature of border controls within an enlarged European Union, several countries highlighted the new challenges of cooperation between agencies for combating illegal traffic of hazardous wastes.

26. Two countries suggested that some of the presentations of cases of illegal traffic that were held during the workshop and the case study that was discussed should be added to the manual in the future.

27. All the documents relevant to the workshop including, the agenda, questionnaires, presentations made by the speakers and participating countries and the list of participants are available at the websites of the Basel Convention (www.basel.int) and the BCRC-Bratislava (www.sazp.sk/bcrc).