



**REPORT  
OF FIRST CENTRAL ASIA  
SUB-REGIONAL WORKSHOP  
“GREEN CUSTOMS INITIATIVE”**

**Tashkent, Uzbekistan, 14-17 February 2006**

*Organised by  
The United Nations Environment Programme  
Division of Technology, Industry and Economics  
(hereinafter referred to as UNEP DTIE)*

*and*

*National Ozone Unit of Republic of Uzbekistan  
Main Department of Air Protection  
State Committee for Nature Protection of the Republic of Uzbekistan  
(hereinafter referred to as the NOU of Republic of Uzbekistan)*

*with Financial support from  
the Government of the Czech Republic  
and the Government of Norway*



**Secretariat of the First Sub-regional Workshop  
“Green Customs Initiative”  
Tashkent, Uzbekistan, 14-17 February 2006**

## **First Central Asia Sub-regional Workshop “Green Customs Initiative”**

### **I. Opening Session**

1. The first sub-regional Workshop of the “Green Customs Initiative” for Central Asia was held on 14-17 February 2006 in Tashkent in the conference hall “Samarkand” of the Dedeman Silk Road hotel.

2. The Workshop started at 9 a.m., on 14 February 2006.

3. The following participants of the Workshop made welcome remarks:

- Mr. Gofir Aliyev – the Chairman of the Agricultural, Hydroeconomic and Ecological Committee of the Oliy Majlis (Senate) of the Republic of Uzbekistan;

- Mr. Boriy Alihanov – the Chairman of the State Committee for Nature Protection of the Republic of Uzbekistan;

- Mr. Shuhat Hairullayev – the Deputy Chairman of the State Customs Committee of the Republic of Uzbekistan;

- Mr. Yerzhan Aisabayev – Programme Officer, OzonAction Programme, UNEP Division of Technology, Industry and Economics;

- Mr. Karel Mašek – the General Directorate of Customs, the Czech Republic.

**The officials in their addresses greeted the participants of the Workshop. They expressed appreciation to the UNEP, the Norwegian and the Czech Governments for their technical and financial support for the Workshop.**

They stated that noting the global nature of the efforts directed to solving the environmental problems there is a necessity to work out a programme of joint actions aimed at improving mutual understanding of the necessity of taking actions aimed at improvement of the environmental safety in the world and particularly in Central Asia.

The necessity of adopting of a perfect environmental safety system, based on international experience in lawmaking, scientific, technical and technological achievements, was particularly stressed. It was stated that effective solution of environmental problems is only possible in close cooperation on the international

level in frames of the Multilateral Environmental Agreements (MEAs), with the aim to take particular actions for protection of the environment and conservation of natural resources.

The speakers noted that currently all Central Asia countries are in the process of working out an independent, deliberate environmental policy and these countries cooperate in protecting the environment at both regional and global levels. Transition to the environmentally sound sustainable development is a priority for Central Asia countries, as a lack of common goal-oriented policy and cooperation may result in degradation of the ecosystem.

Intensification of activity of all departments involved into the ecological issues and close cooperation in the environment protection efforts was recognized.

Mr. Y. Aisabayev greeted the participants of the Workshop on behalf of Ms. Monique Barbut, Director, DTIE UNEP. He thanked the Chairman of the State Committee for Nature Protection and the National Ozone Unit of Uzbekistan for good arrangement of the Workshop.

Mr. Y. Aisabayev briefed the participants on the goals and aims of the Workshop. He stressed the necessity to fulfill the obligations of MEAs with trade components, being focused on the elements common for various MEAs.

Mr. Y. Aisabayev said that representatives of Secretariats of five international ecological conventions, WCO, OPCW, Interpol and UNDP would participate in the Workshop.

All speakers wished every success to the Workshop.

## **II. Administrative matters**

### **A. Participants**

4. Representatives of the following Central Asia countries: Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan took part in the Workshop.

5. Representatives of UNEP DTIE, the UNEP Regional Office for Asia and Pacific, the UNDP office in Uzbekistan participated in the Workshop.

6. Representatives of the Secretariats of international ecological conventions including the the Stockholm Convention and the Basel Conevntion (through the Basel regional centre located in Moscow).

7. Representatives of OPCW, WCO (RILO-Moscow) and Interpol National Bureau for Uzbekistan participated in the Workshop.

8. The Workshop was attended by the representatives of the EC, the Czech Customs and the Embassy of the USA in Uzbekistan

9. Representatives of various Uzbek ministries and departments as well as of several NGOs (“ECOSAN”, “Ecologos”, “Jur-Eco”, and “Rodnichok”) attended the Workshop.

10. Reporters from the newspaper “Nalogovije i Tamozhennije Vesti”, from the journal “Ecologicheskiy Vestnik”, other printed media; radio and TV reporters participated in sessions of the Workshop.

11. By tradition, the Workshop participants introduced themselves before adopting the agenda. See the list of participants, journalists and representatives of the Secretariat in Annex 1.

## **B. Agenda Approval**

12. The Workshop was co-chaired by Mr. Y. Aisabayev (DTIE UNEP) and Ms. N. Dotsenko, (National Ozone Unit, State Committee for Nature Protection of Uzbekistan).

13. Based on the preliminary draft agenda, the participants of the Workshop approved the revised and improved agenda. See Annex 2.

### **Session 1: Introduction to the Green Customs Initiative**

Objectives and Approach of the Workshop.

Green Customs: Coordinated Capacity Building.

Overview of the UNEP guidelines and the Manual on compliance with and enforcement of MEAs. The status of Ratification, Compliance, and Enforcement of MEAs in Central Asia.

Q&A – Discussion.

### **Session 2: Compliance with and enforcement of MEAs**

Addresses of the representatives of countries-participants.

### **Session 3: The role of WCO/RILOS in enforcement of MEAs**

Harmonized System (HS) – Recommendations.

Major amendments to the HS from 1 January 2007 (Environmental goods).

The role of the Regional Intelligence Liaison Office of WCO in the region.

Q&A – Discussion.

### **Session 4: Stockholm Convention - Compliance and Enforcement**

Stockholm Convention on Persistent Organic Pollutants.

Q&A – Discussion.

### **Session 5: Montreal Protocol - Compliance and Enforcement**

Montreal Protocol on Ozone depleting substances.

General introduction on the Montreal Protocol.

A country case study: Uzbekistan.

Q&A – Discussion.

**Session 6: Basel Convention – Compliance and Enforcement**

Basel Convention on Trans-boundary movement of hazardous waste.  
Q&A – Discussion.

**Session 7: Rotterdam Convention – Compliance and Enforcement**

Short introduction to the Rotterdam Convention.  
A country case study: Action of the Czech Customs to implement the Rotterdam Convention.  
Q&A – Discussion.

**Session 8: CITES – Short introduction to the CITES**

Customs training material

**Session 9: Licensing system for Chemical Conventions**

European Commission's electronic licensing system and EC customs databases for controlling trade in dangerous chemical substances.  
Q&A – Discussion.

**Session 10: Enforcing the Multilateral Environmental Agreements and combating environmental crime.**

Experience from the Asia Pacific Region.  
Q&A – Discussion.

**Session 11: Enforcing the Multilateral Environmental Agreements**

Enforcing MEAs.  
Q&A – Discussion.

**Sessions 12-13: The Chemical Weapon Convention (CWC)**

Introduction to the Convention.  
Customs training and the Chemical Weapon Convention.  
Q&A – Discussion.

**Session 14: Visit of customs facilities of the State Customs Committee of Uzbekistan**

Visit of the Top-level customs college.  
Visit of the National service-dog training facility.

**Session 15: Thematic discussions – Green Customs regional themes.**

Topics for small-group discussion:

- free zones;
- improvement of legislation;
- combating ecological crime.

### **Session 16: Conclusion of the Regional Workshop “Green Customs**

#### **Initiative”.**

Round-table facilitated by the Green Customs Partner representatives.  
Reporting to the Plenary on small-group discussions.  
Feedback on the Green Customs training and material.  
Conclusion of the session.

### **Session 17: Closure of the Regional Green Customs Workshop.**

Closing remarks.

### **Session 18: Open forum.**

Bilateral discussions.

## **C. Organization of work**

14. The Co-chairman said that the agenda of the Workshop included many issues, which will be effectively discussed and settled by the participants. He spoke of some administrative issues before suggesting the arrangement of the Workshop procedures.

## **III. Brief of the presentations of the “Green Customs Initiative” Workshop**

### **Session 1:**

15. Mr. Y. Aisabayev, the Co-chairman of the Workshop and Mr. E. Gonin made introductions to the “Green Customs Initiative”. They stressed that the main objective of the Workshop was to reduce and combat illegal trade in environmentally hazardous goods and that activity of international, regional and national Partners to the Initiative was very important in this aspect.

The speakers spoke of the customs authorities’ roles changing in the course of time. Traditional objectives of customs i.e. control of trade, collection of taxes and fees were enhanced with new tasks relating to enhancement of the national and international security and nature-protection activity. Customs officers have to deal with environmental crime, as the countries, which signed MEAs have to fulfill their obligations under the Agreements. Such obligations under MEAs may be assumed by the governments of several countries of the region and by the world community on the global level. Hence, customs authorities may start dealing with goods – the subjects of MEAs, thus controlling fulfillment of appropriate tasks associated with prohibition and limitation.

Customs officers may be also attracted to investigation of the cases of illegal trade and inform the public of the actions being taken to ensure observance and fulfillment of MEAs. By fulfilling these tasks the customs officers combat deterioration of the environment in their countries and in the world.

The speakers then briefed the participants of the Workshop on the activity carried out in frames of every particular MEA. The Workshop discussed the provisions of five international conventions and of the CWC. The “Green Customs Initiative” is an agreed method of capacity building. It serves as support for controlling trans-boundary movement of some particular goods, substances and wild flora and fauna species by means of presenting succinctly international ecological conventions aimed at conservation and protection of the environment from adverse impact of the human activity. The reporters spoke of the partners to the conventions, partner-organizations’ activity directed to improve the customs officers’ knowledge of MEAs relating to the trans-boundary trade.

When the countries undertake particular on-the-record commitments under MEAs, which are often connected with regulations on international trade, they have to manage and, in some particular cases, imply legal restraints or prohibit trade with some particular types of goods. Introduction of the restrictions or prohibition of trade under MEA provisions often results in illegal trade with the substances and products, flora and fauna species controlled or prohibited by MEAs. Such illegal activity can indeed prevent fulfillment of countries’ international obligations. Effective administration and restraint of illegal trade is facilitated by customs services of the countries. All MEAs, regulating trans-boundary movement of some particular types the goods, purportedly entrust the customs committees with a duty to control both import and export, proper arrangement and consistency of accompanying documents, fulfillment of MEAs provisions, as well as appropriate national laws. In case the customs authorities detect violation or non-fulfillment of MEAs provisions, they have to assume appropriate measures.

The necessity of better integration of international, regional and national interests in compliance with and observance of MEAs provisions as well as fulfillment of MEAs by national coordinating agencies, international agencies, nature protection units, customs committees, prosecutors’ offices, juridical and legislative authorities was particularly stressed.

The speakers gave a survey of the status of MEAs ratification and fulfillment by Central Asia countries. They stressed the necessity of Central Asia countries’ coordinated activity aimed at unification of the regulations on illegal trade, monitoring, training, and establishing of close cooperation among the partners to the Initiative in the countries.

Finally, the speakers informed the Participants of the Workshop procedures, such as cross-lighting of the issues of compliance with and fulfillment of MEAs, presentation of MEAs, sharing of in-country and regional experience, visit to customs facilities in Uzbekistan, introduction to CWC, small-group discussions and preparation of recommendations.

16. Mr. E. Gonin made a presentation of the “Green Customs Initiative” draft manual. After briefing the Workshop participants on the structure of the manual, the speaker gave details of the points, which customs officers should be familiar with in order to improve their knowledge of MEAs.

He spoke of the role of customs authorities in fulfilling MEAs, as the authorities are the most important body in the process of facilitating effective control and combating illegal trade. The speaker stressed that customs officers are often not familiar with all provisions of MEAs. Therefore, the manual can be quite useful in the customs officers’ day-to-day activity, as it contains answers for the questions like: what information one should know; what one should understand; what one’s role is, what actions should be taken, where one can get additional information, where one can get practical help.

The draft manual is designed to facilitate usage of the MEAs principles by means of explanatory text, praxis, practical training, records, etc. Comments included in the draft manual are written in a simple and lucid style. The draft manual contains examples of the best practices, which can be used by the countries and the regions in order to comply with one or several MEAs. It also contains sample copies of customs declaration forms, info on the way they have to be filled in, and on the procedure of verifying the accompanying documentation.

### **Session 2:**

17. During this session the Workshop participants discussed the most urgent problems existing in the legislation, the ways of changing national legislations for the purpose to harmonize them with MEAs, enforcement of MEAs, the issues of illegal trade being focused on MEAs’ elements common to all countries. The participants of the Workshop also shared their in-country experience.

18. Mr. M. Amanaliyev, the Focal Point of the Ozone Unit of the Ministry of Ecology and Emergency reported on the details of the enforcement measures being taken in the Republic of Kyrgyzstan under MEAs.

He spoke about the difficulties existing in the field of combating illegal trade with goods restricted by MEAs, due to a long mileage and rugged mountain relief of the borderline.

He informed the participants of the Workshop on the status of ratification, compliance with and enforcing MEAs in the Republic of Kyrgyzstan. He briefed the participants of the procedures of getting licenses for goods – the subjects of the ratified Conventions and of a conceptual framework for reducing illegal trade with ODS, which was worked out by the National Ozone Unit.

19. A presentation of trade, including cases of illegal trade with ODS in the trans-boundary terms was made. The presentation demonstrated various methods of illegal trade with ODS, such as delivery through back-ways, non-declaring, false labeling and camouflaging. Mr. M. Amanaliyev made a slide-presentation of the cases of illegally imported CFC-12 and products containing ODS. He



demonstrated the list of the countries exporting ODS and products containing ODS to the Republic.

He reported on the results of the working meeting of delegations of Kyrgyzstan, Kazakhstan and China, which took place in late summer 2005. During that meeting the delegates discussed the ways of combating and measures to be taken to prevent illegal trade with ODS produced in China. That became necessary because small-volume (up to 1 kg.) cylinders with CFC-12 or R-12 appeared in the Kyrgyz markets.

During the discussion, it was revealed that small-volume cylinders containing CFC-12 are not the subjects of the Chinese legislation and can be imported under the item "equipment". The 2005 meeting resulted in a commitment to workout and put into practice an interregional mechanism of control and regulation of import/export of ODS. The countries-participants admitted the necessity and feasibility of prior notification on export and import of ODS and of the products containing ODS based on the model of the Basel and the Rotterdam Conventions. It was indicated that Kazakhstan and Kyrgyzstan at present forward information on all cases of illegal trade with ODS and on products containing ODS of the Chinese origin to the Chinese authorities. The Chinese delegates promised to investigate those cases.

The delegates agreed to define several border checkpoints equipped with instruments and facilities for ODS identification. They also agreed to hold regular meetings of the bordering countries' customs authorities in order to solve the problem of illegal trade with these specific goods. The first such meeting will be arranged under the auspices of the UNEP in 2006. It was also decided to start information exchange with the "RILO CIS" and the "RILO AP"<sup>1</sup> on the cases and methods of illegal trade with ODS. Based on such information, the countries shall be able to respond appropriately.

Another problem alarming the nature-protection agency of Kyrgyzstan is smuggling of snow leopards, saker falcons and Marko Polo sheep, the subjects of the Red Book (of protected species). Mr. Amanaliyev said that he had some information on transit shipment of such species via neighboring countries and asked customs officers of the countries to pay special attention to this problem and help to combat illegal trade with the species covered by the CITES taking into consideration the fact that Kyrgyzstan is not yet a member of the CITES.

The speaker stressed the necessity of further modernization of the National Legislation so that it could meet the international requirements set in MEAs and indicated the necessity of applying a unified approach to training of customs officers responsible for monitoring of import and export of the goods, chemicals, waste, flora and fauna species in frames of MEAs.

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<sup>1</sup> RILOs: Regional Intelligence Liaison Offices (of the world Customs Organisation; CIS: Commonwealth of Independent states; AP: Asia Pacific.

20. Ms. N. Dotsenko spoke of the problems existing in the field of illegal importation of the prohibited ODS and products containing ODS to the Republic of Uzbekistan. She noted that the State Committee for Nature Protection jointly with the State Customs Committee based on the UNEP decision-making matrix and in accordance with the National legislation re-exported products containing CFC-12, prohibited for importation to Uzbekistan as early as from 1 July 2000 at the expense of the company, which purportedly supplied false information.

Ms. N. Dotsenko informed the Workshop participants of another fact –destruction of 328 kg. of CFC-12 illegally imported to the Republic. She stressed that to destroy the ODS a special technology approved by the Montreal Protocol was applied and about 5 thousand USD from the republican budget was spent.

21. During the discussion, the Workshop participants exchanged their opinions and reviewed several questions, namely:

- representatives of Tajikistan spoke of how the National action plan is being implemented, of how the ODS imported to the republic are being registered, They stressed the necessity of UNEP's coordination and financial support on the regional level in ODS destruction;

- Mr. Y. Aisabayev told about the way the information comes to the environment protection agency, about the way of cooperation with the prosecutor's office, taking into consideration absence of the full-scale cooperation between the key-agencies;

- the representative of Turkmenistan spoke of the active role of the prosecutor's office in investigating cases of illegal trade with ODS. He said that in frames of the training programme implemented under the Institutional Strengthening Projects, the training system should be unified, while the role and responsibility of the customs should be improved;

- an Uzbek delegate stressed the key role of customs officers and spoke of the manuals worked out by the UNEP for the customs control purpose.

Mr. M. Amanaliyev, Mr. Y. Aisabayev, Ms. E. Sobakina answering the questions of the audience said that ODS importation record-keeping is carried out by means of training customs officers in frames of the UNEP's projects of Institutional Strengthening of National Ozone Units. They said that several manuals were published in frames of the Montreal Protocol and that one of the manuals, the most important one, has already been distributed to the participants of the Workshop. The speakers also said that a manual for the Rotterdam Convention, a checklist for customs officers under the POP Convention, an electronic version (CD) of the CITES already exist and shall be distributed in the course of the Workshop.

All participants concluded that all key-agencies should establish interrelations and complement each other's activity, i.e. cooperate in a coordinated way and combat illegal trade. It was noted that prior receipt of shipping documents by customs officers for preliminary examination and prompt execution of all customs formalities is required.

### Session 3:

22. Mr. S. Rodichkin, an Officer of the Regional Intelligence Liaison Office for the CIS, Moscow in his report pointed that good contacts required for prevention and combating illegal trade have been established between the UNEP and the RILO.

He spoke of the basic tasks, aims and structure of the “RILO – Moscow” comprising the countries of Central Asia region, besides Russia and except of Turkmenistan. This system, being non-public information and communication exchange system, arranged as a structure-database, enables to carry out a real-time exchange of live data and the law-enforcement information on the registered cases of illegal shipment of main articles of smuggling.

He reported of the results of publishing activity carried out by the RILO and dissemination of the “Vestnik” copies among the customs departments of the CIS countries. After several meetings arranged on the initiative of the UNEP, the “RILO - Moscow” started arranging collection of data from its national liaison offices for combating illegal trafficking of ODS and of the subjects of the CITES.

The speaker expressed his hope that the Workshop will facilitate further development of cooperation among not only international organizations and customs departments, but also among the law-enforcement authorities of the Central Asia countries involved into solution of the problems, which exist in the environment and public protection.

23. After Mr. S. Rodichkin’s brief report a discussion took place during which a number of questions were asked and answered and the participants shared their experiences.

A representative of an Uzbek NGO asked about the way of informing the public of safety measures to be taken in case of waste disposal. A representative of the State Customs Committee of Uzbekistan clarified that NGOs may not have access to the operational information of the “RILO - Moscow”. A representative of UNEP added that a regional network for information dissemination has been created under the UNEP.

Another Uzbek representative asked about the new amendments to the WCO Harmonized System (HS) putting into practice from 1 January 2007 and what the term “Ecologically Clean Goods” means. The Uzbek customs officers explained that they have received main amendments to the HS and are working on them. They also promised to clarify the meaning of the term “Ecologically Clean Goods” and report later on.

The representative of the UNEP office for Asia-Pacific region, Mr. L. Ning spoke about dissemination of information through focal points and about cooperation of customs authorities with the “RILO AP”.

Mr. S. Rodichkin stressed that access to the information database is governed by the WCO Head Office, while more close cooperation should be carried out through national communication centers established in the customs departments.

Ms. Kalina Levanska, the representative of the EC asked about liaison between the “RILO - Moscow” and industry. Mr. S. Rodichkin answered that the “RILO - Moscow” office has different tasks.

Ms. E. Sobakina, from the Secretariat of the Stockholm Convention, concluded the discussion by expressing mutual opinion on the necessity of timely submission of operational information on movement of goods and coordination of joint activity of the key-partners.

#### **Session 4:**

24. The Stockholm Convention on Persistent Organic Pollutants (POP) was presented by Ms. E. Sobakina, who reported about the Convention status at present.

The Workshop participants were briefed on the background information on POP. These organic carbon compounds of natural and anthropogenic origin due to their unique physical and chemical properties are persistent to decomposition in the environment, can be transferred in all kinds of natural environments, can be hardly dissolved in water, though can be easily absorbed by fat cells. Therefore, a long-term impact of POP on people and animals can result in bad after-effects or chronic disorders and diseases. Ms. E. Sobakina demonstrated a list of 12 POP, including eight pesticides, two industrial chemical compositions and two by-products (dioxin and furfuran).

She spoke of main provisions of the Convention aimed at public health and the environment protection, including measures taken to control intended and unintended production of POP; POP stock and waste; general obligations; new chemicals; financial and technical support, and trade aspects.

Issues of importation and exportation of purposely-produced POPs were specially highlighted. Some of the methods used by customs officers for POP identification were highlighted too. Attention was paid to the procedures of POP identification based on the CAS numbering; POP quantities and usage pursuant to the provisions of the Convention; necessity to provide more detailed information and respective documents; support of communication with local nature protection agencies responsible for implementation of the Convention on POP, etc.

25. The Convention issues were extensively discussed, including the following:

A representative of Tajikistan asked a question about financial support.

A representative of Kyrgyzstan put a question of responsibility of China for the cases of illegal exportation of DDT to Kyrgyzstan. Ms. Sobakina answered that the Stockholm Convention does not have the proper authority to deal with this issues, though commercial operations with DDT should be supported by annually issued certificates.

A representative of Uzbekistan asked about the volume of the POP indicated in the Convention and expressed concern that the list of POP is the result of competition of POP producers.

Mr. E. Gonin, DTIE UNEP, put a question of implementation of the national programmes and of the way, these programmes include activity of the customs. Ms. E. Sobakina answered that POP, irrespective of their volume, are covered by the Convention. She stressed that previously mentioned lists of POP are not the result of producers' competition. The lists of POP, she added, were made proceeding from the POP impact on people and the environment. At present 12 pilot projects are being implemented in the East Europe; information on these projects, including the Stockholm Convention plans is available on the website. Each plan consists of four stages. The fourth stage stipulates evaluation of the necessity to workout a new legislation. However, the documents have an advisory nature, taking into consideration typical model legislation.

A discussion followed regarding on-line training. For example, the WCO implements distance training of customs officers through the internet in six UN languages.

Representatives of Tajikistan and Uzbekistan remarked that live communication is more effective, and a representative of Kyrgyzstan drew attention of the audience to usage of the practices of the Montreal Protocol and the network system.

Mr. Y. Aisabayev, DTIE, UNEP told about a pilot distance-training programme on the Montreal Protocol issues carried out in China. He asked if the issues of implementation and application of the Montreal Protocol provisions for the Stockholm Convention's purposes were discussed. Ms. E. Sobakina answered that discussions of usage of the Basel Convention Centers were held, but to decide the issue it was necessary to get consent of the Conference of the Parties to the Stockholm Convention.

Mr. L. Ning and Mr. K. Mašek stressed the benefits of the distance training, which allows increasing the number of trainees from customs committees and inspectors of nature protection and industrial agencies. At the same time in case of such training, there will be no need in financing arrangement and holding Workshops.

### **Session 5:**

26. Mr. Y. Aisabayev reported on the Montreal Protocol on the Ozone Depleting Substances. He read out the address of the UN General Secretary in which it was stated that significant results in fulfillment of the international commitments aimed to protect the environment have been achieved in frames of the Montreal Protocol.

The speaker told the audience about the problems of the ozone layer depletion, about international activity of all Parties to the Montreal Protocol in frames of their commitments. He mentioned that global environmental problems in general, and depletion of the ozone layer in particular affect all living organisms, including plants and people all over the world, from the North Pole to the South Pole.

He informed the participants of the Workshop of the spheres of ODS usage, status of ratification of the Montreal Protocol by the countries of the region, schedules of ODS phase out, compliance to MEAs, regulation and control of trade with ODS and products containing ODS, and of the Montreal Protocol structure.

27. During discussion of the presentation of the Montreal Protocol, a representative of Kyrgyzstan drew attention of the participants to two aspects of the Montreal Protocol, which cause illegal trade with ODS in the form of re-export. First aspect is the division of the countries to the Parties of the Article 2 of the Montreal Protocol (developed countries: Kazakhstan, Uzbekistan, Tajikistan) and of the Article 5 of the Protocol (developing countries: China, Kyrgyzstan and Turkmenistan). The schedules of stage-by-stage phase out of ODS are different in these countries, which cause problems of re-exportation in the border areas of the countries of Articles 2 and 5. For instance, ODS are re-exported from China to Kyrgyzstan in Karasu area, or ODS is re-exported to Kyrgyzstan in Isfara area of Tajikistan. Trade with overage refrigerating equipment is under way.

The second aspect concerns of ratification by the countries of various amendments to the Montreal Protocol. For example, a Party of the Copenhagen Amendment can import and use methyl bromide, while some other countries cannot do it because they have not ratified this amendment.

28. Ms. N. Dotsenko, the National Focal Point of the Ozone Unit of Uzbekistan reported on the status of the Montreal Protocol fulfillment by the Republic of Uzbekistan. She spoke of the status of ratification of the Montreal Protocol and its amendments by Uzbekistan. Based on analyses of various ODS consumption profiles it was proved that Uzbekistan meets the schedule of the Montreal Protocol. Ms. N. Dotsenko spoke of the actions taken by the Government to control import/export of ODS and products containing ODS, cooperation of the State Committee for Nature Protection and the State Customs Committee. She also revealed the problems existing in the field of illegal trade with ODS and products containing ODS, which was mentioned on the first day of the Workshop. Then she spoke of the actions to be taken to overcome these problems and to fulfill the international commitments.

Ms. N. Dotsenko informed the participants about the changes approved by the Uzbek Government aimed at improving regulation of import and export of ODS and products containing ODS. She also made a presentation of a programme being worked out by the National Ozone Unit for creation of an electronic database for monitoring import and export of ODS and products containing ODS, as well as for the ozone-friendly substances. Ms. N. Dotsenko stressed that this database, once created, shall enable to register and control the volumes of ODS and products containing ODS; ODS-free products; make a breakdown of suppliers and consumers; facilitate communication with the State Customs Committee; prepare reports and submit them to the Ozone Secretariat of the UNEP as stipulated in Article 7 of the Montreal Protocol.

29. During the follow up discussion a representative of Turkmenistan said that he would appreciate usage of this programme in Turkmenistan too. A representative of Kyrgyzstan noted late working out of the programme. A representative of Kazakhstan put a question about connection with the customs committee for the purposes of exchanging information.

Answering these questions Ms. N. Dotsenko stated about her readiness to provide Turkmenistan with this programme. She said that such activity is not late as this programme may be utilized not only for controlling consumption of HCFC refrigerants, but for controlling usage of mixtures, recycled and recovered ODS as it is stipulated by the Montreal Protocol. The programme can be used for controlling ozone-friendly substances, too. Later on, keeping in mind the Kyoto Protocol, control for ozone-friendly substances shall be most probably imposed too. Ms. N. Dotsenko noted that in accordance with decisions of the Government a cooperation with the State Customs Committee has been established and the Committee regularly supplies the National Ozone Unit with information on import and export of ODS.

### **Session 6:**

30. Mr. A. Shekhovtsov, Basel Regional Center for CIS, spoke about the Basel Convention on Trans-boundary Movement of Hazardous Waste.

In his presentation Mr. A. Shekhovtsov stressed that the main objective of the Basel Convention is protection of the public health and the environment, described the status of the Convention, mechanisms of achieving the objectives, spoke about the documents including the list of the waste types - the subject of monitoring, definitions and controlling trans-boundary movement of waste.

The speaker informed the audience about establishing of 13 training and technology-transfer centers in various regions under the Basel Convention.

31. During the discussion, a representative of Kazakhstan asked about availability of the information on waste utilization and removal in some countries and a representative of Tajikistan saying that some waste has been piled in the republic asked if any technical assistance for the waste removal is planned. Mr. A. Shekhovtsov replied that there is not enough information on the waste utilization and removal and no help in frames of the Basel Convention shall be rendered. However, a project for waste removal is under way in Russia. The project stipulates fixing liability for the damage caused in the past.

The representative of Kyrgyzstan added that in frames of the Basel Convention the guidelines for waste removal and appropriate technologies were worked out a long time ago. Ms. E. Sobakina said about cross-references existing in the Basel Convention on the Trans-boundary Movement of Hazardous Waste and the Stockholm Convention on Persistent Organic Pollutants in terms of POP and hazardous waste. She added that necessary guidelines are available on the website.

### **Session 7:**

32. Ms. E. Sobakina, the representative of the Stockholm Convention Secretariat, spoke of the Rotterdam Convention on Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade.

She provided general information on their activity since 1985, on the Convention progress, on the negotiation process, Convention approval and entry into force in 2004.

Ms. E. Sobakina spoke about the present-day status, i.e. 37 chemicals, including 24 pesticides, 6 hazardous pesticide compounds and 7 commercial chemicals are included in the Convention lists.

She also gave a characteristic of gradual inter-linkages of three Conventions, of the Stockholm Convention dealing with production of chemicals and pesticides, of the Rotterdam Convention dealing with chemicals, pesticides and trade with waste, and of the Basel Convention dealing with trade with dangerous waste.

Ms. E. Sobakina said that the Convention's goal is establishing common responsibility and to starting cooperation of the Convention Parties in the field of trade with dangerous chemicals for protecting human health and the environment by means of environmentally-sound usage of the chemicals. Thereat, the Convention objectives shall be reached by means of exchanging information on chemicals and their properties; by implementing decisions on import/export on the national levels; by establishing an early-warning system. Furthermore, the convention does not stipulate prohibition of production of the chemicals.

Ms. E. Sobakina highlighted the following basic provisions of the Convention: for instance, the Convention reads upon the prohibited and restricted chemicals, whilst it does not cover drugs and psychotropic substances, radiation-emitting materials and waste, chemical weapons, chemical food additives and foodstuffs analyzers, etc. The key institutions comprise the Designated National Authorities (DNAs), the Conference of the Parties, the Chemical Review Committee (CRC) and the Secretariat. The Parties are responsible for making certain legislative and administrative decisions and commitments in respect of import and export of chemicals.

The speaker described the mechanisms of procedures necessary for including prohibited or restricted chemicals into the Convention both on the national and global levels. For instance, to include a chemical to the Convention list initiative of two countries from two different regions is required, while for an extra-hazardous pesticide, a proposal of one country only is enough.

Then, the Workshop participants were informed on the available auxiliary documentation, particularly the PIC Circular, including electronic versions. It was stressed that these Circulars contribute to the decision making process and provision of technical assistance in frames of the Convention.

The speaker gave a number of recommendations on how to elaborate the legislation on chemicals, such as: goal setting; establishing of linkages with other branches of law, which deal with pollution of air, water, soil, damage of wild flora



and fauna; legislative matters; socio-economical aspects; responsibility and management issues; restriction/prohibition of production and usage; monitoring of pollution; waste removal; meeting of obligations; preventive measures; elimination of damage; the international aspects. A structure of a typical law was demonstrated. The structure includes the following paragraphs: definition of the goal; terms of reference; exclusion lists; appointment of responsible authority; area of responsibility; data collection; evaluation; regulatory actions; differentiation of measures; securing of fulfillment; finance; guidelines and connection with existing laws.

33. The presentation was followed by discussion.

A representative of Kazakhstan asked where one can get copies of PIC Circulars and what their language is; a representative of Kyrgyzstan asked about the procedures to be followed by customs officers in respect of the 37 chemicals; a representative of Tajikistan noted that interlinkage mechanisms must exist as the three above said Conventions are interlinked.

Answering the questions, Ms. E. Sobakina said what the Circular letters' languages are English, French and Spanish and that the letters are normally mailed to the Parties of the Convention. The letters are also available on the Convention's website. Then, concerning the procedures for customs, she said that they deal with all scope of import, which should be followed. Answering the question of the representative of Tajikistan Ms. E. Sobakina explained that cooperation takes place in frames of three Conventions. However, not all countries are parties to the same Conventions. At the same time, even if some DNA have been defined, their functions are different, and the substances monitored by the Conventions are different. Thus, cooperation and interrelationship should exist on both national and international levels.

A representative of Kyrgyzstan informed the audience that in accordance with the Rotterdam Convention, 25 chemical substances and compositions were defined in the Republic of Kyrgyzstan (namely asbestos, parathion, tetraethyl lead, etc.). Relationship within EC was taken as the basis for regulation of trade with these chemicals. Challenges included that China, for instance, did not announce exportation of DDT to Kyrgyzstan. He complained that this Convention does not specify any adequate measures in a way the Montreal Protocol does and suggested to unify the systems of licensing.

Ms. E. Sobakina noted that the Secretariat may not amend the text of the Convention and that such issues are the subjects for the Conference of the Parties.

34. This session was supplemented by an example of the Czech Customs' activity aimed at implementation of the Rotterdam Convention on import and export of certain chemicals and waste.

Mr. K. Mašek, the General Directorate of Customs, the Czech Republic, presented information on the structure of the Czech Customs Directorate, gave a comparative table of the number of customs terminals and check points, number of customs

officers in the country before and after joining the EC. He stressed the decrease of their number after entry of the Czech Republic to the EU.

The presentation contained information on main legislative enactments for customs based on consular directives of the EC and dealing with import/export of chemicals. The presentation showed main customs determinations of import and export, customs packaging, marking, usage of trademarks.

The presenter spoke in detail of special customs procedures for controlling import/export of hazardous chemicals and prior notification of the parties in accordance with the established procedures and restrictions of exportation of chemicals.

Mr. K. Mašek spoke of special training of the Czech customs officers; their functions in terms of recording and registration of chemicals and waste crossing the frontier of the country; prohibition of import in the countries, where import ban exists, exceptions when the chemicals are used for scientific and research purposes; the way of controlling, marking and packing the imported chemicals.

35. During the discussion, a representative of the Uzbek Customs Committee noted the well-developed information system and asked a question if a system of risk management and a database existed in the Czech Republic. Mr. K. Mašek told about the existence of appropriate special units. Ms. K. Levanska added that the electronic system of customs clearing existed in the EU and it could be used in case the goods were properly marked. However, in case of necessity a thorough physical inspection is carried out.

A representative of the Uzbek Customs Committee asked about availability of instruments for determining radioactivity. The answer was positive. Hand instruments are available at customs terminals.

A representative of Kazakhstan noted that a single-sanction principle was used in the EU, as there was a rule of free shipment of goods in the EU, and every country carried out goods examination by itself.

### **Session 8:**

36. Mr. E. Gonin, the representative of DTIE UNEP in his short introduction said that the CITES was one of the founding partners of the "Green Customs Initiative". He demonstrated a CD with a basic information on the CITES and essential activity of customs officers and presented the CITES Chapter in the Green Customs Guide.

Mr. A. Grigoryants, Deputy Director of Flora and Fauna Protection and Rational Use Inspectorate of the State Committee for Nature Protection of Uzbekistan reported about the goals and objectives of the CITES consisting of securing the trade with wild fauna and flora and their derivatives in a way not jeopardizing their survival. He summarized the role of his office in the implementation of the CITES in Uzbekistan.

Mr. A. Grigoryants said that the CITES makes provisions for various rates of protection of more than 33,000 animal and plant species both as living specimen and primary or end products. Every case of exportation of them must be licensed by the National Administration of the CITES after taking opinion of the National Scientific Department of the CITES.

He said that the CITES annexes contain lists of flora and fauna, foodstuff, exotic leather goods, wooden musical instruments, etc.

37. During the debates a representative of the Kazakhstan Customs Committee asked about the way of customs clearing of goods and determining of dutiable value of the goods – the subjects of the CITES for individual persons, as they have to fill in the Form T-6, while the others – the Cargo Customs Declaration (CCD). A representative of Uzbekistan confirmed that the Form T-6 has to be filled in, while CCD does not have to.

A representative of Kazakhstan said about a similar case, when sturgeons and black caviar exportation was registered on CCD.

A representative of the Uzbek Customs gave examples of registering of a circus elephant; of prevention of illegal clearing of saker falcons; of exportation of 30 tons of ferula, the subject of the Red Book, to Tajikistan. A representative of Tajikistan Customs replied that Tajikistan Customs did not possess any information about these cases.

A representative of Kyrgyzstan customs stated that problems of illegal trade depend on the volume of exported goods and their dutiable value. He stated that the problems of the illegal trade depend on the volume of the goods and its dutiable value, as in this case the pieces of derivate are being exported.

Representatives of Uzbekistan and Kyrgyzstan customs committees started discussion. The representative of Kyrgyzstan argued that his country is not a party of the CITES, which results in the problems in customs clearing the transit goods, as the goods have to be cleared in Uzbekistan or Kazakhstan. Besides this, Kyrgyzstan has no information about the quantities. Representatives of the State Committee for Nature Protection and the State Customs Committee noted that during the past three years they issued no permissions and never cleared such goods. They asked the representatives of Kyrgyzstan to provide them with particular data. Next question concerned the time of ratification of the CITES by Kyrgyzstan. A Kyrgyzstan delegate replied that certain activity in this regard is underway and the Republic at present operates via Russia.

Mr. L. Ning asked where the information was coming from. He stressed that live data should be exchanged and forwarded to the customs and environment-protection agencies. Mr. E. Gonin noted that an “Eco-message” facility exists in Interpol and Interpol tracks all eco-messages. A representative of Uzbek customs said that Uzbek Customs Committee and the Committee for Nature Protection receive the data and stressed the necessity of establishing connection with Interpol.

Another representative of Uzbekistan replied that information is delivered to the “RILO-Moscow”.

The participants of the Workshop learned that in accordance with Kazakh legislation all cases of smuggling are the subjects of criminal trials and that customs officers and border guards are attracted to investigation cases and proceedings.

Mr. S. Rodichkin, from the “RILO-Moscow”, however remarked that such information is always delayed and sometimes irrelevant. In addition, in case of a criminal trial, the information becomes confidential.

Mr. A. Grigoryants concluded that all actions should be co-coordinated and live data and working examples should be shared. All these will facilitate day-to-day work. He also asked the journalists not to mention prices of flora and fauna species in their publications as high profits existing in this field may nudge some people to start illegal business.

### **Session 9:**

38. Ms. K. Levanska, European Commission, demonstrated an electronic system of licensing of the ozone depleting substances.

It was indicated that this EC licensing system is based on the provisions of the Montreal Protocol and is even stricter than required under the Protocol. Thus, certain bans are being applied; HCFC refrigerants are being phased out; trade with certain substances and equipment is controlled. The electronic system being used since 2002 was supplemented with some new features, such as: exchange of quotations in the online mode; EU expansion is taken into account; phase out of methyl bromide; critical use of ODS in case of issuing licenses; new approach to the programme of fumigation; finalizing of the database for laboratory purpose; the electronic processing of issuance of licenses.

Ms. K. Levanska told about the particular ways of executing import licenses, two-stage examination of licensing of essential uses of methyl bromide. Then she spoke of the EC database access admittance procedure and of the significant importance of the database for customs officers’ activity. Finally, she made evaluation of complexity, peculiarity, effectiveness and operability of the system. Thus, the system is common for 25 countries where 600 companies are registered. The system is attended by the personnel of two directorates. More than 800 licenses were issued in 2005. Moreover, issuing of a license takes only 2 days, the procedure became less bureaucratic, information exchange became easier, and documents are processed in real-time.

Ms. K. Levanska spoke of the programme perspectives, including electronic security; synergy with the Rotterdam Convention; data integration for the purposes of reporting in accordance with Article 7 of the Montreal Protocol. A pilot project “In One Window” was highlighted too.

39. A representative of Uzbekistan asked about the EU licensing of HCFC export to Russia, as Russia have not ratified the Beijing Amendments to the Montreal Protocol, yet.

A representative of Kyrgyzstan appreciated the electronic database and asked about the principle of quotas issuance and decision-making.

Answering the questions, Ms. K. Levanska said that Russia has already ratified the Beijing Amendments, while Uzbekistan shall not be able to import HCFC from the EU countries unless it ratifies the amendments. Speaking about issuing the quotas, Ms. K. Levanska said that the EC annually makes an appraisal of applications for usage of methyl bromide, for instance. Than usage of methyl bromide is put in correspondence with the Montreal Protocol regulations, the experts check availability of alternatives; cost-effectiveness; working life of fumigants, etc.

### **Session 10:**

40. Enforcing the Multilateral Environmental Agreements and Combating Environmental Crime issues were covered in two presentations.

Mr. L. Ning, Consultant, UNEP Regional Office for Asia and Pacific spoke of the experience in Asia Pacific Region. He reported the data on ODS production and consumption in the Asia Pacific Region. More than 80% of ODS is produced and consumed there. Mr. L. Ning spoke of cooperation in monitoring and controlling the ODS consumption and production on the regional level, prevention of illegal trade in the frames of a Sweden / UNEP project. He stressed that the Ozone Unit actively cooperates with the Environmental Investigation Agency. Following recommendations for prevention of illegal trade with ODS, the Governments cooperate with manufacturers, an informal prior informed consent scheme is under way, and punishment of illegal traders is quite severe, though the investigators' skills should be improved. The reporter also stressed the importance of attending environmental crime more thoroughly.

Then, the presenter told about a Regional Partnership Forum aimed at combating environmental crime; electronic form of customs officers training aimed to prevent illegal trade with ODS; another sub-regional workshop "Green Customs Initiative" in Bhutan, where issues of transit transportation of ODS were discussed.

Mr. L. Ning presented material describing in detail forms and methods of regional cooperation by way of comparing and analyzing data on import/export in the Asia Pacific Region. The comparative analyses revealed a difference between the volumes of the imported and exported substances, which means that some quantity of ODS may be imported illegally. He also demonstrated samples of false marking of cylinders containing refrigerants.

The reporter demonstrated examples of practical execution of the cases of smuggling and usage of the confiscated ODS, i.e. of auction sale of ODS for the countries, which possess appropriate quotas.

In conclusion, the reporter gave recommendations depicting the necessity of the producers' cooperation with the governments; controlling ODS prices; exchanging information between the countries, ozone units and other agencies; cooperation of the RILO and the UNEP.

41. During the follow up discussion, the following questions were asked:

Kyrgyzstan – about the number of the revealed cases of illegal trade with ODS and the ODS costs;

Uzbekistan – about the cases of involving Interpol;

EC – about availability of work plans and prohibition of usage of disposable cylinders with CFC;

Tajikistan – about readiness to disclose information on the cases of illegal trade with ODS.

Answering the questions, Mr. L. Ning said that:

- clear information on the cases of illegal trade with ODS is often not available;
- there were no cases of involving Interpol yet, while only official meetings took place;
- he has no information on prohibition of exportation of disposable cylinders with CFC from China;
- there are some advantages in the Swedish project, such as availability of a Focal Point, which cooperates with the Chinese customs for example. An Uzbek representative added that the Malaysian customs possesses a well-established communication and that cooperation links with Malaysian customs should be encouraged.

### **Session 11:**

42. Ms. E. Putnam, the Central Asian Regional Environmental, Science, Technology and Health Officer of the US Embassy in Tashkent on behalf of Mr. L. Sperling, the Senior Scientific Advisor for Oceanology and International Ecological and Scientific Affairs of the US State Department, made a report on the procedures of enforcing the Multilateral Environmental Agreements.

Ms. E. Putnam stressed the importance of cooperation aimed to enforce the Multilateral Environmental Agreements, both on the national and international levels. She emphasized that increasing problems of depletion of the ozone layer; negative impact of chemical pollution on people, deterioration of biodiversity and spread of diseases may be solved by means of working out and fulfilling provisions on the international trade with goods, which are important for protection of the environment. It is especially important because the volume of illegal trade with goods, chemicals, species of wild flora and fauna is estimated as 22-31 bln. USD. This illegal profit may be further used for the purposes of corruption and other criminal activity endangering the national security. Moreover, ecological

crime is attractive as the profits are big and the risk is low because of insufficient vigilance and knowledge of customs officers.

Therefore, the role of customs officers in application of the MEA's regulations based on national legislations including the Prior Informed Consent Procedures and the system of licensing are very significant. Ms. E. Putnam stressed the necessity of coordination of actions of ecological and customs authorities, including monitoring of enforcing the MEA and combating environmental crime. For the customs officers, for instance, it is very important to check compliance of the customs documentation and to inspect freights.

The reporter mentioned techniques used to deceive customs officers, i.e. of false marking and falsification of goods origin; fabrication of customs declarations, use of confusing wording, etc.; she noted the necessity of working out of a system of indicators aimed to facilitate the tasks of the customs officers.

In conclusion, she spoke of the necessity of cooperation of the key-agencies based on memorandums or agreements or in an informal way.

43. Answering the question of compliance of the US legislation to the provisions of MEAs, Ms. E. Putnam replied, that in case the USA sign the MEAs the legislation of the country would be harmonized accordingly.

### **Session 12:**

44. The Chemical Weapon Convention (CWC) was described by Mr. D. Cardozo, the CWC Analyst. In the introduction to the Convention Mr. D. Cardozo spoke of the history of creation of chemical weapons (CW), starting from arsenic smoke used in China and finishing with usage of CW in wars between various countries; of nowadays actions of terrorists. Mr. D. Cardozo also depicted the reason of non-usage of CW during the World War II. He spoke of development, production and accumulation of CW in the US and the USSR during the cold war and of usage of toxic gas by terrorists in Japan in 1994 and 1995.

The reporter told about the stages of chemical weapon disarmament, which started in 1960 after the Geneva Conference on Chemical Disarmament; of the Chemical Weapons Convention signed in Paris on 13 January 1993 and its entry into force in 1997. He spoke of the present-day status of the Convention, which was signed by 176 countries. The reporter told the Participants about 10 countries, which signed but did not ratify the Convention and about 8 countries, which did not sign the Convention.

Mr. D. Cardozo told the audience about inspections carried out in frames of CWC, cease of production, procedures of destruction of CW stocks and about international cooperation in this field.

45. Answering the questions of the Uzbek delegates on responsibility for violation of CWC, of a Tajik delegate on estimation of a damage of the environment and on the measures directed to prevention of the pollution of the environment, Mr. D. Cardozo replied that no member-countries of CWC infringe the Convention

articles. He said that the non-member countries get some help in implementation of this Convention. He said that various environment-friendly technologies are applied for destructing CW, such as burning, neutralization, etc. These technologies satisfy all necessary ecological requirements.

### **Session 13:**

46. In the next presentation, Mr. D. Cardozo spoke of the ways of controlling chemicals. He informed the audience of the concept of chemical weapon, i.e. of toxic chemicals used in chemical weapon, chemical agent ammunitions and various kinds of equipment employing hazardous chemicals, which can harm or kill people, or damage the environment. Mr. D. Cardozo said that Articles VI and II enable the Parties to produce and use the toxic chemicals and their derivatives (precursors) i.e. dual-purpose chemicals for agricultural, medical, etc. purposes not prohibited by the convention.

The reporter demonstrated the lists of the chemicals. The first list (Schedule 1) contained chemicals used in CW (soman, ricin, tabun) and having very limited non-commercial application. The second list contained precursor chemicals of war gases also used for commercial purposes, and the third list – chemicals used for both production of CW and products of peaceful purposes (phosgene, hydrogen cyanide, and chloropicrin) which are controlled by the Convention. The examples of usage of chemicals were also given.

Then the reporter said that in accordance with the Convention's requirements the chemicals were subdivided into three lists for the purpose of submitting by the Parties of the declarations on the quantity of CW and carrying out inspections of OPCW. There are detailed instructions for the Parties and inspection teams of OPCW for examining work on the sites, places of CW production and storage, industrial enterprises depending on the quantity of produced chemicals and examination of corresponding declarations limits. He also gave additional information on the chemicals usage for peaceful purposes.

47. In the next report, Mr. D. Cardozo spoke in detail of the conditions of sale or transition of CW. At the beginning, Mr. Cardozo spoke of the common rights of the Parties of the Convention, which envisage the right of each Party to sell CW for the purposes not prohibited by the Convention and not prevent the Party's economical or technical development and international cooperation.

He informed the participants of the prohibitions existing for the Parties, such as production, procurement or storage or movement of CW or such weapons chemical ingredients. The Parties should not take part in any military preparations involving usage of chemicals or stimulate any other activity prohibited by the Convention.

The reporter described the conditions under which the Parties can sell chemicals of the Lists 1, 2 and 3. In particular, the parties should describe the purposes of delivering CW in accordance with the Lists to the Parties and indicate the purpose.



For example, List 3 contains certain conditions under which CW may be delivered the Convention's non-parties.

Stressing the priority of the international agreements over the national legislations in respect of CW, Mr. Cardozo spoke of the requirements for customs officers. In particular, he said, it is necessary to ask to submit: licenses for CW production, import and export, written notifications of the national authorities, to collect data and produce reports on chemicals. The customs officers should apply a double check of declared import and export of chemicals and their actual status, control terms of submission of notifications and reports.

At the end of the presentation, the reporter gave examples of some shortcomings existing in the national legislations of the countries and of a few recent facts of investigation of application of ricin, mustard gas and other CW.

48. Then, Mr. D. Cardozo said that in recent years the role of customs services has changed. Their tasks have been reoriented to protection of the national security; antiterrorist protection; traffic in human beings; trade facilitation, etc. Although, the Convention does not contain any particular regulations for the customs authorities, the commitments of the Parties should be taken into consideration. Therefore, shipment of chemicals of Schedule 1 to a non-party or third party countries is not allowed, or shipment of chemicals of Schedule 2 to non-party countries is allowed under appropriate guarantees, etc.

Speaking about requirements of the Convention, Mr. D. Cardozo described the role of customs authorities in analyzing and monitoring the manifests and declarations to be completed in case of exportation of CW. He demonstrated examples of discrepancies occurred in import/export declarations, mistakes in the information entered by traders and producers, methods of calculation, various national limits and thresholds.

The reporter gave examples of identifying chemicals and chemical mixtures based on chemicals identification numbers, HC of WCO and CAS numbers, revealed the problems of trade in chemicals in free zones. He also spoke of the methods of controlling delivery based on various data, including real-time data; described the business end of the requirements to customs officers who carry out customs inspections. He stressed the importance of the import/export licensing system in monitoring and controlling CW. The essential management and supervision is carried out based on the software prepared for customs terminals, which enables to control the data legitimacy and sequence, payment of taxes and allows assessing the risk. By means of the software customs officers can make all necessary calculations without checking the goods, just examine the documentation, or carry out physical inspection of the goods.

Giving description of some methods of smuggling, Mr. D. Cardozo depicted the details, which the customs officers should pay attention to. He spoke of the actions, prescribed by the checklist, the customs officers have to carry out in case of finding CW, and of the internal security measures.

49. Mr. D. Cardozo demonstrated to the participants the tools for chemical analyses – a Guide to chemicals, which provides information on chemicals definition, including their brand names used in IUPAC and CAS numbers; military names and HS codes, or the CWC symbols. This Guide is available in the electronic version and the speaker explained and demonstrated how to use it.

50. Answering an Uzbek participant's questions on the framework security standards, risk analyses and management, assistance of OPCW to the Parties of the Convention in equipping an Uzbek organization responsible for providing data with modern means of technical control at a custom checkpoint, Mr. D. Cardozo said that WTO member countries exchange preliminary information on CW import and export, that there is a Committee for cooperation, which is now introducing interstate information system (a pilot project), that OPCW renders assistance to the Parties in training, that second-hand, though quite good, equipment can be provided to them.

During the discussion, the Uzbek representatives were recommended to study the existing experience in respect of safety, as there is an electronic communication system called TIR (using a TIR-carnet). A representative of Kyrgyzstan said that safeTIR system existing in his country allows the customs committee to control only transit freights. Mr. D. Cardozo replied that it is necessary to monitor the routes, if among the customs committees of the countries there is a smooth coordination and real-time communication, as is the case of Uruguay for example.

#### **Session 14:**

51. Visit of customs facilities of the Uzbek State Customs Committee (SCC): Top Military – Customs College (the Criminalistic Department, the Statistic Information-processing Department, and the National Dog Service Center)

During the visit to the Top Military – Customs College the participants of the Workshop learned about the history of the College, its purpose and the number of students. The College's lectures and instructors demonstrated the available training equipment and informed of the subjects the students learn. The participants of the Workshop saw the site for practical training in detecting smuggled goods. The site is equipped with rail vehicles, automobiles of various types, etc, in which illegal goods may be hidden and smuggled.

The participants visited the College lab, equipped with the most modern equipment for identification and detection of smuggled goods. They saw operation of an electronic chromatograph and the method of usage of the electronic identifier of ODS. This piece of equipment was provided by UNEP in frames of the Customs Officers Training Programme.

The Director of the largest in the region National Dog Service Center of the State Customs Committee informed the participants of the Workshop of the methods and peculiarities of training dogs, of the training process and pure-strain dog breeding. He also showed the lecture halls and the vet. The visitors were able to see several

three-day old pups. By the request of the Workshop participants and in accordance with traditions, one of the pups was named “Ozone”.

The visitors saw the dogs’ skills in detecting drugs, explosives and catching armored terrorists and criminals.

At the end of the visit, all questions of the Workshop participants were answered.

### **Session 15:**

52. Thematic discussions – regional issues of the Green Customs.

At the beginning of the session, the participants were divided into three small groups, which discussed the following questions:

- free zones;
- changes to legislation;
- combating environmental crime.

In addition, the following topics were suggested for small-group discussions:

- shortcomings in the legislative licensing system;
- enactment of legislation;
- environmental crime;
- free zones;
- participants’ suggestions.

During the discussion, it was decided that small groups would discuss the following issues:

- free zones;
- adoption of legislation; and taking into account recommendations of the participants, one more topic was discussed:
- cooperation of the environmental and customs services.

### **Session 16:**

53. Conclusion of the Regional Workshop “Green Customs Initiative”.

The groups discussed the proposed topics with the aim to work out the collective opinion and unified recommendations.

Each group discussed the selected topic, prepared and reported its recommendations to the plenary.

Then the results of the discussions were reported to the plenary.

Based on the results of the small group discussions the general recommendations of the first sub-regional workshop “Green Customs Initiative” were worked out. See Annex 3.

Then the participants of the Workshop gave their opinions on the “Green Customs Initiative” training material and gave an estimate of the Workshop.

#### **IV. Closing of the Workshop**

54. After traditional exchange of amenities, the workshop was announced finished.

**LIST OF PARTICIPANTS  
“GREEN CUSTOMS WORKSHOP”**

14-17 February 2006			Tashkent, Uzbekistan	
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<b>Agenda</b>	
<b>Green Customs Workshop</b>	
<b>14 – 17 February 2006, Tashkent, Uzbekistan</b>	
<b>Monday 13 February 2006</b>	
18:00 – 18:30	Briefing for Session Chairs
18:30 – 19:00	Registration of Participants
<b>Tuesday 14 February 2006</b>	
<b>Inaugural Session</b> 08:45 – 09:45	<b>OPENING OF THE SUBREGIONAL WORKSHOP</b> <b>Welcome Remarks</b>  Address by representatives from the State Committee for Nature Protection, and of the State Customs Committee of the Republic of Uzbekistan  Welcome by representatives of partners to the Green Customs Initiative
09:45 – 10:45	<b>BRIEFING OF THE MEDIA</b> <b>TEA / COFFEE BREAK</b>
10:45 – 11:00	<b>Introduction of Participants</b>
<b>Session 1</b> 11:00 – 12:00	<b>INTRODUCTION TO THE GREEN CUSTOMS INITIATIVE</b>  Objectives and Approach of the Workshop <b>Green Customs: Coordinated Capacity Building</b>  Overview of the UNEP guidelines and manual on compliance with and enforcement of MEAs  Status of Ratification, Compliance, and Enforcement of MEAs in Central Asia <i>Mr. Yerzhan Aisabayev, UNEP DTIE</i> <i>Mr. Etienne Gonin, UNEP DTIE</i> <b>Q&amp;A – Discussion</b>
12:00 – 13:30	<b>LUNCH BREAK</b>
<b>Session 2</b> 13:30 – 14:45	<b>COMPLIANCE WITH AND ENFORCEMENT OF MEAs</b> <b>PRESENTATION BY THE COUNTRY PARTICIPANTS</b>  <i>A round table discussion by the countries on their most pressing issues in terms of implementation of legislation, difficulty to adopt a legislation, enforcement and illegal trade, with focus on common elements in different MEAs.</i>
14:45 – 15:15	<b>TEA / COFFEE BREAK</b>
<b>Session 3</b> 15:15 – 16:30	<b>THE ROLE OF WCO/RILOS IN ENFORCEMENT OF MEAs</b>  <b>Harmonized System – Recommendations</b> <b>Major amendments to the HS from 1 January 2007 (Environmental goods)</b> <b>The role of the Regional Intelligence Liaison Office of WCO in the Region</b> <i>Mr. Serguey Rodichkin, Regional Intelligence Liaison Office for CIS, Moscow</i> <b>Q&amp;A - Discussion</b>

<b>Session 4</b> 16:30 – 17:45	<b>STOCKHOLM CONVENTION - COMPLIANCE AND ENFORCEMENT</b>  Stockholm Convention on Persistent Organic Pollutants <b>Q&amp;A – Discussion</b> <i>Ms. Elena Sobakina, Stockholm Convention Secretariat</i>
<b>Evening</b>	<b>Cocktail</b>
<b>Wednesday 15 February 2006</b>	
<b>Session 5</b> 09:00 – 10:15	<b>MONTREAL PROTOCOL - COMPLIANCE AND ENFORCEMENT</b>  Montreal Protocol on Ozone depleting substances <b>General Introduction on the Montreal Protocol</b> <i>Mr. Yerzhan Aisabayev, UNEP DTIE</i>  <b>A country case study: Uzbekistan</b> <i>Ms. Nadejda Dotsenko, Mr. Farkhat Saydiyev</i> <i>National Ozone Unit, Uzbekistan</i>  <b>Q&amp;A – Discussion</b>
10:15 – 10:45	<b>TEA / COFFEE BREAK</b>
<b>Session 6</b> 10:45 – 12:00	<b>BASEL CONVENTION - COMPLIANCE AND ENFORCEMENT</b>  Basel Convention on Trans-boundary Movement of Hazardous Wastes <i>Mr. Alexandr Shekhovtsov, Basel Regional Centre for CIS, Moscow</i>  <b>Q&amp;A – Discussion</b>
12:00 – 13:30	<b>LUNCH BREAK</b>
<b>Session 7</b> 13:30 – 14:45	<b>ROTTERDAM CONVENTION - COMPLIANCE AND ENFORCEMENT</b>  Rotterdam Convention on Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade <b>Short Introduction</b> <i>Ms. Elena Sobakina, Stockholm Convention Secretariat</i>  <b>A country case study: Action of the Czech Customs to implement the Rotterdam Convention</b> <i>Mr. Karel Mašek, General Directorate of Customs, Czech Republic</i>  <b>Q&amp;A – Discussion</b>
14:45 – 15:15	<b>TEA / COFFEE BREAK</b>
<b>Session 8</b> 15:15 – 15:45	<b>CITES – Short Introduction of the CITES Customs training material</b>
<b>Session 9</b> 15:45 – 17:00	<b>LICENSING SYSTEMS for CHEMICAL CONVENTIONS</b>  <b>Examples from the European Union</b>  European Commission's electronic licensing system and EC' customs databases for controlling trade in dangerous chemical substances <i>Ms. Kalina Lewanska, European Commission</i>  <b>Q&amp;A – Discussion</b>
<b>Thursday 16 February 2006</b>	
<b>Session 10</b> 09:00 – 10:00	<b>ENFORCING MULTILATERAL ENVIRONMENTAL AGREEMENTS and COMBATING ENVIRONMENTAL CRIME</b>

	<p><b>Experience from the Asia Pacific Region</b>  <i>Mr. Liu Ning, Consultant, UNEP Regional Office for Asia and Pacific</i>  <b>Q&amp;A – Discussion</b></p>
10:00 – 10:30	<b>TEA / COFFEE BREAK</b>
<p><b>Session 11</b>  10:30 – 11:30</p>	<p><b>ENFORCING MULTILATERAL ENVIRONMENTAL AGREEMENTS</b>  <b>Enforcing MEAs</b>  <i>Ms. Evelyn Putnam, Central Asian Regional  Environmental, Science, Technology, and Health Officer  US Embassy Tashkent</i>  <b>Q&amp;A – Discussion</b></p>
<p><b>Session 12</b>  11:30 – 12:30</p>	<p><b>THE CHEMICAL WEAPONS CONVENTION (CWC)</b>  <b>Introduction to the Convention</b>  <i>Mr. Daniel Cardozo, Organisation for the Prohibition of Chemical Weapons</i></p>
12:30 – 14:00	<b>LUNCH BREAK</b>
<p><b>Session 13</b>  14:00 – 15:45</p>	<p><b>THE CHEMICAL WEAPONS CONVENTION (CWC)</b>  <b>Customs Training and the Chemical Weapons Convention</b>  <i>Mr. Daniel Cardozo, OPCW</i>  <b>Q&amp;A – Discussion</b></p>
15:45 – 16:00	<b>TEA / COFFEE BREAK</b>
<p><b>Session 14</b>  16:00 – 18:00</p>	<b>VISIT of CUSTOMS FACILITIES (Laboratories, Library)</b>
<b>Friday 17 February 2006</b>	
<p><b>Session 15</b>  09:00 – 10:15</p>	<p><b>THEMATIC DISCUSSIONS – GREEN CUSTOMS REGIONAL THEMES</b>  <b>Proposed topics of small group discussions :</b> Free Zones, Adoption of Legislation,  Combating Environmental Crime (Relationship between Environmental/Customs Officers)  <b>Q&amp;A – Discussion</b></p>
10:15 – 10:45	<b>TEA / COFFEE BREAK</b>
<p><b>Session 16</b>  10:45 – 12:00</p>	<p><b>CONCLUSION OF THE WORKSHOP</b>  <b>Reporting to the Plenary on Small-group Discussions</b>  <b>Feedback on the Green Customs Training and Materials</b>  <b>Conclusions of the Workshop</b>  <i>Roundtable facilitated by Green Customs Partner representatives</i></p>
<p><b>Session 17</b>  12:00 – 13:00</p>	<p><b>CLOSURE OF THE REGIONAL GREEN CUSTOMS WORKSHOP</b>  <b>Closing remarks</b></p>
13:00 – 14:30	<b>LUNCH BREAK</b>
<p><b>Session 18</b>  14:30 – 17:00</p>	<p><b>OPEN FORUM</b>  <b>Bilateral Discussions</b></p>

## Amendments to Agenda, 16 February 2006

<b>Thursday 16 February 2006</b>	
<b>Session 10</b> 09:00 – 09:45	<b>ENFORCING MULTIALTERAL ENVIRONMENTAL AGREEMENTS and COMBATING ENVIRONMENTAL CRIME</b>  <b>Experience from the Asia Pacific Region</b>  <i>Mr. Liu Ning, Consultant, UNEP Regional Office for Asia and Pacific</i>  <b>Q&amp;A – Discussion</b>
<b>Session 11</b> 09:45 – 10:15	<b>ENFORCING MULTILATERAL ENVIRONMENTAL AGREEMENTS</b>  <b>Enforcing MEAs</b>  <i>Ms. Evelyn Putnam, Central Asian Regional Environmental, Science, Technology, and Health Officer            US Embassy Tashkent</i>  <b>Q&amp;A – Discussion</b>
10:15 – 10:30	<b>TEA / COFFEE BREAK</b>
<b>Session 12</b> 10:30 – 11:30	<b>THE CHEMICAL WEAPONS CONVENTION (CWC)</b>  <b>Introduction to the Convention</b>  <i>Mr. Daniel Cardozo, Organisation for the Prohibition of Chemical Weapons</i>
<b>Session 13</b> 11:30 – 12:30	<b>THE CHEMICAL WEAPONS CONVENTION (CWC)</b>  <b>Customs Training and the Chemical Weapons Convention</b>  <i>Mr. Daniel Cardozo, OPCW</i>  <b>Q&amp;A – Discussion</b>
12:30 – 14:00	<b>LUNCH BREAK</b>
<b>Session 14</b> 16:00 – 18:00	<b>VISIT of CUSTOMS FACILITIES (Higher Military Customs Institute Laboratories and Cynology Center)</b>
18:30	<b>Ballet performance at Navoi Academic Opera and Ballet theatre.</b>

## **Recommendations of the first sub-regional “Green Customs Initiative” workshop for the Central Asian Countries**

**Tashkent, Uzbekistan  
14 – 17 February 2006**

Participants from five Central Asian countries, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan attended the first sub-regional “Green Customs Initiative” workshop held under the technical and financial auspices of UNEP, the Norwegian and Czech Governments, the MEAs Secretariats and the Regional Intelligence Liason Office of the World Customs Organisation (WCO) for the CIS countries, the National Interpol Office in Uzbekistan, the Organisation for the Prohibition of Chemical Weapons, the State Committee for Nature Protection and the State Customs Committee of the Republic of Uzbekistan.

Representatives of customs, environmental committees and other key agencies involved into the state control of import/export and transshipment of toxic chemicals and hazardous wastes, as well as into prevention of smuggling of endangered species, the subjects of the MEAs, discussed the role of National Customs Committees in this regard.

The following are the main goals of the workshop:

- Present the trade aspects and control requirements of each of these Multilateral Environment Agreements (MEAs) and the role of Customs Departments.
- Create/raise awareness among customs officers on their role in enforcing MEAs.
- Present and use the Green Customs Training Guide (and other resource materials) prepared by the Partners to the Green Customs Initiative
- Highlight inter-linkages and possible synergies in enforcement of the various MEAs.
- Encourage creation of links at national level between key MEAs enforcement stakeholders: customs and trade officers, customs training institutes, MEAs national focal points, judges, prosecutors.
- Encourage bilateral and subregional dialogues on trade practices as well as regional dialogues.
- Present existing documents and training programmes for customs administration on MEA enforcement issues, already developed by international organizations involved in these issues.
- Discuss a second phase in which the generic training guide could be adapted to national training needs.

During the workshop the participants were split into three workgroups that discussed in detail the following items:

- Legislation issues;
- Free zones issues;
- Issues of cooperation of customs and environmental authorities in fulfilling various MEAs.

Each group made a presentation of the results of the discussion of the aforementioned issues. Thereat, special attention was paid to correct understanding of the term “Free zone” as this was defined by the WCO. That is specifically:

- Area considered outside a customs territory, but other laws are applied;
- Area, where no customs duties are to be paid;
- Area, where storage, handling and processing of goods are carried out, but no production is allowed.

In the plenary session after the detailed discussion, the participants approved all recommendations and conclusions of the workshop.

**We, the workshop participants:**

Are concerned in the negative effect of the illegal trade in toxic chemicals, hazardous wastes and endangered species on the environment and human health;

Support strategic objectives of preventing the illegal trade in the Central Asian countries;

Stress the importance of informing the public, of the NGOs’ and local communities’ roles in the process of raising awareness of the public;

Understand the necessity of sharing international experience in further improvement and harmonization of the national legislation systems, improvement and putting into practice the system of licensing.

**Taking into consideration the aforesaid the workshop participants recommend to:**

- 1) Continue the process of bringing together the legislation systems of the countries of the region on the basis of the ratified MEAs;
- 2) Abate differences in the legislation systems by ratifying Conventions, Protocols and Amendments by the non-member countries;
- 3) Share experience in the field of legislation and law enforcement at the level of national competent institutes in frames of various MEAs.
- 4) Improve the system of licensing, especially the Harmonized System of Notation and Codification of Goods, which are the subjects of licensing for import and export, and



- Request UNEP to consider a possibility of submitting to WCO the recommendations for further improvement of the Harmonized System of Notation and Codification of Goods;
- 5) Request UNEP to support Uzbekistan's initiative to create software for licensing and customs purposes in frames of activity on monitoring and controlling the import and export of toxic chemicals and hazardous wastes, the subjects of the MEAs.
  - 6) Implement synergy in implementation of various MEAs on the level of competent public authorities;
    - Continue unification of the system of licensing of import and export of toxic chemicals, hazardous wastes, the subjects of the MEAs;
  - 7) Improve awareness of the public on the amenability for violation of the ecological regulations, the subjects of the MEAs, specifically:
    - Recommend UNEP to include the Aarhus Convention on Public Participation in Decision Making in the Ecological Field in the "Green Customs Initiative".
  - 8) In order to make customs and nature protection authorities' cooperation more effective, to work out a mechanism of interaction of the authorities both on the local and international levels. The goal may be achieved by improving the interdepartmental and international cooperation. Such cooperation should include but not be limited to the following:
    - Electronic exchange of data on issued licenses;
    - Mutual data verification in the form of "mirror statistics";
    - Joint training of customs and nature protection authorities officers;
    - Joint raids in the frontier zones of responsibility of various customs checkpoints aimed at revealing facts of smuggling and violation of regulations.
  - 9) The above activity should be enforced by involvement in the process of officers from other bodies in the law enforcement community, while functions of every particular law enforcement body should be precisely defined.
  - 10) Intensify cooperation in coordinating the joint activity aimed at nature protection, working out legislative initiatives and delivering them to the top executive agencies, etc.
  - 11) The Nature Protection Agencies should consider the Interpol capabilities in preventing violation of the laws and regulations on nature protection.
  - 12) Request UNEP to initiate a joint meeting of the customs and nature protection senior officials of the Central Asian countries
  - 13) Request UNEP to arrange joint trainings on the national and regional levels for the personnel of the law-enforcement and nature protection authorities.

- 14) Propose UNEP to start publishing a special-interest periodical “Green Customs Initiative”.
- 15) Request UNEP to consider a possibility to arrange a conference for the participants of all sub-regional “Green Customs Initiative” workshops.
- 16) When establishing a free zone, the national governments shall apply the rules meeting the requirements of the MEAs.
- 17) If an officer of a customs check point finds an object/chemical/animal, etc., banned by the MEAs inside a free zone, he or she must inform his/her national competent authorities for adequate follow-up.
- 18) Consider matters relating to amendments to the national customs legislation systems, ensuring respect of the MEAs requirements inside free zones.
- 19) Consider to make amendments to the MEAs referring to free zones (i.e. how the requirements of the MEAs shall be applied).
- 20) Request UNEP to put in place effective control measures to ensure respect of the MEAs provisions inside free zones (reporting requirements from customs authorities of the Parties that have signed the MEAs)

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