

Report of China's Customs on Cracking down on Illegal Trans-boundary Movement of Wastes

March 28, 2007

As the national watchdog of import and export activities, Chinese customs seriously perform their functions, and strictly enforce laws, regulations, and other regulatory documents regarding the administration on import of wastes; while adopting effective measures and intensifying the regulation from a positive angle, the customs organize special or joint campaigns to crack down on smuggling of wastes; the agencies have handled several such cases, achieved some results, and ensured that the *Law of the People's Republic of China on the Prevention and Control of Environmental Pollution Caused by Solid Wastes* and the international conventions are implemented; they play an active role in encouraging the import of renewable resources, cracking down on illegal entry of wastes into our country, protecting the living environment, and maintaining the normal economic orders.

I. Information on the Customs' investigation of waste smuggling in recent years

In recent years, the illegal waste smuggling has been quite rampant. On the one hand, without restraint and against the international conventions, companies from other countries and regions illegally export or dump industrial wastes and urban domestic wastes to China; on the other hand, with the rapid development of used-material recycling industry in the country, some violators risk dangers in desperation and smuggle wastes into China wildly. According to the current trends of waste smuggling, the customs pour increasingly more strength in investigating waste smuggling and have obtained remarkable results. From 1999 to 2006, the customs across the country handled 290 criminal cases involving waste smuggling, apprehended 669 criminal suspects, and seized more than 95,000 tons of solid wastes. In 2006 alone, the customs handled 51 cases, chased down 173 suspects, and secured 9300-odd tons of wastes, among which 526 tons are hazardous wastes.

II. Principal approaches on investigating waste smuggling

1. Intensifying the regulation from a positive angle

First of all, to enhance the awareness of risk management, strengthen the risk analysis, and prevent the illegal imports of wastes by risky control;

Next, to find out the real situation of waste importers in terms of their legal operation and credibility, identify the priorities of inspection, register and record the recycling, dismantling, and installing units of imported wastes, and regulate and rectify the enterprises with poor credibility;

Third, to enhance data analysis and identify the priority of investigation;

Fourth, to strength the follow-up management of seized wastes. According to relevant provisions, Customs at all levels highlight the examination of the documents regarding the transportation of wastes to where they are dispatched, intensify the management of export manifests, and prevent that wastes going through procedures of being transported to the original place actually fails to do so.

2. Cancelling the permits after verification through a network

In February 2005, General Administration of Customs and State Environmental Protection Administration (SEPA) developed a network to cancel environmental permits after verification. This has reinforced the macro control and statistical analysis of the import of wastes, and put an end to fabricated and altered environmental permits.

3. Punishing illegal waste smuggling more severely and resolutely control it

By constantly devoting more efforts to investigating waste smuggling both at sea and on land, analyzing the rule and features of such activities, taking full advantage of the existing resources, employing both administrative and legal means, and investigating during the customs clearance and follow-up management, the customs in local areas severely crack down on waste smuggling.

In recent years, customs of Nanjing and Qingdao City investigated a series of major waste-smuggling cases, including the “43.08” used catalyst smuggling case and “3.21” waste plastics smuggling case. The waste that is prohibited from importation and secured from every single case amounted to more than 4,000 tons.

4. Actively carrying out international and regional cooperation on law enforcement

By fully playing its role, Chinese customs is actively involved in the contacts and cooperation with customs and environmental agencies from the neighboring countries and Hong Kong SAR, keeps constant information exchange with them, work together on the strategies to crack down on illegal transfer of smuggled wastes, carry out law enforcement campaign at a proper time, and jointly punish illegal transfer of smuggled wastes. All this has achieved good results.

In March 2004, according to the information provided by SEPA through overseas agencies, Nantong Customs uncovered a major trans-boundary waste smuggling case at one stroke, wiped out a gang of waste smugglers, and secured more than 4,300 tons of wastes prohibited from importation. In September 2005, together with local environmental agency and according to the information from overseas, Ningbo Customs blocked six containers of PCB, one of the hazardous wastes out of the country, succeeding in preventing the illegal transit of hazardous wastes.

5. Organizing the Special Campaign to Mend the Sky

In order to crack down on the environmental infringements and crimes in Asia-Pacific Region, primarily waste smuggling and illegal trading of Ozone Depleting Substances (hereinafter referred to as ODS), since September 2006, General Administration of Customs and SEPA have launched the special campaign to “Mend the Sky”, which is dominated by punishing illegal ODS trading and waste smuggling. By now the campaign has made steady progress and yielded staged-based results. The Customs nationwide has handled 30 criminal cases involving waste smuggling, apprehended 88 suspects, investigating five enterprises involving in the smuggling case, and secured 2313.42 tons of wastes. Among others, 10 cases are related to the hazardous wastes listed in the *National Catalogue of*

Hazardous Wastes, 324 tons of used mineral oil and waste lead accumulators are secured, and 25 suspected are chased down.