



Scope of Session 2



Measures for Strengthening Border Control and Facilitation of Takeback Procedure

The Secretariat of the Asian Network

Review of Discussion

- At the last workshop in Yokohama (January 2010), we newly invited Customs of each member country and the relevant organization such as **WCO**, **RILO/AP** and discussed the following issues:
 - *Difficulties and obstacles in frontline enforcement activities of the Basel Convention*
 - *Measures for better monitoring and detection of illegal TBM of hazardous wastes*
 - *Possible collaboration among national authorities, international organizations and the Asian Network*

Review of Discussion

Among other things, the following areas were identified as key for strengthening border control activity

1. Takeback of illegal shipment

- Identification of the obstacles and practices on arranging taking back shipments
- Seeking the feasibility of specific activities/guidelines to improve the situations in the future workshop

2. Risk profiling

- Sharing the intelligence with a secure system (such as the HS code with high risks of deliberate disguised declaration)

Underlying Assumption

- It is important to share the effective border control measure to prevent illegal TBM of hazardous wastes.
- **Risk profiling** is a key activity in order for strengthening border control activity.
 - *Especially list of HS code with high risks of deliberate disguised declaration can facilitate custom's inspection and may raise priority of waste issues among many controlled goods which are required on customs through many law and regulations.
- **Takeback** of illegal shipment can not only prevent environmentally unsound management derived from those wastes, but also can raise awareness of the State of export.
- It is also helpful to have more close communication between Basel officers and Customs officers in order to facilitate necessary **takeback procedures** and to identify the measure for overcoming any difficulties involved with.

Questionnaire Survey

Objective

To collect information of the current practices and challenges, etc for takeback and risk profiling of member country and partner organization

Contents of questionnaire

1. Take-back

- ✓ Existence of definition and guideline of takeback
- ✓ Difficulties and challenges for takeback
- ✓ Case studies of the previous takeback
- ✓ Possible future activities

2. Risk profiling

- ✓ Useful information for risk profiling
- ✓ Identification of typical HS codes for deliberate disguised declaration

Summary of questionnaire

Takeback procedure

- Takeback obligation is defined in national law/regulation in many member countries, however no specific guidelines for procedures of takeback have been developed.
- IMPEL has developed a guideline for European countries. The guideline contains procedures for take back between European countries. A more practical handout is now in development.
- Major responses to “*what is difficulties for takeback?*” include;
 - ✓ **Absence of importer and/or consignee**
 - ✓ **Absence of exporter**
 - ✓ **Lack of finance for takeback**
 - ✓ **No national guidelines**
 - ✓ **Different opinion between countries**

Summary of questionnaire

Takeback procedure (cont.)

- Some countries suggested possible future activities under the Asian Network for addressing takeback issues, including;
 - **Training / workshop of the relevant authorities such as Customs**
 - **Establishment of hotline mechanism , discussion web-board etc.**
 - **Determine the same interpretation of waste and non-waste**
 - **Coordination with other Networks , such as MEA-REN, INECE-SESN**
 - **Develop a non-complicated procedure to make cooperation between authorities**
 - **Inform the country of origin regarding the detail information and the status of returning shipment**
 - **Investigate what pressure methods can be used to force the responsible companies to return the waste themselves.**

Summary of questionnaire

Risk profiling

- Wide range of information that can be shared through the Network for risk profiling were suggested by the members (*detail information is summarized in the handout*).
- Some countries gave us opinions about possible future activities under the Network for risk profiling;
 - **AN can become a clearing house for risk profiling among the member countries.**
 - **AN can contribute for Research and Development for import and export wastes or unusable materials**
- Countries provided *the typical HS code at high risk for deliberate disguised declaration* based on the experience. However, due to limited information, further discussion and research will be needed.

Presentations in Session 2

- **Experience of border control activity and collaboration with customs in Asian countries**
 - Cambodia
 - Singapore
 - Thailand
- **Risk profiling and takeback cases in other region**
 - IMPEL-TFS
 - United States
- **Guidance of risk profiling and takeback by international organization**
 - RILO/AP, WCO
 - UNEP/ROAP

Expected Goals

- To understand that the strengthening border control is effective, especially when collaboration between the competent authority and the customs is successfully made.
- To have clear idea about HS codes with high risks of deliberate disguised declaration in Asia and other useful information that can be shared among member countries for risk profiling activities.
- To understand difficulty for arranging takeback and learn some practices conducted in member countries, other region or international organization for facilitating takeback.
- To come up with specific measures for promoting collaborating activities such as developing guidelines on facilitating takeback of illegal TBM of hazardous wastes.

Discussion

- What are the effective measures for implementing and strengthening border control?
- What kind of intelligence would be useful if shared among the competent authority and the customs? How can the Asian Network contribute to this issue?
- What are the current practices conducted for takeback in each country and what are challenges for arranging takeback? In order to address the issues, what kind of activities can be conducted under the Asian Network?
- What kind of practices or experiences in other region or by international organization can be duplicated in Asian Network?



Thank you