



**World Customs
Organization**

Customs Enforcement of Environmental Policies

2023 WCO Knowledge Academy for Customs and Trade

Environmental Policies



Environmental laws

- Multilateral Environmental Agreements (MEAs)
- Regional Trade Agreements (RTAs)
- Regional and National Policies



Courtesy of Thailand Customs



Courtesy of Poland Customs

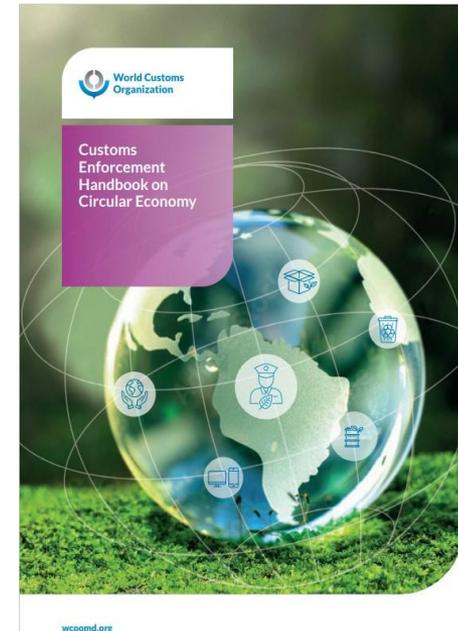
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Circular economy



Circular economy

A broad-based approach aimed at ensuring a more sustainable use of resources, promoting innovative design and production methods to make goods less polluting and more durable.



Customs enforcement of trade measures related to the circular economy

Customs enforcement of trade-related measures such as bans and licensing requirements; technical regulations, standards, conformity assessment procedures and collection of environmental taxes that support circular economy activities.

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Circular economy

- **Multilateral Environmental Agreements (MEAs) / Regional Trade Agreements (RTAs) / Regional and National Laws and Policies**
- **Downstream / Upstream measures**
- **Various types of measures**
 - Bans and Licensing requirements
 - Technical Regulations, Standards, Conformity Assessment Procedures
 - Environmental taxes
- **Commodities in focus of Circular Economy**
 - Waste (Plastic Waste, E-waste, Metal Waste, etc.)
 - Chemicals
 - ...
- **Waste-related issues**
 - Waste vs. Non-waste vs. End-of-waste Goods

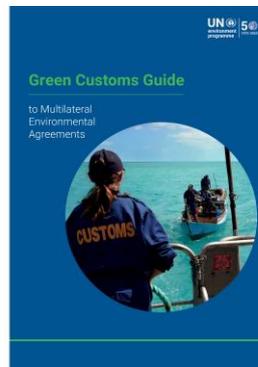
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Multilateral Environmental Agreements (MEAs)

- MEAs with trade related measures are international legal instruments that either ban certain commodities from trade or allow their legal – though restricted – trade
- Customs' role is to monitor and control trade in restricted or prohibited goods and check:
 - if transboundary movement is allowed
 - if the importers/exporters fulfilled the necessary obligations
 - validity of the accompanying documents and compliance of goods.

- Awareness and Capacity
- [Information on MEAs](#)
- [Green Customs Guide to MEAs](#)



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Regional Trade Agreements (RTAs)

- RTAs allow their parties to enhance environmental cooperation and to negotiate environmental commitments that go beyond what MEAs offer.
- There has been a steady increase in the number of RTAs that include environmental provisions.
- RTAs enable their parties to adopt either trade incentives or barriers.
- [WTO Regional Trade Agreements Database](#)
- [Information on regional treaties](#)

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National Policies

- At national level, more so in developed countries, various types of green policies (including laws specifically dedicated to circular economy) have been adopted.
- National policies that lay down measures for a circular economy can generally involve:
 - economic instruments (e.g., taxes, tariffs, subsidies and trade facilitation incentives)
 - bans and restrictions, standards, labelling requirements, extended producer responsibility (EPR) schemes, green public procurement.
- Scope of Customs mandates

Examples of existing strategies for the transition to a circular economy adopted at regional, national or local level

- [European Circular Economy Stakeholder Platform](#)
- [Chatham House Circular Economy Earth](#)

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Bans, Licensing and/or Quota Requirements

- Regulating trade in environmentally sensitive goods may require bans on trade or licensing and/or quota requirements that are either imposed by the MEAs and/or the national implementation of MEAs, e.g.:
 - Parties to the Basel Convention may decide on the national definition of hazardous waste.
 - Apart from the mandatory licensing scheme for controlled substances that Parties to the Montreal Protocol need to have in place, in order to speed up the process of meeting the Montreal Protocol schedules many countries have used quotas, sales bans or other restrictions (e.g., controls on products and equipment that contain or rely on controlled substances) to reduce or close the market to controlled substances, while others have used taxes or import duties to raise the prices of the substances.
- Need for a clear picture of the national requirements and any subsequent changes in the national provisions.

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Technical Regulations / Standards / Conformity Assessment Procedures

- As the mandatory requirements related to technical regulations, standards and labelling obligations do not discriminate between domestic producers and importers, Customs can be mandated to check the compliance of imported commodities of relevance for environmental policies.

- Scope of Customs mandates



Courtesy of Canada Customs

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Waste

- The lack of proper management of hazardous and other wastes threatens the environment and people.
- Trade in waste is essential to enable the reuse of commodities and materials that comply with circularity standards, thus avoiding the use of new materials in the production process.



Courtesy of Poland Customs

- Digitalization of procedures for waste shipments and electronic exchange of documentation accompanying their circulation contributes to the appropriate level of control and facilitation of legal trade.
- [Basel Convention guidance materials](#)
- Chapter on the Basel Convention in the [Coordinated Border Management \(CBM\) Compendium](#) (6.9)

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Waste-related issues



Courtesy of Slovenia Customs

Waste / Non-waste / End-of-life / End-of-waste Goods

- Trade in used, remanufactured and refurbished goods, as well as secondary raw materials, can contribute to the reduction or promotion of more efficient use of resources
- Products considered as non-waste in one country can be classified as waste in another country, mainly due to different understandings of what constitutes waste, and differences in the concept of end-of-life products and in distinguishing at which point waste ceases to be waste.

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Plastic Waste

- The global plastic waste trade market is remarkably complex. Plastic waste is particularly difficult to control due to the high volumes traded annually and the highly heterogeneous sources of waste.
- The widespread practice of mixing contaminated, unrecyclable, and potentially hazardous waste with non-hazardous recyclable materials led to the introduction of the Plastic Ban Amendments under the Basel Convention as of 1 January 2021. The amendments clarified what constitutes hazardous plastic under the Convention, the control procedures for transboundary movements, and the provisions for waste minimization and sound waste management.
- [Basel Convention guidance materials](#)
- [WCO Asia-Pacific Project Website](#)

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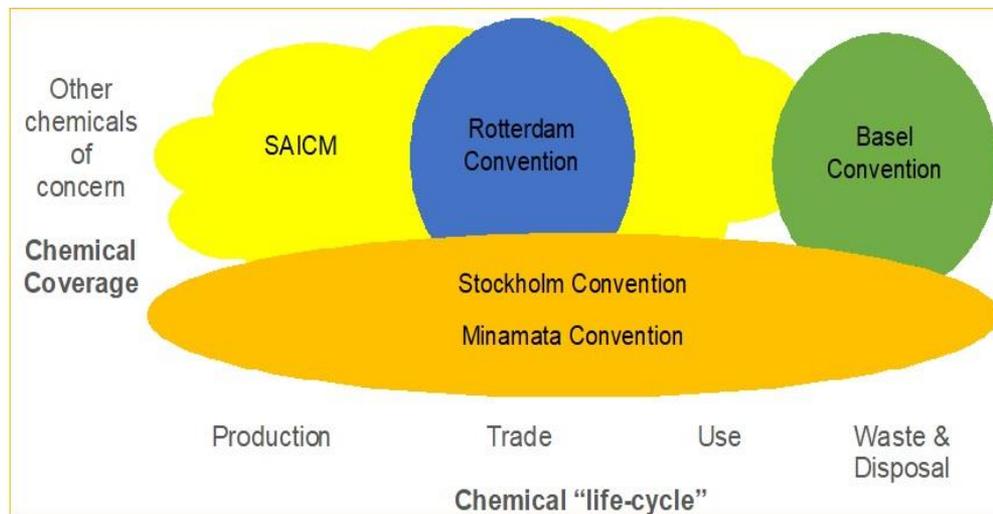
E-waste

- Electrical and electronic equipment represents a fast-growing source of waste, which can be a valuable source of secondary raw materials, however, waste or end-of-life e-waste may also pose a high-risk stream if they contain hazardous materials. The Basel Convention applies to the transboundary movements of e-waste to the extent that they qualify as waste subject to control as “hazardous” or “other wastes” which are subject to the PIC procedure or to a ban.
- E-waste can be hazardous or non-hazardous waste, depending on the composition of the waste and the level of contamination. As of 1 January 2025, under the Basel Convention, all electrical and electronic waste will be subject to the Prior Informed Consent (PIC) procedure, which will bring a change the legal requirements for this waste stream.
- [The Basel Convention Secretariat Guidance on E-waste](#)

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Cross-cutting issues

- In a circular economy, the legislation on chemicals, products and waste is correlated, taking into consideration the interrelations between the manufacture/import of chemicals, production of articles, use/product phase, waste phase and re-entry into the manufacturing phase.



* SAICM Strategic Approach to International Chemicals Management

* Graph adapted from Cárdenas-Fischer, M. C., The Aichi Biodiversity Targets: Are approaches and lessons from the biodiversity cluster relevant for the management of chemicals and waste beyond 2020? The Basel, Rotterdam and Stockholm, Conventions: Goals, objectives and Targets, https://unitar.org/sites/default/files/media/file/maria_cristina_cardenas_brs_at_aichi_workshop_0.pdf

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Illegal Trade in Environmentally Sensitive Commodities

- Risk assessment approach and cooperation with environmental / competent authorities / law enforcement authorities

- Trends ([WCO Illicit Trade Report](#))



Courtesy of Italy Customs

- **WCO Enforcement Operations**
 - Operation [DEMETER](#) series (waste, Montreal Protocol Substances)
 - Operation [THUNDER](#) series (wildlife and timber)

THANK YOU!

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