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the Montreal Protocol on Substances
that Deplete the Ozone Layer**
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Information on illegal trade in ozone-depleting substances reported by the parties pursuant to paragraph 7 of decision XIV/7

Note by the Secretariat

In paragraph 7 of decision XIV/7, the Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer requested the Secretariat to collect any information on illegal trade received from the parties and to disseminate it to all parties. Pursuant to that decision, and consistent with the Secretariat's usual practice, the annex to the present note sets out a summary of the information reported to the Secretariat since the previous note by the Secretariat on the matter (UNEP/OzL.Pro.29/INF/5/Rev.1). The information, submitted by Argentina, Bulgaria, Namibia and the Netherlands, is presented without formal editing. Information on cases of illegal trade reported to the Secretariat is available on the Secretariat's website: <http://ozone.unep.org/information-reported-parties-montreal-protocol-illegal-trade-ozone-depleting-substances-paragraph-7>.

Annex

Summary of information on illegal trade in ozone-depleting substances reported by parties pursuant to paragraph 7 of decision XIV/7

Party	Seizure Date Year	Substances Traded	Volume	Importing Exporting Country	Illegal Trade Details	Action Taken	Remark
Argentina	21/12/2016	R 22	357 cylinders		Upon a phone call received by one of the importers about an alert on illegal trade of R22 in Entre Ríos Province, the NOU called national gendarmerie office in that jurisdiction. An official letter from the chief officer of that command centre was received. Information sent was processed and communication with the Federal Criminal and Correctional Court on Duty Number 1 of Entre Ríos Province-, where the prosecution is held, was established.	There is a prosecution being held under the local jurisdiction, ongoing communication with the court in duty is held.	
Argentina	08/05/2017	R 22	400 cylinders		Upon a phone call received by one of the importers about an alert on illegal trade of R22 in Entre Ríos Province, the NOU called national gendarmerie office in that jurisdiction. An official letter from the chief officer of that command centre was received. Information sent was processed and communication with the Federal Criminal and Correctional Court on Duty Number 1 of Entre Ríos Province-, where the prosecution is held, was established.	There is a prosecution being held under the local jurisdiction, ongoing communication with the court in duty is held.	
Bulgaria	2016	HCFC-22	5 cylinders	Bulgaria/ Turkey	An attempt of illegal import of 5 cylinders containing R-22 was stopped by the Bulgarian customs at the Bulgarian-Turkish border (in Kapitan Andreevo) on 11th November 2016. The cylinders were found in the cargo space of a bus travelling from Turkey to Bulgaria.	The cylinders were seized by the customs authorities and they were given directions to be destroyed in the facilities recommended by the law. The driver of the bus, who is a Bulgarian citizen, was sanctioned in correspondence with the law.	
Bulgaria	2017	HCFC-22	300 cylinders	Bulgaria/ Serbia	An attempt of an illegal import of 300 cylinders containing R-22 was stopped by the Bulgarian customs at the Bulgarian-Serbian border (the Customs border point Vrushka Chuka) on 21th August 2017. The	The cylinders were seized by the customs authorities and they were given directions to be destroyed in the facilities recommended by the law. The driver of the truck was sanctioned in correspondence with the law. The Bulgarian company that was declared as a	

Party	Seizure Date Year	Substances Traded	Volume	Importing Exporting Country	Illegal Trade Details	Action Taken	Remark
					import was declared as transit with consignee a company on the territory of Varna. The cylinders were declared to the customs as containing R-600a. During the physical check of the goods performed by the customs it was found that they were labelled as R-22. Samples were taken from the containers and sent for laboratory analysis. The analysis confirmed that the content of the container was R-22.	consignee is presently being investigated on possible criminal action in correspondence with the Criminal code.	
Namibia	25/02/2015	R22	3000kg (3 tanks)	South Africa		Confiscated refrigerants were kept until the following quota year to be sold to HCFC quota holders.	
Namibia	16/07/2015	R22	272kg (20 cyl 13.6kg)	South Africa		Confiscated refrigerants were kept until the following quota year to be sold to HCFC quota holders.	
Namibia	21/08/2015	R22	2040kg (150 cyl 13.6kg)	South Africa		Confiscated refrigerants were kept until the following quota year to be sold to HCFC quota holders.	
Namibia	7/10/2015	R22	544kg (40 cyl 13.6 kg)	South Africa		Confiscated refrigerants were kept until the following quota year to be sold to HCFC quota holders.	
Namibia	09/10/2015	R22	27.2kg (2 cyl 13.6kg)	South Africa		Confiscated refrigerants were kept until the following quota year to be sold to HCFC quota holders.	
Namibia	30/11/2015	R22	95.2kg (7 cyl 13.6 kg)	China		Confiscated refrigerants were kept until the following quota year to be sold to HCFC quota holders.	
Namibia	06/12/2016	R22	108.8kg (8 cyl 13.6kg)	South Africa		Confiscated refrigerants were kept until the following quota year to be sold to HCFC quota holders.	
Namibia	2016	R22	2085kg (58 cyl 13.6kg)	South Africa		Confiscated refrigerants were kept until the following quota year to be sold to HCFC quota holders.	
Namibia	04/06/2017	R22	27.2kg (2cyl 13.6kg)	South Africa		Confiscated refrigerants were kept until the following quota year to be sold to HCFC quota holders.	
Namibia	August 2017	R22	149.6 kg (11 cyl 13.6kg)	South Africa		Confiscated refrigerants were kept until the following quota year to be sold to HCFC quota holders.	

Party	Seizure Date Year	Substances Traded	Volume	Importing Exporting Country	Illegal Trade Details	Action Taken	Remark
Netherlands	2015	HCFC-22 CFC-12	Not specified	Trans-shipment from China to Russia via Netherlands	<p>In July 2015 the Dutch Environmental Inspectorate has blocked in the Port of Rotterdam 2 containers with gas bottles containing refrigerants for further transport. From samples taken from the refrigerants it was shown that, despite their labelling as HFC's (R-134a and R-407c) the bottles contained partly HCFC-22 and CFC-12</p> <p>Legislation According to the European Ozone Regulation (EC) No 1005/2009 and related Dutch national legislation such import of Ozone Depleting Substances is illegal and this ban on import is broadly formulated addressing everyone involved.</p>	<p>The Council of State of the Netherlands determined that in addition to the sender and receiver also a shipping company can be considered as offender of a legal ban on imports of ozone-depleting substances. Cease and desist order</p> <p>The Environmental Inspectorate considered all parties involved in this case as offenders and the Chinese supplier, the Russian addressee as well as the shipping company were all imposed with cease and desist orders requiring full destruction of all illegal ODS refrigerants and payment of storage costs conditional to a penalty. Eventually the shipping company appealed to this cease and desist order.</p> <p>Shipping company's view The company's position was that they were wrongly addressed as offender in this case and could not be blamed as they must be able to rely on the accuracy of the product information provided by the other parties involved. It cannot be expected from them to check the content of all gas bottles. They are suffering from the actions of the Chinese and Russian parties.</p> <p>The Ruling In its Ruling no 201706000/1/A1 from April 25, 2018, the Netherlands Council of State did not agree and puts the Environmental Inspectorate in the right. The import ban is also targeting a shipping company which can be therefor also considered as offender. Furthermore, from a professional carrier some research into the contents of the bottles can be expected. The Council of State also found important that it was a known smuggling route of ozone depleting substances. Furthermore, the carrier could check the gas cylinders in a relatively easy way through sampling.</p>	<p>Importance This ruling is important because it facilitates the approach to address this kind of international smuggling activities. There are also more of this kind of broadly formulated prohibitions. So also for other areas this statement is of interest. Carriers will have to take their responsibilities and be more active in preventing violations of this kind of import bans.</p> <p>Link to the full ruling of the NL Council of State (in Dutch):</p> <p>http://www.raadvanstaate.nl/uitspraken/zoeke-n-in-uitspraken/tekst-uitspraak.html?id=94929</p>