

ENHANCING ENVIRONMENTAL OVERSIGHT IN TRADE

A FOCUS ON FREE TRADE ZONES, TRANS-SHIPMENT AND MEA OBLIGATIONS

 09
SEPTEMBER
2025

 TIME
15:00 – 16:40 (EAT, UTC+3)

SPEAKERS



Stadler Trengove
Principal Legal Advisor
UNEP Law Division



Gracian Banda
Head, Montevideo Coordination
and Delivery Unit, UNEP



Anna Kobylecka
Technical Officer, World
Customs Organization



Sharon Rivera
Programme Officer,
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Stavros Antoniadis
Programme Management
Officer, Legal Unit – CITES



Lara Ognibene
Legal Officer
Minamata Convention



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Officer, UNEP



Pablo Moscoso de la Cuba
Senior Legal Officer – Ozone
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MEJORANDO LA SUPERVISIÓN AMBIENTAL EN EL COMERCIO UN ENFOQUE EN LAS ZONAS DE LIBRE COMERCIO, EL TRANSBORDO Y LAS OBLIGACIONES DE LOS AMUMA



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Stadler Trengove
Asesor Jurídico Principal,
División de Derecho de ONU
Medio Ambiente



Anna Kobylecka
Oficial Técnica, Organización
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ENHANCING ENVIRONMENTAL OVERSIGHT IN TRADE: A FOCUS ON FREE TRADE ZONES, TRANS-SHIPMENT AND MEA OBLIGATIONS

Webinar : 09 Sept 2025
Time: 15:00 – 16:40 EAT

www.unep.org

Contact Information

For more information, please consult the event webpage:

<https://www.unep.org/events/webinar/enhancing-environmental-oversight-trade-focus-free-trade-zones-trans-shipment-and>

Download the Information Note: <https://leap.unep.org/en/knowledge/legislative-guidance/information-note-free-trade-zones-trans-shipment-and-multilateral>

Green Custom Webpage: <https://www.greencustoms.org/>

Montevideo Programme V Webpage: <https://www.unep.org/explore-topics/environmental-rights-and-governance/what-we-do/promoting-environmental-rule-law-1>

For any questions, please contact, The Secretariat at unep-montevideo@un.org

Enhancing Environmental oversight in trade: a focus on free trade zones, transshipment and MEA obligations



Stadler Trengove



Lara Ognibene



Stavros Antoniadis



Moderator: Gracian Banda



Anna Kobyłecka



Pablo Moscoso de la Cuba



Sharon Rivera



Yiwei Zou

Opening Remarks: Overview of the Webinar



Speaker

Stadler Trengove, Principal Legal Advisor and Chief, Environmental Rule of Law Branch, Law Division, UNEP

Introduction and overview of the webinar agenda and Speakers



Moderator

Gracian Banda, Senior Legal Officer, Head, Montevideo Coordination and Delivery Unit, Law Division, UNEP

International Customs Frameworks, Standards, and Recommendations for Free Trade Zones and Trans-shipment Operations

- Introduction to FTZs and Trans-shipment Operations.
- Presentation on the Revised Kyoto Convention (RKC) and WCO Practical Guidance on Free Zones.



Speaker

Anna Kobyłecka,
Technical Officer, World Customs Organization (WCO)



**World Customs
Organization**

International Customs Frameworks, Standards, and Recommendations for Free Trade Zones and Trans-shipment Operations

Anna KOBYLECKA

TECHNICAL OFFICER
POLICY AND STANDARDS DIRECTORATE

UNEP Webinar on Free Trade Zones, Trans-shipment and MEA Obligations

International Customs Frameworks for Free Trade Zones and Trans-shipment



- **Free Zones (FZs):** designated areas that offer businesses various benefits to facilitate trade and investment.
- **Trans-shipment operations:** cargo transfer between vessels or modes of transport.
- **Customs perspective:** opportunities for trade facilitation, but also vulnerabilities to misuse.
- **Role of WCO:** setting international standards to ensure secure and efficient operations.

Revised Kyoto Convention (RKC) Provisions Relevant to FZs & Transshipment



- **“Free zone”** means a part of the territory of a Contracting Party where any goods introduced are generally regarded, insofar as import duties and taxes are concerned, as being outside the Customs territory.
- **“Transshipment”** means the Customs procedure under which goods are transferred under Customs control from the importing means of transport to the exporting means of transport within the area of one Customs office which is the office of both importation and exportation.

WCO Practical Guidance on Free Zones (2020)

Recommended Core Elements:

1. **Territoriality** – Free Zones should be treated as part of the Customs territory as defined in the RKC.
2. **Customs involvement** – Customs should be involved in the design, approval, and operation of Free Zones.
3. **Company approval and AEO** – Tenants should be subject to Customs approval processes; the Authorized Economy Operator (AEO) concept may be applied.
4. **Reporting and IT systems** – Goods entering, stored, processed, or leaving Free Zones should be declared and reported to Customs, with modern IT systems enabling real-time access.

WCO Practical Guidance on Free Zones (2020)

Recommended Core Elements:

5. **Customs audit** – Customs should conduct regular, risk-based audits of companies in Free Zones.
6. **Control and surveillance** – Customs should have authority to inspect, seize goods, and use technology for monitoring activities in Free Zones.
7. **Cooperation** – Customs should cooperate with other government agencies, the private sector, and international partners.



**World Customs
Organization**

Thank you!

Anna KOBYLECKA

TECHNICAL OFFICER
POLICY AND STANDARDS DIRECTORATE
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Multilateral Environmental Agreements and Trade Controls regulating FTZ and trans-shipment operations

- Overview of MEAs: Basel, Rotterdam, Stockholm, CITES, Montreal, Minamata.
- How MEAs address FTZs and trans-shipment



Speaker

Stavros Antoniadis, Programme Management Officer, Legal Unit (CITES Secretariat)



Enhancing Environmental Oversight in Trade Facilitation Mechanisms: A Focus on Free Trade Zones, Trans-shipment and MEA Obligations

online, 9 September 2025

Stavros Antoniadis, Legal Unit, CITES Secretariat

CITES: Objective & Scope

Objective: to ensure that international trade in species of wild animals and plants does not threaten their survival.

- In force since 1975
- 185 Parties: 184 States and the EU
- Regulating trade, **import, export, re-export and introduction from the sea (taken from ABNJ)**, in specimens of over 40,000 species.
- Species regulated under CITES are included in 3 Appendices
- Specimens include whole animals and plants, live and dead, and any part or derivative thereof, including processed and finished products, such as oil, tablets, dried fins etc.



Key pillars of CITES implementation

Legality

Specimens are
legally obtained

Sustainability

Wildlife trade is not
detrimental

Traceability

Specimens are
traced from origin
to final destination

Legal acquisition
findings (LAF)

Non-detriment
findings (NDF)

Permits
(paper/electronic)

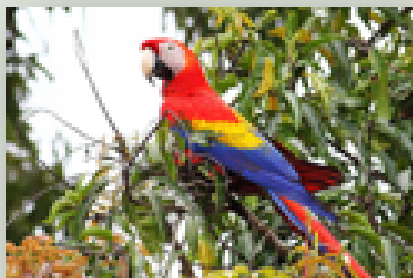
CITES Appendices

Trade regulations are tailored according to species conservation needs

Appendix I

~1,100 spp.

Species threatened with extinction



Appendix II

~39,200 spp.

Species not necessarily threatened with extinction, but should be regulated

“Look-alike” species



Appendix III

~506 spp.

Species for which a single Party is asking other Parties to help with its regulation

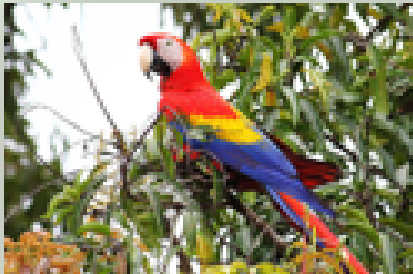


CITES Appendices

Trade regulations are tailored according to species conservation needs

Appendix I
~1,100 spp.

**Commercial international
trade is prohibited**



Appendix II
~39,200 spp.

**International trade is only
permitted with
permit/certificate**



Appendix III
~506 spp.

**International trade is only
permitted with export
permit or certificate of
origin.**



Transit and Transshipment in CITES

- ✓ CITES rules apply also to trade within **Free Trade Zones**.
- ✓ CITES provisions on Regulation of Trade do not apply to the **transit or transshipment** of specimens through or in the territory of a Party while the specimens remain in Customs control (**Art. VII**)
- ✓ Further details on the application of this provision are provided in **Resolution Conf. 9.7 (Rev. CoP15)** on Transit and transshipment



Adobe Stock | #1165864874

Transit and Transshipment in CITES

Transit: Passage of a specimen across or through a country that is neither its country of origin nor its country of destination indicated on **CITES documentation.**

Transshipment: Transfer of a specimen from one carrier or form of transport to another.

Conditions:

- a) specimens remain in Customs control and are in the process of shipment to a named consignee when any interruption in the movement arises only from the arrangements necessitated by this form of traffic.
- b) The cross-border movements of sample collections of specimens that comply with the provisions of Resolution Conf. 12.3 (Rev. CoP19) and are accompanied by an ATA carnet.



Application of transit and transshipment provisions

- ✓ Party must apply the Convention over the whole of its territory – no provisions for exclusion of areas or zones under special regimes (duty-free shops, free ports or non-Customs zones)
- ✓ National authorities' inspection/verification of valid CITES documentation
- ✓ Ultimate destination of the shipment shown on CITES permit/certificate
- ✓ Any change of ultimate destination to be investigated by the country of transit or transshipment
- ✓ Seizure/confiscation of specimens in transit or being transshipped without adequate documentation, in line with national legislation
- ✓ Specific rules and guidance on the well-being of live specimens during transit/trans-shipment (Art. VIII para.3 & Res. Conf 10.21 (Rev CoP19))





Thank you very much

Multilateral Environmental Agreements and Trade Controls regulating FTZ and trans-shipment operations

- Overview of MEAs: Basel, Rotterdam, Stockholm, CITES, Montreal, Minamata.
- How MEAs address FTZs and trans-shipment



Speaker

Lara Ognibene,
Legal Officer, Minamata Convention Secretariat

Trade-related provisions under the Minamata Convention on Mercury

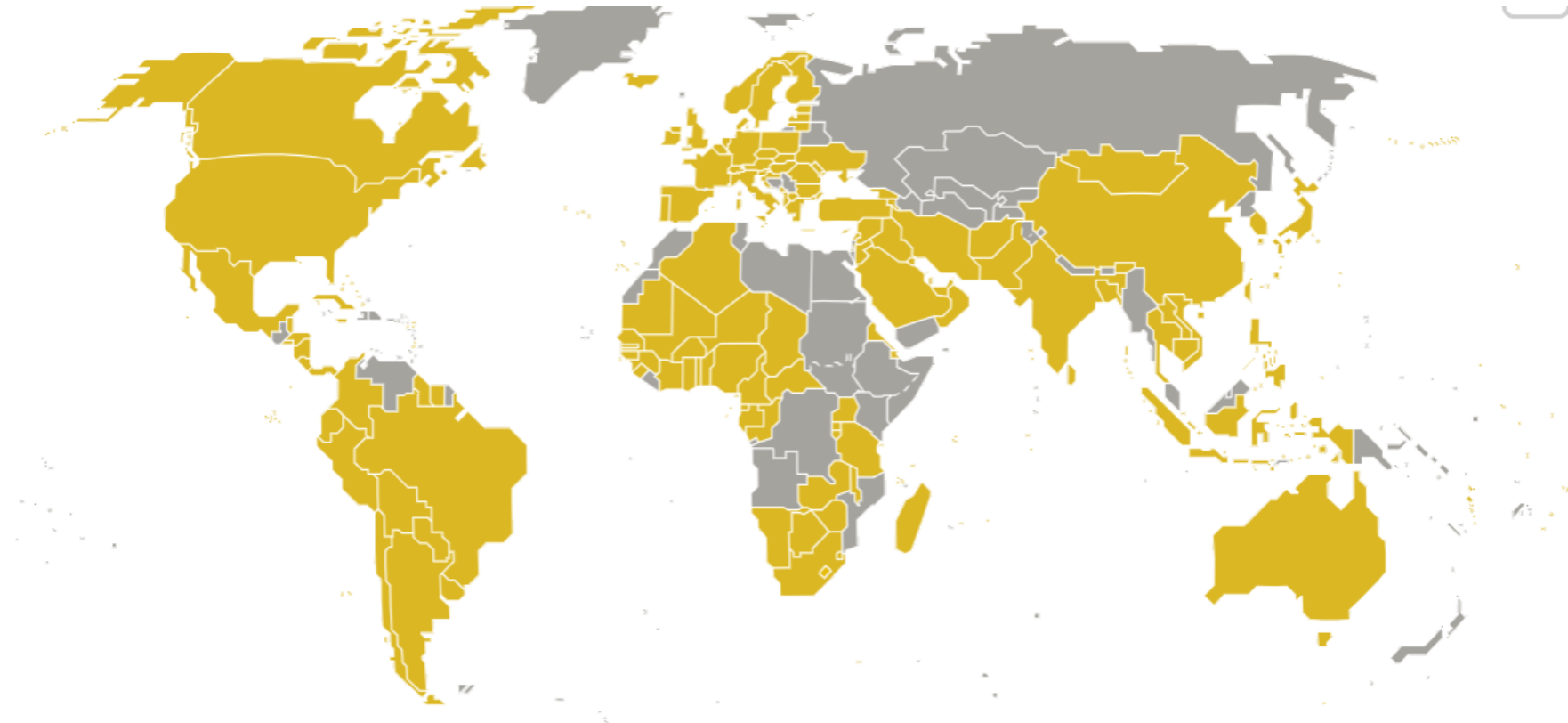
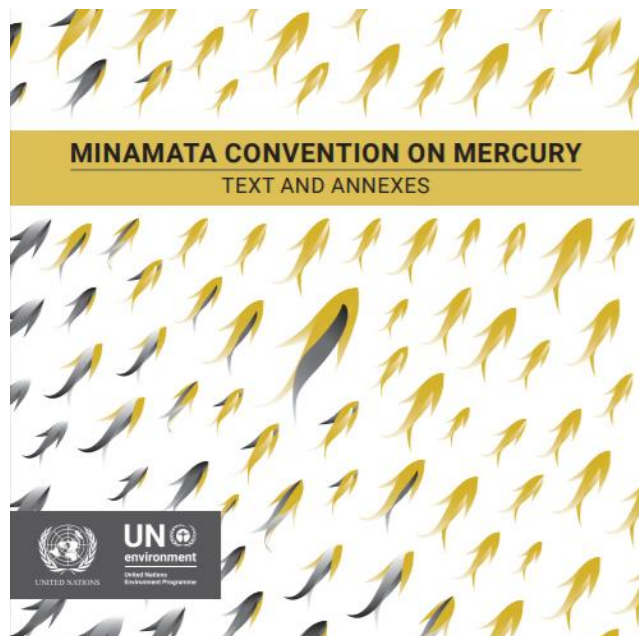
Lara Ognibene
Legal Officer
Secretariat of the Minamata Convention on Mercury

- ***Webinar: Enhancing Environmental Oversight in Trade:
A Focus on Free Trade Zones, Trans-shipment and MEA
Obligations***
- *9 September 2025*

The Minamata Convention of Mercury



- Objective: to **protect the human health and the environment from anthropogenic emissions and releases of mercury and mercury compounds.**
- Adopted in October 2013, entered into force in August 2017.
- 152 parties, as of September 2025



Article 3: Supply sources and trade

- **No export of mercury except:**
 - To a **Party** that has provided the exporting Party with its **written consent**, and only for the purpose of **a use allowed** or environmentally sound interim storage (Article 10)
 - To a **non-Party** that has provided the exporting Party with its **written consent**, including certification demonstrating that **measures are in place** to ensure the protection of human health and the environment and to ensure its compliance with Articles 10 and 11; and only for **a use allowed** or for environmentally sound interim storage.
- **No import of mercury from non-Parties unless** – written consent and certification that the mercury is **not from sources identified as not allowed** (primary mercury mining or excess mercury from the decommissioning of chlor-alkali facilities)
- COP shall evaluate whether the trade in specific mercury compounds compromises the objective of this Convention and consider whether specific mercury compounds should be made subject to trade control.

FORM A

Form for the provision of written consent by a Party to the import of mercury

(This form is not required by the Convention in cases where the importing Party has provided a general notification of consent in accordance with Article 3, paragraph 7)

Section A: Contact information to be provided by the importing Party

Party:

Name of designated national focal point:

Address:

Tel:

Fax:

Email:

Section B: Contact information to be provided by the exporting Party or non-Party

Party or non-Party:

Name of designated national focal point or
responsible government official:

Address:

Tel:

Fax:

Email:

Section C: Shipment information to be provided by the exporting country:

Please indicate approximate total quantity of mercury to be shipped:

Please indicate approximate date of shipment:

Please indicate if the mercury is from primary mercury mining:

Please indicate if the mercury has been determined by the exporting Party to be excess mercury
from the decommissioning of chlor-alkali facilities:

(If the exporting country is a non-Party, the importing Party shall also request that Form C be completed)

Section D: Information to be provided by the importing Party

What is the purpose of the import of the mercury? Please circle:

i. Environmentally sound interim storage in accordance with Article 10:

YES

NO

If yes, please specify the intended use if known.

ii. Use allowed to a Party under the Convention: YES NO

If yes please specify additional details about the intended use of the mercury.

Section E: Shipping information, as appropriate

Importer

Name of business:

Address:

Article 4: mercury added products

- Article 4 of the Minamata Convention provides that parties **shall not allow the manufacture, import or export of mercury added products** listed in Annex A Part I after the specified phase-out date.
- COP-4 in March 2022 amended Annex A, adding eight product categories.
- COP-5 decided to phase out remaining categories for the already listed products: all batteries known to have mercury added (by 2025), all switches and relays containing mercury except those for research and development purposes (by 2025), and all fluorescent lamps (by 2027). Entry into force April 2025.

Mercury-added products	Phase-out date
Batteries, except for button zinc silver oxide batteries with a mercury content < 2% and button zinc air batteries with a mercury content < 2%	2020
Switches and relays, except very high accuracy capacitance and loss measurement bridges and high frequency radio frequency switches and relays in monitoring and control instruments with a maximum mercury content of 20 mg per bridge, switch or relay	2020
Compact fluorescent lamps (CFLs) for general lighting purposes that are ≤ 30 watts with a mercury content exceeding 5 mg per lamp burner	2020
Compact fluorescent lamps with an integrated ballast (CFL.i) for general lighting purposes that are ≤ 30 watts with a mercury content not exceeding 5 mg per lamp burner	2025
Linear fluorescent lamps (LFLs) for general lighting purposes: (a) Triband phosphor < 60 watts with a mercury content exceeding 5 mg per lamp; (b) Halophosphate phosphor ≤ 40 watts with a mercury content exceeding 10 mg per lamp	2020
High pressure mercury vapour lamps (HPMV) for general lighting purposes	2020
Mercury in cold cathode fluorescent lamps and external electrode fluorescent lamps (CCFL and EEFL) for electronic displays: (a) short length (≤ 500 mm) with mercury content exceeding 3.5 mg per lamp (b) medium length (> 500 mm and ≤ 1 500 mm) with mercury content exceeding 5 mg per lamp (c) long length (> 1 500 mm) with mercury content exceeding 13 mg per lamp	2020
Cold cathode fluorescent lamps (CCFL) and external electrode fluorescent lamps (EEFL) of all lengths for electronic displays, not included in the listing directly above	2025

Mercury-added products	Phase-out date
Cosmetics (with mercury content above 1ppm), including skin lightening soaps and creams, and not including eye area cosmetics where mercury is used as a preservative and no effective and safe substitute preservatives are available	2020
Pesticides, biocides and topical antiseptics	2020
The following non-electronic measuring devices except non-electronic measuring devices installed in large-scale equipment or those used for high precision measurement, where no suitable mercury-free alternative is available: (a) barometers; (b) hygrometers; (c) manometers; (d) thermometers; (e) sphygmomanometers.	2020
Strain gauges to be used in plethysmographs	2025
The following electrical and electronic measuring devices except those installed in large-scale equipment or those used for high precision measurement, where no suitable mercury free alternative is available: (a) melt pressure transducers, melt pressure transmitters and melt pressure sensors	2025
Mercury vacuum pumps	2025
Tire balancers and wheel weights	2025
Photographic film and paper	2025
Propellant for satellites and spacecraft	2025



Article 7: Annex C – National Action Plans

Requires Parties with ASGM to develop and implement national action plans. Each national action plan shall include the following:

- National objectives and reduction targets (para. 1a)
- List of practices to be eliminated (para. 1b)
- Measures to formalize or regulate the sector (para. 1c)
- Baseline estimates of mercury quantities and practices (para. 1d)
- Timetable for implementation of national action plan (para. 1k)

Optional: Additional strategies to achieve objectives, including introduction of standards for mercury-free ASGM and market-based mechanism or marketing tools (2)

Set of strategies (paras. 1e-j):

- promoting the reduction of emissions and releases of, and exposure to, mercury in ASGM and processing, including mercury-free methods
- **managing trade and preventing the diversion** of mercury and mercury compounds from both foreign and domestic sources
- involving stakeholders in the implementation and continuing development of NAPs
- public health, exposure of miners and their communities
- preventing the exposure of vulnerable populations
- providing information to miners and affected communities

Article 11: Mercury waste

Article 11 Mercury wastes

3. Each Party shall take appropriate measures so that mercury waste is:

(a) Managed in an environmentally sound manner, taking into account the guidelines developed under the Basel Convention and in accordance with requirements that the Conference of the Parties shall adopt in an additional annex in accordance with Article 27. In developing requirements, the Conference of the Parties shall take into account Parties' waste management regulations and programmes;

(b) Only recovered, recycled, reclaimed or directly re-used for a use allowed to a Party under this Convention or for environmentally sound disposal pursuant to paragraph 3 (a);

(c) For Parties to the Basel Convention, not transported across international boundaries except for the purpose of environmentally sound disposal in conformity with this Article and with that Convention. In circumstances where the Basel Convention does not apply to transport across international boundaries, a Party shall allow such transport only after taking into account relevant international rules, standards, and guidelines.

Annex to decision MC-3/5

Lists of mercury waste falling under paragraph 2 of article 11

Table 1
List of mercury waste consisting of mercury or mercury compounds^a (subparagraph 2 (a) of article 11)

Type of waste	Waste source ^b
Recovered elemental mercury ^c	Mining activity: - Tailings from artisanal and small-scale gold mining Mercury captured from: - Non-ferrous metals roasting and smelting processes - Crude oil and natural gas processing Treatment of: - Mercury-added products upon becoming waste - Waste contaminated with mercury or mercury compounds - Contaminated environmental media Treatment of waste from: - Chlor-alkali,^d alcoholates (e.g., sodium or potassium methylate or ethylate), dithionite and ultrapure potassium hydroxide solution production with mercury technology, including decommissioning facilities - Polyurethane, vinyl chloride monomer, acetaldehyde production using a mercury-containing catalyst
Elemental mercury	Mercury stockpile (e.g., industries, laboratories, dental offices, educational and research institutions, government institutions, landfills, dumpsites, lighthouses)
Mercury (I) chloride and mercury (II) chloride	Primary zinc, lead, copper and gold roasting and smelting processes Reagent Calomel electrode for electrochemical measurements

Decision MC-5/2: Mercury supply sources and trade

- Invited Parties to submit to the Secretariat **information on experiences and challenges faced in the implementation of Article 3 as well as information on activities undertaken in relation to the Bali Declaration on Combating Illegal Trade** in Mercury by March 2025, and requests the Secretariat to compile the information received for consideration by COP-6.
- **Eight Parties** submitted information in response to the decision: Burkina Faso, Canada, Indonesia, Japan, Peru, Philippines, Senegal and Togo. The Secretariat made the submissions available on the Convention's website. **Main challenges** identified: illegal re-export of mercury, illegal transit, illegal trade of mercury for ASGM, unknown origin of trade mercury, information on enforcement response to illegal trade.
- Requested the Secretariat, subject to the availability of resources, to:
 - Support Parties in **better understanding the trade provisions**, their interrelation with other Articles of the Convention, and the use of trade forms adopted by the COP, in particular with respect to imports from non-Parties;
 - Work on **awareness-raising activities** related to provisions of the Convention on allowed uses and sources of mercury

COP-6

3-7 November
Geneva, CIGG

Training and information on mercury trade and mercury-added products

MINAMATA ONLINE

SEASON 4 - 2024

The fourth season of Minamata Online will feature webinars on implementation review and support and mercury science from March to November 2024.

Join us again: registration is available at the Minamata Convention website.
<http://www.minamataconvention.org>

[Season 5](#)
is ongoing



Training on mercury-added products and waste

- [materials and recordings](#) for products available now in six UN languages



Register today!



SCAN ME

Modules on
mercury
trade and
products

With funding
support from the
European Union,
Switzerland,
Sweden

Capacity building on mercury trade

2024 Fact Sheet on

MERCURY TRADE



► As countries work to decrease the use of mercury in **products, industrial processes, and small-scale gold mining**, their efforts can be undermined by **large quantities of mercury available** on the global market.



**3,850–
4,400
tonnes**
Global Mercury
Supply (2015)

**1,400–
2,800
tonnes**
emitted and
released from
ASGM per year



► Primary mercury mining continues to take place in some countries, increasing global supply of mercury, estimated in 2015 at **3,850-4,400 tonnes per year**. **Ending primary mining of mercury**, and the supply of this mercury on the global market, **is a key element of mercury management**.

► There is a huge need to **regulate trade of mercury while reducing mercury demand**. If demand remains high, alternative supplies will emerge, and if supply remains high, it will flow towards **unregulated uses**.

► Undocumented mercury trade in some parts of the world has **increased over the last two decades**.

► Demand for mercury in artisanal and small-scale gold mining (ASGM) remains high, with between **1,400 and 2,800 metric tons being emitted and released** into the air, water and soil each year.

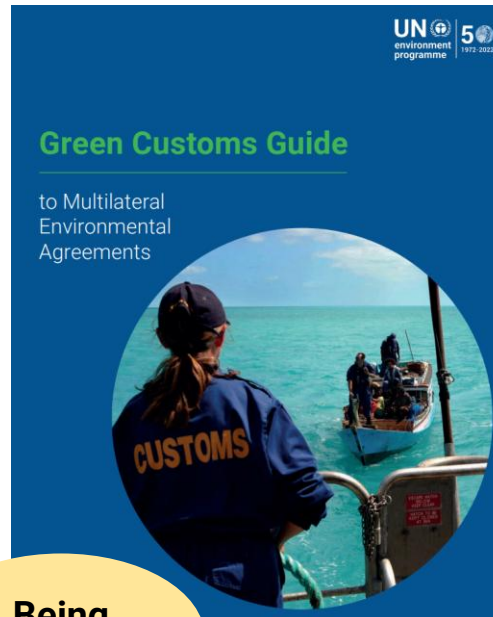
► The demand for mercury remains relatively robust in South and East Asian countries, **for products, vinyl chloride monomer production and ASGM**, and in African and Central and South American countries, especially for ASGM.

► The amount of mercury traded globally from 2018–2020 has been significantly less than in earlier years, but **illegal trade of mercury**, particularly for the purpose of ASGM, remains a significant concern and **has not been adequately quantified**.



Training for customs and trade officials

- World Customs Organization Platform
- Coming soon



Being
updated

COP-5 encouraged Parties to promote joint campaigns and training opportunities to strengthen the capacity of enforcement officers, including customs officers, to control mercury trade at the national level.



On 6 June 2024, organised a **workshop on mercury trade** on the margins of the planetGOLD Global ASGM Forum in the Philippines.



Funded by
the European Union

Multilateral Environmental Agreements and Trade Controls regulating FTZ and trans-shipment operations

- Overview of MEAs: Basel, Rotterdam, Stockholm, CITES, Montreal, Minamata.
- How MEAs address FTZs and trans-shipment



Speaker

Sharon Rivera, Programme Officer, Governance Branch (BRS Conventions Secretariat)

Free Trade Zones, Trans-shipment and related obligations under the Basel, Rotterdam and Stockholm Conventions

Sharon Rivera

Programme Officer

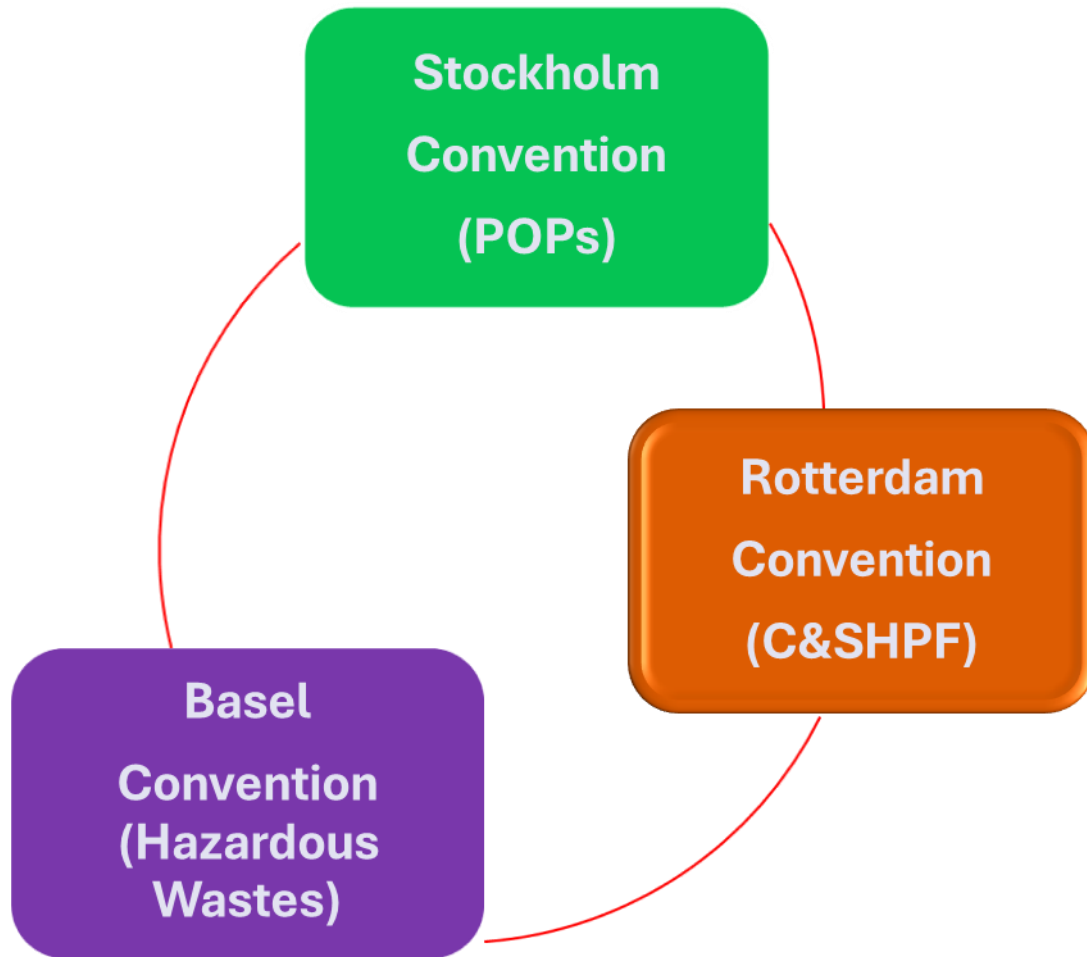
Secretariat of the Basel, Rotterdam and Stockholm Conventions

Webinar: Enhancing Environmental Oversight in Trade: A Focus on Free Trade Zones, Trans-shipment and MEA Obligations

9 September 2025



Scope of the Conventions



- ❑ **Basel Convention** covers **hazardous wastes**; explosive, flammable, reactive, poisonous, infectious, corrosive, toxic or ecotoxic; also covers “**other wastes**”
- ❑ **Rotterdam Convention** covers **pesticides and industrial chemicals** that have been:
 - banned or severely restricted for health or environmental reasons by Parties
 - included in the scope of the Convention
- ❑ **Stockholm Convention** covers **persistent organic pollutants**

BRS Conventions, FTZs and Trans-shipment



Important note:

- ☐ The Basel, Rotterdam and Stockholm Conventions are **silent** on FTZs and trans-shipment
- ☐ To date, no decision has been taken nor guidance developed by the conventions' governing bodies
- ☐ FTZs and trans-shipment matters remain within **each Party's discretion with regard to policy, legislation and practice**



BASEL CONVENTION



ROTTERDAM
CONVENTION



STOCKHOLM
CONVENTION



BASEL CONVENTION

ON THE CONTROL OF TRANSBOUNDARY MOVEMENTS
OF HAZARDOUS WASTES AND THEIR DISPOSAL

PROTOCOL ON LIABILITY AND COMPENSATION
FOR DAMAGE RESULTING FROM TRANSBOUNDARY
MOVEMENTS OF HAZARDOUS WASTES AND THEIR DISPOSAL

TEXTS AND ANNEXES

REVISED IN 2023

Basel Convention - relevant provisions, procedures and work

The Basel Convention does not explicitly address FTZs or trans-shipment, but **relevant provisions, procedures and work exist**:

- i. Definitions
- ii. Trade control measures, including the prior informed consent (PIC) procedure
- iii. Guidance by the Implementation and Compliance Committee (ICC)

Definitions

Transboundary Movement: *“Any movement of hazardous wastes or other wastes from an area under the national jurisdiction of one state to, or through, an area under the national jurisdiction of another State or to, or through, an area not under the national jurisdiction of any state, provided at least two States are involved in the movement.”*

Area under the national jurisdiction of a State: *“Any land, marine area or airspace within which a State exercises administrative and regulatory responsibility in accordance with international law...”*

Prior Informed Consent(PIC) Procedure

- Movements of hazardous and other wastes can only take place under specific conditions and procedures, *i.e.* the **PIC procedure**.
- **Key conditions** applicable, including for transit Parties:
 - They must be notified and consent to TBM (unless there's a waiver)
 - They retain the right to perform checks and verify the accompanying documentation
 - They are obligated to report information on transboundary movements in which they have been involved
- **Four stages of PIC:**
 1. notification of proposed shipment
 2. written consent to proposed shipment
 3. issuance of movement document
 4. confirmation of ESM disposal
- TBM not following the appropriate notification or consent procedures or resulting in deliberate dumping of wastes constitutes **illegal traffic**, which is to be considered **criminal** under national legislation





CONVENTION

GUIDANCE ON THE IMPLEMENTATION OF PARAGRAPH 4
OF ARTICLE 6 OF THE BASEL CONVENTION ON TRANSIT
TRANSBOUNDARY MOVEMENTS OF HAZARDOUS
WASTES AND OTHER WASTES



ICC Guidance

- The ICC has developed guidance on the implementation of paragraph 4 of Article 6 (transit transboundary movements of hazardous and other wastes)
- While it does not cover FTZ, it provides an indication of Parties that do not consider such zones within their definition of 'transit'
- It also raises key issues, namely **re-routing of shipments** i.e., situations where there is a change of the transport route after all consents have been obtained
- In this case, consents must still be obtained from new transit countries
- Other areas addressed: **navigational freedoms and landlocked countries**



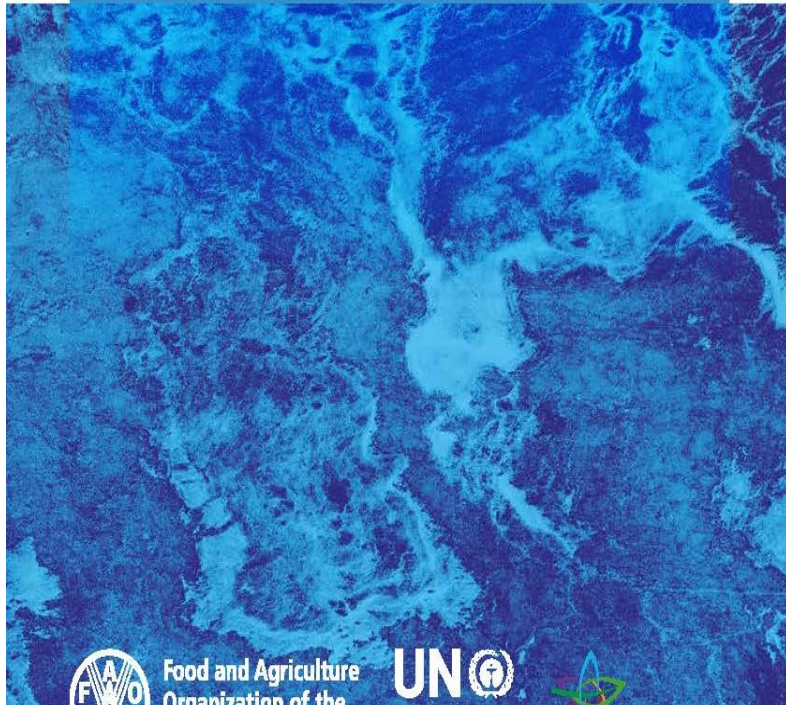
Rotterdam Convention

ROTTERDAM CONVENTION

ON THE PRIOR INFORMED CONSENT PROCEDURE
FOR CERTAIN HAZARDOUS CHEMICALS
AND PESTICIDES IN INTERNATIONAL TRADE

TEXT AND ANNEXES

REVISED IN 2023



- No reference to FTZs or trans-shipment but focuses on facilitating **exchange of information on controlled chemicals** for national decision-making on imports and exports
- Defines **export** and **import** as the movement of a chemical from one party to another party, excluding mere transit operations
- Applies its own **PIC procedure** and **information exchange mechanism**
- Parties are encouraged to establish **national coordination mechanisms** to facilitate information exchange among relevant authorities



Stockholm Convention

- No reference to FTZs or trans-shipment
- Establishes **measures** to reduce or eliminate releases of persistent organic pollutants (POPs), including **regulating the import and export of intentionally produced POPs listed in Annexes A (elimination) and B (restriction)**
 - **POPs** are chemicals with the following properties:
 - high toxicity
 - persistence
 - mobility
 - high concentration (bio-accumulate)
- Article 3, para 1(a)(ii): Each Party shall prohibit and/or take the legal and administrative measures necessary to eliminate its import and export of the chemicals listed in Annexes A and B
 - **Import of chemicals** only allowed for the purpose of environmentally sound disposal or for a Party that benefits from a specific exemption/acceptable purpose
 - **Export of chemicals** is only allowed for the purpose of environmentally sound disposal, to a Party that benefits from a specific exemption/acceptable purpose, or to a non-Party that certifies that it will comply with the provisions of the Convention on stockpiles and wastes



Thank you!

Multilateral Environmental Agreements and Trade Controls regulating FTZ and trans-shipment operations

- Overview of MEAs: Basel, Rotterdam, Stockholm, CITES, Montreal, Minamata.
- How MEAs address FTZs and trans-shipment



Speaker

Pablo Moscoso de la Cuba,
Senior Legal Officer, Ozone Secretariat

Challenges and Opportunities in Monitoring and Enforcement

- Gaps from regulatory and implementation perspectives
- Possible approaches for strengthening implementation and enforcement.



Speaker

Yiwei Zou, Associate Legal Officer, Montevideo Coordination and Delivery Unit, Law Division, UNEP

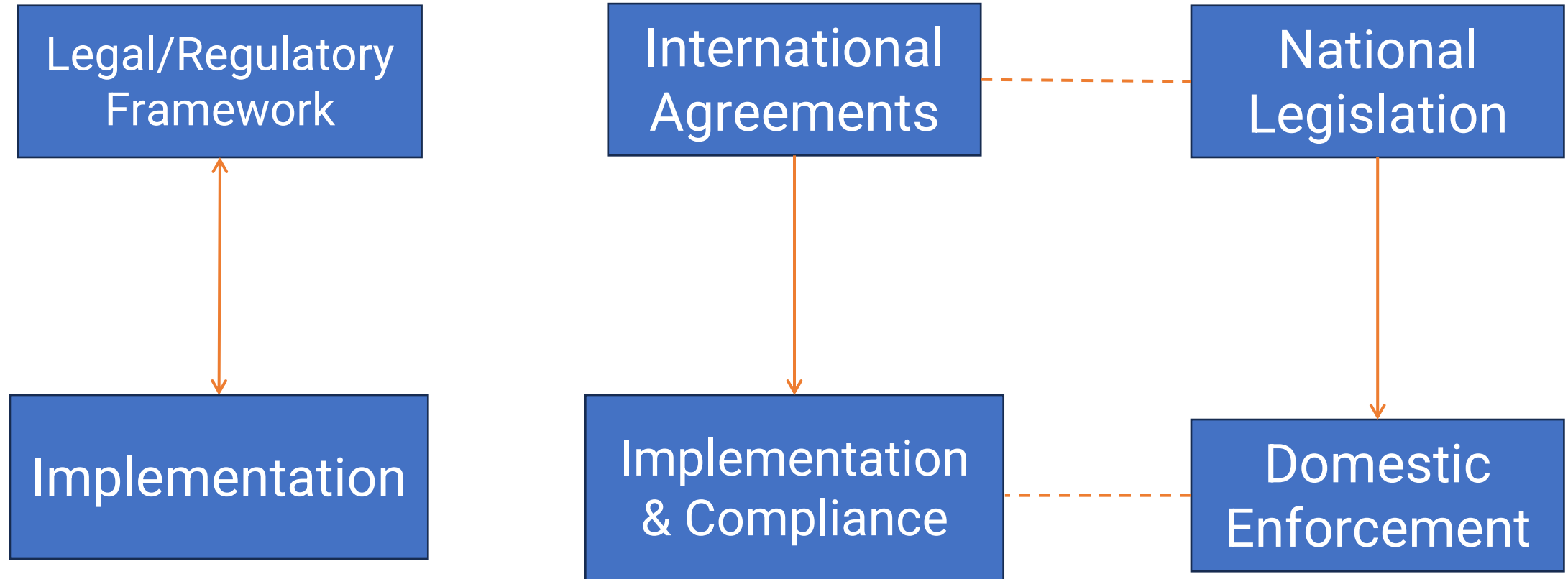
Challenges and Opportunities in Monitoring and Enforcement

Enhancing Environmental Oversight in Trade Facilitation Mechanisms: A Focus on Free Trade Zones, Trans-shipment and MEA Obligations

Yiwei Zou
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Montevideo Coordination and Delivery Unit, Law Division
9 September 2025

Challenges



MEA	Free Trade Zones	Trans-shipment
Montreal Protocol	X (not specific, data reporting encouraged)	✓ (clarified in decisions)
Basel Convention	X (not mentioned)	✓ (PIC includes transit)
Rotterdam Convention	X (not mentioned, focus on import/export)	X (not included, focus on import/export)
Stockholm Convention	X (not explicit)	X (not explicit)
Minamata Convention	X (not explicit, some Parties raised)	X (not explicit)
CITES	✓ (explicit inclusion)	✓ (explicit definition)

MEA	Tools
Montreal Protocol	- Article 7: mandatory annual data reporting - Article 4B: licensing systems - Decisions encouraged reporting including FTZ data - Informal prior informed consent (PIC) system
Basel Convention	- Prior Informed Consent (PIC) procedure
Rotterdam Convention	- PIC procedure - Information exchange mechanism - National coordination encouraged
Stockholm Convention (POPs)	- National reporting on POPs production/use - Import/export only allowed under specific conditions (Annex A & B) - Reports to Secretariat on measures taken
Minamata Convention (Mercury)	- Article 3: consent procedures
CITES	- A licensing system - International trade regulated through permits and certificates - Special provisions for live specimens in transit/trans-shipment

Opportunities

- **Regulatory / Institutional Level**

- Revised Kyoto Convention (RKC): standards on Free Zones & trans-shipment
- WCO Practical Guidance on Free Zones
- OECD Recommendations on transparency in FTZ

- **Implementation / Operational Level**

- Strengthen information-sharing mechanisms
- Green Customs Initiative (GCI)
 - ❖ training and joint enforcement
- Montevideo Programme V
 - ❖ technical legal assistance, capacity-building and knowledge products
- Enhance coordination between trade and environmental authorities

FTZ and Trans-shipment



FTZ are designated customs area with reduced or no import/export duties. Trans-shipment transfers commodities between transport modes to optimize trade routes.

While both are designed to facilitate trade, without proper oversight FTZ and trans-shipment may enable illicit activities. This is a concern for environmentally sensitive commodities, subject to specific trade controls and monitoring requirements under MEAs.

Multilateral Environmental Agreements



MEAs regulate global trade in environmentally sensitive commodities like wildlife, timber, hazardous chemicals and waste. Their trade control provisions apply to parties as a whole, with most MEAs not specifically addressing FTZ or trans-shipment. Implementation specifics are left to national legislation and practices, also to be guided by international customs standards.

International Standards for Customs Administration



International standards such as those under the Revised Kyoto Convention, WCO, and OECD promote uniform transparent customs procedures, strong legislation, and guide management of free trade zones and trans-shipment, aiming to balance trade facilitation with public security and environmental protection.

National implementation of Trade Control Measures under MEAs and Customs Standards



Apply consistently customs administration standards and measures from MEAs such as export and import licensing and permitting systems, implementing a prior (formal or informal) informed consent mechanism, tracking shipment with unique identifiers, and reporting data to MEA secretariats to facilitate information and best practice exchange.

Closing the Gaps

These measures, when implemented as a comprehensive strategy, will significantly enhance environmental protection while maintaining the benefits of trade facilitation mechanisms.

Enhancing Inter-agency Cooperation and Capacity Building



Strengthen cooperation between environmental and customs authorities for more effective oversight and monitoring of trade in environmentally sensitive commodities in FTZ and trans-shipment. This supports information sharing, improves risk profiling and builds joint capacity for detection and prevention of illegal trade.

Thank you !

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Question + Answers



Contact Information

For more information, please consult the event webpage:

<https://www.unep.org/events/webinar/enhancing-environmental-oversight-trade-focus-free-trade-zones-trans-shipment-and>

Download the Information Note: <https://leap.unep.org/en/knowledge/legislative-guidance/information-note-free-trade-zones-trans-shipment-and-multilateral>

Green Custom Webpage: <https://www.greencustoms.org/>

Montevideo Programme V Webpage: <https://www.unep.org/explore-topics/environmental-rights-and-governance/what-we-do/promoting-environmental-rule-law-1>

For any questions, please contact, The Secretariat at unep-montevideo@un.org

Thank you



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