



## Reporting form on

# Illegal trade

**According to Article 26(1)(c) of Regulation (EC) No 1005/2009 of the European Parliament and the Council on substances that deplete the ozone layer and Decision XIV/7 of the parties to the Montreal Protocol**

### 1. INTRODUCTION:

Under Article 28(1) of Regulation (EC) No 1005/2009 Member States are required to conduct inspections on the compliance with the Regulation, including inspections in import and exports.

Parties to the Montreal Protocol are invited to submit a report on illegal trade in ozone depleting substances to the Ozone Secretariat pursuant to Decision XIV/7 of the Parties to the Montreal Protocol.

On the request of Member States both surveys were combined in this form. The Commission, on behalf of Member States, will report to the Ozone Secretariat.

### 2. GENERAL INFORMATION:

Member State	Luxembourg
Reporting period	01 January – 31 December 2021
Reporting year	2021
Name of the reporting officer:	Ermin Hadzic
Designation:	
Organisation:	Administration de l'Environnement (AEV)
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Date:	02.06.2022

### **3. GENERAL GUIDANCE FOR COMPLETING THIS FORM:**

Please describe actions taken, other activities, and results of checks in detail. Where legislation or a programme is mentioned, please state the complete reference title and number.

Please provide answers to all questions. If for a certain question there is nothing to report or if the answer is identical to that in previous reports please indicate this clearly e.g. by stating "NIL", "nothing to report" or "see report of year YYYY". Questions without answers will be considered as "not reported".

You can attach supplementary information where appropriate, provided you include a summary in the relevant part(s) of the form.

Please complete and return the report **no later than 30 June** to:

European Commission  
DG Climate Action C2  
1049 Brussels  
Belgium  
E-mail: [clima-ods-reporting@ec.europa.eu](mailto:clima-ods-reporting@ec.europa.eu)

### **4. DECLARATION OF DISCLOSURE:**

#### **4.1. Reporting to UNEP:**

Information provided in this report may be forwarded to the Ozone Secretariat. Details on names of companies or persons involved will not be reported to the Ozone Secretariat without additional agreement of the Member State.

#### **4.2. Publication of the report on CIRCA:**

Unless there is an explicit objection by the Member State, the Commission may publish the report on CIRCA and thus make it available for other Member States for the purpose of sharing good practice.

### **5. QUESTIONS:**

#### **5.1. Proven cases of illegal trade (imports and exports):**

Please report in the table below only proven cases of illegal imports/exports of controlled substances or products and equipments. "Proven cases" are those where some action was taken such as a fine imposed or a court hearing. This includes an investigation which may have been carried out and that resulted in actions being taken by the competent authority. Report other investigations and their results in question 2 or 3.

Also provide here information for cases whose investigation had not been finished at the time the previous report has been submitted (e.g. due to outstanding court rules). Also include here proven cases of illegal trade from previous years that were not reported in previous reports (e.g. because they have been only discovered during the current reporting period).

Please report all quantities in metric-kg with an accuracy of  $\pm 1$  kg. Always round up to the next kilogram. To avoid confusion do not insert decimals and do not use any thousand dividers. In the column "Comments" state at least:

- Investigating authority
- Date the illegal trade occurred
- Official file reference number

Add more rows if necessary.

Name and quantity of ODS	Results from checks made by Customs Authorities or other activities undertaken	Action taken (e.g. entry denied, seizures, fines, court rules ...)	Comments
NIL	No illegal ODS found during checks	NIL	NIL

### 5.2. Other cases of illegal trade (imports and exports):

Please report here other cases of illegal trade that were subject to investigations but for whatever reason do not classify as proven cases of illegal trade (e.g. alleged cases with ongoing investigations, cases where an initial suspicion did not turned out to be justified, cases of illegal trade without legal follow up for whatever reason). This information will be used to identify potential areas for improvement or potential gaps in the Regulation.

Also provide information for cases whose investigation had not been finished when the previous report has been submitted.

Please report all quantities in metric-kg with an accuracy of  $\pm 1$  kg. Always round up to the next kilogram. To avoid confusion do not insert decimals and do not use any thousand dividers. In the column "Comments" state at least:

- Investigating authority
- Date the illegal trade occurred
- Official file reference number

Add more rows if necessary.

Name and quantity of ODS	Results from checks made by Customs Authorities or other activities undertaken	Action taken (e.g. entry denied, seizures, fines, court rules ...)	Comments
NIL	No illegal ODS found during checks	NIL	NIL

### 5.3. Other checks performed:

Please report here on a voluntary basis other investigations related to Regulation (EC) No 1005/2009 (e.g. cases related to illegal placing on the market, violation of minimum requirements or reporting obligations etc.).

*Luxembourg has established a database containing information regarding air condition, cooling and freezing systems used by industrial, commercial and office facilities. Respective maintenance companies/personal are, under Luxembourgish legislation, forced to provide, yearly, information regarding the status of these installations. Among other things, this information includes the type of coolant as well as the used quantities. As such, this database is used as another tool to monitor the potential use of banned ODS. No illegal activities have been observed in this context.*

### 5.4. Principles of the checks performed:

Please report here on a voluntary basis the general principles and organisation of the relevant checks in your Member State. As the Regulation does not require any particular measure the below list is only indicative:

- Is an electronic customs check system implemented and how does it work? *Fully established: electronic platform for data exchange and communication between customs authorities and experts at the Administration de l'Environnement (AEV). Documents and images of potentially suspicious cases are uploaded by customs authorities into the electronic database and checked for relevance by the AEV within 48 hours. Following an extensive testing phase, the electronic customs check system has been fully implemented in 2015 and is operational.*
- Are special check tools available (e.g. x-ray equipment, mobile analysers)? *Yes, mobile x-ray equipment.*
- What measures are taken to prevent or to discover illegal trade? *See below.*
- How are accidentally or intentionally false declarations addressed (e.g. use of wrong CN codes, ODS declared as legal chemicals like HFCs)? *In case of an accidentally*

*false declaration, administrative measures are initiated by the AEV, prompting the concerned individuals to conform to existing regulations within a given time frame. If a false declaration is found to be intentional, the case is reported to court.*

- *Are there special task forces? There are no special task forces that exclusively take care of ODS inspections. Officers of the AEV that take care of the ODS inspections are also handling other subjects as well as inspections related to other matters. Conclusively, related checks are performed by the customs authorities of Luxembourg and officers of the AEV.*

*Regular checks are organised by the custom authorities concerning import and export of goods in general. The checks comprise the verification of the documents and physical checks including crosschecking with the corresponding documents. Customs officers have been instructed to inform the AEV as soon as any import of ODS has been detected.*

*Checks are performed by the customs authorities on a regular basis at Luxembourg airport. In addition, following the concern raised by the Commission that Luxembourg airport is not the only possible point of entry to the EC customs territory, efforts were made to enforce ODS-related inspections on internal customs checkpoints other than the airport as well as on roads.*

#### **5.5. Schedule and results of checks performed:**

Please report here on a voluntary basis the schedule of checks (e.g. all ODS imports/exports subject to documentary checks, x% of the cases are physically checked) for the reporting year and (if available) for coming years. Provide the actual number of performed checks, the type of checking and their results.

#### **5.6. Training and promotion:**

Please provide here on voluntary basis, information on training activities that took place for customs officers or other environmental crime investigators during the reporting year. Also include any activity that took place to promote the prevention of illegal trade in ODS. This information is required pursuant to Article 28(4) of the Regulation and Decision XIV/7 point 5 in order to identify and exchange good practices.

*A guideline manual for customs authorities, including a decision chart to help identify and handle potential cases of illegal ODS trading, has been distributed to the custom authorities. A corresponding course took place in 2016. No course took place in 2018, as the previous one was deemed to have happened recently enough. The next course was planned for the first half of 2020. Due to the pandemic related to the corona virus, the course was indefinitely postponed and will be organised at a later date, which has yet to be determined.*

