THE ROLE OF CUSTOMS AUTHORITIES IN ENVIRONMENTAL SECURITY OF CHINA

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I. ABSTRACT

Every day, a huge amount of waste is generated, so recycling is a hot topic all over the world and especially in China. The relevance of the study lies in the fact that at the moment the problem of environmental catastrophe is in an acute position. The activity of the customs authorities of China in the field of environmental policy is considered. Key programs and documents in the field of "Green Customs" are analyzed. The reasons for the deterioration of the ecological situation in China are determined.

II. RESEARCH

Today, the traditional role of customs inspectors as guardians of the trading system is evolving into a more inclusive dimension of sustainable development relating to the welfare and security of society.

Certain substances and goods that cross the border are designated as “environmentally sensitive” to human health or ecosystems, due to their inherent hazards, potential for misuse, or impacts on biodiversity or individual species. Such items include banned or restricted chemicals, hazardous and toxic wastes, rare and endangered species of flora and fauna, and living modified organisms. Many of these items are controlled under multilateral environmental agreements (MEAs) or other agreements such as the Chemical Weapons Convention. Effective monitoring and control of the transboundary movement of such substances and goods is a key component of environmental protection and, in some cases, national security.

Consider the dynamics of world trade in non-environmentally friendly materials and products from them.

Table 1: Dynamics of trade in non-environmentally friendly materials and products from them

	2017 г.	2018 г.	2019 г.	2020 г.	2021 г.
	Plastics And Articles Thereof				
China	11.8	12.20	13.4	15.8	16.3
Germany	10.60	10.30	10.10	9.80	9.50
USA	10.40	10.20	10.40	9.90	9.20
	Rubber and articles thereof				
China	11.10	11.60	11.90	12.70	13.80
Thailand	8.80	8.00	8.30	8.80	8.70
Germany	9.20	9.30	8.90	8.60	8.00
	Recovered (waste and scrap) paper or paperboard				
USA	31.10	34.50	38.20	38.90	33.00
UK	8.20	8.00	8.00	8.20	10.00
Netherlands	5.70	5.60	5.60	5.60	5.10
	Glass and glass products				
USA	10.30	12.40	20.80	22.00	26.10
China	15.30	13.50	10.00	11.30	11.10
Belgium	10.60	11.10	11.20	12.80	10.90

Source: Compiled by the author based on UN Comtrade data.

The largest exporters of waste and products of their processing are China, EU countries, and the USA. China plays a leading role in this global market, in 2021 it accounted for about 16% of global exports of plastics and plastic products, more than 13% of rubber waste In July 2017, China introduced the first import restrictions on 24 types of recyclable to combat the import of waste. 3.9% of Chinese exports are 39 commodity group "Plastics and products from them."

At the present stage of development of society and the economy, the search for ways to solve environmental problems is becoming a priority task for institutions at all levels of government. The "green" aspects of world trade are especially significant, since "environmentally sensitive" goods are the object of cross-border movement. On this basis, the role of the customs service in solving the global environmental problem is increasing.

Since 1976, China has been one of the participants in the international United Nations Environment Program (UNEP - United Nations Environment Program). The United Nations Environment Program (UNEP) promotes environmentally sound practices both globally and in its own activities. UNEP is one of the partners of the initiative program "Green Customs".

The main goal of this program is to increase the functionality of the customs services of the world while exercising proper control over "environmentally sensitive goods", which are regulated by a package of multilateral international agreements.

This program is designed to help fight global environmental problems in the following forms: training customs personnel on this topic; conducting numerous trainings, both at the level of the subject and at the international level of all countries for civil servants of the customs authorities, etc.

After a long period of time, it can be clearly concluded that this program "Green Customs" leads the customs staff to the rapid acquisition of special skills in the field of environmental safety, as well as environmental protection in general.

This convention is one of the fundamental documents of the Green Customs Program.

There are a number of agreements that are fundamental in the development of the Green Customs Program:

1. Convention on International Trade in Endangered Species of Wild Fauna and Flora, CITES is an international governmental agreement signed as a result of a resolution of the International Union for Conservation of Nature (IUCN) in 1973 in Washington. Entered into force on July 1, 1975. Also known as the Convention on International Trade in Endangered Species of Wild Fauna and Flora. This agreement regulates the trade of wild animals and plants by conserving their numbers. This agreement contains more than 33 thousand different species of animals and plants. The Convention is the largest in the field of wildlife protection, its entry is voluntary, and the fulfillment of the tasks set in it is mandatory for all signatory states.[1]

2. The Montreal Protocol on Substances that Deplete the Ozone Layer is an international protocol to the Vienna Convention for the Protection of the Ozone Layer of 1985, designed to protect the ozone layer by phasing out certain chemicals that deplete the ozone layer. The Protocol was prepared for signature on 16 September 1987 and entered into force on 1 January 1989.

3. Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal. It has 170 member countries and is designed to protect human health and the environment from the harmful effects caused by the production, use, transboundary movement and disposal of hazardous wastes.

4. In 2000, within the framework of the implementation of the Convention on Biological Diversity, the Cartagena Protocol on Biosafety was signed. It fixes the measures and procedures for the movement of biotechnology products across state borders for the purpose of ensuring the biological safety of the countries of the world. The protocol was adopted on January 29, 2000 as an additional agreement to the Convention on Biological Diversity and entered into force on September 11, 2003.[2]

5. Rotterdam Convention on the Prior Notification Procedure in International Trade in Hazardous Chemicals and Pesticides. The purpose of the Convention is to promote shared responsibility and cooperative efforts in international trade in certain hazardous chemicals to protect human health and the environment from potentially harmful effects and to promote their environmentally sound use by facilitating the exchange of information on their properties, establishing a provision for the implementation at the national level of the adoption process decisions concerning their imports and exports and dissemination of those decisions.

In addition to the above agreements, which, among other things, formed the basis of the Green Customs, it also contains many other agreements, protocols, conventions, affecting a large aspect of various problems of customs activity, solutions, as well as many other tasks required by the world community in the field of customs to ensure environmental safety.

Environmental crime is a significant and increasingly profitable business. In 2016, environmental crime is estimated at about US$91–258 billion per year, up 26% from the previous estimate in 2014 and growing at 5–7% annually, 2–3 times the growth rate world economy. Illicit international trade in "environmentally sensitive" goods such as ozone depleting substances (ODS), toxic chemicals, hazardous wastes and endangered species is an international problem with serious consequences. This may threaten human health and the environment; contributes to the extinction of species; leads to loss of revenue for governments; and undermines the success of international environmental agreements by violating agreed rules and procedures.

Customs and border control officers are the front line of every country's defense against cross-border illegal trade. They are the first link in the “compliance and enforcement chain”, and without adequate capacity to prevent or detect illegal trade, the rest of the chain will be significantly less effective. Therefore, building the capacity of these employees is vital. Training is a key component of capacity building, but can be time consuming and costly if done separately for the wide range of issues that Customs officers have to deal with. An effective solution is coordinated training, which is carried out within the framework of Green Customs.

The Green Customs Initiative, launched in 2004, is a partnership of international organizations working together to prevent illegal trade in environmentally sensitive goods and substances and facilitate their legal trade. Its purpose is to enhance the capacity of customs and other relevant border officials to monitor and facilitate legitimate trade, and to detect and prevent illegal trade in environmentally sensitive goods subject to relevant multilateral environmental agreements (MEAs) and trade-related international conventions.

These commodities include ozone depleting substances (ODS), toxic chemicals, hazardous wastes, endangered species and some modified living organisms. The goal of the Green Customs initiative is achieved by raising awareness of all relevant international agreements, as well as providing assistance and tools to the customs community. The Green Customs initiative is intended to complement and improve existing efforts to train customs officers under the relevant agreements.

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[1] Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

[2] Cartagena Protocol on Biosafety to the 1992 Convention on Biological Diversity (Montreal, January 29, 2000).

The Green Customs Initiative provides opportunities for the coordinated and cost-effective development of tools, training and awareness raising for customs and other border control officers through its umbrella partnership involving several organizations with different mandates. Customs administrations need and regularly request coordinated training such as that provided by the Green Customs Initiative. Such coordinated learning is not provided by other means.[3]

For some of the MEAs involved, Green Customs is the only structured means of interaction with the customs community, as funding for such outreach activities is often not available.

Thus, "Green Customs" is an international initiative of all countries of the world that influences the activities of the customs institute, by evolving their activities aimed at promoting sustainable economic development, increasing the welfare and security of the population.

Let's analyze the indicator of environmental efficiency. The Environmental Performance Index (EPI) is a method for quantifying and scoring the environmental performance of government policies. The EPI was developed by Yale University (Yale Center for Environmental Law and Policy) and Columbia University (Center for the International Geosciences Information Network) in collaboration with the World Economic Forum and the European Commission Joint Research Center to assess environmental sustainability in relation to the path of other countries. The Environmental Performance Index uses performance-based indicators that then work as a benchmark index that can be easily used by policy makers, environmental scientists, human rights activists and the general public. The 2022 Environmental Performance Index (EPI) is a data-driven summary of the state of sustainable development worldwide. Using 40 performance indicators across 11 question categories, EPI ranks 180 countries on environmental health and ecosystem health. These indicators make it possible to evaluate on a national scale how close countries are to the established environmental policy goals. EPI offers a scorecard that highlights leaders and laggards in environmental performance and provides practical guidance for countries seeking to move towards a sustainable future.[4]

The activities of the customs authorities have an impact on the formation of this rating. In addition to effective customs-tariff and non-tariff regulation, replenishment of the country's budget, environmental protection at the national and international levels becomes a priority. It involves the implementation of measures to prevent the movement of environmentally hazardous goods.

China occupies 160th place in this ranking with an index of 28.4, which is quite low, along with Morocco and other African countries. For comparison, the Russian Federation takes 58th place.

It's no secret that China is the leader in international world trade. Environmental protection for the People's Republic of China has not always been a priority in the field of state policy. While the Green movement was beginning to develop in Western countries, China was not opposed to accepting into its country the waste generated as a result of the activities of such movements. In the garbage from Europe and the USA there was a lot of scrap of ferrous and non-ferrous metals, as well as plastic, cardboard, etc. This looked like an attractive additional resource for an economic breakthrough, so China since the early 1980s began to actively import waste from developed countries, and this continued for several decades.

The scale of the "garbage industry" grew every year. Hundreds of companies were involved in the import of foreign garbage. Tens of thousands of people were involved in the stages of sorting, processing and disposal of non-utilized waste. At the same time, the country experienced a shortage of industrial space for waste disposal, but the economic benefits were so attractive that ever-increasing volumes of garbage were imported into the country illegally.

Table 2: China's plastic exports 2014 – 2020

Year	2014	2015	2016	2017	2018	2019	2020
	US dollars at current prices in million						
Total plastics	93291.54	82901.99	79153.4	90947.81	96318.54	90990.07	89842.96
Plastics in primary forms	55542.93	48884.26	46722.33	56972.22	63993.21	59969.78	59948
Intermediate forms of plastic	14573.9	13180.62	12418.32	13372.39	14375.94	13864.42	13950.29

[3] Initiative "Green Customs": official site [Electronic resource]. URL: https://www.greencustoms.org/

[4] Environmental Performance Index (EPI): official site [Electronic resource]. URL: https://epi.yale.edu

Intermediate manufactured plastic goods	6069.59	5504.28	5158.11	5199.32	5308.62	4841.17	3937.06
Final manufactured plastics goods	11042.18	11130.02	11145.02	12122.5	12601.72	12314.18	12007.43
Plastic waste	6062.93	4202.81	3709.63	3281.38	39.05	0.52	0.18
	Metric tons in million						
Total plastics	38.42	38.66	39.35	39.68	40.98	44.34	49.62
Plastics in primary forms	26.84	28.08	25.66	30.62	37.25	40.92	45.7
Intermediate forms of plastic	1.82	1.69	2.91	1.68	2.01	1.88	1.76
Intermediate manufactured plastic goods	0.51	0.49	0.58	0,51	0.52	0.45	1.1
Final manufactured plastics goods	0.95	1.01	1.38	1	1.15	1.09	1.07
Plastic waste	8.3	7.39	8.82	5.87	0.05	0.00092	0.00031

Source: Compiled by the author based on UnctadStat data.

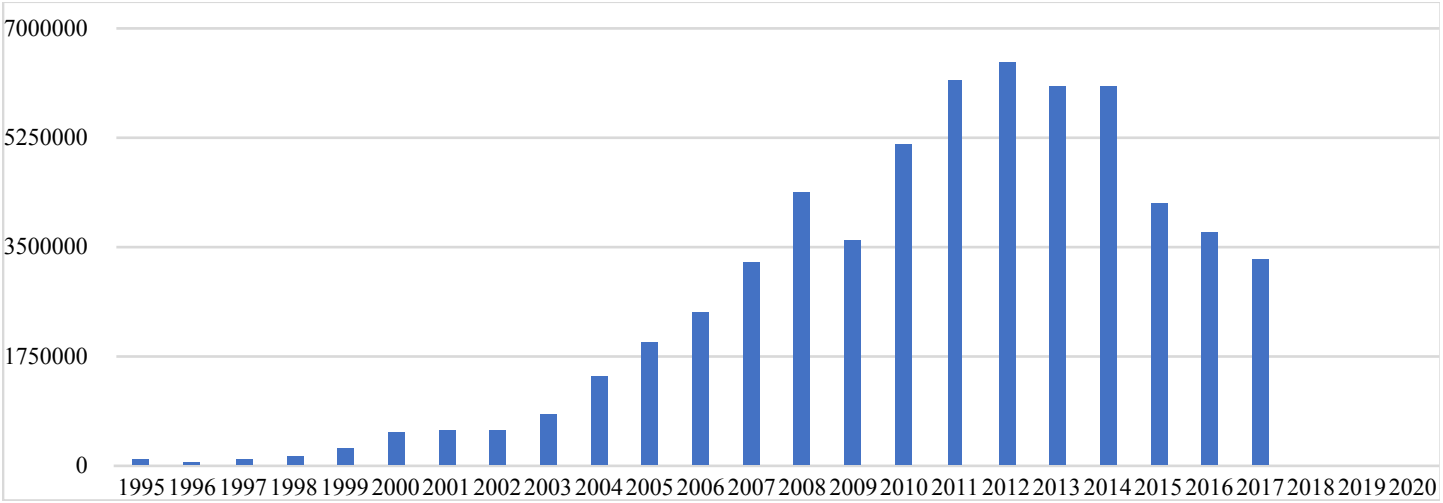
The processing of some types of plastic could be carried out not only on special equipment, but also in artisanal conditions, since the quality of garbage plastic from developed countries, where consumer goods were produced according to strict environmental standards, was quite high. Small entrepreneurs were happy to take on such a profitable business, so the import of American and European garbage, including illegal, was constantly increasing.

For a long time, customs have not shown much activity in countering the illegal entry of foreign waste into China. The fight against this phenomenon began relatively recently, at the beginning of the second decade of the 21st century. From August 1, 2011, Guangzhou Customs, through which 1.3 million tons of waste (20% of imports) entered in 2010, began a pilot project to strictly enforce solid waste import decisions. The Chinese government made these decisions at the beginning of the year in order to better control waste imports. According to a representative of the Chinese Ministry of Environmental Protection, along with recyclable solid waste, rubbish is also imported, which simply pollutes the nature of China.

The quality of recyclable materials exported to China has gradually declined; on the contrary, a large amount of waste entering China has been mixed with food, garbage and other pollutants. Thus, this unmanaged waste has become a burden for the Chinese government. Likewise, the profitability of the recycling industry has attracted speculators to invest in the market. In order to improve market management and reduce illegal traffic, the Chinese government decided to implement Operation Green Fence. The operation is said to have been the result of Chinese customs enforcement of a law that was in place from February to November 2013. This initiative was designed to control the quality and flow of incoming waste and combat smuggling. It was reported that in just five months, Chinese customs seized 337 cases of solid waste smuggling worth 1.7 billion yuan. According to the rules of the China Plastic Waste Association, import license transactions are prohibited, and imported plastic waste must be delivered to import-qualified factories in accordance with the provisions of the import license. Since countries depend on imports of waste from China, this action has negatively affected the entire value chain of waste plastics and exporting countries. At Chinese ports, waste checks have slowed port operations, meaning exporters have to bear the costs of demurrage of goods left at the dock before being checked. At the same time, a large amount of waste that did not pass the test was also returned. By the end of 2013, China's waste imports had dropped by one million metric tons. China's policy has

made exporting countries aware of the disadvantages of over-reliance on exports. This had a negative impact on the domestic processing capacities of exporting countries.

Figure 1: Dynamics of export volume of plastic waste, thousand US dollars



Accelerated industrialization and the transformation of the country into a world factory were accompanied by a constant increase in environmental problems. Technologies for the processing of industrial and household waste did not provide for the utilization of constantly growing volumes of their production. Garbage from European countries exacerbated the situation. From 1995 to 2020, imports of used plastic increased by 474.8%.

Gradually, the world's factory turned into a global dump, and the consequences of processing foreign waste for the environment in recycling sites can hardly be called anything other than an environmental disaster. E-waste contains substances such as mercury, cadmium and lead, which, if not handled properly, can pose a risk to human health and the environment. At the same time, about 80 percent of the electronics that has become unusable is thrown into a landfill, burned or sold illegally.

China made the decision in July 2017 and announced on August 16, 2017 that it will stop importing 24 kinds of solid waste from foreign countries, including plastic waste, unsorted waste paper, textile materials and vanadium slag. The new policy came into effect on January 1, 2018 and banned the import of this waste. This policy has seriously lowered the acceptable levels of pollution when importing a number of wastes. Recently proposed maximum pollution thresholds were so low that in practice they amounted to another ban.

However, the actions of the authorities to improve the situation in the field of import and disposal of waste found understanding and support not among the entire population of the country. The result of China’s ban on waste imports was a collapse in prices (in particular, for waste paper, the drop was about 40%) and an aggravation of the “garbage problem”, because no country can absorb such a large amount of waste as the Chinese market. Over the decades of almost uncontrolled import of foreign waste into the PRC, a certain infrastructure has been formed, in which there was a place for both fairly large enterprises that own modern technology and equipment, and small entrepreneurs who process waste in artisanal conditions. Many of the handicraftsmen were practically outlawed and deprived of a source of income. In addition, licensing and increased bureaucratic control over the import of waste has made it difficult for small entrepreneurs to access waste recycling. All this has led to an increase in the smuggling of foreign garbage, resulting in a significant increase in the burden on the country's customs authorities.

Since the beginning of 2018, the Chinese authorities have begun to take vigorous measures to implement the plan of planned measures to restore order in the area of uncontrolled importation of foreign garbage. On February 3, 2018, under the leadership of the Anti-Smuggling Administration of the GCC of the People's Republic of China, the relevant departments of the customs of Guangdong Province and the cities of Shenzhen, Tianjin, Harbin and Qingdao began the first stage to prevent the smuggling of foreign household and industrial waste into the country. By February 27, the territorial customs initiated 69 cases based on the results of inspections of the import of more than 50 thousand tons of garbage.

Already after this stage, the main methods that smugglers resort to when illegally importing foreign waste into the country became clear. Since the cost of waste per unit volume is quite low, it does not make economic sense to use methods such as concealment from customs inspection using caches or transportation in small lots. Therefore, criminals can only import goods into the country, bypassing customs control places or forging permits. In addition, the Chinese customs officers also discovered such a method of covering fraud as the resale of licenses for the legal import of solid waste.

The fight against the smuggling of foreign waste has become the most extensive, consistent and intensive specialized campaign for the Chinese customs authorities in recent years. It is accompanied by active propaganda support from the PRC mass media, which constantly pay attention to this topic as part of their coverage of environmental events.

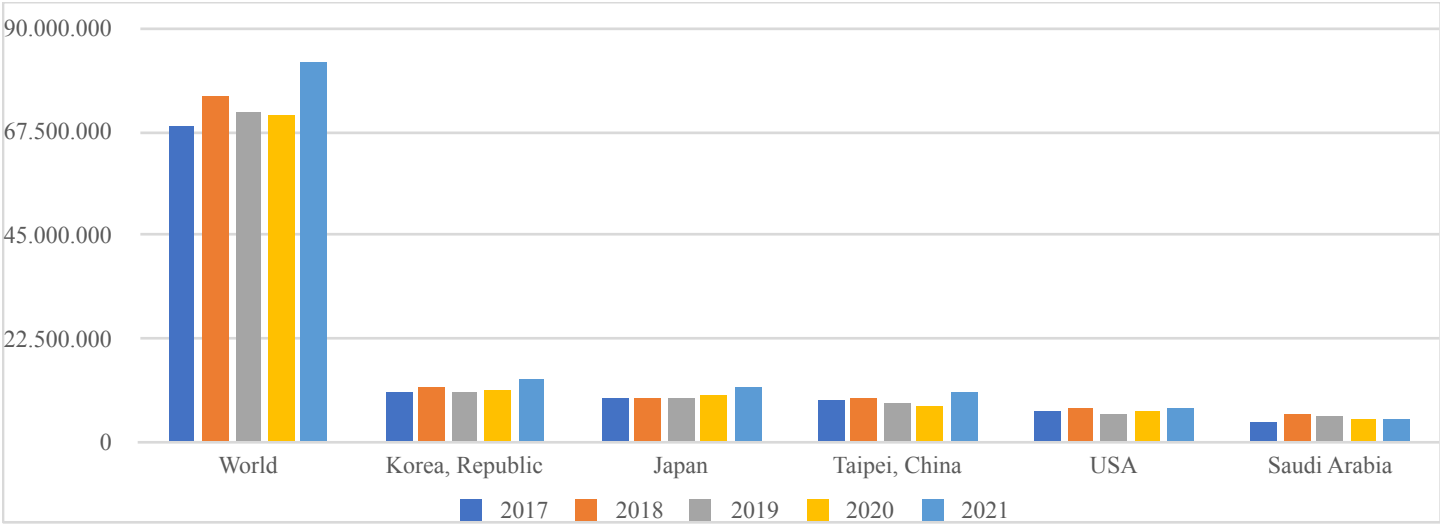
At the end of 2018, the volume of solid waste imports to China decreased by 46.5%. In addition, the country's customs authorities initiated 481 cases of smuggling, discovered and detained 150,000 tons of solid waste, which were subsequently sent outside the country.

The authorities of the country, meanwhile, introduced another ban on imports to China from December 31, 2018, a ban on 32 types of solid waste came into force, including automobile shredder waste and scrap metal from ship recycling, polyvinyl waste, recycled electrical aluminum wires, waste from recycling copper winding of electric motors. China is systematically tightening the rules for the import of recyclable materials and waste into the country as part of a program aimed at improving the environmental situation.

Since December 31, 2019, China has banned the import of 16 more types of solid waste, including sawdust, cork waste, stainless steel scrap, scrap of zirconium, tungsten, magnesium, vanadium, niobium. Thus, one of the main goals of a set of measures to improve the environmental situation in the country will be achieved - to completely stop the import of foreign waste, with the exception of those that contain resources that are not subject to import substitution.

From January 1, 2021, China will completely stop importing foreign waste. This put an end to the Chinese program to reduce the volume of garbage imports, which began in 2017.

Figure 2: Dynamics of Chinese imports of commodity group 39 "Plastics and plastic products" 2017 – 2021



The United States, Japan, the EU and Australia, which were the main suppliers of garbage to China, suffered the most from these measures.

It is important to pay attention to the amount of imported foreign waste that was unauthorized by the government that entered the country through resale licenses, fake reports, smuggling, etc. At the most conservative estimate, this is about several times the national license quota.

The cost of receiving foreign waste is very low. They can be sold at a high price due to simple processing and make a high profit. This is "honey" for illegal immigrants; but the process of disposal of foreign waste caused serious pollution of the local atmosphere, water and soil. This is a "poison" that destroys the local ecological environment and endangers the life and health of people.

Based on this, the role of customs authorities in the field of ensuring environmental safety is increasing. In customs, it is a determination of the level of protection of the natural environment and human interests from various kinds of threats created when goods are moved across the customs border.

Thus, the effect of many international environmental agreements extends to the procedure for the transboundary movement of such goods and regulates the activities of customs authorities for effective monitoring and control.

To control the implementation of the Green Customs principles in any country, it is necessary to:

- coordinate the work of relevant services and organizations related to this problem;
- to create an effective accounting system, based on improved analytical work in the customs authorities;
— unify the regulatory framework in the field of hazardous waste movement;
— improve existing and develop modern technical means and equipment that will contribute to the least extent to the emergence of new hazardous waste.

Thus, "Green Customs" is one of the main international agreements related to the solution of environmental problems in the international sphere. China is far enough away from the final victory over garbage, because the bulk of the waste that accumulates in the country is produced within it.

III. LIST OF SOURCES AND LITERATURE

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