

**RECOMMENDATION OF THE CUSTOMS CO-OPERATION COUNCIL^{*}
CONCERNING ACTION AGAINST ILLICIT CROSS-BORDER MOVEMENT
OF NUCLEAR AND HAZARDOUS MATERIAL
(INCLUDING THEIR WASTES)**

(19 June 1997)

THE CUSTOMS CO-OPERATION COUNCIL,

NOTING that since its foundation, the Council has been fully aware of the need for States to protect themselves against the various forms of Customs fraud and smuggling,

RECOGNIZING that the use of the nuclear and hazardous products is essential to meet countries' social and economic goals,

RECOGNIZING the potential threat of illicit movement of nuclear and hazardous material and their wastes to people, the environment and property,

RECOGNIZING that there is a need for maximum awareness and safety measures for Customs officials and employees of carriers, postal services port authorities, etc. because of the potential danger of any contacts with these materials;

NOTING that Customs fraud relating to nuclear and hazardous material is giving increasing cause for concern,

NOTING that Customs' detection capability in this area could be improved by providing special training, detection equipment, employment of modern enforcement techniques, close co-operation with the relevant agencies and communication of information and intelligence,

RECOGNIZING the importance of the international efforts in the field of non-proliferation of nuclear material, physical protection of nuclear facilities and international movement of hazardous material,

CONSIDERING that the Customs authorities are responsible for checking goods at importation and exportation to ensure that Customs and related laws and regulations are applied, whilst at the same time endeavoring to facilitate the rapid passage of goods,

RECOGNIZING the need to improve the capacity of law enforcement agencies to target and intercept the illicit trafficking in nuclear and hazardous material without unduly hindering the movement of innocent people and legitimate international trade,

RECOGNIZING that responsibility for initiating action and dealing with nuclear and hazardous material smuggling may rest jointly with competent authorities, including Customs,

^{*} "World Customs Organization" (WCO) is the working name of the Customs Co-operation Council.

EXPRESSING the hope that where any aspect of the practical steps needed to implement this Recommendation, in any particular Member country, is not a matter of the sole competence of a Customs authority, there will be maximum co-ordination at the national level between the authorities concerned,

ACKNOWLEDGING the importance of increasing co-operation and effective exchange of information on a reciprocal and equitable basis between the Customs Co-operation Council and other international organizations involved in action to combat the illicit trafficking in nuclear and hazardous material, such as the International Atomic Energy Agency (IAEA), The United Nations Environment Programme (UNEP),

RECOMMENDS that Members of the WCO and other relevant organizations should,

- recognize the need for the prevention, detection and repression of illicit movement of nuclear and hazardous material,
- examine the possibility of identifying potential traffickers of illicit nuclear and hazardous material arriving from source countries and transiting to other countries, with a view to advising urgently the Customs authorities of those countries to facilitate the interception of such traffickers or the further monitoring of their journeys as may be most appropriate in each case,
- afford the necessary attention to the formulation and implementation of appropriate legislation, regulations and administrative guidelines to deal with all aspects of the illicit trafficking in nuclear and hazardous material,
- increase their efforts to co-operate on a bilateral, regional and multilateral basis in the fight against Customs offences with respect to nuclear and hazardous material smuggling,
- ensure that the necessary structures and procedures are in place to allow Customs authorities to detect cross-border movements of illicit nuclear and hazardous materials,
- establish procedures whereby Customs administrations can communicate information about nuclear and hazardous material seizures to the WCO,
- participate in the sharing of information on nuclear and hazardous material smuggling at both international and national levels,
- in collaboration with the WCO Secretariat, incorporate specialized training methods for combating nuclear and hazardous material smuggling into training provided to staff assigned to Customs inspection functions,

REQUESTS Members of the WCO which accept this Recommendation to notify the Secretary General of their acceptance, and of the date from which they will apply the Recommendation and the conditions of its application.