

THE ROLE OF CUSTOMS IN COMBATING ENVIRONMENTAL CRIME¹

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ABSTRACT

Environmental crime poses a serious threat to security in general, and to the protection of the environment and nature in particular.

There are a number of illegal activities that greatly pollute all ecosystems, water, soil and air, and thus can directly cause serious and severe consequences for the health of the entire living world. As a result of pollution and other harmful effects, human life is endangered, but also the flora and fauna. Numerous bodies and institutions within their competencies and authorities undertake measures and activities for prevention and repression of environmental crimes. These include the criminal police, uniformed police, inspectorates, judicial bodies, but customs also play an important role in combating environmental crime, both nationally and internationally. Namely, most often this type of crime is cross-border, with international characteristics and that is why the Customs Administration of the Republic of North Macedonia has an important role in finding out, proving and clarifying these crimes. Internationally, a number of special operations to combat environmental crimes are being undertaken by Interpol, Europol, and the World Customs Organization.

¹ original research paper

The authors of the paper review the environmental crime and the manner in which the competent authorities in the Republic of North Macedonia are engaged in its suppression, with special reference to the Customs Administration, but also present information on the role of the World Customs Organization in combating this type of crime.

KEY WORDS:Environmental crimes, Customs Administration, Security

INTRODUCTION

In addition to the police and inspection bodies that take measures and activities to prevent and combat environmental crime², customs also play an important role in that process. Namely, the Customs Administration of the Republic of Macedonia, in addition to other types of crime that it detects, such as the illegal trade in dogs, weapons, migrants, etc.,undertakes measures and activities in the field of environmental protection. A special organizational unit of the Customs Administration has police powers and is responsible for suppressing several criminal acts listed in the Law on Criminal Procedure, such as criminal acts in the field of illicit drug trafficking, and other harmful means of treatment. Illicit trade in temporary protection and cultural heritage goods, illegal migration, environmental crimes, such as: Unauthorized acquisition and disposal of nuclear materials under Article 231, Importation of dangerous goods into the country and other import-related crimes, export and transit of goods across the border line.³

The Customs Administration, within its competencies, has the authority to undertake appropriate legal measures and actions that it undertakes through customs control, which is the performance of specific actions such as: inspection of goods; checking the existence, reliability and accuracy of the documents; review of business books and other records; inspection and search of vehicles; inspection and search of personal luggage and other goods carried by persons; carrying out official procedures and other similar actions with regard to the observance of customs regulations, and when necessary to other regulations that apply to goods that are subject to customs

²"Environmental crime can be defined as the sum of all types of activities aimed at endangering the environment, and as such are incriminated as crimes in the Criminal Code of a country," Malish Sazdovska M., Criminal Police and Environmental Crime , Skopje, 2005.

³Article 47 para. 2 of the Law on Criminal Procedure, Sl. Gazette of RM no. 150/10.

supervision. The customs may also apply the measure of customs supervision in order to ensure the application of the customs regulations, and when necessary to other regulations that apply to goods that are subject to customs supervision. The Customs Administration performs the activities within its competence in accordance with the legal provisions of the Law on Customs Administration, the Customs Law, the Law on Customs Tariff and other laws regulating the import, export and transit of goods, as well as for performing other activities that are in accordance with other laws and are determined in jurisdiction.

This arises from the Customs Law and other regulations within its competence, which aim at conducting customs supervision and control in order to prevent, detect and investigate customs offenses and criminal offenses; controlling the export, import and transit of goods for which special measures of interest for safety and public morality are prescribed, preservation of health and life of people, animals and plants, protection of the environment, protection of good and cultural heritage or natural control of the entry and exit of cash domestic and foreign money, protection of copyright and other related rights and industrial property rights, as well as other measures prescribed by law⁴.

In order to strengthen this function of the Customs Administration, this institution has signed a Protocol for implementation of the Memorandum of Understanding between the Ministry of Interior - Public Security Bureau and the Ministry of Finance - Customs Administration. The aim is to coordinate the control of cross-border traffic, to ensure legal crossing of the border, to detect and stop illegal activities, to improve the situation with public safety and to maintain law and order at the state border⁵.

The protocol envisages the manner of exchanging information, providing assistance in detecting organized and other types of crime, joint assistance in the field of training, conducting joint actions, exchanging data on persons and exchanging data on suspected suspicious objects found. That they originate from a committed crime or are means by which a crime was committed. The protocol also provides for the implementation of joint actions of mobile control units, against organized crime and similar other illegal acts, in addition to the complex system of detailed control.

⁴http://www.igu.gov.mk/files/pdf/mvr_mf/protokol_15_09_2009.pdf

⁵Article 4 of the Memorandum of Understanding between the Ministry of Interior - Public Security Bureau and the Ministry of Finance - Customs Administration

THE ROLE OF THE CUSTOMS ADMINISTRATION IN COMBATING ENVIRONMENTAL CRIME

The customs administration is faced with a complex problem where the changes are very fast, especially with the rapid development of the economy, the movement of capital, foreign investments and the mass migration. The growth of international trade on the one hand and the need for foreign investment and new global challenges such as organized economic and environmental crime related to certain criminal activities with elements of transport harmful and radioactive substances, hazardous waste and other harmful substances are problems that are facing the Customs Administration. They have an important role in collecting budget revenues and implementing economic policy in conditions of international connection and developing national economic interests within the world economy and market. (Cudan, Nikoloska, 2018) However, that important role should not be above the interests for preservation of the national economy, unfair competition with imported goods, but also suppression of criminal activities related to illegal import and export of goods and services, and especially not the entry of waste, substances that seriously endanger the natural environment and cause serious environmental damage.

The customs officers exercise the powers related to conducting a pre-investigation procedure in detecting criminal offenses, inter alia and criminal offenses, unauthorized acquisition and disposal of nuclear materials, import of dangerous goods into the country, as well as other criminal offenses related to import, export and transit of goods across the border (this includes offenses under Directive 2008/99 on the protection of the environment through the criminal law).(MalishSazdovska, 2013)

The Customs Administration is responsible for the protection of society and citizens, as well as for facilitating international trade by ensuring the smooth flow of goods across borders and implementing effective control of the international supply chain⁶.

The customs law covers, inter alia, the following types of goods, which are directly related to the part of environmental protection, as follows: mineral

⁶http://www.igu.gov.mk/files/pdf/nacionalna_komisija/23022010_strategija_igu.pdf

products; plant products; live animals born and raised in one country; products derived from live animals; hunting or fishing products, etc.

In January 2008, following the harmonization with the Law on Misdemeanors, the Customs Administration started imposing mandatory fines for committed customs offenses.

In the organizational set-up of the customs there are special departments and departments in charge of the detective function for customs offenses. Namely, in the Sector for Control and Investigations there is a Service for Analytics and Statistics, a Department for Intelligence, a Unit for Coordination and Communication a Unit for Analysis and Risk; Operations Unit (consisting of Mobile Team Service and Mobile Scanner Service), Investigation Unit (consisting of Economic Crime and Anti-Smuggling Service) and the Department for Control of the trade companies (in which it is operating the Service for Control of the trade companies).

From the very organizational chart of the Customs Administration of the Republic of North Macedonia, the goals and tasks for detection of criminal acts are perceived, through the work of the authorized officials in the part of investigations, operational work in the field, etc. Only in this way, with successfully established teams that will obtain valid information by applying intelligence methods, can criminal offenses under Customs Law be successfully prevented.⁷

In addition to working nationally, the Customs Administration is a member of several international organizations and institutions such as the World Customs Organization. In addition to the goals related to the harmonization of customs systems and the improvement of customs techniques and customs legislation, the World Customs Organization has a significant role to play in combating environmental crimes. Namely, the connection with other international organizations such as Interpol and CITES, with the World Customs Organization, is a precondition for the exchange of intelligence information. Such exchange of information within the framework of joint operations carried out between these and other institutions and organizations at the national and international level is a precondition for a successful fight against organized criminal groups engaged in illicit trade. It is most often illegal trade in protected animal and plant species, carried out by international organized crime groups. Most often this type of crime is cross-

⁷Customs law, Official Gazette of RM no. 39/2005

border, with perpetrators from different countries and with several countries involved in the chain of illegal trade. In that sense, the important role of the customs services in detecting the illegal trade in wildlife, especially due to the high amounts of profit from this illegal trade (ECENA, 2007). Also, the Customs Administration of the Republic of Macedonia is a member of the Regional SECI Center for Combating Cross-Border Crime since its establishment in 1999, ie since 2000 with its official start of operation. The main goal of the Center is through joint cooperation, with direct and direct exchange of data, information and documents, of operational nature, between the customs and police services, to give support and improve the fight against all types of cross-border crime.

In addition to the world experience of illegal trade in protected species, especially of exotic origin, there are cases of trade in similar species in the Balkan region.⁸

In that sense, the role of the Customs Administration of the Republic of North Macedonia in detecting environmental crimes has its significant place. For example, measures and activities for environmental protection are continuously taken, especially in the area of prevention of illegal trade in ozone depleting substances.⁹

Conclusions can be made about the activities of the customs administration in the field of environment by analyzing the reports that are prepared on an annual basis, so in 2008 measures and activities were undertaken for detection of radioactive sources. That year, 6 cases of significantly increased level of radioactive radiation above the allowed level were detected at the entrance to the Republic of Macedonia and in cooperation with the Directorate for Radiation Protection, measures were taken and measures were taken to eliminate the harmful consequences. In 2009, the Customs Administration regulated the actions for detection of dangerous and harmful substances. Thus, an instruction has been adopted which aims to protect

⁸Serbian customs have discovered a case of smuggling six monkeys and four wild ducks at their border crossing, species protected under the CITES convention. After the discovery of the animals, and after the control carried out in cooperation with the border police, criminal and misdemeanor charges will be filed against the perpetrator. <http://www.upravacarina.rs/cyr/Stranice/Vest.aspx?ListItemID=500>

⁹In the framework of the project "Encouraging regional cooperation for increased control of trade in ozone depleting substances", held on 09-11-10.2012, the Customs Administration of the Republic of Macedonia was awarded a Medal of Honor and a Certificate of Appreciation www.customs.gov.mk

employees and other persons, as well as the environment in detecting dangerous and harmful substances. The manual also regulates the use of special equipment and the processes and competencies for acting in such situations.¹⁰ In 2008, a criminal charge was filed with the Public Prosecutor's Office for one criminal act of importing dangerous substances. In 2009, 7 cases of significantly increased level of radioactive radiation above the permitted level were detected at the entrance to the Republic of Macedonia and further measures and activities were taken in cooperation with the Radiation Protection Directorate. In the same year, the Customs Administration coordinated and organized nationally 8 international operations: DEMETER for prevention of illegal trade in waste and hazardous substances, PANDORA for control of high-risk containers with containers coming from Asian countries, CITES for fight against smuggling of protected rare species wildlife, in the field of environment and other areas. The reports show an upward trend in the transport and import of hazardous substances in the country. Namely, in 2009, 204 licenses were issued for transport / transit, and in 2010 815, while for the import of hazardous and other types of chemicals, 223 licenses were issued in 2009 and 712 in 2010, which represents a significant increase. This means that in the coming period the Customs Administration of the Republic of North Macedonia and other competent authorities for implementation of environmental laws should have increased control and supervision over this type of transport and import of hazardous substances. In order to adequately control the border crossings in the area of radiation protection, a Program for radiation protection of a mobile system-X-ray scanner has been adopted in order to implement standards for protection of people from the harmful effects of ionizing radiation. A Guide for scanning personal luggage of mobiles with mobile X-ray has been adopted, as well as a Manual for working with mobile X-ray¹¹. In 2010, the Customs Administration in 4 cases upon entering the Republic of Macedonia ascertained an increased level of ionizing radiation and in cooperation with the Directorate for Radiation Safety measures were adopted to eliminate the negative consequences. In 2010, 4 criminal charges were filed for the criminal offense of unauthorized production and distribution of dangerous goods. In 2011, in order to regulate the procedure with communal waste and other types of waste in the facilities and public areas managed by the Customs Administration, Guidelines for dealing with communal, commercial and other types of non-hazardous waste were adopted. In the same year, 880 permits for transport / transit of dangerous goods were issued, which is an

¹⁰http://www.customs.gov.mk/uploads/Godisen_2009.pdf

¹¹<https://customs.gov.mk/images/documents/izvestai/godisni-izvestai/gi-2009-.pdf>

upward trend compared to previous years. In 2011, the management also participated in the GLOBAL SHIELD operation focused on the exchange of information between the participating countries on legal imports, exports, transits and trade in high risk chemicals, whose ultimate goal is to identify companies involved in illegal import, export, transit and trade in them, as well as in the illegal production of explosives¹².

During 2016, the Customs Administration of the Republic of Macedonia took part in the ORION 3 operation to prevent hunting and illegal transport and trade in protected animals, poaching, use of prohibited methods of hunting and illegal transport and trade in hunting trophies, organized by SELEC. They also took part in the GLOBAL SHIELD operation to monitor and detect illegal trade in chemicals and other products that can be used to produce explosives and explosive devices, organized by the WCO.

In 2019, the Customs Administration took part in 16 international operations organized and supported by the WCO, OLAF, Interpol, Evropol, CITEC Secretariat, Sellec and others, focused on combating illicit trade and smuggling of chemicals, explosive devices, wildlife, counterfeit substandard food and beverages, glass eels, wildlife, plants, hazardous waste, and all other types of waste, ozone depleting substances, detection and prevention of forest-related crime, etc.¹³

During 2020, the Republic of North Macedonia took part in the international operation "THUNDER 2020", organized and coordinated by the WCO and Interpol, with the main focus on the fight against wildlife and fauna and forests. The Customs Administration was the main organizer and coordinator at the national level with the operation "THUNDER 2020", and the Ministry of Interior, the Forest Police at the Ministry of Agriculture, Forestry and Water Economy also participated in it. The Forest Police and the Ministry of Interior within the operation realized a total of 118 seizures of firewood, of which 91 by the Ministry of Interior, 2 by the Ministry of Interior and 25 seizures in cooperation with the two institutions. A total of about 297 m3 of firewood were seized, mostly beech and oak, as well as 13 freight motor vehicles, 23 PMVs, 4 tractors, 9 trailers, 7 carts, 18 horse saddles, 26 chainsaws, 1 hand saw and 2 axes. A total of 21 criminal proceedings were

¹² Annual Report of the Customs Administration for 2011, p. 34

¹³ <https://customs.gov.mk/images/documents/izvestai/godisni-izvestai/gi-2019.pdf>

instituted against 110 persons and 89 misdemeanor proceedings for assaulting officials and illegal logging, transport or storage of firewood.¹⁴ The Customs Administration has a significant role to play in combating organized environmental crime, from which perpetrators obtain high criminal returns, which is the purpose of their organization, connection and criminal activity. Due to the full coverage of organized crime groups and the full coverage of criminal events, the Customs Administration has powers and powers to detect and act and to launder money and other proceeds of crime as a crime related to organized environmental crime. The Customs Administration, as part of the investigative bodies with police powers, forms the third pillar of the Anti-Money Laundering System and is a member of the Council for Combating Money Laundering and Financing of Terrorism. (Nikoloska, 2015)

WORLD CUSTOMS ORGANIZATION

The World Customs Organization (WCO) is the only intergovernmental organization exclusively focused on customs authority. It works on the development of global standards, simplification and harmonization of customs procedures, facilitation of international trade and implementation of other activities related to customs operations. (MalishSazdovska, ZivkovicDavitkova, 2016)The organization was established in 1952 and has 179 customs administrations worldwide.

The strategic goals of this organization include public health, safety and community protection. This goal is realized through strategic activities, including environmental protection.¹⁵

The World Customs Organization is involved in activities to detect illegal trade in protected species, hazardous waste, ozone-depleting substances and more. Thus, directly involve in combating environmental crime with cross-border impact.

The ChineseHong Kong Customs has begun cooperating with customs in Guangdong, China on a major case of ivory smuggling. During the operation, customs officersseized a total of 1,209 pieces of ivory weighing 3.81 kg and 1.4 kg of ivory jewelry hidden in two containers shipped from

¹⁴<https://customs.gov.mk/images/documents/izvestai/godisni-izvestai/IzvestajCarinskaUprava2020.pdf>

¹⁵http://www.wcoomd.org/files/1.%20Public%20files/PDFandDocuments/Reports/Annual_Report_2011-12_en.pdf

Africa to Chinese Hong Kong. Acting on information provided by Guangdong Customs, customs officers tracked down two suspicious containers shipped from Kenya and Tanzania. On October 16, customs officers inspected Tanzanian containers declared to contain "plastic waste". The inspection found 972 pieces of raw ivory weighing about 1.92 kg and 1.4 kg of ivory ornaments in 91 bags of old plastic. The next day, customs in Chinese Hong Kong inspected a container from Kenya that was said to contain beans. The examination revealed a total of 237 pieces of raw ivory, weighing about 1.88 kg, hidden inside 50 bags of beans.

In November 2011, Chinese Hong Kong customs found 33 rhino horns weighing 86.5 kg, 758 ivory chopsticks weighing 13.2 kg and 127 ivory bracelets weighing 9.2 kg in a container. who arrived from South Africa declared to contain "old plastic".¹⁶

In connection with the implementation of the CITES convention, the WCO organized an operation GAPIN, which took place through a transregional operation in January and February 2011 in order to combat illegal cross-border trade with large monkeys and other species of animals, including their derivatives. The aim of this project is to combat illegal wildlife trafficking. Rising wildlife crime and links to corruption are a matter of serious concern to governments and the international community. Given the fact that customs are at the forefront of the international border crossings, it provides an important role in the fight against transnational organized crime, which is often associated with the smuggling of endangered species.¹⁷

The project continues with GAPIN II, which consists of training customs officers from eight African countries - Burkina Faso, Ethiopia, Kenya, Mozambique, Nigeria, Tanzania, Uganda, Zambia and Zimbabwe in Brussels, Belgium. The training consists of application of CITES convention, legal and illegal wildlife trafficking, detection and investigation techniques, risk analysis and X-ray image analysis. During the practical exercise, two postal items from Congo to Turkey were discovered with a total of 17 kg of ivory and they were confiscated.¹⁸

¹⁶<http://www.wcoomd.org/reports/?v=1&lid=1&cid=2&id=411>

¹⁷http://www.wcoomd.org/files/1.%20Public%20files/PDFandDocuments/Reports/Annual_Report_2011-12_en.pdf

¹⁸http://www.wcoomd.org/files/1.%20Public%20files/PDFandDocuments/Reports/Report%20GAPIN%20II%20workshop%20Belgium_en.pdf

The WCO's role in combating environmental crime addresses air, water, soil, endangered species, as well as threats to sustainable development and human health. Environmental crime is a serious and growing international problem. Measures taken to protect the environment relate to the implementation of environmental conventions: CITES, Montreal Protocol, Basel Convention, Stockholm Convention, Cartagena Protocol and others.

Customs plays a very important role in the implementation of measures and the fight against environmental crime. WCO is committed to combating environmental crime by developing a program to implement measures related to trade and the fight against environmental crime. (MalishSazdovska, ZivkovicDavitkova, 2018)

In order to successfully fight environmental crime, the exchange of information between those responsible for the implementation of international environmental agreements (Multilateral Environment Agreements MEAs) is important. To this end, the WCO developed an information exchange network in 2009. ENVIRONET is a tool for communication and exchange of information in the field of environment and border protection between customs administrations, competent national agencies, international organizations and their regional networks, as well as other competent authorities.¹⁹

The Strategic Project Group on Global Information and Intelligence was established with the approval of the Committee in 2002 to develop a strategy that will meet the needs of members for intelligence development. The group has developed a Global Information and Intelligence Strategy document, which was approved by the Executive Committee in 2003, and by the Council in 2004. The group was to draw up a plan to link the WCO and existing global information and intelligence tools, such as the customs network, the global and regional intelligence office, and other instruments. The group prepared a document entitled "The role of the WCO in global information and intelligence", which contains activities to improve the role of the WCO in intelligence. Recently, with the drastic increase in international trade and transport, awareness of cross-border organized crime and terrorism is growing. Due to that, the national and international cooperation with other customs administrations, law enforcement agencies, etc. is strengthened. Much of this collaboration consists of the exchange of information. The information is basically about risk management and is

¹⁹<http://www.wcoomd.org/files/1.%20Public%20files/PDFandDocuments/Enforcement/concept%20note%20for%20environet.pdf>

considered the best approach for customs controls. Risk management is key to overall compliance with law enforcement, safety and facilitation requirements. Intelligence is a key component of risk management. Intelligence consists of gathering and processing information and is used primarily by customs in the decision-making process at strategic, tactical and operational levels. The WCO has therefore taken steps to improve the flow of information between the customs administrations of the Member States and to disseminate intelligence. Thus, a network of Regional Intelligence Liaison Offices (RILOs) was established, as well as a customs network (Customs Enforcement Network (CEN)).

The Global Intelligence and Intelligence Strategy addresses the following issues:

- identification of intelligence standards for tactical, operational and strategic intelligence;
- elaboration of the intelligence support of the specific customs activities related to the airports and ports;
- involvement of intelligence and collection, comparison, evaluation, analysis and dissemination of data in customs practices;
- confirmation of the specific customs intelligence competencies;
- development of a training plan related to intelligence;
- identification of clear links between the principles of intelligence and risk management;
- intelligence planning and coordination;
- information management during the development of intelligence;
- quantitative and qualitative measurement of parameters for completed intelligence;
- the inclusion of this strategy in the structure and rules of the WCO.²⁰

RILOs are one of the pillars of the implementation of the World Customs Organization strategy, as it enables the collection and exchange of intelligence information. It is a regional center for collecting, analyzing and supplementing data, as well as disseminating data on trends, modus operandi, routes and cases of fraud. The RILO mechanism is supported by the CEN Customs Enforcement Network, which is in charge of collecting and analyzing intelligence information. The purpose of this mechanism is to improve the efficiency of global information and intelligence exchange, as well as cooperation between all customs services in charge of combating

²⁰<http://www.wcoomd.org/en/topics/enforcement-and-compliance/activities-and-programmes/intelligence-and-risk-management-programme/rilo.aspx>

transnational crime. RILO's network consists of 11 liaison offices to cover WCOs in six regions. The mechanism is divided into three levels that work interactively and in a complementary way, namely:

- at the national level, members of the national contact points collect information on seizures made at the national level, enter electronic data into CEN or transmit data by fax or mail, analyze the collected information to determine new trends, as well as cooperate with other agencies,
- at the regional level, RILO analyzes and evaluates international attacks, confirms the accuracy of CEN data, prepares and distributes documents, periodic reports, plans and organizes regional intelligence operations, facilitates mutual assistance and cooperation, and provides technical and other assistance,
- at the international level, the WCO Secretariat is responsible for the central management of CEN through the use, operation and maintenance of the system, periodically conducts global strategic and tactical analysis, offers training and technical assistance, exchanges strategic information with other international organizations in the fight against organized crime.²¹

CASE STUDY -DANGEROUS WASTE ON THE BORDER NORTH MACEDONIA – REPUBLIC OF SERBIA

The case concerns the import of dangerous goods, which enter the border zone of Macedonia and Autonomous province of Kosovo and Metohija, (Republic of Serbia), on May 22, 2008, and leave the zone on June 1, 2008. The cargo is transported by three trucks, and it is declared as hydraulic oil imported from Iran, transported through Turkey, Bulgaria and Macedonia and reaches the Serbian border. The importer of these materials is a company from the Serbian Province Kosovo and Metohija, that declares import of hydraulic oil.

This transport was stopped by the Macedonian customs at 05:48, after which the National Coordination Center for Border Management intervened, while the Institute of Chemistry performed laboratory analyzes and concluded that it was dimethyl bi-sulfate. These activities were undertaken by the competent authorities on the basis of the Law on Environment and the Law on Transport of Dangerous Substances in Land and Passenger Traffic.

²¹http://www.wcoomd.org/-/media/wco/public/global/pdf/topics/enforcement-and-compliance/tools-and-instruments/rilo/rilo-brochure_en.pdf?db=web

Traces of these materials, which leaked from the containers in the trucks, were noticed during the regular procedure at the customs terminal. A very strange odor was noticed, which had a serious impact on the respiratory system and brought to the notice of two members of the staff, a customs officer and a police officer. The leakage of the transport contents was a result of the irregular packaging of the materials that were placed in plastic containers / barrels. Then the state of readiness was immediately raised and the competent institutions dealing with emergency situations and environmental protection were informed about the situation on the ground, and the suspicion was that these were dangerous materials. The plastic containers that were taken out of the canyons are forbidden to enter Macedonia and are put back in the trucks.

Following the Macedonian authorities' remark about the deterioration of the health of several people from the police and customs authorities, the temporary institutions in Pristina, allowed the trucks to enter the Serbian province Kosovo and Metohija and decided to return them to Iran. Samples were taken and given for analysis. The results showed that the materials that were declared as hydraulic oil were in fact a refined by-product of a very high percentage of sulfur (over 20%). The trucks were sent to a safe place in an abandoned factory.

There were several proposals for waste treatment, and the procedure was to take place by burning at a very high temperature (about 1200 degrees Celsius) in a secured zone with controlled conditions. So the suggestion was to do it in an oven in an abandoned factory. In the meantime, the public was informed through the media and civil society and non-governmental organizations reacted immediately.

The materials were tested for burning at a temperature of 500 degrees, but it was concluded that there is a possibility of releasing hazardous substances into the air. Therefore, the operation was immediately stopped by the environmental inspectors from the temporary authorities in Pristina (Serbia).

The hazardous waste was transferred to new canisters and taken to Tresca, Mitrovica, where the destruction was planned. But the NGO sector reacted, and in the end it was decided to transport the waste to the United States through Macedonia, Bulgaria and Turkey.

According to the Provisional Criminal Code of the temporary authorities in Pristina (Serbia) (2003/25), there are provisions for crimes against the environment, animals, plants and cultural objects, as well as pollution or destruction of the environment and illegal handling of hazardous substances and waste. Adequate legal procedure was undertaken for the owner of the factory from the Serbian Province Kosovo and Metohija Kosovo Province, involved in the import of these materials and he was sentenced to 7 months in prison. In connection with the case, the director of the Customs of the temporary institutions in Pristina (Serbia), was fired, as well as the High ranking official of the Ministry of Environment and Physical Planning due to the signed import permits in Pristina (Serbia). The investigation concluded that the Bulgarian trucks also had forged documentation for transporting materials from Iran to Kosovo and Metohija (Serbia). (Malish Sazdovska, 2014)

NOAH CASE ANALYSIS

Malaysian Keng Liang "Anson" Wong was a well-known international reptile smuggler from Penang, Malaysia. He has successfully smuggled approximately 300 protected animals into the United States in Federal Express packages, airline baggage or other transportation. He was known to the FBI as "King Rat" and was at the top of the underworld for the crime of Illegal Animal Trafficking. In Malaysia, he owned a private zoo, which was an excellent cover for the illegal animal trade.

Wong was the subject of an undercover investigation by the US Fish and Wildlife Service. During the investigation, together with the customs authorities, illegal transports were documented, the measure of an undercover agent was applied, Wong was arrested in Mexico, extradited to the United States where he was accused in the court of San Francisco and tried for the committed acts of environmental crime.

In San Francisco, Wong is charged with conspiracy, smuggling, money laundering, making false statements and violating the federal wildlife statute, which prohibits trafficking in animals protected by federal or international law. After the trial, Wong was sentenced to prison and ordered to serve his sentence.²²

²²More about this case, see Malish Sazdovska M., International environmental protection, Skopje, 2014

CONCLUSION

The suppression of environmental crimes in the field of customs operations is a serious challenge for the competent authorities, both nationally and internationally. Namely, within the Customs Administration of the Republic of North Macedonia, numerous measures and activities are undertaken for detection of illegal trade in protected species, materials that violate the ozone layer, etc., which directly contributes to the prevention of cross-border environmental crime. Within that framework, numerous joint actions are realized with the Ministry of Interior and other competent bodies.

At the international level, the Customs Administration is involved in international actions for detection, proof and clarification of environmental crime, such as the action for the so-called glass eel during 2011, and other activities. In addition to this action, which was organized within Europol, customs is also involved in the activities of the World Customs Organization. Within this framework, a number of measures are taken to identify perpetrators of crimes in various fields, such as deforestation, illegal trade and smuggling of chemicals, explosives, wildlife, counterfeit drugs, substandard food and beverages, wild animals, plants, hazardous waste, and all other types of waste, ozone depleting substances, etc.

Suppression of cross-border organized environmental crime can be successfully realized only with the mutual cooperation of several competent authorities, such as the criminal police, border police, customs and inspection authorities at the national level and cooperation with Interpol, Europol and other international organizations and institutions. level. Thus, by exercising customs powers through investigations conducted at the operational level, customs is an important actor in the field of combating environmental crime. But in the coming period, these activities will need to be intensified, as well as to strengthen the capacity for more efficient and successful investigations, in order to combat a larger number of environmental crimes.

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