



**Tuvalu**

**OZONE DEPLETING SUBSTANCES  
REGULATIONS 2010**

**LN 3 of 2010**





Tuvalu

# OZONE DEPLETING SUBSTANCES REGULATIONS 2010

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Tuvalu

## OZONE LAYER PROTECTION ACT 2007

# OZONE DEPLETING SUBSTANCES REGULATIONS 2010

LN 3 of 2010

Commencement [13 May 2010]

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## MINISTRY OF NATURAL RESOURCES & ENVIRONMENT

### PART I - PRELIMINARY

#### 1 Short Title

- (1) This regulation may be called the Ozone Depleting Substances Regulations 2010 (ODS Reg.)
- (2) It shall come into force on the date of its publication in the Official Gazette.

#### 2 Definitions

In this regulation —

- (a) “**Act**” means The Ozone Layer Protection Act 2007;
- (b) “**ODS Reg.**” means The Ozone Depleting Substances Regulations 2010;
- (c) “**authority**” means an authority mentioned in columns (3) and (5) of Schedule II;

- (d) “**air conditioning equipment**” means an air cooling, heating or dehumidifying unit or system, whether mobile or stationary, that contains or operates with a Group I, II or III substance;
- (e) “**Group**” means collection of one or more ozone depleting substances as specified in column (4) of Schedule I;
- (f) “**ozone depleting substance**” means the ozone depleting substances specified in column(2) of Schedule I, whether existing by itself or in a mixture, excluding any such substance or mixture (blend) which is in a manufactured product other than a container used for the transportation or storage of such substance;
- (g) “**parties**” means, unless the text otherwise indicates, parties to the protocol;
- (h) “**pre-shipment applications**” are those treatments applied directly preceding and in relation to export, to meet the phytosanitary or sanitary requirements of the importing country or existing phytosanitary or sanitary requirements of the exporting country;
- (i) “**protocol**” means the Montreal Protocol On Substances That Deplete The Ozone Layer, adopted on 16<sup>th</sup> September 1987;
- (j) “**quarantine applications**”, with respect to Group VIII of Schedule I ozone depleting substance, are treatments to prevent the introduction, establishment and or spread of quarantine pests (including diseases), or to ensure their control as specified by the Central Government;
- (k) “**recovery**” means collection and storage of ozone depleting substances from machinery, equipment, or containment vessel during servicing or prior to disposal;
- (l) “**reclamation**” means reprocessing and upgrading of a recovered ozone depleting substance through such methods as filtering, drying, distillation and, or chemical treatment in order to restore the substance to a specified standard of performance.
- (m) “**Group I substance**” means a substance listed described under the heading Group I in Schedule I;
- (n) “**Group II substance**” means a substance listed described under the heading Group II in Schedule I;
- (o) “**Group III substance**” means a substance listed described under the heading Group III in the Schedule I;
- (p) “**vehicle air conditioner**” means the air conditioning unit or system of a motor vehicle or other motor-powered vehicle, if the unit or system —
  - (i) is driven by an engine,
  - (ii) is a mechanical vapour compression refrigerant system that provides cooling for the passenger compartment of the vehicle, and

- (iii) contains or is intended to contain a Group I, II or III substance;

### **3 Interpretation**

Nothing in this regulation shall be interpreted to permit the making or importation that is otherwise prohibited by law of a Group I, II, III, V, or VI substance specified in Schedule I (ODS Reg.) or a thing or product that contains, or for its use or operation requires, a Group I, II, III, V, or VI substance specified in Schedule I (ODS Reg.). The use of Group VII is permitted to certain extent subjected to the quota system specified in the ODS Licensing/Permit System. The use of CFCs based equipment might be allowed but the importation of CFCs is banned. Permission could also be granted for the importation and use of Group IV and VIII clearly specified in section 9 of this regulation.

### **4 Objects and Application of Precautionary Principle**

- (1) Primary targets of the regulation are to —
  - (a) Control and reduce the importation, use, sell, and movement of ozone depleting substances,
  - (b) Fulfill Tuvalu's obligation under Montreal Protocol
- (2) The precautionary principle must always be applied when the Minister make decisions regarding the importation, use, sell, storage and movement of ozone depleting substances.

## **PART II - PROHIBITION RELATING TO CONTROLLED SUBSTANCES**

### **5 Prohibitions on Importation**

- (1) No person shall import or cause to import Group I, II, III, V, and VI ozone depleting substances specified in Schedule I (ODS Reg.) whether in bulk or in small amount unless a permit had been issued. Group IV and VIII are exemptions as the country may need them for health, pre-shipment and quarantine purposes specified clearly under section 9 of this regulation.
- (2) Group VII ozone depleting substances specified in Schedule I (ODS Reg.) can be imported depending on the quota/permit system specified section 14 of this Regulation.
- (3) No person shall import any bulk Group I, II, III, V, and VI specified in Schedule I (ODS Reg.) whether alone or in a mixture.
- (4) No permit shall be issued under subsection (15) 2 unless the Director of Environment is satisfied that the applicant has adequate knowledge of the

environmental implications of ODS, the Ozone Layer Protection Act 2007 (OLP Act 2007), ODS Regulations 2010 and safe practice.

## **6 Prohibitions on the Importation of Controlled Substances from Non-Complying Countries**

Subject to section 8(1) no person shall import or cause to import from any “non-compliance” country any ozone depleting substance after the commencement of these regulations.

## **7 Prohibitions on the Importation of Certain Goods**

No person shall import or cause to import any goods specified in column (2) of Schedule IV (ODS Reg.) which are made with or contain ozone depleting substances specified in column (3) after the date specified in column (4) of that Schedule whether new or second hand unless he obtains a permit issued by the Director of Environment specified in column (3) of Schedule II (ODS Reg.).

## **8 Authority to Import from a Non Complying Country**

- (1) The Minister, may authorize the import of controlled substances or goods containing controlled substances from a non-complying country if the exporting State has been determined by a Meeting of the Parties to the Montreal Protocol to be in full compliance with Article 2, Articles 2A to 2I and Article 4 and has submitted data to that effect as specified in Article 7 of the Montreal Protocol.
- (2) The importer shall make application to the Minister for a permit to import.

## **9 Exemptions in Relation to Imports**

Exemptions will be granted for the importation of ODS specified in Schedule III (ODS Reg.) upon application for a permit to the Minister.

## **10 Regulation of exports of controlled substances**

No person or enterprise shall export or cause to export any ODS chemicals and products specified in column (2) of Schedule IV, unless approval has been given by the Minister.

The exporters shall make application to the Minister for that approval.

**11 Prohibitions on Manufacture**

No one is allowed to manufacture any of the prohibited controlled goods, including —

- (i) any controlled substances;
- (ii) any plastic foam or any goods that contain plastic foam which have been manufactured using a controlled substance;
- (iii) any dry-cleaning machine that contains or is designed to use a controlled substance;
- (iv) any product that contains a controlled substances.

**12 Prohibition on Sales**

No person shall either himself or by any other person or enterprise on his behalf sell, stock or exhibit for sale or distribute any product resulting out of activities, or provide services, specified in column (2) of Schedule IV (ODS Reg.) using ozone depleting substances specified in column (3) after the date specified in column (4) of that Schedule.

It is illegal to sell goods containing any controlled substances or any bulk controlled substance except where a permit is granted by the Minister.

**13 Permit to Sell Goods**

- (1) Persons wishing to sell any goods containing any controlled substances or any bulk controlled substance shall seek a permit from the Minister under section 19 of this regulation (ODS Reg.).
- (2) The Minister may grant a permit to allow the sale of any goods containing any controlled substances or any bulk controlled substances.
- (3) Nothing in section 15 (ODS Reg.) shall make it unlawful for any person to sell —
  - (a) any second hand goods; or
  - (b) any goods in respect of which an exemption granted under Section 19 of these regulations applies.

**PART III - PERMITS**

**[Application should be made to the Director of Environment (DOE)]**

**14 General Principles to be applied to permits**

In considering the granting of a permit, the Director of the Environment shall have regard to —

- (a) obligations of Tuvalu under the Convention and the Montreal Protocol and related amendments;
- (b) the need to phase out ozone depleting substances.
- (c) an additional legal instrument (ODS Licensing/Permit System) where this provision is fully and specifically applied.

## **15 Application for a Permit**

- (1) A person intending to import or export a controlled substance or product shall apply to the Director of Environment for a permit in the application set out in Form A and B set out in Schedule 1 of the Licensing/Permit system.
- (2) An application for a permit under sub-regulation (1) shall be signed —
  - (a) in the case of a corporation, by an officer of the corporation authorized to do so; and
  - (b) in any other case, by the person making the application or by a person authorized to act on behalf of that person.
  - (c) the application shall be accompanied by a fee of \$200.00.
- (3) A person who imports or exports a controlled substance without a permit commits an offence.
- (4) This regulation is valid to imports or exports of controlled substances or products that are intended to be used for such essential medical, quarantine and pre-shipment purposes as the Director of Environment may, by statutory order, prescribe.

## **16 Permit to import or export ODS other than those specified under section 16 & 17 of this regulation.**

- (1) A license/permit shall be issued by filling the Form A and B set out in Schedule 1 of the licensing/permit system.
- (2) A license/permit may be issued subject to conditions which the Minister of Natural Resources & Environment may determine.
- (3) The following conditions apply to a permit —
  - (a) the permit only entitles the permit holder to import or export a controlled substance or product through the customs ports of entry and exit designated in Schedule V of this regulation.
- (4) A permit shall be valid only during the calendar year and may be renewed from time to time.
- (5) The Minister may, when renewing a license/permit, vary the conditions attached to the permit and impose additional conditions.

- (6) The Minister of Natural Resources & Environment may, by notice in writing vary or revoke at any time, any condition for the time being attached to the license/permit.
- (7) The Minister or the Director of Environment shall forward the names of persons or enterprise that permitted to import or export a controlled substance or product to a Customs Officer at the port of entry.
- (8) A person or enterprise that import or export a controlled substance or product shall report back to the National Ozone Unit (NOU) the amount of ODS imported/exported by 31 January next year for the previous years.
- (9) A person or enterprise fail to comply with section 16 (8) of this regulation shall be deemed to be penalize by revoking his import/export permit.

## **17 Quarantine and Pre-shipment permits**

- (1) The permit shall be granted by the Director of Environment in relation to the importation of methyl bromide where he is satisfied that it is to be used for legitimate quarantine or pre-shipment applications.
- (2) The authority (a) at any time may delegate the issuance of the permit by the immediate authority (b) specified in column (3) of Schedule II (ODS Reg.). The delegation of powers and functions are clearly specified in section 31 of this regulation.
- (3) If authority (a) and (b) specified in column (3) of Schedule II (ODS Reg.) proposes to refuse to grant a permit under section 17 (1) or 17 (2) or to suspend or cancel one, the authority specified in column (3) of Schedule II (ODS Reg.) shall give notice of the proposal, together with the reasons for it, to the applicant or permit holder stating that he or she may respond to the proposal in writing to the authority specified in column (5) of that Schedule within 30 days after the notice is received.
- (4) If an applicant or permit holder does not respond to the notice, the authority specified in column (3) of Schedule II (ODS Reg.) may carry out the proposal upon confirmation from the authority specified in column (5) of that Schedule.
- (5) If an applicant or permit holder responds to the notice, the authority specified in column (3) of Schedule II (ODS Reg.) shall consider the response without delay upon confirmation from the authority specified in column (5) of that Schedule and may when the proposal concerns the granting of importation of Group VIII permit, grant the permit if the authority specified in column (3) of Schedule II (ODS Reg.) is satisfied that the applicant meets the requirements for a permit; when the proposal concerns the suspension or cancellation of importation of Group VIII permit, refrain from carrying out the proposal if the authority specified in column (3) of Schedule II (ODS Reg.) is satisfied that he or she is not entitled to do so under subsection 17 (1) or 17 (2); or carry out the proposal, if the authority specified in column (3) of Schedule II (ODS

- Reg.) is satisfied that he or she is entitled to do so under subsection 17 (1) or 17 (2).
- (6) The National Ozone Officer (NOO) must be informed of the above immediately after the permit has been granted by either authority specified in column (3) of Schedule II (ODS Reg.).
  - (7) Under this section, the registration of methyl bromide importers will be carried out by the authority specified in column (3) Part II of Schedule II (ODS Reg.)
  - (8) The authority specified in column (3) Part II of Schedule II (ODS Reg.) must forward registration data to the NOO for reporting purposes.

## **18 Medical Permits**

- (1) The permit shall be granted by the Director of Environment (DOE) in relation to the importation of products/goods made with or containing ODS where he is satisfied that it is to be used for legitimate medical applications.
- (2) The DOE at any time may delegate the issuance of the permit to the National Ozone Officer. The delegation of powers and functions are clearly specified in section 31 of this regulation.
- (3) If the DOE proposes to refuse to grant a permit under section 17 (1) or 17 (2) or to suspend or cancel one, the DOE shall give notice of the proposal, together with the reasons for it, to the applicant or permit holder stating that he or she may respond to the proposal in writing to the DOE within 30 days after the notice is received.
- (4) If an applicant or permit holder does not respond to the notice, the DOE may carry out the proposal upon confirmation from the authority National Ozone Officer.
- (5) If an applicant or permit holder responds to the notice, the DOE shall consider the response without delay upon confirmation from the National Ozone Officer and may when the proposal concerns the granting of importation of Group VIII permit, grant the permit if the DOE is satisfied that the applicant meets the requirements for a permit; when the proposal concerns the suspension or cancellation of importation of Group VIII permit, refrain from carrying out the proposal if the DOE is satisfied that he or she is not entitled to do so under subsection 17 (1) or 17 (2); or carry out the proposal, if the DOE is satisfied that he or she is entitled to do so under subsection 17 (1) or 17 (2).
- (6) The National Ozone Officer (NOO) must be informed of the above immediately after the permit has been granted by the DOE.

## 19 Licensing/Permit System

The permit system is an additional legal tool that clearly specifies the mechanisms in which the permits for importation/exportation of controlled substance and goods are carried out. It should be effective at any time in 2010. The legality of the Permit system is bounded under this section.

## 20 General provisions in relation to Permits

The following provisions shall apply to permits —

- (a) an application for a permit may be made to the Director of Environment on an approved form specified in the ODS Permit System;
- (b) the supreme authority to grant the permit is vested upon the Minister of Natural Resources & Environment.
- (c) the application must provide information required by the Minister of Natural Resources & Environment;
- (d) an application fee of \$200 shall apply;
- (e) a fee of \$10.00 for renewal of license or permit;
- (f) a permit must not be transferred;
- (g) the permit holder shall submit a report to the Director of Environment of the amount of controlled substances imported or exported during the natural year import/export by 31 January of the following year;
- (h) any permit shall be subject to conditions imposed by the Minister of Natural Resources & Environment or the Director of Environment as appropriate;
- (i) the Minister or where relevant, the Director, may revoke a permit if the permit holder —
  - (i) has committed an offence;
  - (ii) provided false or misleading information;
- (j) a permit shall be valid only within the calendar year where it is approved and may renew from time to time;
- (k) all imports under any permit shall be subject to Customs and Excise law.

## 21 Register of permits

The National Ozone Unit shall keep a register of all holders of permits issued under these Regulations. This section is clearly explain in the ODS Licensing/Permit System.

## 22 Reporting Procedures

- (1) The holder of a permit under these Regulations shall submit to a report as specified in section 20 (g).
- (2) Where special reporting procedures are made the condition of a permit issued under these Regulations, those procedures shall take precedence over the submission of annual reports as required by sub-regulation (1).
- (3) Where a person who submits a report requests that the information contained in the report be treated as confidential, the person shall include the reasons for that request in the report.

## 23 Customs Verification and Labelling

- (1) A person who imports or exports any goods into Tuvalu, shall, on request by a Customs Officer, tender the goods to the officer for verification as to whether they contain or are made with or designed for controlled substances.
- (2) A person importing or selling any controlled substance or product shall cause the container to have a conspicuous labile bearing —
  - (a) The name of the controlled substance or product;
  - (b) The name and address of the manufacturer, and the country of origin of the controlled substance or product;
  - (c) The following statement in clearly legible letters —  
**“THIS SUBSTANCE/PRODUCT IS HARMFUL TO THE OZONE LAYER”**; and
  - (d) A symbol indicating that the substance or product is harmful to the ozone layer.

## 24 Taxation

- (1) The Minister of Natural Resources & Environment may recommend to the Minister responsible for finance that tax exemptions be granted to importers of ozone friendly substances and products specified by the Minister of Natural Resources & Environment.
- (2) The Minister of Natural Resources & Environment may recommend to the Minister responsible for finance that a pollution tax be levied on importers of controlled substances and products specified by the Minister of Natural Resources & Environment.

## **PART IV - ENFORCEMENT AND OFFENCES**

### **25 Seizure of substances and goods/products**

- (1) An environment officer, police officer or customs officer may seize a controlled substances if the officer has reasonable cause to believe is the subject of a breach of any prohibition under this Regulation.
- (2) Any controlled substance, goods or equipment seized shall be —
  - (a) stored in a special collection site and clearly labeled; and
  - (b) retained by the National Ozone Unit (NOU)
- (3) Where appropriate the Director of Environment may delegate well trained technicians from the PWD to dispose of any seized controlled substance under sub-section 1 using the most appropriate and safe disposal method (recovery) and at the expense of the owner.

### **26 Disposal of Equipments/Goods**

- (1) The Government shall established Special Collection Sites for goods or containers that may contain controlled substances on each of the Islands.
- (2) Each person that wishes to dispose of a controlled substance or any good that may contain a controlled substances such as refrigerator, freezer, dehumidifier, air conditioner, heat pump, ice machine and water cooler, aerosol product (except medical aerosols), portable fire extinguisher shall take the good to the Special Collection Site.
- (3) Persons found disposing of good that may contain a controlled substance outside a special collection area shall be liable to a fine of \$1000.
- (4) Persons that own bulk substances or goods may contain a controlled substance and are no longer in a serviceable condition and allow these to deteriorate on their land shall be liable to a fine of \$1000 and for continuing offence of \$100 per day.
- (5) National Ozone Officer shall be authorized to inspect land to ensure that no goods or containers that may contain controlled substances are being disposed of inappropriately or allowed to deteriorate.
- (6) National Ozone Officer may issue a notice to any land owner to take a good or container which may contain a controlled substance to a Special Collection Site.
- (7) Well trained technicians from PWD will be tasked to recover and recycle chemicals from goods at the Special Collection Site.
- (8) Persons who fail to comply with the notice issued under subsection 6 shall be liable to fine of \$1000 and for continuing offence of \$100 per day.

**27 Forfeiture of seized substances and goods**

- (1) The Court may order that controlled substances be forfeited to the State.
- (2) The forfeited substances and goods shall deliver to the National Ozone Unit for storage at the expense of the importer/owner.
- (3) The disposal of forfeited substances and goods are subjected to section 26 sub-sections 2 & 3.

**28 Call up of substances or goods**

The Minister can issue a public notice requiring controlled substances to be —

- (a) stored or handled appropriately;
- (b) delivered to Ozone Unit for storage;
- (c) be disposed of at the Special Collection Site as provided under section 26(2).

**29 Offences and Penalties**

- (1) Any person who carry out an offence or incites or aid or abet an offence shall be liable to a fine not exceeding \$20,000 or imprisonment not exceeding 6 months or both.
- (2) Persons that fail to comply with any condition under the permit or notice given by the Minister shall be liable to a fine not exceeding \$10,000 or imprisonment not exceeding one month or both.
- (3) Any person who, in the course of installing, operating, servicing, dismantling or otherwise handling any equipment used in relation to any controlled substance to, willfully or negligently permits any controlled substance to be discharged into the atmosphere is liable for a fine of \$20,000 or imprisonment not exceeding 6 months or both.
- (4) Any person who obstructs and hinders an Officer executing his/her duties under this regulation by words or incitement, by providing false or misleading information is liable for a fine not exceeding \$1,000 for individual, \$5,000 for corporation, or to an imprisonment term of not exceeding 3 months or both.

**30 Powers of Officer**

Officer authorized under the Act may, in the course of his or her duties, seize any plant equipment or other thing which he believes is a controlled product or contains a controlled substances. The seized equipment shall be stored at the Special Collection Site.

**31 Delegation of Powers and Functions**

The Minister of Natural Resources & Environment may delegate in writing, any of the functions and powers conferred on him or her by these Regulations to the Director of Environment or any other authority.

**32 Appeals**

A person aggrieved by a decision of another officer in the carrying out of this Regulation may within 30 days appeal to the Secretary. If the person still aggrieved by the decision of the Secretary, he may appeal such decision to the Minister. The decision of the Minister shall be final.

## SCHEDULE I

## CONTROLLED SUBSTANCES

The following substances, whether existing alone or in a mixture and including isomers of any of them, are prescribed:

## GROUP I

## CHLOROFLUOROCARBONS (CFCs)

S. No.	Name of Ozone Depleting Substances	Chemical Composition of Ozone Depleting Substances	Group	Date of Prohibition of Import
(1)	(2)	(3)	(4)	(5)
1.	CFC-11	Trichlorofluoromethane (CFCl <sub>3</sub> )	I	1.0
2.	CFC-12	Dichlorodifluoromethane (CF <sub>2</sub> Cl <sub>2</sub> )	I	1.0
3.	CFC-113	Trichlorotrifluoroethane (C <sub>2</sub> F <sub>3</sub> Cl <sub>3</sub> )	I	0.8
4.	CFC-114	Dichlorotetrafluoroethane (C <sub>2</sub> F <sub>4</sub> Cl <sub>2</sub> )	I	1.0
5.	CFC-115	Chloropentafluoroethene (C <sub>2</sub> F <sub>5</sub> Cl)	I	0.6

The following substances plus all other bromofluorocarbons and bromochlorofluorocarbons, whether existing alone or in a mixture and including isomers of any of them, are prescribed:

## GROUP II

## HALONS

S. No.	Name of Ozone Depleting Substances	Chemical Composition of Ozone Depleting Substances	Group	Ozone Depleting Potential
(1)	(2)	(3)	(4)	(5)
1.	Halon -1211	Bromochlorodifluoromethane CF <sub>2</sub> BrCl	II	3.0
2.	Halon - 1301	Bromotrifluoromethane (CF <sub>3</sub> Br)	II	10.0
3.	Halon - 2402	Dibromotetrafluoroethane (C <sub>2</sub> F <sub>4</sub> Br <sub>2</sub> )	II	6.0

## GROUP III

The following substances, whether existing alone or in a mixture and including isomers of any of them, are prescribed:

**OTHER CFCs (CHLOROFLUOROCARBONS)**

S. No.	Name of Ozone Depleting Substances	Chemical Composition of Ozone Depleting Substances	Group	Ozone Depleting Potential
(1)	(2)	(3)	(4)	(5)
1.	CFC-13	Chlorotrifluoromethane (CF <sub>3</sub> Cl)	III	1.0
2.	CFC-111	Pentachlorofluoroethane (C <sub>2</sub> FCl <sub>5</sub> )	III	1.0
3.	CFC -112	Tetrachlorodifluoroethane (C <sub>2</sub> F <sub>2</sub> Cl <sub>4</sub> )	III	1.0
4.	CFC-211	Heptachlorofluoropropane (C <sub>3</sub> FCl <sub>7</sub> )	III	1.0
5.	CFC-212	Hexachlorodifluoropropane (C <sub>3</sub> F <sub>2</sub> Cl <sub>6</sub> )	III	1.0
6.	CFC-213	Pentachlorotrifluoropropane (C <sub>3</sub> F <sub>3</sub> Cl <sub>5</sub> )	III	1.0
7.	CFC-214	Tetrachlorotetrafluoropropane (C <sub>3</sub> F <sub>4</sub> Cl <sub>4</sub> )	III	1.0
8.	CFC-215	Trichloropentafluoropropane (C <sub>3</sub> F <sub>5</sub> Cl <sub>3</sub> )	III	1.0
9.	CFC-216	Dichlorohexafluoropropane (C <sub>3</sub> F <sub>6</sub> Cl <sub>2</sub> )	III	1.0
10.	CFC-217	Chloroheptafluoropropane (C <sub>3</sub> F <sub>7</sub> Cl)	III	1.0

## GROUP IV

**CARBON TETRACHLORIDE**

S. No.	Name of Ozone Depleting Substances	Chemical Composition of Ozone Depleting Substances	Group	Ozone Depleting Potential
(1)	(2)	(3)	(4)	(5)
1.	Carbon tetrachloride	Tetrachloromethane (CCl <sub>4</sub> )	IV	1.1

## GROUP V

## METHYL CHLOROFORM

S. No.	Name of Ozone Depleting Substances	Chemical Composition of Ozone Depleting Substances	Group	Ozone Depleting Potential
(1)	(2)	(3)	(4)	(5)
1.	Methyl chloroform	1,1,1-Trichloroethane (C <sub>2</sub> H <sub>3</sub> Cl <sub>3</sub> )	V	0.1

## GROUP VI

The following substances plus all other hydrobromofluorocarbons, whether existing alone or in a mixture and including isomers of any of them, are prescribed:

## HYDROBROMOFLUOROCARBONS (HBFCs)

S. No.	Name of Ozone Depleting Substances	Chemical Composition of Ozone Depleting Substances	Group	Ozone Depleting Potential
(1)	(2)	(3)	(4)	(5)
1.	BFC-21B2	Dibromofluoromethane (CHFBr <sub>2</sub> )	VI	1.00
2.	HBFC-22B1	Bromodifluoromethane (CHF <sub>2</sub> Br)	VI	0.74
3.		Bromofluoromethane (CH <sub>2</sub> FBr)	VI	0.73
4.		Tetrabromofluoroethane (C <sub>2</sub> HFBr <sub>4</sub> )	VI	0.8
5.		Tribromofluoroethane (C <sub>2</sub> HF <sub>2</sub> Br <sub>3</sub> )	VI	1.8
6.	HBFC-123B2 HBFC-123aB2	Dibromotrifluoroethane (C <sub>2</sub> HF <sub>3</sub> Br <sub>2</sub> )	VI	1.6
7.	HBFC-124B1	Bromotetrafluoroethane (C <sub>2</sub> HF <sub>4</sub> Br)	VI	1.2
8.		Tribromofluoroethane (C <sub>2</sub> H <sub>2</sub> FBr <sub>3</sub> )	VI	1.1
9.		Dibromodifluoroethane (C <sub>2</sub> H <sub>2</sub> F <sub>2</sub> Br <sub>2</sub> )	VI	1.5
10.		Bromotrifluoroethane (C <sub>2</sub> H <sub>2</sub> F <sub>3</sub> Br)	VI	1.6
11.		Dibromofluoroethane (C <sub>2</sub> H <sub>3</sub> FBr <sub>2</sub> )	VI	1.7

S. No.	Name of Ozone Depleting Substances	Chemical Composition of Ozone Depleting Substances	Group	Ozone Depleting Potential
(1)	(2)	(3)	(4)	(5)
12.	HBFC-124B1	Bromodifluoroethane (C <sub>2</sub> H <sub>3</sub> F <sub>2</sub> Br)	VI	1.1
13.	HBFC-124B1	Bromofluoroethane (C <sub>2</sub> H <sub>4</sub> FBr)	VI	0.1
14.		Haxabromofluoropropane (C <sub>3</sub> HFB <sub>6</sub> )	VI	1.5
15.		Pentabromodifluoropropane (C <sub>3</sub> HF <sub>2</sub> Br <sub>5</sub> )	VI	1.9
16.		Tetrabromofluoropropane (C <sub>3</sub> HF <sub>3</sub> Br <sub>4</sub> )	VI	1.8
17.		Tribromotetrafluoropropane (C <sub>3</sub> HF <sub>4</sub> Br <sub>3</sub> )	VI	2.2
18.		Dibromopentafluoropropane (C <sub>3</sub> HF <sub>5</sub> Br <sub>2</sub> )	VI	2.0
19.		Bromohaxafluoropropane (C <sub>3</sub> HF <sub>6</sub> Br)	VI	3.3
20.		Pentabromofluoropropane (C <sub>3</sub> H <sub>2</sub> FBr <sub>5</sub> )	VI	1.9
21.		Tetrabromodifluoropropane (C <sub>3</sub> H <sub>2</sub> F <sub>2</sub> Br <sub>4</sub> )	VI	2.1
22.		Tribromotrifluoropropane (C <sub>3</sub> H <sub>2</sub> F <sub>3</sub> Br <sub>3</sub> )	VI	5.6
23.		Dibromotetrafluoropropane (C <sub>3</sub> H <sub>2</sub> F <sub>4</sub> Br <sub>2</sub> )	VI	7.5
24.		Bromopentafluoropropane (C <sub>3</sub> H <sub>2</sub> F <sub>5</sub> Br)	VI	1.4
25.		Tetrabromofluoropropane (C <sub>3</sub> H <sub>3</sub> FBr <sub>4</sub> )	VI	1.9
26.		Tribromodifluoropropane (C <sub>3</sub> H <sub>3</sub> F <sub>2</sub> Br <sub>3</sub> )	VI	3.1
27.		Dibromotrifluoropropane (C <sub>3</sub> H <sub>3</sub> F <sub>3</sub> Br <sub>2</sub> )	VI	2.5
28.		Bromotetrafluoropropane (C <sub>3</sub> H <sub>3</sub> F <sub>4</sub> Br)	VI	4.4
29.		Tribromofluoropropane (C <sub>3</sub> H <sub>4</sub> FBr <sub>3</sub> )	VI	0.3
30.		Dibromodifluoropropane (C <sub>3</sub> H <sub>4</sub> F <sub>2</sub> Br <sub>2</sub> )	VI	1.0
31.		Bromotrifluoropropane (C <sub>3</sub> H <sub>4</sub> F <sub>3</sub> Br)	VI	0.8
32.		Dibromofluoropropane (C <sub>3</sub> H <sub>5</sub> FBr <sub>2</sub> )	VI	0.4
33.		Bromodifluoropropane (C <sub>3</sub> H <sub>5</sub> F <sub>2</sub> Br)	VI	0.8
34.		Bromofluoropropane (C <sub>3</sub> H <sub>6</sub> FBr)	VI	0.7

## GROUP VII

The following substances plus all other hydrochlorofluorocarbons, whether existing alone or in a mixture and including isomers of any of them, are prescribed:

**HYDROCHLOROFLUOROCARBONS (HCFCs)**

S. No.	Name of Ozone Depleting Substances	Chemical Composition of Ozone Depleting Substances	Group	Ozone Depleting Potential
(1)	(2)	(3)	(4)	(5)
1.	HCFC-21	Dichlorofluoromethane (CHFC1 <sub>2</sub> )	VII	0.04
2.	HCFC-22	Dichlorodifluoromethane (CHF <sub>2</sub> Cl <sub>2</sub> )	VII	0.055
3.	HCFC-31	Chlorofluoromethane (CH <sub>2</sub> FCI)	VII	0.02
4.	HCFC-121	Tetrachlorodifluoroethane (C <sub>2</sub> HF <sub>2</sub> Cl <sub>4</sub> )	VII	0.04
5.	HCFC-122	Trichlorodifluoroethane (C <sub>2</sub> HF <sub>2</sub> Cl <sub>3</sub> )	VII	0.08
6.	HCFC-123	2,2-dichloro-1,1,1-trifluoroethane (C <sub>2</sub> HF <sub>3</sub> Cl <sub>2</sub> )	VII	0.06
7.	HCFC-123a	1,2-dichloro-1,1,2-trifluoroethane (CHCl <sub>2</sub> CF <sub>3</sub> )	VII	0.02
8.	HCFC-124	2-chloro-1,1,1,2-trifluoroethane (C <sub>2</sub> HF <sub>4</sub> Cl)	VII	0.04
9.	HCFC-124a	2-chloro-1,1,2-trifluoroethane (CHFClCF <sub>3</sub> )	VII	0.022
10.	HCFC-131	Trichlorofluoroethane (C <sub>2</sub> H <sub>2</sub> FCI <sub>3</sub> )	VII	0.05
11.	HCFC-132	Dichlorodifluoroethane (C <sub>2</sub> H <sub>2</sub> F <sub>2</sub> Cl <sub>2</sub> )	VII	0.05
12.	HCFC-133	Chlorotrifluoroethane (C <sub>2</sub> H <sub>3</sub> F <sub>2</sub> Cl)	VII	0.06
13.	HCFC-141	Dichlorofluoroethane (C <sub>2</sub> H <sub>3</sub> FCI <sub>2</sub> )	VII	0.07
14.	HCFC-141b	1,1-dichloro-1-fluoroethane (CH <sub>3</sub> CFCl <sub>2</sub> )	VII	0.11
15.	HCFC-142	Chlorodifluoroethane (C <sub>2</sub> H <sub>3</sub> F <sub>2</sub> Cl)	VII	0.07
16.	HCFC-142b	1-chloro-1,1-difluoroethane (CH <sub>3</sub> CF <sub>2</sub> Cl)	VII	0.065
17.	HCFC-151	Chlorofluoroethane (C <sub>2</sub> H <sub>4</sub> FCI)	VII	0.005
18.	HCFC-221	Hexachlorofluoropropane (C <sub>3</sub> HFCl <sub>6</sub> )	VII	0.07

S. No.	Name of Ozone Depleting Substances	Chemical Composition of Ozone Depleting Substances	Group	Ozone Depleting Potential
(1)	(2)	(3)	(4)	(5)
19.	HCFC-222	Pentachlorodifluoropropane (C <sub>3</sub> HF <sub>2</sub> Cl <sub>5</sub> )	VII	0.09
20.	HCFC-223	Tetrachlorotrifluoropropane (C <sub>3</sub> HF <sub>3</sub> Cl <sub>4</sub> )	VII	0.08
21.	HCFC-224	Trichlorotetrafluoropropane (C <sub>3</sub> HF <sub>4</sub> Cl <sub>3</sub> )	VII	0.09
22.	HCFC-225	Dichloropentafluoropropane (C <sub>3</sub> HF <sub>5</sub> Cl <sub>2</sub> )	VII	0.07
23.	HCFC-225ca	1,3-dichloro-1,2,2,3,3-pentafluoropropane (CF <sub>3</sub> CF <sub>2</sub> CHCl <sub>2</sub> )	VII	0.025
24.	HCFC-225cb	1,3-dichloro-1,2,2,3,3-pentafluoropropane (CF <sub>2</sub> ClCF <sub>2</sub> CHClF)	VII	0.033
25.	HCFC-226	Chlorohexafluoropropane (C <sub>3</sub> HF <sub>6</sub> Cl)	VII	0.10
26.	HCFC-231	Pentachlorofluoropropane (C <sub>3</sub> H <sub>2</sub> FCl <sub>5</sub> )	VII	0.09
27.	HCFC-232	Tetrachlorodifluoropropane (C <sub>3</sub> H <sub>2</sub> F <sub>2</sub> Cl <sub>4</sub> )	VII	0.10
28.	HCFC-233	Trichlorotrifluoropropane (C <sub>3</sub> H <sub>2</sub> F <sub>3</sub> Cl <sub>3</sub> )	VII	0.23
29.	HCFC-234	Dichlorotetrafluoropropane (C <sub>3</sub> H <sub>2</sub> F <sub>4</sub> Cl <sub>2</sub> )	VII	0.28
30.	HCFC-235	Chloropentafluoropropane (C <sub>3</sub> H <sub>2</sub> F <sub>5</sub> Cl)	VII	0.52
31.	HCFC-241	Tetrachlorofluoropropane (C <sub>3</sub> H <sub>3</sub> FCl <sub>4</sub> )	VII	0.09
32.	HCFC-242	Trichlorodifluoropropane (C <sub>3</sub> H <sub>3</sub> F <sub>2</sub> Cl <sub>3</sub> )	VII	0.13
33.	HCFC-243	Dichlorotrifluoropropane (C <sub>3</sub> H <sub>3</sub> F <sub>3</sub> Cl <sub>2</sub> )	VII	0.12
34.	HCFC-244	Chlorotetrafluoropropane (C <sub>3</sub> H <sub>3</sub> F <sub>4</sub> Cl)	VII	0.14
35.	HCFC-251	Trichlorofluoropropane (C <sub>3</sub> H <sub>4</sub> FCl <sub>3</sub> )	VII	0.01
36.	HCFC-252	Dichlorodifluoropropane (C <sub>3</sub> H <sub>4</sub> F <sub>2</sub> Cl <sub>2</sub> )	VII	0.04
37.	HCFC-253	Chlorotrifluoropropane (C <sub>3</sub> H <sub>4</sub> F <sub>3</sub> Cl)	VII	0.03
38.	HCFC-261	Dichlorofluoropropane (C <sub>3</sub> H <sub>5</sub> FCl <sub>2</sub> )	VII	0.02
39.	HCFC-262	Chlorodifluoropropane (C <sub>3</sub> H <sub>5</sub> F <sub>2</sub> Cl)	VII	0.02
40.	HCFC-271	Chlorofluoropropane (C <sub>3</sub> H <sub>6</sub> FCl)	VII	0.03

Note: Mixtures or azeotropes of HCFCs and CFCs are Group I substances.

## GROUP VIII

## METHYL BROMIDE

<b>S. No.</b>	<b>Name of Ozone Depleting Substances</b>	<b>Chemical Composition of Ozone Depleting Substances</b>	<b>Group</b>	<b>Ozone Depleting Potential</b>
<b>(1)</b>	<b>(2)</b>	<b>(3)</b>	<b>(4)</b>	<b>(5)</b>
1.	Methyl bromide	(CH <sub>3</sub> Br)	VIII	0.6

## SCHEDULE II

## LIST OF AUTHORITIES, THEIR FUNCTIONS AND LAST DATE FOR REGISTRATION

**Part-I for ozone depleting substances other than group VIII of Schedule-I**

S.No.	Function	Name of Authority	Last date for Registration	Name of Appellate Authority
(1)	(2)	(3)	(4)	(5)
1.	Permit to import products made with or containing Ozone Depleting Substances	(a). Director of Environment (DOE)	-----	Secretary of Natural Resources & Environment
2.	Permit to import methyl bromide for quarantine and pre-shipments applications	(a). Director of Environment	-----	Secretary of Natural Resources & Environment
3.	Permit for importation of products containing controlled substances for medical purposes	(a). Director of Environment	-----	Secretary of Natural Resources & Environment
4.	Registration of traders/ dealers/ wholesalers/ sellers of Ozone Depleting Substances	(a) National Ozone Officer (NOO)	One year after commencement of this regulation	Secretary of Natural Resources & Environment

**Part-II – for Schedule I, Group VIII ozone depleting substance**

S.No.	Function	Name of Authority	Last date of Registration	Name of Appellate Authority
(1)	(2)	(3)	(4)	(5)
1.	Registration	As specified in the Pesticides Act 4 of 1990	As specified in the Pesticides Act 4 of 1990	Secretary of Natural Resources & Environment

**SCHEDULE – III****EXEMPTION**

- (i) Use of Methyl Bromide, the ozone depleting substance covered in Group VIII of Schedule I, in quarantine and pre-shipment applications.
- (ii) Ozone depleting substances which are used in medical applications.
5. Ozone depleting substances which are used in laboratory or for analytical purposes subject to following conditions: —
- (a) Laboratory uses include equipment calibration; use as extraction solvents, diluents, or carriers for chemical analysis; biochemical research; inert solvents for chemical reactions, as a carrier or laboratory chemical and other critical analytical and laboratory purposes.
- (b) Ozone depleting substances should have been manufactured to the following purities :
- |                         |      |
|-------------------------|------|
| CTC (reagent grade)     | 99.5 |
| 1,1,1-trichloroethane   | 99.0 |
| CFC-11                  | 99.5 |
| CFC-13                  | 99.5 |
| CFC-12                  | 99.5 |
| CFC-113                 | 99.5 |
| CFC-114                 | 99.5 |
| Other w/Boiling P>20°C  | 99.5 |
| Other w/Boiling P< 20°C | 99.0 |
- (c) These pure ozone depleting substances can be subsequently mixed by manufacturers, agents, or distributors with other chemicals, as is customary for laboratory and analytical uses.
- (d) These high purity ozone depleting substances and mixtures containing ozone depleting substances shall be supplied only in re-closable containers or high pressure cylinders smaller than three liters or in 10 milliliter or smaller glass ampoules, marked clearly as ozone depleting substances, restricted to laboratory use and analytical purposes and specifying that used or surplus ozone depleting substances should be collected and recycled, if practical. The ozone depleting substances should be destroyed if recycling is not practical.
6. Import, export, and production of Group IV, Schedule I ozone depleting substances is excluded from the definition of consumption if such imports and production meant to be used in manufacture of ozone depleting substances specified in Group I of Schedule I.
- (v) Import and export of any recovered or reclaimed ozone depleting substances is excluded from the definition of consumption.

## SCHEDULE-IV

PROHIBITION ON THE IMPORTATION OF CERTAIN GOODS CONTAINING  
OZONE DEPLETING SUBSTANCES

S.No.	Name of Goods/Products	Name of Group of Ozone Depleting Substances	Date, Regulation on Import becomes effective	Date, Regulation on Exports becomes effective
(1)	(2)	(3)	(4)	(5)
1.	Aerosol spray, other than methyl bromide	Group I	Six months after these regulation come into force	Six months after these rules come into force
2.	Plastic foam including (polystyrene foam, polystyrene board stock, thermoformed plastic, meat trays, egg cartons, fast-food containers, disposable plates and cups, horticulture packaging trays and packaging netting)	Group I Group II	-do-	-do-
3.	Dry-cleaning machine contains control substance as a solvent	Group I Group V	-do-	-do-
4.	Fire extinguishers	Group II	-do-	-do-
5.	Automobile and truck air-conditioning units. (Whether incorporated in vehicle or not)	Group I	-do-	-do-
6.	Domestic and commercial refrigeration and air-conditioning/ heat pump equipment e.g. -Refrigerators -Freezers -Dehumidifiers -Water Coolers -Ice machines -Air conditioning and heat pump units -Compressors	Group I, Group VI	-do-	-do-
7.	Portable fire extinguishers/system Cylinder	Group II	-do-	-do-
8.	Insulation boards, panels and pipe covers	Group I	-do-	-do-
9.	Pre-polymers	Group I, Group VI	-do-	-do-

Note: 1. S.No.2, column (2) products include insulating material of the product.

7. All products mentioned above are excluded from the purview of this Schedule when transported in Consignments of personal or household effects or in similar non-commercial situations normally exempted from customs attention

### **SCHEDULE-V**

#### **DESIGNATED PORT OF ENTRY AND EXIT**

1. Funafuti Wharf (Old & New)
2. Funafuti International Airport