

Legal Notice No. 117/2010

Regulations for the Issuance of Permit for the Importation or exportation of Ozone Depleting Substances (ODS) and Ozone Depleting Substances Based Equipment or Products

Article 1. Short Title

These Regulations may be cited as the “Regulations for the Issuance of Permits for the Importation or Exportation of Ozone Depleting Substances (ODSs) and Ozone Depleting Substances Based Equipment or Products, Legal Notice No. 117 /2010”.

Article 2. Definitions

In these Regulations, unless the context otherwise requires:

- 1) **“Controlled Product”** means products that are specified in Annex II of these regulations;
- 2) **“Controlled Substance”** means a substance specified in Annex I of these regulations, whether existing alone or in a mixture, and includes that substance when reclaimed, recycled or recovered unless otherwise indicated;
- 3) **“Department”** means the Department of Environment of the Ministry of Land, Water and Environment;
- 4) **“Minister”** or **“Ministry”** means the Minister or Ministry of Land, Water and Environment;
- 5) **“ODS”** means Ozone Depleting Substance;
- 6) **“Permit”** means a permit issued by the Ministry for the importation or exportation of an ODS or an ODS based equipment or product;
- 7) **“Person”** means any natural person or juridical entity.

Article 3. Objectives

The objectives of these Regulations are to:

- 1) track the total quantity of ozone depleting substances imported to or exported from Eritrea;

- 2) control and limit the ozone depleting substance imported to or exported from Eritrea;
- 3) ensure that ozone depleting substances are imported or exported through formal import permits;
- 4) promote the use of ozone friendly substances, products, equipment and technology; and
- 5) phase out the use or consumption of ozone depleting substances and products.

Article 4. Scope of Application

- 1) These Regulations shall apply to:
 - a. the use, exportation, importation and handling of all ozone depleting substances listed in Annex I to these Regulations;
 - b. the following equipment or products that are dependent on ozone-depleting substances that are not allowed to be imported unless specified as exempted for special use by the ministry:
 - i) automobile and truck air conditioning units (whether incorporated in vehicles or not);
 - ii) domestic and commercial refrigeration and air conditioning heat pump equipment, such as refrigerators, freezers, dehumidifiers, water coolers, ice machines, air conditioning and heat pump units;
 - iii) aerosol products, except medical aerosols;
 - iv) portable fire extinguishers (halons);
 - v) insulation boards, panels and pipe covers; and
 - vi) prepolymers.
 - c. products that are transported in consignments of personal or household effects or in similar non commercial situations;
 - d. any person who imports or distributes ozone depleting substances, technology or products which uses or contains ozone depleting substances;
- 2) Until safe and effective alternative is found, the provisions of these Regulations shall not apply to the restricted use of Methyl Bromide as fumigant for pre-shipment and quarantine purposes pursuant to the provisions of Annex I of the Regulations issued for importation, handling, use, storage and disposal of pesticides Legal Notice No. 114/ 2006.

Article 5. Restrictions

- 1) No person may import or export ODS as listed in Annex I to these Regulations prior to obtaining a permit for every batch of importation or exportation in accordance with the provisions of these Regulations;
- 2) No person may import or export ODS based equipment or products as listed in Annex II to these Regulations unless the ODS based equipment or products is exempted by the Ministry ;
- 3) The Ministry may exempt an ODS- based equipment or product until effective and sustainable alternatives are available and where the ODS, based equipment or product use is not phased out at the time of granting import or export exemption;
- 4) A permit issued under these Regulations is non transferable to a third party.

Article 6. Permit Application

- 1) Any person intending to import into or export from Eritrea any ODS and/ or ODS based Equipment or Products shall apply for import or export permit or exemption to the Department in the manner and form prescribed by Annex III to these Regulations;
- 2) An application for a permit under this Article shall be signed by the applicant or a person duly authorized to act on the applicants behalf;
- 3) ODS intended for essential medical purposes do not need a permit from the Ministry;
- 4) An importer or exporter intending to import or export ODS in different quantities and at different times shall make an application for a permit for every consignment that he/ she wishes to make.

Article 7. Powers of the Ministry

The Ministry shall have the following powers to:

- 1) issue a permit exemption for the importation or exportation of Ozone Depleting Substances and Ozone Depleting Substances based Equipment or Products;
- 2) set the conditions of permit and determine the type and quantity of chemicals to be imported and/ or exported into and out of Eritrea;
- 3) determine the number of licensed importers/ exporters allowed to import/ export ODS and ODS based Equipment or Products at a given time;

- 4) suspend or cancel the permit of a holder who fails to meet any of the conditions/ requirements of the permit, or fails, without good cause, to use the permit within the time stipulated under these regulations;
- 5) monitor the importer or exporter that imports or exports during the period indicated in the permit.

Article 8. Obligation of importers and exporters

Every importer or exporter shall:

- 1) submit the application for import or export permit under Article 6 of these Regulations three months in advance of the intended time for import or export;
- 2) import or export the ODS or ODS based equipment or product for which he/ she obtained a permit during the period indicated in the permit;
- 3) keep a register of the type and quantity of ODS sold;
- 4) submit annually a report to the Department of the quantities of ODS imported or exported;
- 5) Obtain approval before shipping any ODS;
- 6) submit a copy of the permit to the customs officials at the port of entry;
- 7) check for proper labeling of ODS which shall include:
 - a) the name of the ODS or of the Product;
 - b) the name and address of the manufacturer of the ODS or of the product;
 - c) the name of the country of origin or destination of the ODS or of the product;
 - d) a statement which reads “Not Ozone Friendly”, “Ozone Depleting”, “this substance/ product is harmful to the Ozone Layer”, “No CFC”, “Ozone Friendly” or “CFC free” as the case may be, in a clearly legible letter; and
 - e) a symbol indicating that the substance or product is harmful to the Ozone Layer.

Article 9. Enforcement Officers

Customs Officers at every point of entry or exit are empowered to perform the following activities to:

- 1) request an import or export permit issued for an ODS and/ or ODS based equipment or products;
- 2) cross-check the type and quantity of all ODS and/ or ODS based equipment or products with the imported/ exported ones;
- 3) conduct proper physical examination of imported or exported ODS and/ or ODS based equipment or products for the proper labeling;
- 4) submit the documents to an officer in charge in the Department for endorsement and physical examination prior to release of goods.

Article 10. Appeal

Any person who is aggrieved by a refusal to issue a permit or the decision of the Minister to suspend or cancel a permit may appeal to the High Court within 60 days of the decision. The decision of the High Court shall be final.

Article 11. Offences and Penalties

Without any prejudice to a more severe penalty under the Transitional Penal Code of Eritrea, any person who is found guilty of the contravention of the provisions of these Regulations shall be punishable in accordance with the provisions of the Penal Code of Eritrea.

Article 12. Effective date

These Regulations shall enter into force as of the date of their publication in the Gazette of Eritrea Laws.

Done at Asmara, this 23rd day of August, 2010

Government of the State of Eritrea.

Annex I

List of Controlled ODSs and their Mitures

ODS group	Substances	Trade name	Tariff code number	Chemical formula
2903 40: Organic chemicals: Halogenated derivatives of hydrocarbons; halogenated derivatives of acyclic hydrocarbons containing two or more different halogens				
A/I	Trichlorofluoromethane	CFC-11	2903 4100	CFCl_3
	Dichlorodifluoromethane	CFC-12	2903 4200	CF_2Cl_2
	Trichlorotrifluoroethane	CFC-113	2903 4300	$\text{C}_2\text{F}_3\text{Cl}_3$
	Dichlorotetrafluoroethane	CFC-114	2903 4400	$\text{C}_2\text{F}_4\text{Cl}_2$
	Dichloropentafluoroethane	CFC-115	2903 4400	$\text{C}_2\text{F}_5\text{Cl}$
A/II	Bromochlorodifluoromethane	Halon 1211	2903 4600	CF_2BrCl
	Bromotrifluoromethane	Halon 1301	2903 4600	CF_2Br
	Dibromotetrafluoroethane	Halon 2402	2903 4600	$\text{C}_2\text{F}_4\text{Br}_2$
2903 45: Other derivatives perhalogenated only with fluorine and chlorine				
B/I	Monochlorotrifluoromethane	CFC-13	2903 4500	CF_3Cl
	Pentachlorofluoroethane	CFC-111	2903 4500	C_2FCl_5
	Tetrachlorodifluoroethane	CFC-112	2903 4500	$\text{C}_2\text{F}_2\text{Cl}_4$
	Heptachlorofluoropropane	CFC-211	2903 4500	C_3FCl_7
	Hexachlorodifluoropropane	CFC-212	2903 4500	$\text{C}_3\text{F}_2\text{Cl}_6$
	Pentachlorotrifluoropropane	CFC-213	2903 4500	$\text{C}_3\text{F}_3\text{Cl}_5$
	Tetrachlorotetrafluoropropane	CFC-214	2903 4500	$\text{C}_3\text{F}_4\text{Cl}_4$
	Trichloropentafluoropropane	CFC-215	2903 4500	$\text{C}_3\text{F}_5\text{Cl}_3$
	Dichlorohexafluoropropane	CFC-216	2903 4500	$\text{C}_3\text{F}_6\text{Cl}_2$
	Monochloroheptafluoropropane	CFC-217	2903 4500	$\text{C}_3\text{F}_7\text{Cl}$

2903 10: Saturated chlorinated derivatives of acyclic hydrocarbons				
B/II	Carbon tetrachloride (CCl ₄)	Carbon Tet.	2903 1400	CCl ₄
B/III	Methyl chloroform, or 1,1,1-Trichloroethane	1.1.1-Tri.	2903 1900	C ₄ H ₃ Cl ₃ ⁽²⁾
2903 49: Other derivatives of methane, ethane or propane halogenated only with fluorine and chlorine				
C/1	Dichloromonofluoromethane	HCFC-21 ⁽³⁾	2903 4900	CHFC1 ₂
	Monochlorodifluoromethane	HCFC-22 ³	2903 4900	CHF ₂ Cl
	Monochlorofluoromethane	HCFC-31	2903 4900	CH ₂ FC1
	Tetrachlorofluoroethane	HCFC-121	2903 4900	C ₂ HFC1 ₄
	Trichlorodifluoroethane	HCFC-122	2903 4900	C ₂ HF ₂ Cl ₃
	Dichlorotrifluoroethane	HCFC-123 ⁽³⁾	2903 4900	C ₂ HF ₃ Cl ₂
	Chlorotetrafluoroethane	HCFC-124 ⁽³⁾	2903 4900	C ₂ HF ₄ Cl
	Trichlorofluoromethane	HCFC-131	2903 4900	C ₂ H ₂ FC1 ₃
	Dichlorodifluoromethane	HCFC-132	2903 4900	C ₂ H ₂ F ₂ Cl ₂
	Monochlorotrifluoromethane	HCFC-133	2903 4900	C ₂ H ₂ F ₃ Cl
	Trichlorofluoromethane	HCFC-141	2903 4900	C ₂ H ₂ FC1 ₂
	Trichlorofluoromethane	HCFC-141b ⁽³⁾	2903 4900	CH ₂ CFC1 ₂
	Chlorodifluoroethane	HCFC-142	2903 4900	C ₂ H ₃ F ₂ Cl
	Chlorodifluoroethane	HCFC-142b ⁽³⁾	2903 4900	CH ₃ CF ₂ Cl
	Chlorofluoroethane	HCFC-151	2903 4900	C ₂ H ₄ FC1
	Hexachlorofluoropropane	HCFC-221	2903 4900	C ₃ HFC1 ₆
	Pentachlorodifluoropropane	HCFC-222	2903 4900	C ₃ HF ₂ Cl ₅
	Tetrachlorotrifluoropropane	HCFC-223	2903 4900	C ₃ HF ₃ Cl ₄
	Trichlorotetrafluoropropane	HCFC-224	2903 4900	C ₃ HF ₄ Cl ₃

	Dichloropentafluoropropane	HCFC-225	2903 4900	C ₃ HF ₅ Cl ₂
	Dichloropentafluoropropane	HCFC-225Ca ⁽³⁾	2903 4900	CF ₃ CF ₂ CHCl ₂
	Dichloropentafluoropropane	HCFC-225Cb	2903 4900	CF ₃ ClCF ₂ CHClF
	Monochlorohexafluoropropane	HCFC-226	2903 4900	C ₃ HF ₂ Cl
	Pentachlorofluoropropane	HCFC-231	2903 4900	C ₃ H ₂ FCl ₅
	Tetrachlorodifluoropropane	HCFC-232	2903 4900	C ₃ H ₂ F ₂ Cl ₄
	Trichlorotrifluoropropane	HCFC-233	2903 4900	C ₃ H ₂ F ₃ Cl ₃
	Dichlorotetrafluoropropane	HCFC-234	2903 4900	C ₃ H ₂ F ₄ Cl ₂
	Monochloropentafluoropropane	HCFC-235	2903 4900	C ₃ H ₂ F ₅ Cl
	Tetrachlorofluoropropane	HCFC-241	2903 4900	C ₃ H ₃ FCl ₄
	Trichlorodifluoropropane	HCFC-242	2903 4900	C ₃ H ₃ F ₂ Cl ₂
	Dichlorotrifluoropropane	HCFC-243	2903 4900	C ₃ H ₃ F ₃ Cl ₂
	Monochlorotetrafluoropropane	HCFC-244	2903 4900	C ₃ H ₃ F ₄ Cl
	Trichlorofluoropropane	HCFC-251	2903 4900	C ₃ H ₄ FCl ₃
	Dichlorodifluoropropane	HCFC-25 2	2903 4900	C ₃ H ₄ F ₂ Cl ₂
	Monochlorotetrafluoropropane	HCFC-253	2903 4900	C ₃ H ₄ F ₃ Cl
	Dichlorofluoropropane	HCFC 261	2903 4900	C ₃ H ₅ FCl ₂
	Monochlorodifluoropropane	HCFC 262	2903 4900	C ₃ H ₅ F ₂ Cl
	Monochlorofluoropropane	HCFC 271	2903 4900	C ₃ H ₆ FCl
C/II	HBFC		2903 4900	CHBr ₂
			2903 4900	CHF ₂ Br
			2903 4900	CH ₂ Br
			2903 4900	C ₂ HBr ₄
			2903 4900	C ₂ H ₂ Br ₃
			2903 4900	C ₂ H ₃ Br ₂
			2903 4900	C ₂ H ₄ Br

		2903 4900	$C_2H_2FBr_3$
		2903 4900	$C_2H_2F_2Br_2$
		2903 4900	$C_2H_2F_3Br$
		2903 4900	$C_2H_3FBr_2$
		2903 4900	$C_2H_3F_2Br$
		2903 4900	C_2H_4FBr
		2903 4900	C_3HFBr_6
		2903 4900	$C_3HF_2Br_5$
		2903 4900	$C_3H_4F_3Br_4$
		2903 4900	$C_3HF_4Br_3$
		2903 4900	$C_3HF_5Br_2$
		2903 4900	C_3HF_6Br
		2903 4900	$C_3H_2FBr_5$
		2903 4900	$C_3H_2F_2Br_4$
		2903 4900	$C_3H_2F_3Br_3$
		2903 4900	$C_3H_2F_4Br_2$
		2903 4900	$C_3H_2F_5Br$
		2903 4900	$C_3H_3FBr_4$
		2903 4900	$C_3H_3F_2Br_3$
		2903 4900	$C_3H_3F_3Br_2$
		2903 4900	$C_3H_3F_4Br$
		2903 4900	$C_3H_4FBr_3$
		2903 4900	$C_3H_4F_2Br_2$
		2903 4900	$C_3H_4F_3Br$
		2903 4900	$C_3H_5FBr_2$
		2903 4900	$C_3H_5F_2Br$
		2903 4900	C_3H_6FBr

C/III	Bromochloromethane			CH ₂ BrCl
2093 30: Derivatives of methane, ethane or propane halogenated only with fluorine and bromine				

Mixtures of CFC and HCFC			
Name	ODS (%)	Others	Tariff code number
R 502	CFC-115 (51.2%) HCFC-22 (48.8%)		2903 4400/2903 4900
HP 80	HCFC-22 (38%)	Pentafluoroethane (60%) Propane (2%)	2903 4900
R 406A	HCFC-22 (47%)	Trifluoroethane (R 143A) (46%) Pentafluoroethane	2903 4900
R 409A	HCFC-22 (60%) HCFC-124 (25%) HCFC-142B (15%)		2903 4900
Greencool R411B	HCFC-22 (94%)	Propylene (R 1270) (3%) Difluoroethane(R152A) (3%)	2903 4900
Arcton 412 A	HCFC-22 (70%)	Octafluoropropane R 128 (5%)	2903 4900

Annex II

ODS based Products and Equipment Controlled by these Regulations

Name of equipment or product	Customs Code tariff number
1) Climate control devices for automobiles and vehicles and air conditioners (whether or not incorporated into the vehicle)	8701 20 – 8701 90 8702 10 – 8702 90 8703 10 – 8703 90 8704 10 – 8704 90 8705 10 – 8705 90 8706 00
2) Domestic and commercial refrigeration and air conditioning devices/heat pumps	
Refrigerators:	8418 10 – 8418 29 8418 50 8418 61 – 8418 69
Freezers:	8418 10 – 8418 29 8418 30 8418 40 8418 50 8418 61 8418 69
Dehumidifiers:	8415 10 – 8415 83 8479 60 8479 89 8479 89
Water chillers and gas liquefaction systems:	

	3212 90
Perfumery, cosmetic and toilet preparations:	3303 00
	3304 30
	3304 99
	3305 10 – 3205 90
	3206 10 – 3307 30
	3307 49
	3307 90
Tensioactive preparations:	
	3402 20 – 3402 20
Surface treatment preparations	
Lubricating preparations	2710 00
4. Maintenance products	3403 11
	3403 19
	3403 91
	3403 99
	3405 10
	3405 20
	3405 30
	3405 40
	3405 90
	3606 10
Articles made of flammable materials:	3809 10
Finishing agents, etc.:	3809 91 – 3809 93

Preparation of fire extinguishers and fire extinguisher charges, charged [illegible] grenades	3813 00
Composite organic solvents, etc.:	3814 00
Made-up defrosting liquids:	3820 00
Products of the chemical industry and related industries	3824 90
	3824 90
	3824 90
	3824 90
Silicones in the raw state	3910 00
Weapons	9304 00
5) Portable fire extinguishers	8424 10
6) Insulating panels, panels and pipe work protection:	3917 21 – 3917 40
	3920 10 – 3920 99
	3921 11 – 3921 90
	3925 10 – 3925 90
	3926 90
7) Pre-polymers	3901 10 – 3911 90

Annex III - Application Forms:

FORM A

Form No. _____

Received _____ 20.....

Application for registration as importer/ exporter of Ozone Depleting Substances (ODS)

To be filled in by the importer/ exporter in two copies (one will be returned to the applicant with a decision):

Name of applicant:.....

Enterprise identification no.:

Person authorized to act on behalf of the enterprise (name and title):

.....

Contact Person (name and title):

Postal Address:

Visiting address:

Tel. no:Fax no:

E-mail address (if any):

.....hereby applies for registration as importer/ exporter
of the following types of ozone depleting substances (Use the chemical code name as indicated in
the information leaflet!):

CFCs:	<input type="checkbox"/>	types of CFC:.....
Halons:	<input type="checkbox"/>	types of halon:
Carbon tetrachloride:	<input type="checkbox"/>	
1,1,1-trichloroethane:	<input type="checkbox"/>	
HCFCs:	<input type="checkbox"/>	types of HCFC:.....
Methyl Bromide:	<input type="checkbox"/>	

Information on previously imported/ exported quantities of these chemicals, see attached table(s),
Annex

Customs Declarations and other requested information are attached as supporting
evidence, see Annex.....

Hereby certify that the information given in this application and its annexes is accurate.

Evidence of my right to act on behalf of the enterprise is attached as Annex.....

Place and date:

.....

/signature of person authorized to act on behalf of the enterprise/

Name in block letters:.....

Title:.....

For Official Use:

Decision on Registration of importer/ exporter of Ozone Depleting Substances (ODS)

..... is registered as importer/ exporter of the following
ozone depleting substance:

.....

with registration no.

Import/ export allowance must be requested for each calendar year not later than by
..... of the preceding year, and shall be addressed to
.....

Allowances for each year will be decided by the Ministry not later than
..... and will be gradually reduced.

Application for registration as importer/ exporter of is
rejected for the following reasons:

.....

.....

Appeal against this decision should be addressed to and be
submitted not later than

Date:

.....

/name of duly authorized officer/

FORM B

Form No. _____

Received _____ 20.....

Name of Applicant:

ODS Import/ Export Reg. No.

Person authorized to act on behalf of the enterprise (name and title):

.....

Contact Person (name and title):

Address:

.....

Tel. no:Fax no:

E-mail address (if any):

..... hereby applies for an allowance to import/ export the
following ozone depleting substances (ODS) during 20.....

Pure Chemicals (use chemical code names):

Controlled Substances	Requested quantity	Trade name	Exporting/ Importing Country	Intended use
.....	.....kg	.....	.....	.....
.....	.....kg	.....	.....	.....
.....	.....kg	.....	.....	.....
.....	.....kg	.....	.....	.....
.....	.....kg	.....	.....	.....
.....	.....kg	.....	.....	.....

Mixtures (components should be stated by chemical code names):

Trade names	Chemical composition (% of each ODS	Requested quantities:	Exporting/Importing Country	Intended use
.....kg	.....	.....
.....kg	.....	.....
.....kg	.....	.....
.....kg	.....	.....
.....kg	.....	.....
.....kg	.....	.....

These requested quantities correspond to the following quantities, counted as pure chemicals:

ODS:	Quantity:	Enterprise base level:	ODS:	Quantity	Enterprise base level:
.....	.....kg	.....kg	.....	.....	.....kg
.....	.....kg	.....kg	.....	.....	.....kg
.....	.....kg	.....kg	.....	.....	.....kg
.....	.....kg	.....kg	.....	.....	.....kg
.....	.....kg	.....kg	.....	.....	.....kg
.....	.....kg	.....kg	.....	.....	.....kg

I hereby declare that the information given in this application and its annexes is accurate.

Place and date:

.....

(Authorized representative of the applicant)

(Name in block letters, title)

FORM C

Received20.....

CLEARANCE REQUEST FOR SHIPMENT OF OZONE DEPLETING SUBSTANCES

(CONTROL PERIOD 20.....)

Applicant:.....ODS Import/ Export Reg. No.Allowance No:

Contact Person (name and title):

P.O.Box: Address: Tel. no: Fax no:

E-mail address (if any):

.....hereby applies for clearance of the following shipment of ozone depleting substances (ODS)

Pure Chemicals (use chemical code names)

ODS:	Quantity (kg):	Trade name:	Customs code no:	Exporting/Importing Country	Scheduled time of arrival	Port of entry
1.....
2.....
3.....
4.....

Mixtures (components to be stated by chemical code names)

ODS:	Quantity (kg):	Chemical composition (% of each ODS):	Customs code no:	Exporting/Importing Country	Scheduled time of arrival	Port of entry
1.....
2.....
3.....
4.....

Exporter/ Importer (Full name and address

I hereby declare that the information given in this application and its annexes is accurate. The approved allowance for this period is attached Appendix 1.)

Note! Making a statement which the applicant knows or ought to have known to be false or misleading is subject to penalties as stated in

Place and date:

/authorized representative of the Importer/ Exporter

Form D

Application for Importation/ Exportation of ODS based Equipment or Products that are exempted for special use

To be filled in by the importer/ exporter in two copies (one will be returned to the applicant with a decision):

Form No. _____

Received _____ 20.....

Information concerning the controlled Equipment or Product:

- vi) Group of equipment/ Product:
- vii) Country of origin/ export:
- viii) Quantity to be imported:
- ix) Port of entry:
- x) Mode of transport/ intended carrier:

Information concerning the supplier:

- (i) Name of supplier:
- (ii) Trade of the supplier:
- (iii) Full address of the supplier:
- (iv) Country of origin:
- (v) Country from which controlled equipment or product is consigned.....
- (vi) Holder of the produced trade mark:

For Official Use:

Decision on importation/ exportation of ODS based Equipment or Products.

- Application for the importation/ exportation of the above mentioned equipment or product is allowed for the following reasons:

.....
.....

- Application for the importation/ exportation of the above mentioned equipment or product is denied for the following reasons:

.....
.....

Appeal against this decision should be addressed to and be submitted not
later than

Date:

/name of duly authorized officer/

Annex IV

Designated Ports of Entry or Export

MAEKEL	DEBUB	ANSEBA	N/R/SEA	S/R/SEA	GASH-BARKA
Asmara Air Port	Senafe	Keren	Ghinda'e	Assab	Golj
Rail Way	Adi Keih		Massawa	Tio	Adi Bara
Adi Abeito	Dekemhare		Gel'alo		Talata Asher
Bet Gergish	Mendefera				Ghirmaika
	Adi-Quala				Teseney
	Mai-Dima				Barentu
					Akordet