

Chapter 20:27 Environmental Management (Prohibition and Control of Ozone Depleting Sub stances & Ozone Depleting Substances Dependent Equipment) Regulations, 2001

1 These regulations may be cited as the Environmental and Natural Resources Management (Prohibition and Control of Ozone Depleting Substances and Ozone Depleting Substances Dependent Equipment) Regulations, 2011

(2) These regulations shall come into operation on the 1st March, 2011.

2 In these regulations—

"**form**" means the appropriate form prescribed in the *First Schedule*;

"**officer**" means the Zimbabwe Revenue Authority officer appointed in terms of section 20 of the Revenue Authority Act [*Chapter 23 : 11*];

"**licence**" means an import or export licence issued in terms of section *four*;

"**Montreal Protocol**" means the Montreal Protocol on Substances that deplete the Ozone layer;

"**ozone depleting substance**" or "**ODS**", means any chemical substance which destroys the ozone layer and is controlled under the Montreal Protocol;

"**ozone depleting substance dependent equipment**" or "**ODS dependent equipment**" means products or equipment consisting of ozone depleting substances, including equipment whose continuous functioning relies on the use of ozone depleting substance;

"**Ozone Office**" means the National Ozone Office established by the Ministry of Environment and Natural Resources Management.

3 These regulations shall apply to private and public industrial and commercial importers, exporters, producers and consumers of ozone depleting substances listed in the *Second, Third and Fourth Schedules* and ozone depleting substance dependent equipment listed in the *Fifth Schedule*.

4 **No person shall import** into Zimbabwe, any substances listed and equipment or appliance which uses or whose function relies on the substances listed in the *Second Schedule*.

5 (1) Any person who wishes to import or export ozone depleting substance or ozone depleting substance dependent equipment or any chemical listed in the *Third, Fourth and Fifth Schedules* shall apply to the Ozone Office in **Form AP1**.

(2) Any application for a licence made in terms of subsection (1), shall be accompanied by an appropriate application fee and registration fee.

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6 (1) The Ozone Office shall, as soon as practicable, but in any case **not later than 60 days** from the date of receipt of an application—

(a) grant the application (subject to such conditions as it may think fit to impose) and issue to the applicant the import or export licence applied for; or

(b) refuse the application giving reasons therefore.

(2) The fee for registration paid in terms of section *four* shall be refunded to an unsuccessful applicant, but not application fee.

(3) Where the Ozone Office issues a licence in terms of subsection (1), the licence shall—

(a) be valid for a period of 1 year; and

(b) not be transferable to another person.

7 (1) The Ozone Office shall establish a register for the purpose of registering all licensed importers, exporters or consumers of ozone depleting substances and ozone depleting substance dependent equipment.

(2) The officer shall be responsible, subject to any direction given to him or her by the Secretary for Environment and Natural Resources Management, that all consignments are marked clearly recording—

- (a) the name, identity or quantity of imported or exported ozone depleting substances; or
- (b) details concerning contact address, labels and the packaging; or
- (c) any other particulars that may be required by the Ozone Office.

(3) All imported ozone depleting substances and ozone depleting substance dependent equipment shall be utilized before their phase out date.

(4) The officer shall not allow the importation of a substance whose phase-out date has expired.

8 Every licensed importer or exporter of ozone depleting substance or ozone depleting substance dependent equipment shall in the form and manner and within the time required by the Ozone Office, furnish the Ozone Office with annual reports or other information in connection with—

- (a) quantities of ozone depleting substance and ozone depleting substance dependent equipment imported or exported, used or destroyed by approved means; and
- (b) sources of each ozone depleting substance and ozone depleting substance dependent equipment imported or exported indicating country, address, contact person, address and contact telephone or fax numbers; and
- (c) quarterly or half-yearly inventories of ozone depleting substance and ozone depleting substance dependent equipment indicating total capacity, consumed quantities and projected imports or exports and consumptions for the following year.

10 (1) If the owner or other person having control of ozone depleting substance and ozone depleting substance dependent equipment wishes to destroy them he or she shall submit a written statement to the National Ozone Office.

(2) If the Ozone office grants permission for the goods to be destroyed, an office shall be appointed to witness the destruction and when the substance and equipment has been destroyed the officer shall record the quantities destroyed and sign a certificate of destruction.

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12 (1) Any person who contravenes or fails to comply with sections *four*(1),(2), *eight*, *ten*(1), *eleven*(1), and *twelve*(1) of these regulations, shall be guilty of an offence and liable to a fine not exceeding level fourteen or to imprisonment for a period not exceeding twelve months or both such fine and such imprisonment.

(2) The court convicting a person of an offence under subsection (1), may, upon the application of the prosecutor, declare any ODS or ODS dependent equipment in respect of which the offence has been committed to be forfeited to the State.

(3) Any ozone depleting substance and ozone depleting substance dependent equipment forfeited in terms of subsection (2) shall be destroyed or otherwise dealt with as the Secretary for Environment and Natural Resources Management may direct.

(4) The court convicting a person of an offence under subsection (1) may cancel any licence issued to such a person.

13 The Environmental and Natural Resources Management (Control of Ozone Depleting Substances and Ozone Depleting Substances Dependent Equipment) Regulations, 2004, published in Statutory Instrument 133 of 2004, are repealed.

FIRST SCHEDULE (*Section 5*)

PRESCRIBED FORM

FORM AP1

APPLICATION FOR A LICENCE TO IMPORT/EXPORT ODS OR ODS DEPENDENT EQUIPMENT

Name of organisation/individual:

Physical address:

Postal address:

Responsible Person.....

Address (if different from above):.....

Telephone:

E-mail:

Fax:

State ODS/ODS dependent equipment to be imported and their quantities

1.....

2.....

3.....

State ODS/ODS dependent equipment to be imported and their quantities

1.....

2.....

3.....

State the intended uses (if for resale, indicate to which organisations/individuals

1.....

2.....

3.....

NB:— Upon completion of this form in duplicate, the form shall be submitted to:

The Permanent Secretary, Ministry of Environment and Natural Resources Management, Private Bag 7753, Causeway, Harare (12th Floor, Kaguvi Building, corner 4th Street and Central Avenue, Harare).

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SECOND SCHEDULE (Section 3)

LIST OF PROHIBITED OZONE DEPLETING SUBSTANCES

Table with 5 columns: Substance, Chemical name and formula, Ozone Depleting Potential, HS code 2007, HS code 2012. The table is mostly empty with a note in the bottom right corner: 'Ex 2903.77 Copied below...'

CFC-11	Trichlorofluoromethane CFC1 ₃	1.0	2903.41	Ex 2903.77
CFC-12	Dichlorodifluoromethane CF ₂ C1 ₂	1.0	2903.42	Ex 2903.77
CFC-13	Chlorotrifluoromethane CF ₃ C1	1.0	2903.45	
R-111	Pentachlorofluoroethane C ₂ FC1 ₅	1.0	2903.45	
R-112	Tetrachlorodifluoroethane C ₂ F ₂ Cl ₄	1.0	2903.45	
R-113	Trichlorotrifluoroethane C ₂ F ₃ Cl ₃	0.8	2903.43	
R-114	Dichlorotetrafluoroethane C ₂ F ₄ C1 ₂	1.0	2903.44	
R-114	Chloropentafluoroethane CC1F ₂ CF ₃	0.6	2903.44	
R-211	Heptachlorofluoropropane C ₃ FC1 ₇	1.0	2903.45	
R-212	Hexachlorodifluoropropane C ₃ F ₂ Cl ₆	1.0	2903.45	
R-213	Pentachlorotrifluoropane C ₃ F ₃ Cl ₅	1.0	2903.45	
R-214	Tetrachlorotetrafluoropropane C ₃ F ₄ C1 ₄	1.0	2903.45	
R-215	Trichloropentafluoropropane C ₃ F ₅ C1 ₃	1.0	2903.45	
R-216	Dichlorohexafluoropropane C ₃ F ₆ C1 ₂	1.0	2903.45	
R-217	Chloroheptafluoropropane C ₃ F ₇ C1	1.0	2903.45	
R-12B1	Bromochlorodifluoromethane CF ₂ BrC1	3.0	2903.46	
R-13B 1	Bromotrifluoromethane CF ₃ Br	10.0	2903.46	

R-14B2	Dibromotetrafluoroethane C ₂ F ₄ Br ₂	6.0	2903.46	
	Carbon tetrachloride CCl ₄			

THIRD SCHEDULE (Section 3)

CONTROLLED SUBSTANCES

	ODP	HS code 2007	HS code 2012
Methyl Bromide	0.6		
1,1,1-trichloroethane C ₂ H ₃ Cl ₃ (Methyl-chloroform)	0.1	2903.19	

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