



Lao People's Democratic Republic

Peace Independence Democracy Unity Prosperity

Ministry of Natural Resources and Environment

No. 7858 /MONRE
Vientiane, 9 November 2012

Ministerial Decision on The Ozone Depleting Substances Management

- Referring to the Environmental Protection Law No 02/99/NA, dated 03 April 1999;
- Referring to the Decree on the Control of Import, Export, and Use of Ozone Depleting Substances No 162/PM, dated 13 October 2003;
- Referring to the Decree on the Mandate of Ministry of Natural Resources and Environment No 435/PM, dated 28 November 2011.

Minister

Ministry of Natural Resources and Environment

Issues the following Decision:

Chapter I

General Provisions

Article 1: The objective

This Decision has been issued to define the principle, rule and measure to control of Import, Export, Transit, Distribution and utilization of ozone depleting substances (ODS) and ODS-based equipment.

Article 2: Purpose

This Decision is enacted for managing and monitoring the utilization of ODS and ODS-based equipment and related business operation in full compliance with obligations under the Montreal Protocol on Phase-Out the Ozone Depleting Substances, aiming at prevention of depleting of the ozone layer, ensuring health safety of human, animal and plant as well as protecting environment to foster the socio-economic development of the country.

Article 3: Definitions

1. Ozone Depleting Substances (ODS) means controlled substances listed in the Annexes to this Decision used as refrigerant in servicing air conditioning and refrigeration products; as fumigant in agricultural activities (plant seeds, soil, culture), wooden container, quarantine and as propellant in metered dose inhaler. All of these controlled substances can deplete the ozone layer when they are released to the atmosphere;
2. ODS-based equipment means the products containing ODS;
3. ODS related Business means the import, Export, transit, distribution and utilization of ODS and ODS-based equipment;
4. Import means the movement of ODS and ODS-based equipment into Lao PDR;
5. Export means the movement of ODS and ODS-based equipment from Lao PDR;
6. Transit means the movement of ODS and ODS-based equipment from any other countries of origin via Lao PDR to the country of destination;
7. Distribution means the supply and sale of ODS and ODS-based equipment in Lao PDR;
8. Utilization of ODS means the application of controlled substances in the areas such as servicing and maintenance of air-conditioning and refrigeration equipment, fumigation of soil and plants, culture, wooden container, quarantine and metered dose inhalers;
9. ODS consumer means the persons, juristic entities or local and international organizations who intend to import or distribute controlled substances in any application;
10. Registration means the notification of all matter relating to quantity and type of controlled substances and products or equipment containing controlled substances for import, export, transit, distribution and utilization to facilitate the control and monitoring;
11. ODS Related Business Operator means the person, juristic entities or organization, private sector who intend to be importer, distributor or seller or supplier of any controlled substances or products or equipment containing controlled substances ;
12. Quantity of ODS means the volume of consumption of controlled substances;
13. Types of ODS means controlled substances indicated in the Annexes to this Decision whether in pure form or in a mixture;
14. Labeling means ODS based products imported, exported, transited or distributed or sold, are labeled with word “Free CFC” by the Ministry of Natural Resources and Environment.

Article 4: Scope of Application

This Decision is applied to ODS related business operators, persons servicing air conditioner and refrigerator or products containing controlled substances or institution or other individual using any controlled substances in order to contribute to control ODS consumption in Lao PDR.

Article 5: International Cooperation

The government encourages international cooperation in controlling, monitoring and phasing-out of ODS and ODS-based equipment through technical and financial assistance for the implementation of activities to phase-out consumption of ODS under the Montreal Protocol on Substances that Deplete the Ozone Layer.

Chapter II

Ozone Depleting Substances and Areas of their Applications

Article 6: Controlled ODS

ODSs are controlled substances indicated in the Annex to this Decision.

Article 7: Applications of ODS

Applications of ODS include the followings:

1. Industrial Application including the manufacture of refrigeration and air-conditioning equipment, aerosol products, fire extinguishers, polyurethane foam and sponge products and as cleaning solvent in electronic, textile, metal industries.
2. Servicing Application including the servicing and maintenance of refrigeration and air-conditioning equipment.
3. Agricultural Application including the fumigation of seed and soil, wooden packages, nursery and quarantine and.
4. Medical Application including means the manufacture of metered dose inhaler.

Article 8: Scheduled time of ODS Reduction and Phase-out

ODS reduction and phase-out schedule shall be carried out in accordance with obligations stipulated under the National ODS Phase-out Management Plan under Montreal Protocol on Substances that Deplete the Ozone Layer as follows:

- 1 January 2010: *Phased-out consumption of CFCs, halon and carbontetrachloride.*
Consumption of methylchloroform to be reduced by 70% from the baseline data of 1998-2000.
- 1 January 2013: Consumption of HCFCs to be reduced from baseline data of 2009-2010.
- 1 January 2015: Phased-out of consumption of methylchloroform and methyl bromide.
Consumption of HCFCs to be reduced by 10% from baseline data of 2009-2010.
- 1 January 2020: Consumption of HCFCs to be reduced by 35% from baseline data of 2009-2010
- 1 January 2025: Consumption of HCFCs to be reduced by 67.5% from baseline data of 2009-2010
- 1 January 2030: Consumption of HCFCs to be reduced by 97.5% from the baseline data of 2009-2010 and consumption from 2030 onwards must be used only for servicing application.
- 1 January 2040: Completion of Phased-out of HCFCs consumption.

Reduction and phase-out schedule of any ODSs, which are not indicated in this Article, shall follow the obligations stipulated under the Montreal Protocol on Substances that Deplete the Ozone Layer. In case of any necessity to import any ODSs after the — phase-out date as specified above, the provisions set forth under the Montreal Protocol on Substances that Deplete the Ozone Layer shall be applied and such the import must be only approved by the Meeting of the Parties to the Montreal Protocol.

To enable Lao PDR to comply with reduction and phase-out obligations under the Montreal Protocol on Substances that Deplete the Ozone Layer, the Ministry of Natural Resources and Environment has been empowered by the government of Lao PDR to control, monitor, consider and recommend the determination of quantities and types including issuance of license for import, export, transit, distribution and utilization of ODS and ODS-based equipment.

Chapter III

Management, Utilization and Operation of ODS and ODS-based Equipment Business

Article 9: Import, Export and Transit

Any persons, juridical entities or organizations that wish to import, export and transit ODSs and ODS-based equipment shall be undertaken as follows:

1. Import and Export

ODS and ODS-based equipment business operators that wish to import or export ODS and ODS-based equipment for the next year shall apply to the MoNRE on the required quantities and types of ODS and ODS-based equipment for registration within 30 days of November of each year in order to facilitate the verification further for the issuance of certificate on specified quantities and types of ODS by before 25 December within the same year.

For those local ODS and ODS-based equipment business Operators that wish to import or export ODS and ODS-based equipment shall apply for registration on the required quantities and types of ODS and ODS-based equipment within 30 days of November of each year through the Provincial and Vientiane Capital's Departments of Natural Resources and Environment further for submitting to MoNRE in order to verify and consider the issuance of certificate on specified quantities and types by 25 December within the same year.

Prior to the import or export of ODS and ODS-based equipment the business operators shall request to MoNRE for permit the import-export licensing at least 15 working days.

All types of ODS-based products to be imported into Lao PDR shall be verified the quality of ODS and be labeled by MoNRE or Provincial and Vientiane Capital's Department of Natural Resources and Environment before distribution and delivery to the domestic consumers.

2. Transit

Persons, juridical entities or organizations that wish to transport ODS and ODS-based equipment via Lao PDR to the country of destination from the country of origin shall notify MoNRE and the Provincial and Vientiane Capital's Department of Natural Resources and Environment on quantities, types, country of origin, country of destination, purchase evidence, supporting document to prove as importers, and period

of transit in Lao PDR in order to facilitate effective management, monitoring and issuance of transit license in accordance with concerned regulations.

Prior to the transit of ODS and ODS-based equipment, business operators shall notify and submit application for transit license to MoNRE at least 15 working days.

At the local level, prior to the transit of ODS and ODS-based equipment, business operators shall notify and submit application to the Provincial and Vientiane Capital's Department of Natural Resources and Environment for transmitting to MoNRE for transit license at the same time above.

Article 10: Reporting

The Provincial and Vientiane Capital's Department of Natural Resources and Environment shall report quantities and types of ODS and ODS-based equipment to be imported, exported and transited as well as necessary supporting document to MoNRE every time of receiving request from ODS and ODS-based equipment business operators.

Article 11: Obligations of ODS Users and ODS-based Business Operators

Any persons, juridical entities or organizations that wish to use ODS and operate business related to ODS in Lao PDR shall register quantities and types of ODS in accordance with the given template and provide above mentioned data to MoNRE not later than 30 June on annual basis for the purpose of effective management and monitoring, ensuring the accuracy of reporting the ODS consumption data in Lao PDR to the Ozone Secretariat.

MoNRE has the right not to issue registration certificate of specified quantities and types of ODS and ODS-based products for the next year to any persons, juridical entities or organizations that fail to comply with this obligation.

Article 12: Validity of Registration Certificate

Registration certificate on quantities and types of ODS and ODS-based products is valid for one year and shall not be renewed.

Chapter IV

Management and Monitoring

Article 13: Management and Monitoring Authority

MoNRE has been empowered as authority to manage, monitor, and approve the import, export, transit, distribution and utilization of ODS and ODS-based products at the central level

The Provincial and Vientiane Capital's Department of Natural Resources and Environment has been given responsibility at the provincial level to coordinate with concerned authorities to facilitate and ensure effective management and monitoring.

Article 14: Methodology for Monitoring

Monitoring of ODS and ODS-based business operators shall be carried out in accordance with the followings terms:

- Quarterly, semi-annual and annual basis.
- When necessary or there is a specific request from other agencies or persons to ensure monitoring shortly on time.
- Emergency monitoring without notification in advance.

ODS and ODS-based business operators shall cooperate with authorized officers and provide information as required.

Authorized officers of MoNRE shall prepare monitoring report once each monitoring activity has been completed.

Article 15: Rights and Duties of Ministry of Natural Resources and Environment

1. To materialize the National Phase-Out of ODS Management Plan into detailed program, projects and regulations to manage, control the import, transit, and use of ODS in collaboration with concerned stakeholder
2. To implement activities related to the management, control, monitoring, assessment, issuance of import-transit license, and utilization of ODS and ODS-based equipment as well as progress reporting to the government.
3. To act as the focal point for implementation and coordination with relevant agencies of central and local level for controlling the import, transit and utilization of ODS and ODS-based equipment in Lao PDR.
4. To keep track the implementation of the projects under the National Phase-Out ODS Management Plan
5. To strengthen capacity of government staffs in controlling and monitoring the import, transit and utilization of ODS.

6. To strengthen capacity of technicians of public and private sector regarding the adaptation of technologies with ODS alternative, recovering and reuse ODS.
7. To educate and raise awareness of users of ODS by coordinating with central and local authorities concerned including public and private sectors in order to effectively implement National Phase-Out ODS Management Plan under the Montreal Protocol on Substances that Deplete the Ozone Layer.
8. To coordinate with empowered authority concerned in suspending the movement of ODS or to prohibit or to terminate any activities that cause adverse impacts to the ozone layer.
9. To cooperate with the international community on the implementation of the Vienna Convention for the Protection of the Ozone Layer and its related protocol such as Montreal Protocol on Substances that Deplete the Ozone Layer.
10. To perform other rights and duties pertaining to control of the import, transit, distribution and utilization of ODS as authorized.

Article 16: Rights and Duties of the Provincial and Vientiane Capital’s Department of Natural Resources and Environment

1. To implement program and projects under the National Phase-Out of ODS Management Plan in order to manage and control the import, export, transit, distribution and utilization of ODS in coordination with the concerned stakeholders.
2. To undertake the control and monitor the import, export, transit, distribution and utilization of ODS as well as to report the progress to MoNRE, Provincial Governor and Capital Mayor.
3. To act as focal point for coordination with relevant sectoral authorities of central and local level to control the import, export, transit, distribution and utilization of ODS.
4. To educate and raise awareness of ODS users by coordinating with agencies concerned to disseminate information on ODS to public and private sectors in order to effectively implement the National ODS Phase-out Management Plan under the Montreal Protocol on Substances that Deplete the Ozone Layer.
5. To coordinate with authorized agencies concerned in suspending the movement of ODS or to prohibit or to terminate any activities or businesses that cause adverse impacts to the ozone layer.
6. To perform other rights and duties pertaining to manage the import, export, transit, distribution and utilization of ODS as authorized.

Article 17: Rights and Duties of Sectoral Agencies Concerned

The rights and duties of sectoral agencies concerned of central and local level are to comply with their own responsibilities and procedures in close cooperation and collaboration with MoNRE.

Chapter V

Awards and Sanctions

Article 18: Awards

Persons, juridical entities or organizations which have remarkable accomplishments in fulfilling this Decision shall be awarded or received other forms of recognition according to the rules of MoNRE and concerned authorities.

Article 19: Sanctions

Persons, juridical entities or organizations which have violated provisions set forth under this Decision shall be subject to warnings, fines, civil sanctions or penalty according to case following the guidelines of concerned authorities.

Chapter VI

Final Provisions

Article 20: Implementation

MoNRE and the Provincial and Vientiane Capital's Department of Natural Resources and Environment shall collaborate with concerned authorities to materialize this Decision and effectively implement.

Article 21: Entry into Force

This decision enters into force from the date of its signature. All prior provisions, rules and regulation which contradict the provisions of this Decision shall be cancelled.

Signed and Sealed

Minister for Natural Resources and Environment