



LAO PEOPLE'S DEMOCRATIC REPUBLIC
Peace Independence Democracy Unity Prosperity

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The Prime Minister's

Office No.162/PM
Vientiane, Date 13 October 2003

Decree on
The Control of the Import, Export and Use of Ozone Depleting Substances

- Pursuant to the Law on the Government of Lao PDR No. 02/03/NA dated 6 May 2003;
- Pursuant to the Environmental Protection Law No. 02/99/NA dated 3 April 1999;
- Pursuant to the Proposal of the Minister to the Prime Minister's Office, the President of Science, Technology and Environment Agency.

The Prime Minister issues this Decree:

Chapter I
General Provisions

Article 1. Objectives

This Decree specifies necessary principles, rules and measures for the control of the import, export and use of Ozone Depleting Substances (ODS), in order to protect the environment and prevent the depletion of the ozone layer in accordance with the Country Program on the phase-out of ODS under the Montreal Protocol, ensuring that any development is in compliance with the government's socio-economic plan.

Article 2. Definitions

ODS are chemical substances that have the potential to react with ozone molecules in the stratosphere. ODS are basically chlorinated, fluorinated or brominated hydrocarbons and include:

- Chlorofluorocarbons (CFCs);
- Hydrochlorofluorocarbons (HCFCs);
- Halons;
- Hydrobromofluorocarbons (HBFCs);
- Bromochloromethane;
- Methyl chloroform;
- Carbon tetrachloride; and
- Methyl bromide.

The ozone layer is a term used to describe the presence of ozone molecules in the stratosphere, which is that part of the atmosphere at 10-50 km height above our earth level. It acts as a filter to prevent the harmful ultraviolet radiation (UV-B,C), which is a highly energetic light that originates from the sun, from reaching the earth. Therefore the ozone layer is vital to life on the planet's surface.

Article 3. Controlled substances

Controlled substances include: Chlorofluorocarbon-11 (CFC-11), Chlorofluorocarbon-12 (CFC-12), Hydrochlorofluorocarbon-22 (HCFC-22), R-502, Halon-1211, Halon-1301, Halon-2402, 1,1,1-Trichloroethane and Methyl bromide.

Article 4. Products designed to be used with ODS

The products include:

1. Air conditioners containing refrigerants R-12;
2. Electrical appliances and vehicles designed to be used with ODS such as R-12 and R-22;
3. Fire extinguishers containing Halon 1211, 1301 and 2402;
4. Other products containing ODS.

Article 5. International cooperation

In enforcing this decree to address environmental protection and mitigation issues the government encourages international cooperation on the control of the import, export and use of ODS.

Chapter II

Basic principles of the control of the import, export and use of ODS

Article 6. Basic principles of the control of the import, export and use of ODS include:

1. Juridical entities or organizations wishing to import or export ODS shall obey rules established by this Decree and regulations of concerned Authorities.
2. The use of ODS shall comply with the objectives authorized by the concerned Authorities.
3. In order to facilitate control of their use, only a juridical entity or organization will be permitted to import or export ODS.

Article 7. Registration for import and export control

Juridical entities or organizations wishing to import or export ODS or products, materials, appliances or vehicles which have been designed to use ODS must first register for import and export control with the Science, Technology and Environment Agency or the provincial, city and special zone offices of Science, Technology and Environment. Then they must obtain an import-

export license from the Ministry of Trade or the provincial, city or special zone trade office. This is to ensure that the monitoring and control of the use of the substances are in line with established regulations.

Article 8. Procedures of registration for the control of import and export

The Science, Technology and Environment Agency has been assigned to determine the procedures of registration for the control of import and export of ODS or products, materials, appliances or vehicles which have been designed to use ODS.

Article 9. Issuing of import-export license

Only juridical entities or organizations that comply with Article 7 of this Decree will be entitled to an import-export license. This license will be issued in accordance with the Ministry of Commerce Regulation No 0160/MOC/FTD, dated 25/1/2002, on controlled goods import-export license.

Article 10. Prohibition of import of ODS or products, materials, appliances or vehicles designed to use ODS

To be consistent with the Lao PDR Country Program for the phase-out of ODS under the Montreal Protocol, the import of products, materials, appliances or vehicles designed to use the controlled substances will be prohibited by the Lao Government from 2006, and import of ODS will be prohibited from 2008. ODS which have already been licensed for import before 2008 may be until 2010.

An exemption will be made for ODS for essential uses such as for medical science experiment, research and analysis registered in accordance with Article 7 of this Decree.

Article 11. Import and export of alternative substances

The government of Lao PDR permits the import and export of alternative HCFCs to substitute for the substances which have been prohibited by Article 10 of this Decree. The alternative substances may be used until 2040 as specifies by the Montreal Protocol.

Chapter III

The use of ODS

Article 12. Objectives of the use of ODS

The use of ODS specified in Article 3 of this Decree shall be in accordance with the objectives and technical standards of each type of substance. This is to safeguard the ozone layer.

Article 13. Objectives of the use of each type of substances

Objectives of the use of each type of ODS are as follows:

1. CFC-11 may be used for coolers, repair and maintenance of some machines and foam products.
2. CFC-12 may be used for mobile air conditioners, refrigerators, ice-making machines, water coolers, and repair and maintenance of cooler machines.
3. HCFC-22 may be used for central air conditioners, chillers, air windows, split air conditioning units and ice-making machines.
4. R-502 may be used for freezers, ice-making machines, repairing and maintenance of cooler machines.
5. Halon 1211, Halon 1301 and Halon 2402 may be used for firefighting agents, cleaning solvent in the military electronic equipment.
6. 1, 1, 1 Trichloroethane may be used in metal cleaning and metal stamping industries and aircraft electronic maintenance.
7. Methyl bromide may be used for agricultural activities such as rice seed and tobacco quarantine as fumigants for pest and disease control and for feedstock applications. (Note that methyl bromide has already been banned by the Ministry of Agriculture and Forestry Regulation on Management and Use of Pesticides in Lao PDR No 0886/MAF, dated 10 March 2000).

Article 14. Phase-out of ODS

Within the limits specified in Article 14 of this Decree, persons, juridical entities and organizations will be allowed to use ODS in their production processes or for purposes such as for fire extinguishing, refrigerating, air conditioning, cooling etc, provided obtain a license from the concerned agency. They must also be registered for the purpose of monitoring.

Use of the substances shall follow the Country Program for the phase-out of ODS under the Montreal Protocol, according to the following schedule (the schedule will be reflected in conditions on licenses and approvals):

- 1 January 2003: CFCs will be reduced by 20% from the average level of 1998-2000. Methyl chloroform will be reduced by 20% from the average level of 1998-2000.
- 1 January 2005: CFCs will be reduced by 50% from the average level of 1995-1997. Halons will be reduced level of 1995-1997. Carbon tetrachloride will be reduced by 85% from the average level of 1998-2000. Methyl chloroform will be reduced by 30% from the average level of 1998-2000.

- 1 January 2007: CFCs will be reduced by 85% from the average level of 1995-1997. CFCs will be reduced by 85% from the average level of 1998-2000.
- 1 January 2010: CFCs, Halon, carbontetrachloride and methylchloroform will be reduced by 70% from the average level of 1998-2000.
- 1 January 2015: Reduce the use of methyl/chloroform and methyl bromide.
- 1 January 2016 onwards: Do not exceed the average level of 2015 baseline.
- 1 January 2040: Complete phase-out of HCFCs.

Chapter IV

Control of the use of ODS

Article 15. Institutions controlling the import, export and use of ODS

At the central level it is STEA's role to assist the government in controlling the import, export and use of ODS by coordinating the concerned parties.

At the provincial, municipal and special zone levels, the provincial, municipal and special zone offices of Science Technology and Environment have a duty to coordinate with the authorities concerned to control the import, export and use of ODS.

The rules governing the control of the import and export of ODS will be determined within their respective areas of responsibility by STEA and the Ministry of Commerce.

Article 16. The rights and duties of STEA in controlling of import, export and use of ODS

1. To develop the country program for the phase-out of ODS into detailed plans, programs and regulations on control of the import, export and use of ODS, working in coordination with concerned parties.
2. To undertake the control of the import, export and use of ODS and report the situation to the government.
3. To act as the coordination center between the concerned sectors and local administration authorities for controlling the import, export and use of ODS.
4. To monitor the implementation of the country program for the phase-out of ODS, and projects related to the consumption of controlled substances.
5. To train and upgrade the skills of public technical staff in controlling and monitoring the import, export and use of ODS.

6. To train and upgrade the skills of both public and private technical staff in the use of alternative substances and recovering ODS.
7. To educate and raise awareness for ODS users by coordinating with the concerned sectors and local government authorities. This will include disseminating information on ODS to all parties concerned, from both the public and private sectors, to enable them to comply with the provisions established in the country program under the Montreal Protocol.
8. To coordinate with authorized concerned parties in giving orders to suspend the movement of controlled substances or to close down any activities that cause adverse impacts to the atmosphere.
9. To cooperate with the international community in the area of protection of the ozone layer.
10. To perform other rights and duties pertaining to control of the import, export and use of ODS as authorized.

Article 17. The rights and duties of the provincial, Municipal and special zone offices of Science, Technology and Environment in controlling the import, export and use of ODS

1. To implement plans and projects under the country program for the phase-out of ODS to control the import, export and the use of ODS in coordination with the concerned parties.
2. To undertake the control of the import, export and use of ODS and report the situation to the Science, Technology and Environment Agency and provincial, municipal and special zones governors.
3. To act as the coordination center between the concerned sectors and local administration authorities at the provincial level for controlling the import, export and use of ODS.
4. To educate and raise awareness for ODS users by coordinating with the concerned sectors, disseminating data information on ODS to all parties concerned, from both the public and private sectors in order to enable them to comply with the provisions established in the country program under the Montreal Protocol.
5. To coordinate with authorized concerned parties in giving orders to suspend the movement of controlled substances or to close down any activities that cause adverse impacts to the atmosphere, and to perform other rights and duties pertaining to control of the import, export and use of ODS as authorized.

Article 18. Inspecting institutions

STEA and the offices of Science, Technology and Environment at the provincial, municipal and special zone level act as the inspecting institutions for the use of ODS in coordination with the concerned parties.

Article 19. The approach of inspection

Inspection of ODS users will be carried out on a quarterly, bi-annual or annual basis, with the exception of the case when there is a request from other parties. In such a case an extra inspection can be carried out. Concerned parties and the users of ODS must cooperate with the authorized inspector. Each inspection must be recorded in a proper manner as specified in the regulation.

**Chapter IV
Awards and Sanctions**

Article 20. Awards

Persons, juridical entities or organizations which have remarkable accomplishments in observing this Decree shall be awarded or receive other forms of recognition according to the rules of concerned parties.

Article 21. Sanctions

Persons, juridical entities or organizations which have violated this Decree shall be subject to warnings, fines, civil sanctions or criminal charges according to the law.

**Chapter V
Final Provisions**

Article 22. Implementation

STEA, and the offices of Science, Technology and Environment at provincial, municipal and special zone level shall develop and implement this Decree in collaboration with concerned parties.

Article 23. Entry into Force

This Decree enters into force from the date of its signature.

All prior Provisions, rules and regulations which contradict the provisions of this Decree shall be cancelled.

**Seal and signature
Prime Minister**