Unofficial translation

LAO PEOPLE'S DEMOCRATIC REPUBLIC
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

Ministry of Natural Resource and Environment
No.1686/MONRE
Vientiane Capital
date 07 April 2021

Decision
On Chemical Controls under the Montreal Protocol

- Pursuant to the Law on Environmental Protection No. 29/NA, dated 18 December 2012;
- Pursuant to the Law on Chemical Management No.07/NA, dated 10 November 2016;
- Pursuant to the Decree on Import-Export Management and Use of Ozone-Depleting Chemicals No.162/PM, dated 13 October 2003;
- Pursuant to the legal compliance certificate of the Department of Law No. 153/MOF, dated 22 March 2021;
- According to the letter of the Department of Monitoring and Controlling Pollutions, No. 0512/DMCP, dated 22 March 2021.

The Decision of the Minister:

Chapter 1
General Provisions

Article 1 Objective

This Decision is made for rules, procedures, and measures relating to the management and monitoring of the conduct of business and the use of chemicals under the Montreal Protocol and the Chemical Containers. By controlling, reducing, and eliminating the use of ozone-depleting chemicals released to ozone depletion, protecting global warming, restoring the ozone layer, and reducing the impact on life, the health of people, animals, plants, other organisms, and ecosystems. Contributing to sustainability and green socio-economic development.

Article 2 Chemical controls under the Montreal Protocol

Chemical management under the Montreal Protocol is the implementation of measures to regulate the business operation. Also, the use of such chemicals by the technical standards to ensure the safety of health, life, property, environment, and society.

Article 3. Definitions

1. Chemicals under the Montreal Protocol refer to chemicals that are regulated under the protocol in the form of solvents or as compounds that deplete the ozone layer (ODS). When it, is released into the atmosphere, depletes the ozone layer and hydrofluorocarbons (HFCs) that cause global warming;
2. The Montreal Protocol refers to the International Environmental Protocol to which Lao PDR is a party, which aims to reduce and eliminate the use of ozone-depleting chemicals. In reducing the use of hydrofluorocarbons (HFCs) by promoting the use of alternative chemicals to restore the ozone layer and reduce the impact on life, health of people, animals, plants, other organisms, and ecosystems;
3. Chemical equipment under the Montreal Protocol refers to equipment containing chemicals for use in various purposes such as refrigeration, air conditioning, fire extinguishing systems, fire extinguishing tanks;
4. Quantity of chemicals refers to the number of chemicals that are allowed to be imported or exported based on the annually chemical import volume plan under the Montreal Protocol;
5. Doing business on chemicals and chemical packaging equipment under the Montreal Protocol refers to the operation of import-export, distribution, service, storage, transportation, and use of such chemicals and chemical packaging;
6. Particle refers to a unit used to refer to the smallest or smallest particles, such as electrons, molecules, neutrons, and protons;
7. Global warming capacity refers to the potential for global warming over one hundred years, based on the radiation of carbon dioxide (CO2) that causes greenhouse gases;
8. Counterfeit chemicals under the Montreal Protocol refer to chemicals that have the same name, substance, or shape as or similar to those registered under the Montreal Protocol, which have different characteristics or different ingredients;

9. Non-standard chemicals under the Montreal Protocol refer to chemicals that are low quality, contain impurities, or have improper ingredients by the registered chemical properties specified in the Montreal Protocol.

Article 4 Scope

This Decision applies to individuals, legal entities, or organizations, both domestic and foreign, living and operating in the Lao PDR.

Chapter 2

Chemicals under the Montreal Protocol

Article 5: Types of Chemicals under the Montreal Protocol

There are two types of chemicals under the Montreal Protocol:

1. Ozone-depleting substance (ODS);
2. hydrofluorocarbons (HFCs).

Article 6. Chemicals that deplete the ozone layer

Chemicals that deplete the ozone layer are chemicals that form the particles of Carbon, Chlorine, Fluorine, or Bromine that are components of the following groups:

1. CFC;
2. HCFCs;
3. Halon;
4. HBFCs;
5. Bromochloromethane;
6. Methyl chloroform;
7. Carbon tetrachloride;
8. Methyl bromide;
9. ODS mixtures.

The group of chlorofluorocarbons is a group of carbon particles (Carbon), Chlorine, and Fluorine that are the chlorofluorocarbon group consists of two subgroups, the chlorofluorocarbons, which can deplete the ozone layer and the global warming capacity, and the chlorofluorocarbons, which can only deplete the ozone layer.

Hydrochlorofluorocarbons are a group of hydrogen particles

(Hydrogen), Carbon, Chlorine, and Fluorine, with the ability to deplete the ozone layer and potentially cause global warming

A helium group is a group composed of bromine particles (Bromine), Carbon, and Fluorine with the ability to destroy the ozone layer.

Hydrochlorofluorocarbons are a group of hydrogen particles (Hydrogen), Bromine, Carbon, and Fluorine with the ability to destroy the ozone layer.

Bromochloromethane is a group of hydrogen particles (Hydrogen), Carbon, Chlorine, and Bromine with the ability to destroy the ozone layer.

A methane chloroform group is a group of hydrogen particles (Hydrogen), Carbon, and Chlorine with the ability to destroy the ozone layer.

A tetrachloride group is a group of carbon particles (Carbon) and Chlorine with the ability to destroy the ozone layer.

Methane bromine is a group of carbon particles (Carbon), Hydrogen, and Bromine with the ability to destroy the ozone layer.

An ozone-depleting chemical group is a group of at least two or more chemical compounds, including ozone-depleting chemicals.

The details of the chemicals in each of the above groups shall be implemented as defined by Ministry of Industry and Commerce.

Article 7 Chemicals that cause global warming (HFCs)

The chemicals that cause global warming are the chemicals that evaporate into the ozone layer to form greenhouse gases. The chemicals that cause global warming are divided into two groups as follows:

1. Single hydrofluorocarbons (HFC mixtures);
2. Mixed hydrofluorocarbons (HFC mixtures).

Hydrogen fluorocarbons are a group of solids composed of hydrogen particles (Hydrogen) and Fluorine that can be precious global warming capabilities.

Hydrofluorocarbons are a group of chemicals that contain at least two or more chemicals, including hydrofluorocarbons but no ozone-depleting chemicals.

The details of the chemicals in each of the above groups shall be by the regulations of the Ministry of Industry and Commerce.

Chapter 3

Management, control, reduction, cessation, and use of chemicals under the Montreal Protocol

Article 8 Chemical management under the Montreal Protocol

The coordination with the relevant authorities, including the determination of the annual chemical import plan under the Montreal Protocol in terms of controlling the pollution, monitoring, inspecting, and disposal of chemicals. By following the National Ozone Reduction and Cessation Program (CFC); National Program for Reducing and Eliminating the Use of Ozone-depleting Chemicals (HCFC) and National Program for Reducing the Use of Global Warming Chemicals (HFCs), notifying in writing to the Ministry of Industry and Commerce as a basis for approving the import of such chemicals before November 30 of each year.

Article 9 Control, reduce and stop the use of chemicals under the Montreal Protocol

Underline the Montreal Protocol, in controlling, reducing, and eliminating the use of chemicals that cause global warming (HFCs) by the National Ozone Reduction and Reduction Program and the National Program for Reducing and Eliminating Hormone Depletion (HFC).

Article 10. Storage and chemical treatment under the Montreal Protocol

Any person, entity, or organization that conducts business and uses chemicals under the Montreal Protocol and the equipment containing such chemicals must build a warehouse to store them before selling and using them. In applying for a permit to build a warehouse that must be followed the regulations of the Ministry of Industry and Commerce.

Any person, entity, or organization that conducts business and uses chemicals under the Montreal Protocol and the equipment containing such chemicals shall be treated with appropriate application of technical practice, technology, machinery, or equipment and by the safety guidelines. Before and after implementing the chemical treatment that shall be reported to the Department of Industry and Commerce, the Department of Monitoring and Controlling Pollution, and relevant departments.

Article 11 Control of counterfeit and non-standard chemicals under the Montreal Protocol

Any person, legal entity, or organization that finds or has information on counterfeit and substandard chemicals under the Montreal Protocol shall report to the Department of Industry and Commerce, Department of Monitoring and Controlling Pollution, and relevant sectors within five working days from the date of discovery.

Upon receipt of a notice from the Department of Industry and Commerce, Department of Monitoring and Controlling Pollution, those who own and use counterfeit chemicals under the Montreal Protocol before or after this Decision must be stopped and stored in standard warehouses. The owner shall be responsible for the cost of disposing of the chemical and the equipment contained and the location should be a specific place with appropriate technology.

Chapter 4
Monitor inspection of chemical equipment under the Montreal Protocol

Article 12 Inspection of chemical containers under the Montreal Protocol

The Provincial and Vientiane Capital Department of Natural Resources and Environment shall monitor the inspection of refrigeration equipment before entering through international checkpoints. The implementation should be coordinated with the relevant sectors in collecting information on chemicals and the number of equipment containing chemicals under the Montreal Protocol and report to the Department of Monitoring and Controlling Pollution for each inspection. The R-22 and R-123 hydrofluorocarbon (HFC) refrigeration equipment will be banned from 01 January 2023 onwards.

Article 13. Certification of the chemical containers inspection results under the Montreal Protocol

During the inspection of equipment containing chemicals under the Montreal Protocol as specified in Article 12 of this Decision. If the type and number of refrigeration equipment are already approved by the Industry and Commerce sector, the Provincial and Capital Division of Natural Resources and Environment shall label each device to confirm the results of the inspection.

Chapter 5
Final Provisions

Article 14 Implementation

The Department of Controlling and Monitoring Pollution has issued a technical guidebook on the implementation of this Decision.

The Department of Controlling and Monitoring Pollution coordinates with the Natural Resources and Environment Office and other relevant parties to implement this Decision.

Individuals, legal entities, and organization is informed and must be implemented accordingly to this Decision.

Article 15 Effectiveness

This Decision shall enter into force fifteen days after the date of its signing and entry into the Lao Official Gazette.

This Decision replaces Decision No. 7858/MONRE on the Management of Ozone Depleting Chemicals, dated 09 November 2012

Any provisions that are inconsistent with this Decision are hereby repealed.

Minister

Ms. Bounkham Vorachit