



LAO PEOPLE'S DEMOCRATIC REPUBLIC
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Prime Minister's Office
Science, Technology and
Environment Agency

No. 2358/STEA-PMO
Vientiane, Dated 16 November 2004

Regulation on
Control of Imports, exports and Consumption of Ozone Depleting Substances

- According to the Prime Minister's Decree No. 68/PMO, dated 21/5/1999 on the establishment and functioning of the science, Technology and Environment Agency.
- According to the Prime Minister's Decree N. 162/PM, dated 13/10/2003 on Control of Import and Exports of Ozone Depleting Substances.

Minister to the Prime Minister's Office, President of Science, Technology and Environment Agency issues the following Regulation:

Part I
General Provisions

Article 1. The Objective

This regulation has been issued to define the procedure to control the Imports, Exports and Consumption of Ozone Depleting Substance and products designed for use of ozone depleting substances in order to implement effectively the Prime Minister's Decree No. 162/PMO, dated 13/10/2003, with the consensus of the concerned agencies.

Article 2. Definitions

Ozone Depleting Substances (ODS) means in this Regulation the types of Ozone Depleting Substances that are listed in Article 2 of the Decree No.162/PMO, dated 13/10/2003 on Control the Imports, Exports and Consumption of Ozone Depleting Substances (as further specified in the Montreal Protocol on Substances that deplete the ozone layer, Annex A, B, C and E), The ODS are chemical substances that have the potential to react with ozone molecules in the stratosphere. ODS are Chlorofluorocarbons (CFCs), Halons, Hydrobromofluorocarbons (HBFCs), Hydrochlorofluorocarbons (HCFCs), Bromochloromethane, Methylchloroform, Carbontetrachloride, and Methyl Bromide.

In this regulation “CFCs” means CFC 11, CFC 12, CFC 113, CFC 114 and CFC 15 as part of “R 502” (as further specified in Annex A, Group I of the Montreal Protocol).

“HCFCs” means the HCFCs listed in Annex C, Group I of the Montreal Protocol.

“Halons” means Halon 1211, Halon 1301 and Halon 2402 (as specified in Annex A, Group II of the Montreal Protocol).

The regulation applies to the ODS whether they exist alone or as part of a mixture. It applies to both virgin, used, recovered, recycled and reclaimed ODS.

Article 3. Designed Products for use of Ozone Depleting Substances

The designed products are included:

1. Refrigerant containing refrigerant R- 12 (CFC- 12);
2. Electrical appliances designed to use refrigerant R- 12 “(CFC- 12)” and R- 22 “(HCFC- 22);
3. Fire extinguishers containing Halon 1211, 1301 and 2402;
4. Other products designed to use Ozone Depleting Substances.

Part II

The Registration and Approval of Imports and Exports of Ozone Depleting Substances and Products Designed for use of Ozone Depleting Substances

Article 4. Registration and Approval of ODS Imports

Juristic entities and organizations that wish to import ozone depleting substances must apply to the Science, Technology and Environment Agency (STEA) – directly or through a Provincial, Capital or Special zone office of Science, Technology and Environment – for registration approval as an ODS importer according to the Application form as Annex 1. Applications for registration as CFC importers shall be submitted from November 2004 onwards but not later than 1 July 2005.

The provincial, Capital or special of Science, Technology and Environment shall forward the application to STEA as soon as possible, with its own comment when relevant.

Applications for registration as HCFC importers can be submitted at any time but not later than 2 months before the date of the intended import. STEA will approve the registration within 30 days. The application shall contain the same information as mentioned above as Annex 1 with the exception that information on previous imports only has to be given for the year prior to the current year.

Registration as an importer of any other type of ODS will only be considered on an exceptional basis and only as allowed under the Montreal Protocol.

Article 5. Approval of Quota on Ozone Depleting Substances

The Science, Technology and Environment Agency will decide on an annual CFC quota as soon as possible for each CFC importers of Provincial, Capital and special zone, based on the importer's import history and other relevant considerations following the Country Programme on Phase out the ODS which says to reduce 50% of CFC consumption by 2005, to reduce 85% of CFC consumption by 2007 and to reduce 100% of CFC consumption by 2010.

CFC quotas for future years shall be requested not later than 1 November the year before the intended year of import. STEA will decide on the quota as soon as possible but not later than 1 December.

STEA will assign each registered importer a specific registration number. This number should be used in all contacts with relevant authorities concerning ODS imports should be shown on each imported ODS container.

Article 6. Imports Licenses for Ozone Depleting Substances

Juristic entities and organizations that has been registered and approved as an ODS importer in accordance with article 4 of this regulation must then apply to the provincial, Capital or special zone office of the commerce sector for approval of an import license based on specified regulation for each import occasion at least 10 days in advance of the intended import.

The provincial, Capital or Special zone office of the commerce sector should consult the provincial, Capital or special zone office of Science, Technology and Environment before approving the import license.

The application for the import license should be done according to the Form as Annex 2.

Article 7. Application for registration and export licenses for Ozone Depleting Substances

Juristic entities and organizations that wish to export ozone depleting substances must apply to the Science, Technology and Environment Agency directly or through the Provincial, Capital or Special zone of Science, Technology and Environment 02 months before the date of the intended export, for registration, consideration and approval.

The application for registration as an ODS exporter should contain information according to the Application Form as Annex 3.

The exporter should then apply to the commerce sector for approval of the export license at least 10 days in advance of intended export, based on specified regulation.

The application for the export license should contain information according to the application Form as Annex 4.

Before approving an export license, the provincial, capital or special zone office of the commerce sector should consult the provincial, Capital or special zone office of Science, Technology and Environment.

An export license shall only be approved if the importer has import license as required by the authorities in the importing country.

Article 8. Import from and export to a Non-Parties

Import as ODS from and export of ODS to a state that is not a Party to the Montreal Protocol or its applicable Amendment will not be approved, except under conditions stated in article 4 paragraph 8 of the Montreal Protocol which says that the Meeting of the Parties to the Montreal Protocol can allow imports from a non-party country that is found by the Meeting to be in full compliance with the Protocol.

Imports of products listed in Annex D of the Montreal Protocol from a state that is not a Party to the Montreal Protocol will also not be approved.

Article 9. Application for import of products designed for use of Ozone Depleting Substances

Juristic entities and organizations that wish to import products designed for use of ozone depleting substances as specified in article 03 of this regulation on the control imports, exports and consumption of ozone depleting substances must apply to the Science, Technology and Environment Agency – directly or through the Provincial, Capital and Special Zone of Science, Technology and Environment for consideration and provide technical information before approval of an import license from the commerce sector according to the specified regulation.

The application should contain information according to the Application Form as Annex 5.

Import of refrigerators, electrical appliances, compressors, fire extinguishers and other products that are designed for use of CFC refrigerants or halon fire extinguishing agents will only be considered exceptionally on a case by case basis and in any case not later than 1 January 2006.

Import of electrical appliances that rely on HCFC 22 refrigerants will be exempted from registration and approval until further notice.

Part III

Reporting on actual imports and registration or users of ozone depleting substances

Article 10. Reporting on Imports and export

Juristic entities and organizations that has a license to import or export of ozone depleting substances as stated in article 6 and 7 of this regulation shall annually report on the actual import during the previous year to the Provincial, Capital and Special Zone of Science, Technology and Environment Office.

Provincial, Capital and Special Zone Office of Science, Technology and Environment shall compile and report the statistic data on registration , import-export of ODS, including products designed for use of ODS and number of domestic business to the Science, Technology and Environment Agency every 12 months accordingly.

Article 11. Registration for Domestic Businessman

Persons and juristic entities or organizations that use the ozone depleting substances for production or for purposes such as service or repair of fire fighting, refrigeration, air conditioning or cooling equipment must apply to the Science, Technology and Environment Agency or Provincial, Capital and Special Zone of Science, Technology and Environment for approval. They will also be registered for the purpose of monitoring the appropriated use.

The application should contain information according to the Form as Annex 6.

The Provincial, Capital and Special zone offices of Science, Technology and Environment will keep a special register on the approved ODS users and can require updating of the information on an annual basis as needed.

Part IV

Controlling and Reporting of Registration, Import-Export and Domestic businessman

Article 12. Controlling of Import-Export and consumption

Department of Environment and the Cabinet of the Science, Technology and Environment Agency in collaboration with Trade and concerned sectors, including Provincial, Capital and Special Zone offices of their respective sectors are responsible to control, monitor the registration, consider the application of import and export and consumption of ODS and products designed for use the ODS.

Part V

Awards and Sanctions

Article 13. Awards

Persons and juridical entities or organizations, which have remarkable accomplishments in implementing this regulation shall be awarded as appropriate.

Article 14. Sanctions

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

Part VI

Final Provisions

Article 15. Implementation

Science, Technology and Environment Agency, and the offices of Science, Technology and Environment at provincial, Capital and special zone shall cooperate with concerned sectors to implement this regulation strictly.

Article 16. The Sacred

This regulation has entered into force after the signature.

**Minister to the Prime Minister's Office
President of Science, Technology and Environment Agency
Prof. Dr Bountiem PHISSAMAY**