

Establishment and Enforcement of Ozone Depleting Substances (ODS) Control Regulations in Zambia



By
Zambia National Ozone Unit
January 2007



Environmental Council of Zambia

TABLE OF CONTENTS

ACKNOWLEDGEMENTS	3
ABBREVIATIONS	4
FOREWORD	5
1.0 INTRODUCTION	6
1.1 HISTORY OF ENVIRONMENTAL PROTECTION IN ZAMBIA	6
1.2 ZAMBIAN LAW ON THE PROTECTION OF THE OZONE LAYER	7
1.3 ZAMBIA'S COMMITMENT TO GLOBAL ENVIRONMENTAL PROTECTION	7
1.4 OZONE	8
2.0 COUNTRY PROGRAMME TO PROTECT THE OZONE LAYER	8
2.1 PREPARATION OF THE ODS CONTROL REGULATIONS	9
2.1.1 Literature Review	9
2.1.2 Preparation of the draft	9
2.1.3 Review of the draft by the Legal Specialist	9
2.1.4 Finalisation of the draft	9
2.1.5 Review by Stakeholders	10
2.1.6 Review by Focal Ministry in Government	10
2.1.7 Submission to Legal Ministry in Government	10
2.1.8 Submission to Cabinet / Parliament	10
2.1.9 Adoption by Government into Statutory Instrument	10
2.1.10 Public Awareness	10
2.2 ENFORCEMENT OF THE ODS REGULATION	10
2.2.1 Licensing of ozone depleting substances	10
2.2.2 License fee	11
2.2.3 Returns	11
2.2.4 Monitoring and control measures	11
2.2.5 Border Controls	11
2.2.6 Inspections	12
2.2.7 Disposal Operations	12
2.2.8 Frequently Encountered Offences	12
2.3 COLLABORATION WITH OTHER INSTITUTIONS	12
2.4 CHALLENGES ENCOUNTERED DURING ENFORCEMENT	13
3.0 CONCLUSION	13
REFERENCES	22

LIST OF FIGURES

1	ECZ offices as enforcement institution in Zambia	7
2	Zambia flag	7
3	Ozone Molecules	8
4	Ozone depletion	8
5	Ozone Hole	8
6	Stakeholder awareness on ODS control regulations	10
7	Prohibition of illegal imports & exports of ODS	11
8	Zambia Compliance Status on ODS Consumption	11
9	Customs Officers verifying a suspected refrigerant	11
10	Customs Officers doing checks of MAC at the Border	12
11	An Environmental Inspector checking the storeroom for refrigerants	12

LIST OF ANNEX

Form 1	Application for Permit to Import/distribute controlled substance.	14
Form 2	Application for Permit to Import / export recovered, recycled, reclaimed or used controlled substance .	15
Form 3	Application for Permit to export recovered, recycled, reclaimed or used controlled substance.	16
Form 5	Annual Report for imports of controlled substances	17
Form 6	Annual Report for import/export recovered, recycled, reclaimed or used controlled substances.	18
Form 9	Information to be maintained	19
Form 10	Declaration by the recipient/Buyer of controlled substance	20
Form 11	Permit to Import/Produce/Use/Export/Sale/Handle controlled substance.	21

ACKNOWLEDGEMENTS

The Government of the Republic of Zambia (GRZ) would like to thank the United Nations Environment Programme on Capacity Assistance Programme (UNEP/CAP) under the United Nations Environment Programme Division of Technology Industry and Economics (UNEP/DTIE) for the financial and technical assistance provided in the preparation of this document.

Particular thanks are due to the Environmental Council of Zambia (ECZ) for their valuable logistical support and the National Task Force on the development of the Ozone Depleting Substances (ODS) Control Regulations and enforcement measures. I wish to specifically recognize the invaluable contribution of the management and staff of ECZ who participated in the development of this document.

The success of this process belongs to you all.



Mathias Banda

National Ozone Coordinator

ABBREVIATIONS

CFC	Chlorofluorocarbon
CAP	Capacity Assistance Programme
CBU	Copperbelt University
EIA	Environmental Impact Assessment
ECZ	Environmental Council of Zambia
EPPCA	Environmental Protection and Pollution Control Act
GTZ/Proklima	Germany Technical Assistance/Proklima International
GRZ	Government of the Republic of Zambia
MEAs	Multilateral Environmental Agreements
MTENR	Ministry of Tourism, Environment and Natural Resources
NOU	National Ozone Unit
ODS	Ozone Depleting Substances
ODP	Ozone Depleting Potential
PTS	Pesticide and Toxic Substances
NCS	National Conservation Strategy
NEAP	National Environmental Action Plan
NORTEC	Northern Technical College
UV-B	Ultraviolet B Radiation
UNZA	University of Zambia
UNEP	United Nation Environment Programme
UNDTIE	United Nations Environment Programme Division of Technology Industry and Economics
ROACAP	Regional office of Africa Compliance Assistance Programme

FOREWORD

Zambia being a Party to the Vienna Convention has met one of the major Montreal Protocol's objectives which demands that each Party establishes and operationalise control measures in the production and consumption of Ozone Depleting Substances (ODS).

My message to you is that the Zambian community is committed to the obligations of the Montreal Protocol to phase-out ODS. The Zambian Government is also proud of the success and achievement scored by the strategy of the Montreal Protocol to ensure compliance is achieved by all Parties.

On behalf of the Zambian Government, I wish to express my appreciation to the Multilateral Fund for the implementation of the Montreal Protocol, the OzonAction Programme through the Regional Office for Africa's Compliance Assistance Programme (ROAA/CAP) for assisting the Zambia National Ozone Unit (NOU) in developing this document. This document has been developed using a participatory approach that draws on the experience of numerous stakeholders at National level.

I am confident that this document will be useful not only to the Zambian community but also to the international community in achieving compliance to the Montreal Protocol.



Mr. Edward H. Zulu

Director - Environmental Council of Zambia

ESTABLISHMENT AND ENFORCEMENT OF THE OZONE DEPLETING SUBSTANCE REGULATIONS IN ZAMBIA

1.0 INTRODUCTION

Zambia's commitment to Multilateral Environmental Agreements (MEAs) enabled the country to cooperate with international and bilateral partners in the design and development of legislation on ODS control measures. These cooperating partners agreed to focus on one of the government's objective on the establishment of legislation to control consumption of ODS.

In the 1990s, Zambia, like most Article 5 (1) Countries lacked the legal system framework for the control of ODS imports and exports and a reliable system to monitor ODS consumption. Under the Montreal Protocol, an Article 5 (1) country is defined as any party whose annual calculated level of consumption of controlled substances is less than 0.3 Kg per capita.

Zambia is a non-producer of ODS. Therefore regulatory control has been concerned with the importation and consumption requirements. This regulatory control has been made possible through technical and financial assistance from Germany Technical Cooperation (GTZ)/ Proklima International. GTZ/Proklima has been supporting countries in East and Southern Africa, including Zambia, to develop regulations that control ODS.

The short term objective of the assistance has been to ensure that Article five countries in Southern and East Africa improve their existing legal and administrative systems to monitor and control ODS consumption. The long term objective has been to support Article 5 country governments in Southern and East Africa on their obligation as parties to the Montreal Protocol.

In Zambia, the assistance provided an opportunity to develop the ODS regulations. This was achieved through participation of Government Institutions, Industry, the Commercial Sector, Community Associations and Legal Practitioners. The expected immediate output was the development and establishment of procedures to control and

monitor ODS consumption. In the long term it was expected that legal requirements would assist the environmental authority in the enforcement of ODS consumption control measures in Zambia.

1.1 HISTORY OF ENVIRONMENTAL PROTECTION IN ZAMBIA

Conservation of natural resources in Zambia has existed since the 1950s. With the advent of various environmental challenges such as climate change, desertification and other environmental health problems, the Zambian government realised that there was need to develop policies and strategies to protect the environment and human health.

Zambia's first attempt at developing an environmental policy started with the development of the National Conservation Strategy (NCS) in 1985. The three objectives of the NCS were to:

- Ensure sustainable use of Zambia's renewable natural resources;
- Maintain Zambia's biological diversity; and
- Maintain essential ecological process and life-support systems (like nutrient, recycling systems and cleaning of water).

The main recommendations of the NCS were:

- The establishment of the ECZ,
- Enactment of a comprehensive environmental Act;
- Building an environmental input in development planning through environmental assessment of projects; and
- Promotion of Community participation in natural resources management.

These recommendations resulted in the enactment of the Environmental Protection and Pollution Control Act (EPPCA) of 1990 and the subsequent establishment of ECZ in 1992. To build on the NCS, GRZ developed the National Environmental Action

Plan (NEAP) in 1994. The NEAP was prepared based on three principles:

- Every citizen is entitled to a clean and healthy environment;
- Local community and private sector participation in the management of natural resources and the environment; and
- Mandatory Environmental Impact Assessment (EIA) for all major projects in Zambia.

Currently Zambia is in the process of developing a National Policy on Environment (NPE). The main purpose of the NPE will be to create an umbrella policy for the welfare of the nation's environment so that socio-economic development will be achieved effectively without damaging the integrity of the environment or its resources. This policy is expected to encompass all areas of environmental management including management of issues related to ODS.

Zambia's strategy to have a strong environmental institutional and regulatory framework, was the establishment of ECZ as a principal authority on environmental matters.

Figure 1



*Environmental Council of Zambia Offices in
-Lusaka*

ECZ was mandated by the EPPCA to develop a comprehensive regulatory framework. In this regard, ECZ has promulgated a number of regulations governing the management of water and air pollution, waste, pesticides and toxic substances, environmental impact assessment and ODS.

1.2 ZAMBIAN LAW ON THE PROTECTION OF THE OZONE LAYER

Zambia's approach to bringing into effect international instruments is through the dualism system where the instrument does not become law until it is first ratified and then domesticated into national law through the legislature. The ODS control regulations were formulated to domesticate the Montreal Protocol and is enshrined in the EPPCA.

The ODS Control Regulations were promulgated with the view of to prevent and/or minimise the emission of ODS into the ambient air. In addition, the Regulations control the importation, exportation, production and consumption of ODS in Zambia.

The ODS control Regulations, empower other than ECZ, other enforcement institutions such as Customs authority and the Police to demand for relevant Permits and Licenses concerning any Controlled Substances.

1.3 ZAMBIA'S COMMITMENT TO GLOBAL ENVIRONMENTAL PROTECTION

Like most developing countries, Zambia faces various challenges in the management of the environment and natural resources.

Figure 2



Zambia

Government's efforts stem from the acceptance and appreciation of the fact that the environment needs to be protected and preserved not just for present, but for future generations as well. Principle 21 of the United Nations Declaration on the Environment bestows upon each state like Zambia, the right to exploit her natural resources according to her own environmental policies and internal management structures. This right, however, comes with the corresponding obligation to ensure that the country's domestic activities do not cause damage to the environment of other states outside her jurisdiction.

Zambia's realization that there is need for international cooperation in addressing the dynamic environmental challenges of this century is shared by the international community. This realization is attested to by the fact that there has, in recent times, been a growing international recognition that most environmental challenges are global in nature, and that these would pose an increasing threat if not collectively addressed. One such challenge is that of the depletion of the ozone layer, ozone being a transparent gas comprising three atoms of oxygen. Ever, since the global community accepted that there was need for protection of the ozone layer, there have been several efforts to achieve this.

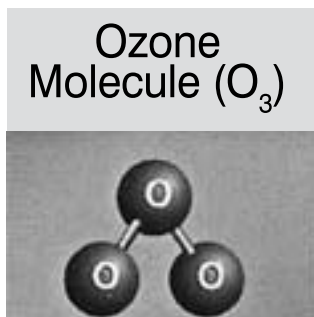
International efforts to protect the Ozone Layer have culminated into the adoption of several MEAs by nations the world over, key of which are: the Vienna Convention on the Protection of the Ozone Layer concluded in 1985 and the Montreal Protocol on Substances that Deplete the Ozone Layer, which was concluded in 1987.

Zambia, like many other sovereign states, is making the necessary efforts to protect the ozone layer, a crucial component of the stratosphere, and whose importance in ensuring the protection of human health cannot be over-emphasized. In adherence to the requirement for international cooperation and action in addressing the question of protection of the ozone layer, Zambia acceded to the Vienna Convention and the Montreal Protocol on January 24 1990. She ratified the London Amendment on April 15, 1994.

1.4 OZONE

Ozone is a gas with three atoms of oxygen. It is found in the upper atmosphere known as the stratosphere at an altitude of 10-50km above the Earth.

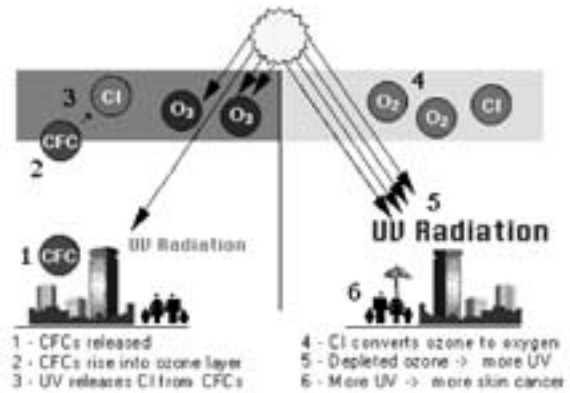
Figure 3



Source: UNEP

Ozone is formed in the stratosphere by the action of solar radiation on Oxygen in a process called photolysis. The process forms a band like layer called the Ozone layer. The ozone layer is located in the upper atmosphere. It's major purpose is to act like a filter, preventing harmful Ultraviolet (UV-B) rays from reaching the earth. This Ozone layer is important because it shields man and natural resources on Earth from UV rays from the sun. However, man-made chemicals such as chlorofluorocarbons (CFCs) and halons have the potential to destroy the ozone layer.

Figure 4



Ozone Depletion

Source: UNEP

CFCs in the stratosphere may persist over a long period of about 50-200 years before they can degrade, destroying the ozone causing the ozone holes which allow UV-radiation to penetrate to the earth.

Figure 5



The Ozone Hole

Source: UNEP

2.0 COUNTRY PROGRAMME TO PROTECT THE OZONE LAYER

In 1991 Zambia joined other Parties in Africa to prepare a Country Programme on the reduction

and phase-out of ODS. The Country Programme for Zambia was approved and adopted by government as a policy guideline on the protection of the ozone layer in Zambia. With the assistance of cooperating partners such as UNEP and GTZ the Zambian government established the National Ozone Unit (NOU) based at the ECZ to strengthen the country program, The NOU spearheaded the development of the ODS Regulations which came into effect in 2001.

2.1 PREPARATION OF THE ODS CONTROL REGULATIONS

2.1.1 Literature Review

The NOU in conjunction with the Ministry of Tourism, Environment and Natural Resources (MTENR) reviewed existing legislation relating to ODS. The review revealed that there were few pieces of legislation with a direct bearing on the controlled substances listed under the Montreal Protocol. The key pieces of legislation identified from the review included: The Plant, Pest and Diseases Act CAP 233, The EPPCA CAP 204, The Natural Resources Conservation Act (NRCA) CAP 315, the Local Government Act CAP 281 and The Forest Act CAP 199. Below is a summary of the said Acts in relation to ODS:

(a) *The Plant, Pest and Diseases Act*

Under the section dealing with the Phytosanitary control measures, Methyl Bromide is cited as one of the chemicals used in the control of certain diseases. Under the Act, agricultural and natural resource products can be treated with Methyl Bromide when importing and exporting.

(b) *The Environmental Protection and Pollution Control Act*

Under the part to prevent pollution of the ambient air, the Act prohibits emission into the ambient air any pollutant. Under the part on Pesticides and Toxic Substances (PTS) the Act provides for the control of toxic substances in relation to methyl Bromide.

(c) *The Natural Resources Conservation Act*

The Act mentions the prevention of pollution caused by smoke from open air burning and fumes from cars as contributing to climate change.

(d) *The Local Government Act*

The Act provides for the control of fire using fire extinguishing substances such as water, gas, foam or dry powder.

(e) *The Forest Act*

This Act provided for the use of chemicals such as Methyl Bromide in the treatment of soils in the Forestry nursery and in the treatment of forest products. This provision has since been repealed to exclude all banned substances.

The relevant piece of legislation which was appropriate for anchoring the ODS control Regulations was the EPPCA as it had related clauses with information that would assist in the control of substances listed under the Montreal Protocol.

2.1.2 Preparation of the draft

In addition to analysing domestic legislation, other pieces of legislation from non Article 5 (1) countries party to the Montreal Protocol, in particular New Zealand, were considered.

2.1.3 Review of the draft by the Legal Specialist

The document was then subjected to review by a Parliamentary Draftsman under the Ministry of Legal Affairs (now Ministry of Justice). The output was the draft ODS Control Regulations. These draft regulations were circulated to the various government and Industry stakeholders for review and comment.

2.1.4 Finalisation of the draft

The Legal Consultant incorporated the comments from the various stakeholders. The second draft

was further reviewed by a technical committee comprising of Environmentalists, Economists, Educationists, Government, Industrialists, Unions, Technologists and Legal Practitioners.

2.1.5 Review by Stakeholders

The NOU organised a Policy Makers Workshop to discuss the third draft and the final Draft ODS control Regulations were produced.

2.1.6 Review by Focal Ministry in Government

The ECZ submitted the final draft ODS Control Regulations to the MTENR for their consideration and endorsement. After review and endorsement, the MTENR then submitted the draft ODS Regulations to the Ministry of Legal Affairs for adoption.

2.1.7 Submission to Legal Ministry in Government

The Ministry of Legal Affairs studied and endorsed the draft ODS Control Regulations. They also developed Cabinet Memorandum for consideration and approval by Cabinet.

2.1.8 Submission to Cabinet / Parliament

Cabinet reviewed and approved the draft ODS Regulations.

2.1.9 Adoption by Government into Statutory Instrument

The GRZ through the Minister in charge of environment signed Statutory Instrument (SI) number 27 of 2001, the ODS Control Regulations.

2.1.10 Public Awareness

Following the passing of the SI 27 of 2001, the NOU embarked on a number of public awareness activities. These included training of technicians as handlers of ODS, Customs officers and other major stakeholders at points of entry in Zambia to assist in the control of ODS flow into the country. This has assisted the enforcement of the ODS

Regulations. The figure below shows one of the awareness stakeholder meeting.

Figure 6



2.2 ENFORCEMENT OF THE ODS REGULATION

Enforcement of the ODS Regulations is carried out through the Inspectorate at ECZ. Key activities for enforcement include licensing, border controls, inspections and disposal operations. This enforcement is coordinated through the NOU by the national steering committee on the protection of the ozone layer in Zambia.

2.2.1 Licensing of ozone depleting substances

The PTS Unit at ECZ licenses the importation, transportation, distribution and disposal of ODS. The Licensing steps are as follows:

- a) Applicant liaises with ECZ Inspectorate.
- b) License requirements:-
 - Application letter,
 - Completed ODS application forms, attached as an annex
 - Material Safety Data Sheet,
 - Company Registration Certificate.
 - Inspection of storage facility
- c) Quotation issued,
- d) Processing and issuance of license (with conditions) to successful applicant, attached as an annex
- e) Accompanying a license is a separate Returns Form. Attached as an annex

2.2.2 License fee

The license fees are based on the ozone depleting potential (ODP) of the controlled substances. The higher the ODP, the higher the license fee the applicant is required to pay. This is intended to discourage the use of ODS and encourage the use of alternatives. As an incentive, those importing ozone friendly substances are not required to pay license fees to ECZ. However, they are required to submit performance returns to ECZ bi-annually.

2.2.3 Returns

The licensed importer or distributor of ODS is required to submit performance returns every six months to ECZ on the consumption of controlled ODS that they imported and supplied. The annual returns help to determine Zambia's performance in meeting the quota allocation according to obligations under the Montreal Protocol.

2.2.4 Monitoring and control measures

Since the passing of ODS Regulations in the year 2001, the number of licensed facilities in Zambia has progressively increased. In 2002 the number of licensed facilities was 3 and 4, 6, 8, 8, in 2003, 2004, 2005, and 2006 respectively. The certification of Technicians has also been rising from 2 in 2002 and 5, 12, 34, 23 in 2003, 2004, 2005, and 2006 respectively.

Figure 7

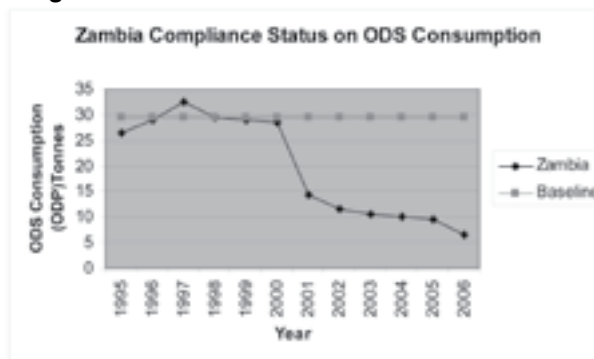


Licensing System in Zambia prohibits illegal imports & exports of ODS

The increase can be attributed to increased public awareness, enhanced inspection and monitoring of industry. Conversely, the use of ozone friendly products on the Zambian market is on the increase due to the switch by commercial sectors to ozone friendly technology as encouraged by the

awareness on ODS control regulations. The Figure 2 below depicts the trends of CFCs reduction as compared to the baseline due to the enforcement of control measures.

Figure 8



Trends of CFCs reduction due to the control measures being enforced.

2.2.5 Border Controls

Border controls are conducted to prevent unauthorized trans-boundary movement of ODS. In order to have effective border controls, ECZ works closely with other Government Institutions operating at border points such as Zambia Revenue Authority (Customs and Excise Division) and Zambia Bureau of Standards (ZABS). ECZ through the NOU has trained eighty eight (88) Customs and Zambia Bureau of Standards officers from seventeen (17) points of entry to assist in refrigerant identification and control illegal importation of ODS. Goods of an Importer entering the boarder without a permit are detained and are only released upon production of an authorization document from environment regulatory authority, failure to which the goods are seized as a court exhibit.

Figure 9



Customs officers verifying a suspected refrigerant

Figure 10



Customs officers doing checks of mac at the border post.

2.2.6 Inspections

ECZ conducts both pre and post licensing inspections of ODS facilities. Pre-licensing inspections focus on suitability of storage facilities and technologies used in ODS control. Post-licensing inspections, on the other hand, are aimed at monitoring compliance to the license conditions.

Figure 11



An Environmental Inspector checking the storeroom for refrigerants

2.2.7 Disposal Operations

The EPPCA empowers ECZ to ensure sound disposal of obsolete chemicals and waste arising from the use of chemicals. The holder of obsolete chemicals

writes to ECZ providing details of chemicals. ECZ advises and supervises all chemical disposal activities. Disposal of any hazardous chemicals without ECZ approval is an offence.

2.2.8 Frequently Encountered Offences

From the inspections carried out by ECZ environmental inspectors throughout the country, it has been observed that the nature of offences frequently encountered include illegal importation of ODS, non submission of performance returns, illegal distribution of ODS and the use of untrained and uncertified personnel in handling ODS. Fortunately, most offenders about two cases pleaded guilt as they were unaware of the regulations during the initial stages, hence they were charged and asked to follow procedure by paying for a permit. From 2003 to-date we have not encountered any offenders.

2.3 COLLABORATION WITH OTHER INSTITUTIONS

The following are some of the institutions that collaborate with ECZ in ODS control:

- Zambia Revenue Authority
- Zambia Police Service
- Ministry of Justice
- Ministry of Agriculture
- Zambia National Farmers Union
- Zambia Refrigeration of Technician and Technologist Association
- Zambia Environment and Conservation Association
- National Institute of Scientific and Industrial Research
- Golden-Valley Agriculture Research Trust
- Ministry of Education
- Ministry of Science, Technology and Vocational Training
- Institutions of higher learning. (University of Zambia, Copperbelt University).

2.4 CHALLENGES ENCOUNTERED DURING ENFORCEMENT

During the enforcement of the ODS control Regulations the following challenges have been encountered:

- Inadequate enforcement capacity in enforcement agencies;
- Inadequate financial resources;
- Inadequate public awareness;
- High cost of alternatives to ODS;
- Porous nature of the Zambian boundary;
- Inadequate number of trained distributors and technicians; and
- Non-submission of returns.

3.0 CONCLUSION

Zambia is Party to various MEAs including the Vienna Convention and continues to make significant strides to fulfill her obligations by the domestication of conventions. A milestone to this end has been the enactment of the ODS control regulations for the protection of the ozone layer. Whilst the ODS Control Regulations provide the legal framework within which ODS are regulated, there is need for increased compliance by the various sectors as well as enhanced enforcement capacity. Despite the challenges that continue to vex Zambia in the control of ODS, appreciable success has been achieved such as raising of public awareness, training of stakeholders, and increased use of alternatives. Given the global nature of the problem of ozone depletion, Zambia cooperates with other nations to address this challenging environmental issue for the attainment of a safer environment for present and future generations.

THIRD SCHEDULE
(Regulation 15 (1))

PRESCRIBED FORMS

FORM 1



The Environmental Council of Zambia
The Environmental Protection and Pollution Control
(Ozone Depleting Substances)
Regulations, 2000

APPLICATION FOR PERMIT TO IMPORT A CONTROLLED SUBSTANCE
(One application for each group of controlled substance)

Information concerning the applicant

Date:.....

Name of Applicant:.....
 NRC/Passport No:.....
 Address: (business).....
 Residential.....
 Company Name:.....
 Physical /Address.....
 Business Activity:.....
 Tel/ Fax.....
 Registration Certificate No.....
 Work Permit No.....
 Investment Permit No:.....

Name of person authorized to act on behalf of applicant (where applicable)

Title:..... Fax No:.....
 E-mail No:..... Telephone No:.....
 Address:.....

Information concerning the applicant

Yes No.....

Reasons:.....

Information concerning the controlled substances (tick) group of controlled substances

Item I..... Item II..... Item III.....
 Item IV..... Item V..... Item VI.....
 Item VII..... Item VIII.....
 Control Period.....

Information concerning the controlled substance for which a permit to import is requested.

Controlled Substance	Country of origin	Quantity to be imported	ODP	Calculated level
.....	Kg X.....	=Kg
.....	Kg X.....	=Kg
.....	Kg X.....	=Kg
.....	Kg X.....	=Kg

Controlled Substance	Name and Address
.....
.....
.....

I declare that the information provided in this application is correct and that the applicant is willing and able to use the controlled substance in compliance with all the laws for the time being in force.

..... Date Name Signature
Witness:..... Company:.....	Designation:..... Occupation:.....	Address:..... Address:.....

Official use only:

Date received:..... Licence No:..... Amount Paid:.....
 Signature:..... Receipt No:..... Accepted/Rejected:.....

Official Stamp:.....

(Regulation 15 (2))

FORM 2



The Environmental Council of Zambia
 The Environmental Protection and Pollution Control
 (Ozone Depleting Substance) Regulation, 2000

APPLICATION FOR PERMIT TO IMPORT A RECOVERED, RECYCLED,
 RECLAIMED OR USED CONTROLLEED SUBSTANCE
 (One application for each group of controlled substance)

Information concerning the applicant

Date:.....

Name of Applicant:.....
 Physical /Address.....
 Work Permit No.....
 Investment Permit No:.....

Name of person authorized to act on behalf of applicant (where applicable)

Title:..... Fax No:.....
 E-mail No:..... Telephone No:.....
 Address:.....

Request for confidentiality of information (tick)

Yes No.....

Reasons:.....

Name and Address of the person who recovered, recycled or reclaimed the controlled substance.

Controlled Substance	Country of origin	Quantity to be imported	ODP	Calculated level
.....	Kg X.....	=Kg
.....	Kg X.....	=Kg
.....	Kg X.....	=Kg
.....	Kg X.....	=Kg

Controlled Substance	Name and Address
.....
.....
.....

I declare that the information provided in this application is correct and that the applicant is willing and able to use the controlled substance in compliance with all the laws for the time being in force.

.....
 Date Name Signature

Witness:..... Designation:.....
 Address:..... Company:.....
 Occupation:..... Address:.....

Official use only:

Date received:..... Licence No:.....
 Amount paid:..... Signature:.....
 Receipt No:..... Accepted/Rejected:.....

Official Stamp:.....

THIRD SCHEDULE
(Regulation 15 (3))

PRESCRIBED FORMS

FORM 3



The Environmental Council of Zambia
The Environmental Protection and Pollution Control
(Ozone Depleting Substances)
Regulations, 2000

APPLICATION FOR PERMIT TO EXPORT A RECOVERED, RECYCLED,
RECLAIMED OR USED CONTROLLED SUBSTANCE
(One application for each group of controlled substance)

Information concerning the applicant

Name of Applicant:..... Date:.....
Address: (business)..... NRC/Passport No:.....
Company Name:..... Residential.....
Business Activity:..... Physical /Address.....
Registration Certificate No..... Tel/ Fax.....
Investment Permit No:..... Work Permit No.....

Name of person authorized to act on behalf of applicant (where applicable)

Title:..... Fax No:..... E-mail No:.....
Telephone No:..... Address:.....

Request for confidentiality of information (tick) Yes No.....

Reasons:.....

Information concerning the controlled substances (tick) group of controlled substances

Item I..... Item II..... Item III.....
Item IV..... Item V..... Item VI.....
Item VII..... Item VIII.....

Control Period.....

Party to which the controlled substance is being exported:.....

Type of control LED substance (tick).....

Group of controlled substance

Item I..... Item II..... Item III.....
Item IV..... Item V..... Item VI.....
Item VII..... Item VIII.....

Type of controlled substances (tick)

Recovered Reclaimed Recycled Used

Control period.....

Party from which the controlled substance is being exported.

.....

Name and address of recipient of each shipment

Controlled Substance	Country of origin	Quantity to be imported	ODP	Calculated level
.....	Kg X.....	=Kg
.....	Kg X.....	=Kg
.....	Kg X.....	=Kg
.....	Kg X.....	=Kg

Source of the controlled substance being exported

.....

I hereby consent that the names of the recipient may be released to the party of import.
I declare that the information provided in this application is correct and that the applicant is willing and able to use the controlled substance in compliance with all the laws for the time being in force.

.....
Date Name Signature
Witness:..... Designation:.....
Address:..... Company:.....
Occupation:..... Address:.....

Official use only:

Date received:..... Licence No:.....
Amount paid:..... Signature:.....
Receipt No:..... Accepted/Rejected:.....

Official Stamp:.....

THIRD SCHEDULE
(Regulation 26 (1))

PRESCRIBED FORMS

FORM 5



The Environmental Council of Zambia
The Environmental Protection and Pollution Control
(Ozone Depleting Substances)
Regulations, 2000

ANNUAL REPORT ON IMPORTS OF CONTROLLED SUBSTANCE
(Information concerning the person submitting this report)

Name of Applicant:..... NRC/Passport No:.....
Address: (business)..... Residential.....
Company Name:..... Physical /Address.....
Business Activity:..... Tel/ Fax.....
Registration Certificate No..... Work Permit No.....
Investment Permit No:.....

Name of person authorized to act on behalf of applicant (where applicable)

Title:..... Fax No:..... E-mail No:.....
Telephone No:..... Address:.....

Request for confidentiality of information (tick) Yes No.....

Reasons:.....

Information concerning the controlled substances (tick) group of controlled substances

Item I..... Item II..... Item III.....
Item IV..... Item V..... Item VI.....
Item VII..... Item VIII.....

Control Period.....

Quantity of the controlled substance to be Imported:

Controlled Substance	Country of origin	Quantity to be imported	ODP	Calculated level
.....	Kg X.....	=Kg
.....	Kg X.....	=Kg
.....	Kg X.....	=Kg
.....	Kg X.....	=Kg

Names and Address of persons whom the controlled substances were sold or supplied.

.....
.....

I declare that the information provided in this report is correct to the best of my knowledge and belief.

..... Date Name Signature

Witness:..... Designation:.....
Address:..... Company:.....
Occupation:..... Address:.....

Official use only:

Date received:..... Licence No:.....
Amount paid:..... Signature:.....
Receipt No:..... Accepted/Rejected:.....

Official Stamp:.....

(Regulation 26(2))

FORM 6



**The Environmental Council of Zambia
The Environmental Protection and Pollution Control
(Ozone Depleting Substances) Regulation, 2000**

**ANNUAL REPORT ON IMPORTS OF RECOVERED, RECLAIMED, USED CONTROLLED SUBSTANCES
(Information concerning the person submitting this report)**

Name:
 NRC/Passport No:
 Address:
 Company Name:
 Physical address
 Business Activity:
 Tel/Fax:
 Registration certificate No:
 Work Permit No:
 Investment Permit No:
Name of person authorized to act on behalf of person submitting this report
 Title:
 Fax No.:
 E-mail No.:
 Telephone No.:
 Address:
 Request for confidentially (tick)

Yes No

Information concerning the recovered, recycled, reclaimed or used controlled substances imported (tick)

Item I Item V
 Item II Item VI
 Item III Item VII
 Item IV Item VIII
 Control Period:

Calculated level of imports of recovered, recycled, reclaimed or used substances:

Controlled Substance	Country of origin	Quantity to be imported	ODP	Calculated level
.....	Kg X.....	=Kg
.....	Kg X.....	=Kg
.....	Kg X.....	=Kg
.....	Kg X.....	=Kg

Name and Address of recipient of controlled substances

.....

I declare that the information provided in this report is correct to the best of my knowledge and belief.

..... Date Name Signature
Witness:..... Address:..... Occupation:.....	Designation:..... Company:..... Address:.....	

Official use only:

Date received:..... Licence No:.....
 Amount paid:..... Signature:.....
 Receipt No:..... Accepted/Rejected:.....

Official Stamp:.....

(Regulation 29)

FORM 9



**The Environmental Council of Zambia
The Environmental Protection and Pollution Control
(Ozone Depleting Substances) Regulation, 2000**

INFORMATION TO BE MAINTAINED

1. INFORMATION RELATING TO DISTRIBUTION, USE AND OFFER FOR SALE

Date records of:

- (a) the actual quantity of each controlled substance purchased from a supplier, wholesaler or distributor;
- (b) the actual quantity of controlled substance used and the use;
- (c) the actual quantity of each controlled substance sold, names and addresses of the customers and declaration set out in Form X signed by the Customer

2. INFORMATION RELATING TO IMPORT

Date records of;

- (a) the actual quantity of each controlled substance imported in each shipment.
- (b) the port through which the controlled substance was imported.
- (c) the port from which the controlled substance was imported and the name and address of the sender
- (d) the import number for the shipment of the controlled substance imported

Copies of the bill of lading, the invoice and documents submitted to the Zambia Revenue Authority for each shipment of controlled substance.

3. INFORMATION RELATING TO EXPORT

Date records of;

- (a) the actual quantity of each controlled substance exported in each shipment;
- (b) the port through which the controlled substance was exported;
- (c) the port through which the controlled substance was exported and the name and address of the recipient.

(Regulation 27)



FORM 10

The Environmental Council of Zambia
The Environmental Protection and Pollution Control
(Ozone Depleting Substances) Regulation, 2000

DECLARATION BY THE RECIPIENT/BUYER OF CONTROLLED SUBSTANCES

(Information concerning the vendor/supplier)

Name of vendor/supplier:.....
NRC/Passport No:
Tel:.....
Address (Business.....
(Residential).....

Information concerning the recipient/buyer

Name:
NRC/Passport No:.....
Address:.....
Company Name:.....
Physical address
Business Activity:.....
Tel/Fax:

Name of person authorized to act on behalf of the recipient/buyer.

Title:..... Fax No:..... E-mail No:.....
Telephone No:..... Address:.....

Request for confidentiality (tick)

Yes No

Reasons:.....

Information concerning the controlled substances (tick)

Group of controlled substances

Item I..... Item II..... Item III.....
Item IV..... Item V..... Item VI.....
Item VII..... Item VIII.....
Control period:

Information concerning the controlled substances for which this form is prepared.

Controlled Substance	Country of origin	Quantity to be imported	ODP	Calculated level
.....	Kg X.....	=Kg
.....	Kg X.....	=Kg
.....	Kg X.....	=Kg
.....	Kg X.....	=Kg

I undertake not to sell or otherwise supply any of the quantity of the controlled substance received to any person who has not signed a declaration in this form.

I also undertake not to use any of the controlled substances received for a purpose set out in this declaration for any thing other than that purpose.

I declare that the information provided in this report is correct to the best of my knowledge and belief.

.....
Date Name Signature
Witness:..... Designation:.....
Address:..... Company:.....
Occupation:..... Address:.....

Official use only:

Date received:..... Licence No:.....
Amount paid:..... Signature:.....
Receipt No:..... Accepted/Rejected:.....

Official Stamp:.....

THIRD SCHEDULE

(Regulation 15 (2))

FORM 11



**The Environmental Council of Zambia
The Environmental Protection and Pollution Control
(Ozone Depleting Substances) Regulation, 2000**

PERMIT TO IMPORT/EXPORT/PRODUCE/USE/SALE/HANDLE CONTROLLED/OZONE DEPLETING SUBSTANCES

Name:.....

Physical Address:.....

Tel. No:.....

Fax. No:.....

Permit No:.....

You are hereby permitted to import/export/produce/Sale/Use/Handle Controlled Substance, according to the Environmental Protection and Pollution Control (Ozone Depleting Substances) Regulations, 2000.

The permit is valid from to Year.....

The permit is subject to conditions of the Environmental protection and Pollution Control (Ozone Depleting Substances) Regulations.

Date:.....

Chief Inspector (Pollution Control)
Environmental Council of Zambia

Stamp.....

FORTH SCHEDULE

(Regulation 16 (5))



FEEES FOR PERMITS

Item	Fee Units	ODP	
1	25,000	1-10	Non-Ozone Friendly
2	20,000	0.8-0.9	
3	17,050	0.6-0.7	
4	14,000	0.4-0.5	
5	12,000	0.1-0.3	
6	9,000	0.001<	Less Ozone Friendly

LUSAKA
13th February, 2001
[MENR. 64/9/5]

S. MIYANDA
Minister of Environment and
Natural Resources

References

1. **Agenda 21, 1992**, Commission on Sustainable Development. .
2. **The Plant Pests and Diseases Act, Cap 233**, Government Printers, Lusaka
3. **Environmental Protection and Pollution Control Act of 1990, CAP 204**, Government Printers, Lusaka.
4. **Forest Act of 1998, Cap 311**, Government Printers, Lusaka.
4. **Local Government Act of 1991**, Government Printers, Lusaka.
5. **National Conservation Strategy 1985**, IUCN.
6. **National Environmental Action Plan 1994**, MENR
7. **Ozone Depleting Substances Control Regulations SI No. 27 of 2001**, Government Printers, Lusaka.
8. **Natural Resources Conservation Act of 1970, Cap 315**, Government Printers, Lusaka.
9. **State of the Environment Report of Zambia 2000**, Environment Council of Zambia.
10. **Vienna Convention for the protection of the Ozone layer, 1985**, United Nations Environment Programme.
11. **Montreal Protocol on Substances that Deplete the Ozone layer, 1987**, United Nations Environment Programme.
12. **Zambia Country Programme for the reduction of ODS September 1992**, MENR.