



ISLAMIC REPUBLIC OF AFGHANISTAN

MINISTRY OF JUSTICE

Extra Ordinary Issue

Regulation on Controlling Materials Destructive to the Ozone Layer

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Chapter 1

General provisions

Rationale

Article 1:

Pursuant to article 78 of the Environmental Law , these regulation have been developed to manage and control the production , import and export of new ,used and recycled ozone depleting substance.

Objectives

Article 2:

The objectives of these regulations are the following:

1. Preventing ozone layer depleting :
2. Implementing the Montreal protocol aimed at reducing the use of CFCs;
3. Controlling the production ,import and export of ODS:
4. Reducing the use of ODS.

Definitions

Article 3:

- (1) Ozone: means a gas naturally present in the higher atmosphere that prevents ultraviolet light from reaching the Earth.
- (2) Protocol : means the Montreal protocol on substances that Deplete the ozone layer signed in 1987 by member states , subject to change each year as necessary.
- (3) ODS permit : means a written official document issued ,after being registered at NEPA, to persons holding a trade license for the production ,import and export of ODS.
- (4) Regulation certificate : means a written official document issued by NEPA, to holding of a trade license for the production ,import and export of ODS.
- (5) ODS : means the substance specified in column 2 of Annex 1 to these regulations
- (6) Member of protocol: means any country that has signed the Montreal protocol .
- (7) The from : means the tables/forms to be filled out for purpose of undertaking regulated actives.
- (8) Consumption: with respect to any ozone depleting substance , means the amount of that substance produced in addition to the amount imported ,less then the amount exported to a foreign country .

- (9) Baseline consumption of any ozone depleting substance : means the quantity of ozone depleting substance produced or consumed , as the case may be , in the year or average of years.
- (10) Ozone depleting potency: means the amount of ozone depleting substance by multiplying ozone quantity of ozone depleting potential specified in column 3 of annex1 to this regulation.
- (11) Maximum amount of consumption: means a specified amount of ODS used in a period of one year.
- (12) Containers: means the gas balloons and barrels in which in stored the liquid ODS specified in column 2 of annex 1 to these regulation.
- (13) CFC: means chlorofluorocarbons and refrigeration gases causing depleting of the ozone layer.
- (14) Halogens: means halons – 1211-1301-2402, which are used fire extinguishing .

Chapter 2

Regulation processing and permit issuance

Issuing trade licenses

Article 4:

- (1) Trade licenses for the production ,import and export of ODS shall be issued by the Ministry of Commerce with the approval of NEPA.
- (2) The licenses mentioned in sub article(1) shall be a valid for one year and is extendable.

Application for Regulation

Article 5:

An application to regulation production , import and export of ODS shall be submitted I accordance with Form No.1, Annex 2 to these regulation.

Regulation Certificate

Article 6 :

A regulation certificate may be issued by NEPA in accordance with provisions of this regulation and taking into account the following :

- (1) Name of the registration authority

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- (2) Registration No . of the trade licenses
- (3) Information sated on the application for a registration certificate (4) Sigtüre and stamp of the registration authority.

ODS permit

Article 7:

- (1) The bearer of a trade license and registration certificate must apply for an ODS permit for the production, import and export of ODS, and in doing so must comply with the provision of this regulation.
- (2) The persons mentioned in sub article (1) shall fill out the form (1) of annex 2 and submit to NEPA.
- (3) THE OZONE Unit shall identify the persons in sub article (1)to undertake specific activities and update the lists on the annual basis.

Coding

Article 8:

The persons mentioned in article 7 shall have the code number for Harmonized System (HS) on the balloons and barrels listed in annex 1 column 6 and the chemical names of the relevant substances.

Restrictions

Article 9:

- (1) Production, import and export of ODS, without a trade licenses, to members of the protocol and its registration with NEPA is prohibited.
- (2) Production, import and export of ODS can take place to member countries of the Montreal Protocol.

Immunity

Article 10:

Production, import and export of the substance listed I group 7 of annex 1 to this regulation are allowed in specific cases such as laboratories, quarantine and treatment of agricultural diseases, as permitted by the ozone unit.

Banned Items

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Article 11:

Persons mentioned in article 7 if this regulation are prohibited from producing , importing or exporting equipments containing ODS including the following:

- (1) Anti – fire equipments (Halons-121-1301-2402)
- (2) Air conditioning system containing CFCs
- (3) Refrigerators , new and old air conditioners containing CFCs
- (4) Compressors consuming CFCs

Chapter 3**Miscellaneous Provisions****Prosecuting Offenders****Article 12:**

Any person mentioned in article 7 this regulation producing , importing and exporting ozone depleting substances without an ODS permit, shall be liable to confiscation of all material and equipment used and shall be prosecuted according to the provision of the Environment Law.

Cancellation of permits**Article 13:**

- (1) If an ODS permit holder fails to comply with the provisions of these regulations, the permit shall be annulled.
- (2) According to sub-article (1), the permit and certification issuing authorities cannot reissue any permit or certification to the offender for three years.

Obtaining permits for provision Activities**Article 14:**

Persons engaged production, import and export of ODS prior to the issuing of these regulations shall submit copies of all relevant documents to the Ministry of Commerce within three months

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and obtain the requisite permits and licenses from the Ministry of Commerce and NEPA in accordance to provision of the Environmental Law, otherwise, he / she shall face prosecution.

Responsibility of the issuing Authorities

Article 15:

The issuing authorities are duty bound to make sure that the production , import and export of ODS do not exceed the permitted amount, allocated for the year.

Keeping Documents

Article 16:

ODS Permit and trade licenses holding must keep all documents and records of their ODS trade and produce detailed reports in accordance with form 3 of annex 3 of this regulation to the ozone unit of NEPA and the Ministry of Commerce.

Reporting

Article 17:

The ozone unit of the NEPA shall report on compliance and enforcement of this regulation to the relevant authorities on regular basis.

Enforcement

Article 18:

This regulation, along with the relevant annexes, shall come in to force on publication in the Official Gazette.

Annex -1

List of Ozone Depleting Substances

S.N	Name of the Ozone Depleting Substance	Chemical Composition of the Ozone Depleting Substance	Group	Ozone Depleting Potential	HS Codes (first six digits)
(1)	(2)	(3)	(4)	(5)	
1	CFC- 11	Trichloroflouromethane (CFCl ₃)	1	1.0	
2	CFC - 12	Dichlorodifluoromethane (CF ₂ Cl ₂)	1	1.0	
3	CFC - 113	Trichlorotrifluoroethane (C ₂ F ₃ Cl ₃)	1	0.8	
4	CFC - 114	Dichlorotetraflouroethane (C ₂ F ₄ Cl ₂)	1	1.0	
5	CFC -115	Chlorpentafluoroethane (C ₂ F ₅ Cl)	1	0.6	
6	Halon-1211	Bromchlorodiflouromethane (CF ₂ BrCl)	2	3.0	
7	Halon-1301	Bromotriflouromethane (CF ₃ Br)	2	10.0	
8	Halon -2402	Dibromotetraflouroethane (C ₂ F ₄ Br ₂)	2	6.0	
9	CFC - 13	Chlorotriflouromethane (CF ₃ Cl)	3	1.0	
10	CFC – 111	Pentachloroflouoroethane (C ₂ FCl ₄)	3	1.0	
11	CFC-112	Tetrachlorodiflouoroethane (C ₂ F ₂ Cl ₄)	3	1.0	
12	CFC -211	Heptachloroflouoropropane (C ₃ FCl ₆)	3	1.0	
13	CFC -212	Hexachlorodiflouoropropane (C ₃ F ₂ Cl ₆)	3	1.0	
14	CFC-213	Pentachlorotriflouoropropane (C ₃ F ₃ Cl ₅)	3	1.0	
15	CFC- 214	Tetrachlorotetraflouropropene(C ₃ F ₄ Cl ₄)	3	1.0	
16	CFC- 215	Trichloropentafluoropropane (C ₃ F ₅ Cl ₃)	3	1.0	
17	CFC- 216	Dichlorhexafluoropropane (C ₃ F ₆ Cl ₂)	3	1.0	

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18	CFC- 217	Chloroheptafluoropropane (C3F7Cl)	3	1.0	
19	CTC	Tetrachloromethane (CCl4)	4	1.1	
20	Methylchloroform	1,1,1-trichloroethane (C2H3Cl3)	5	0.1	
21	HCFC-21	Dichlorofluoromethane (CHFCl2)	6	0.04	
22	HCFC-22	Dichlorodifluoromethane (CHF2Cl2)	6	0.055	
23	HCFC -31	Chlorofluoromethane (CH2FCl)	6	0.02	
24	HCFC-121	Tetrachlorodifluoroethane (C2HF2Cl4)	6	0.04	
25	HCFC- 122	Trichlorodifluoroethane (C2HF2Cl3)	6	0.08	
26	HCFC-123	Dichlorotrifluoroethane (C2HF3Cl2)	6	0.06	
27	HCFC- 123 a	Dichlorotrifluoroethane (CHCl2CF3)	6	0.02	
28	HCFC-124	Chlorotrifluoroethane (C2HF4Cl)	6	0.04	
29	HCFC-124a	Chlorotrifluoroethane (CHFClCF3)	6	0.022	
30	HCFC-131	Trichlorofluoroethane (C2H2FCl3)	6	0.05	
31	HCFC-132	Dichlorodifluoroethane (C2H2F2Cl2)	6	0.05	
32	HCFC-133	Chlorotrifluoroethane (C2H3F3Cl)	6	0.06	
33	HCFC-141	Dichlorofluoroethane (C2H3FCl2)	6	0.07	
34	HCFC-141b	Dichlorofluoroethane (CH3CFCl2)	6	0.11	
35	HCFC-142	Chlorodifluoroethane (C2H3F2Cl)	6	0.07	
36	HCFC-142b	Chlorodifluoroethane (CH3CF2Cl)	6	0.065	
37	HCFC- 151	Chlorofluoroethane (C2H4FCl)	6	0.005	
38	HCFC-221	Hexachlorofluoropropane (C3HFCl6)	6	0.07	
39	HCFC-222	Pentachlorodifluoropropane (C3HF3Cl4)	6	0.09	
40	HCFC- 223	Tetrachlorotrifluoropropane (C3HF4Cl3)	6	0.08	
41	HCFC-224	Trichlorotetrafluoropropane (C3HF4Cl3)	6	0.09	

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42	HCFC-225	Dichloropentafluoropropane (C3HF5Cl2)	6	0.07	
43	HCFC- 225 ca	Dichloropentafluoropropane (CF3CF2CHCl2)	6	0.025	
44	HCFC-225 cb	Dichloropentafluoropropane (CF2ClCF2CHClF)	6	0.033	
45	HCFC-226	Chlorohexafluoropropane (C3HF6Cl)	6	0.10	
46	HCFC-231	Pentachlorfluoropropane (C3H2FCl5)	6	0.09	
47	HCFC-232	Tetrachlorodifluoropropane (C3H2F2Cl3)	6	0.10	
48	HCFC-233	Trichlorotrifluoropropane (C3H2F3Cl2)	6	0.23	
49	HCFC-234	Dichlortetrafluoropropane (C3H2F4Cl2)	6	0.28	
50	HCFC-235	Chloropentafluoropropane (C3H2F5Cl)	6		
51	HCFC-241	Tetrachlorofluoropropane (C3H3FCl4)	6		
52	HCFC-242	Trichlorodifluoropropane (C3H3F2Cl3)	6	0.13	
53	HCFC-243	Dichlorotrifluoropropane (C3H3F3Cl2)	6	0.12	
54	HCFC-244	Chlorotetrafluoropropane (C3H3F4Cl)	6	0.14	
55	HCFC-251	Trichlorofluoropropane (C3H4FCl3)	6	0.01	
56	HCFC- 252	Dichlorodifluoropropane (C3H4F3Cl2)	6	0.04	
57	HCFC-253	Chlorotrifluoropropane (C3H4F3Cl)	6	0.03	
58	HCFC-261	Dichlorofluoropropane (C3H5FCl2)	6	0.02	
59	HCFC-262	Chlorodifluoropropane (C3H5F2Cl)	6	0.02	
60	HCFC-271	Chlorofluoropropane (C3H6FCl)	6	0.03	
61	BFC-21B2	Dibromofluoromethane (CHFBr2)	7	1.00	
62	HBFC-22B1	Bromodifluoromethane (CHF2Br)	7	0.74	
63		Bromofluoromethane (CH2FBr)	7	0.73	

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64		Tetrabromoflouromethane (C2HF2Br4)	7	0.8	
65		Tribromodiflouroethane (C2HF2Br3)	7	1.8	
66	HBFC-123B2	Dibromotriflouroethane (C2HF3Br2)	7	1.6	
67	HBFC-124 B1	Bromotetraflouroethane (C2HF4Br)	7	1.2	
68		Tribromoflouroethane (C2H2FBr3)	7	1.1	
69		Dibromodiflouroethane (C2H2F2Br2)	7	1.5	
70		Bromotriflouroethane (C2H2F3Br)	7	1.6	
71		Dibromoflouroethane (C2H3FBr2)	7	1.7	
72	HBFC-124 B1	Bromodiflouroethane (C2H3F2Br)	7	1.1	
73	HBFC-124 B1	Bromoflouroethane (C2H4FBr)	7	0.1	
74		Hexabromoflouropropane (C3HFB6)	7	1.5	
75		Pentabromodifluoropropane(C3HF2Br5)	7	1.9	
76		Tetrabromoflouropropane (C3HF3Br4)	7	1.8	
77		Tribromotetraflouropropane (C3HF4Br3)	7	2.2	
78		Dibromopentaflouropropane (C3HF5Br2)	7	2.0	
79		Bromohexaflouropropane (C3HF6Br)	7	3.3	
80		Pentabromoflouropropane (C3H2FBr4)	7	1.9	
81		Tetrabromodiflouropropane (C3H2F2Br4)	7	2.1	
82		Tribromotriflouropropane (C3H2F3Br3)	7	5.6	
83		Dibromotetraflouropropane (C3H2F4Br2)	7	7.5	
84		Bromopentaflouropropane (C3H2F5Br)	7	1.4	
85		Tetrabromoflouropropane (C3H3FBr3)	7	1.9	
86		Tribromodiflouropropane (C3H3F2Br3)	7	3.1	
87		Dibromotriflouropropane (C3H3F3Br2)	7	2.5	

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88		Bromotetraflouropropane (C3H3F4Br)	7	4.4	
89		Tribromoflouopropane (C3H3F4Br)	7	0.3	
90		Dibromodiflouopropane (C3H4F2Br2)	7	1.0	
91		Bromotriflouopropane (C3H4F3Br)	7	0.8	
92		Dibromoflouopropane (C3H5FBr2)	7	0.4	
93		Bromdiflouopropane (C3H5F2Br)	7	0.8	
94		Bromoflouopropane (C3H6FBr)	7	0.7	
95	Methyl Bromide	(CH3Br)	7	0.6	

Annex 2

Form 1

Registration Form for Import of ODS

1. Name of the Importer:

2. Address:

3. Telephone, Fax and Email:

4. Main Activity: Import/ Export/ Producing / Trading

5. Average of Annual production/import / export of ODS for past three years currency

6. Name and Quantity of ozone depleting substance Imported for last three years:

S.N	Name of the ODS	Year 1 (Kg)	Year 2 (Kg)	Year 3 (Kg)
1				
2				
3				
4				

Location of the main warehouse for ODS:

(Document is required)

Seal and Signature:

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Application Form for the Import of ODS

1. Name of the importer:
2. Address:
3. Telephone, Fax or Email:
4. Importers Registration Number:
5. Name and Quantity of ODS to be imported

S.N	Name of the ODS	Quantity (Kg)	Country of producer	HS code

6. Country of Exporter :
7. Date of production:
8. Name of border to be imported:

Please attach copies of Invoice with the application.

Stamp and Signature:

Form 3

Record of Import and Sales of ODS

1. Name of Importer:
2. Address:
3. Telephone, Fax or Email:
4. Importer Registration number:
5. Import License number:
6. Details of import and sales:

S.N	Name of ODS	Quantity of ODS imported	Quantity of sold ODS	Purchasers Name & Address
1				
2				
3				
4				

(Documents are required to attach to application)

Stamp and Signature: