

PREAMBLE

- Noting that the Constitution of the Republic of the Union of Myanmar provides in its section 45 that "the Union shall protect and conserve natural environment;
- Also noting that section 390 (b) of the said Constitution provides that every citizen has the duty to assist the Union including in carrying out environmental conservation;
- Recognizing that the National Environment Policy of Myanmar has aimed at achieving harmony and balance between these through the integration of environmental considerations into the development process to enhance the quality of the life of all its citizen;
- Recalling that the Union of Myanmar acceded to and has become a party to the Vienna Convention on the Protection of the Ozone Layer and Montreal Protocol on the Substances that Deplete the Ozone Layer on 24 November 1993;
- Aiming that adopting this Regulation may enhance protection of global and Myanmar environment;

the Ministry of Environmental Conservation and Forestry has issued, with the approval of the Government, this Regulation on Control of Imports, Exports and Consumption of Ozone Depleting Substances.

The Government of the Republic of the Union of Myanmar
Ministry of Environmental Conservation and Forestry
Notification No. /2014

The Day of over Full Moon Tagu ,1376, Nay Pyi Taw,
(April 25 , 2014)

The Ministry of Environmental Conservation and Forestry, Government of the Republic of the Union of Myanmar hereby issues this Order in accordance with the authority under section 42 sub-section (b) of the Environmental Conservation Law.

“ The Order on the Operation of Business Relating to Ozone Depleting Substances”

Chapter I
Title and Definition

1. This Order shall be called **“the Order on the Operation of Business Relating to Ozone Depleting Substances.**
2. The expressions contained in this Order shall have the same meaning given hereunder:
 - (a) **“ ozone depleting substance (ODS)”** means any chemical or blend that have the potential to react with ozone molecules including chlorofluoro carbon(CFC), hydrochlorofluorocarbon (HBFC), methyl chloroform, carbon tetrachloride, methyl bromide, bromochloromethane (BCM) as specific in the Montreal Protocol as amended;
 - (b) **“ business relating to ozone depleting substances”** means operation of business including ozone depleting substance or designated product for use of ozone depleting substance and servicing and repairing fire extinguishers and refrigerating, air conditioning and cooling equipment;
 - (c) **“designed product for use of ozone depleting substance”** means refrigerators containing refrigerant R-12 (CFC-12), electrical appliances for use of refrigerant

- R-22 (HCFC-22), fire extinguishers containing halon 1211, 1301 and 2402 and other product for use of any ozone depleting substances;
- (d) “Ministry” means the Ministry of Environmental Conservation and Forestry;
 - (e) “Department” means the Environmental Conservation Department;
 - (f) “Form” means form attached with this Order.

Chapter II

Operation of Business Relating to Ozone Depleting Substance

3. Any person or organization who wishes to import or export the ozone depleting substance or designed product for use of ozone depleting substance shall apply for the Ministry with form (1) for import and form (2) for export stating facts completely in accord with stipulations for the necessary endorsement.
4. The Ministry may, after scrutinizing whether or not the application made under paragraph 3 is in conformity with stipulations, grant or refuse.
5. The endorsement shall be issued to the applicant with form (3) for import or form (4) for export after granting it from the Ministry.
6. An applicant under paragraph 3 shall operate the relevant business after receiving an import license or an export license or a permit issued by the Ministry of Commerce after receiving the endorsement issued by the Ministry.
7. Any person or organization that wishes to operate a business using Ozone depleting substance or designed product for use of ozone depleting substance shall apply to the Department assigned by the Ministry with form (5) for application of registration for his business in accord with stipulations.
8. When the Department assigned by the Ministry receives an application made under paragraph 7, it may, after scrutinizing it whether or not is in conformity with stipulations, grant or refuse the registration with the approval of the Ministry.
9. The Department assigned by the Ministry shall
 - (a) issue, after imposing conditions Concerned with the business if it decided to register it, a registration, certificate with form (6) to the applicant;
 - (b) compile a list of holders of the registration certificate in relevant business;

- (c) administer the holders of registration certificate whether or not they are performing or using in accord with condition containing in the registration certificate.
- 10. The Ministry shall impose the quota to holders of the registration certificate issued under paragraph 9, sub-paragraph (a) to issue the endorsement for the import of ozone depleting substance.
- 11. Any person who import or export the ozone depleting substance or the designed product for use of ozone depleting substance shall report annually on his business relating to actual import or export with the statistics to the Ministry not later 31st January in every year.

Operation of other Business

- 12. Any person that stores, manufactures or sells the ozone depleting substances or designed product for use of ozone depleting substances or operate other business using ozone depleting substance including service and repair of fire extinguishers and freezing, air conditioning or refrigerating equipments shall apply the Department assigned by the Ministry for registration of his business with form (5).
- 13. When Department assigned by the Ministry receives the application under paragraph 12, it may, after scrutinizing it whether or not it is in conformity with stipulations, grant or refuse the registration with the approval of the Ministry.
- 14. The Department assigned by the Ministry shall:
 - (a) issue, after imposing conditions concerned with the relevant business if it decided to register it a registration certificate to the applicant with form(6);
 - (b) compile list of registration of the holders of the registration certificate in relevant business.
 - (c) administer those who received the registration certificate issued under sub-paragraph (a) whether or not they are performing or using in accord with conditions containing in the registration certificate.

Chapter III

Duties Performed by the Operator of Business Relating to Ozone Depleting Substance.

- 15. The operator of business relating to ozone depleting substance shall:
 - (a) be inspected by the Ministry or the Department or the Organization assigned by the Ministry relating to his business;
 - (b) compile the statistics of annual information relating to his business and be inspected by the relevant authority for the statistics;

- (c) state the registration number issued for his business on the container if he conducts the import, export or he is a manufacture of designed product for use of ozone depleting substance;
- (d) obligate the conditions containing in the registration certificate issued under this order;
- (e) obligate the order and directive issued by the Ministry occasionally.

Chapter IV

Prohibitions and Taking Actions

- 16. No person shall conduct the operation of business relating to ozone depleting substance without a registration certificate issued by the Department assigned by the Ministry under this Order.
- 17. No person shall recycle or otherwise process any used ozone depleting substance without the permission of the Ministry.
- 18. No person shall destroy any ozone depleting substances or designed products for use of ozone depleting substance other than in a facility that has been stipulated for that purpose by the Ministry.
- 19. Any person that omits any obligations or violates any prohibitions under this Order shall be taken legal action in accordance with section 32 of the Environmental Conservation Law Moreover, if any person who has taken action has a registration certificate under this order may be warned, suspended the registration with limitation on withdraw it.

Chapter V

Miscellaneous

- 20. Any person who has a registration certificate under this order shall cooperate with the Ministry on the true and completed information regarding his registration.
- 21. Any person or organization that is using ozone depleting substance shall cooperate with the Ministry when it makes a necessary inspection whether or not that uses ozone depleting substance suitably and correctly.
- 22. Any person or organization that wishes to recycle or otherwise use the used ozone depleting substance shall receive the permission from the Ministry.

23. The Ministry may exempt any person or organization to obligate this Order regarding any ozone depleting substance.
24. For the effective implementation of this Order, the Ministry may:
- (a) cooperate with the relevant Ministers, Government Department and organization, privates;
 - (b) request the advice from the National Ozone Unit formed by the Ministry.
25. The provisions of this Order shall apply to all ozone depleting substances whether they exist separately or as part of a blend and to virgins, used, recovered, recycled and reclaimed ozone depleting substances.

(Win Tun)
Union Minister
Ministry of Environmental Conservation and Forestry