

## **GOVERNMENT GAZETTE**

### OF THE

## REPUBLIC OF NAMIBIA

N\$2.00	WINDHOEK - 31 December 2010 N	o. 4636
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#### **Government Notice**

#### MINISTRY OF TRADE AND INDUSTRY

No. 281 2010

## AMENDMENT OF PROHIBITION OF IMPORT INTO NAMIBIA OF OZONE DEPLETING SUBSTANCES

Under section 2(1)(b) and section 3, respectively, of the Import and Export Control Act, 1994 (Act No. 30 of 1994), I -

- (a) prohibit, except under the authority of and in accordance with the conditions contained in a permit issued by the Ministry of Trade and Industry, the import into Namibia of the ozone depleting substances set out in the Schedule below;
- (b) authorize the National Ozone Officer to direct any person who imports into Namibia any substances, set out in Annexure I of the Schedule below, to furnish myself within a period specified in that direction with any information at his or her disposal in relation to that import of substances:
- (c) determine that this Notice comes into operation on 1 January 2011; and
- (d) withdraw Government Notice No. 80 of 19 April 2004.

H.G. GEINGOB MINISTER OF TRADE AND INDUSTRY

#### **SCHEDULE**

#### Prohibition of import of certain ozone depleting substances

- **1.** (1) The import into Namibia of the following ozone depleting substances listed in Annexure I of this Schedule is prohibited:
  - (a) Class A;
  - (b) Class B; and
  - (c) Class D.
- (2) The import into Namibia of goods, whether new or used, set out in Class C in Annexure I of this Schedule, are prohibited to the extent that they are designed to use the following ozone depleting substances set out in that Annexure:
  - (a) Class A;
  - (b) Class B; and
  - (c) Class D.
- (3) The import into Namibia of the following ozone depleting substances listed in Annexure I of this Schedule are restricted, except under the authority and conditions contained in a permit issued substantially in the form as set out in Annexure II of this Schedule by the Ministry of Trade and Industry:

  Class E.
- -----
- (4) The import into Namibia of goods, whether new or used, set out in Class C in Annexure I of this Schedule, are prohibited, as from the 01 January 2012, to the extent that they are designed to use the following ozone depleting substances set out in that Annexure: Class E.

#### **Import from Non-Party States**

- 2. Notwithstanding paragraph 1, the import of –
- (a) ozone depleting substances as specified in Class E of Annexure I of this Schedule; and
- (b) goods specified in Class C of Annexure I of this Schedule, to the extend that they are designed to use Class E substances listed in that Annexure, is prohibited from the states that are not parties to the Montreal Protocol and its amendments. (See paragraph 19 of Annexure II).

#### **Asthma-metered dose inhalers**

**3.** Notwithstanding paragraph 1, a permit for the importation into Namibia of chlorofluorocarbon based propellants used in asthma-metered dose inhalers is not required.

#### Directives made by National Ozone Officer

**4.** A directive made by an authorized National Ozone Officer must be made in writing, and must direct a person who imports the following substances specified in Annexure I of this

Schedule to furnish the Minister of Trade and Industry on annual intervals with the information specified in Annexure III of this Schedule:

#### Class E.

#### **Application for Import Permit**

**5.** For the purposes of paragraph 1, an application form for an Import Permit for Ozone Depleting Substances is obtainable from: Ministry of Trade and Industry, Private Bag 13340, Windhoek.





#### REPUBLIC OF NAMIBIA

## MINISTRY OF TRADE AND INDUSTRY Private Bag 13340 Windhoek

Tel: +264-61-283-7271 Fax +264-61-221-729

## LIST OF SUBSTANCES, GOODS & TARIFFS (Import and Export Control Act, 1994 (Act No. 30 of 1994)

Description of substances and goods	Tariff heading	Description of substances and goods	Tariff
Description of substances and goods	I ariff heading	Description of substances and goods	1 ariii heading
Class A / Group I - Chlorofluorocarbons		condensing or cooling (excluding machinery or plant	
chlorofluorocarbon - II (CFC-II)	2903.41	of a kind used for domestic purposes); instantaneous	
chlorofluorocarbon - 12 (CFC-12)	2903.42	or storage water heaters, non electric	
chlorofluorocarbon - 113 (CFC-113)	2903.43		
chlorofluorocarbon - 114 (CFC-114)	2903.44	Electro-mechanical domestic appliances,	85.09
chlorofluorocarbon - 115 (CFC-115)	2903.44	with self-contained electric motor	85.09
emorenaero in the (ere tre)	2,03	with self-contained electric motor	
Group II - Halons		Trailers and semi-trailers; other vehicles,	87.16
halon - 1211	2903.46	not mechanically propelled; parts thereof	0,110
halon - 1301	2903.46	not meenameany propeneus, parts mereor	
halon – 2402	2903.46	С п	
		Group II	8414.30
Class B / Group I-Other fully halogenated CFCs		Compressors	8414.90
chlorofluorocarbon-13 (CFC-13)	2903.45.05	Compressors of a kind used In refrigeration	0414.90
chlorofluorocarbon-111 (CFC-111)	2903.45.10	equipment	
chlorofluorocarbon-112 (CFC-112)	2903.45.15	Parts:	84.14.90.70
chlorofluorocarbon-211 (CFC-211)	2903.45.20	-for other ventilating fans (excluding that for fans	84.14.90.70
chlorofluorocarbon-212 (CFC-211)	2903.45.25	identifiable for use with motor vehicle engines)	
	2903.45.30		84.14.90.90
chlorofluorocarbon-213 (CFC-213)	2903.45.35	-Other	
chlorofluorocarbon-214 (CFC-214)	2903.45.40		84.11
chlorofluorocarbon-215 (CFC-215)	2903.45.45	Turbo-jets, Turbo-propellers and other gas turbines	04.11
chlorofluorocarbon-216 (CFC-216)	2903.45.50		
chlorofluorocarbon-217 (CFC-217)	2903.43.30	Other engines and motors	84.12
Group II - Carbon tetrachloride			
carbon tetrachloride	2903.14	Air conditioning machines, comprising a motor-	
carbon tetraemonae	2703.14	driven fan and elements for changing the	04.15
		temperature and humidity, including those machines	84.15
Group III - 111-trichlrethane (methyl		in which the humidity cannot be separately regulated	
<u>chloroform)</u>			
methyl chloroform (111-Trichloroethane)	2903.19.10	Refrigerators, freezers and other refrigerating or	0.4.4.0
		freezing equipment, electric or other; heat pumps	84.18
Class C/ Group I Air-Conditioners		other than air conditioning equipment of heading	
Air conditioning machines, comprising a motor-			
driven fan and elements for changing the		Mechanical Appliances (whether or not hand-	
temperature and humidity, including those		operated) for projecting, dispersing or spraying	
machines in which the humidity cannot be	84.15	liquids or powders; fire extinguishers, whether or	
separately regulated		not charged, spray guns and similar appliances;	84.24
		steam or sand blasting machines and similar jet	
Air conditioners cont.		projecting machines	
Prefabricated buildings (includes air conditioners		projecting machines	
as built in equipment)	94.06	Pulley tackle and hoists (excluding skip hoists);	
equipment,		winches and capstans jacks	84.25
Refrigerators, freezers and other refrigerating or		winenes and capstails jacks	
freezing equipment, electric or other; heat pumps	84.18	Other moving, grading, leveling, scraping,	
other than air conditioning equipment of heading		excavation, tamping, compacting, extracting or	
84.15			84.30
		boring machinery, for earth, minerals or ores; pile-	
Machinery, plant or laboratory equipment, whether		drivers and pile-extractors; snow ploughs and snow-	
or not electrically heated, for the treatment of	84.19	blowers	
materials by a process involving a change of	01.17		
temperature such as heating, cooking, roasting,			
distilling, rectifying, sterilizing, pasteurizing,			
steaming, drying. Evaporating,			

Description of substances and goods	Tariff heading	Description of substances and goods	Tariff heading
Group III  Fire Extinguishers Fire extinguishers, whether or not charged	8424.10	Insecticides, rodenticides, fungicides, herbicides, anti-sprouting products and plant growth regulators, disinfectants and similar products, put up in forms or packaging for retail sale or as preparations or articles (for example, sulphur treated bands, wicks and candles and fly papers)	38.08
Ory cleaning machinery Household or laundry-type washing machines, including machines which with both wash and dry	84.50	Organic. composite solvents and thinners, not elsewhere specified or included; prepared paint or varnish removers	38.14
Dry cleaning machines  Group V  Aerosols	8451.10	Prepared binders for foundry moulds or cores; chemical products and preparations of the chemical or allied industries (including those consisting of mixtures of natural products), not elsewhere specified or included; residual products of the chemical or allied industries, not	38.24
Preparation for use on the hair  Pre-shave, shaving or after-shave preparations, personal deodorants, bath preparations, depilatories and other perfumery, cosmetic or toilet preparations, not elsewhere specified or	33.05 33.07	elsewhere specified or included  Other arms (for example, spring, air or gas guns and pistols, truncheons) (excluding those of heading no. 93.07)	93.04
included; prepared room deodorizers, whether or not perfumed or having disinfectant properties.  Lubricating preparations (including cutting-oil preparations, bolt or nut release preparations.)		Class D/ Group I  Methyl bromide Bromomethane (Methyl bromide)	2903.30.
preparations, bolt or nut release preparations, anti-rust or anti corrosion preparations and mould release preparations, based on lubricants) and preparations of a kind used for the oil or grease treatment of textile materials, leather, furskins or other materials, but excluding preparations containing, as basic constituents, 70 per cent or more by mass of petroleum oils or of oils obtained from bituminous minerals	34.03	Class E  Group I Hydrochlorofluorocarbons  Dichloroflouromethane – 21 (HCFC 21) Chlororodifluormethane – 22 (HCFC) 1,1-dichloro-1-fluoroethane – 141b (HCFC) 1-chloro-1,1-diflourethane – 142b (HCFC)	2903.49 2903.49 2903.49 2903.49
		Group II HCFC blends HCFC blend - 401a HCFC blend - 402a HCFC blend - 405a HCFC blend - 406a HCFC blend - 408a HCFC blend - 409a HCFC blend - 507	2903.49 2903.49 2903.49 2903.49 2903.49 2903.49
		Other HCFCs and HCFC blends	2903.49

1. A reference to a tariff heading in the description of a substances or goods, contained in this Annexure correspond to the tariff heading in the respective Chapters to Schedule I of the Customs and Excise Act, 1998 (Act No. 20 of 1998).

Annexure 2



#### REPUBLIC OF NAMIBIA

MINISTRY OF TRADE AND INDUSTRY Private Bag 13340 Windhoek

Tel: +264-61-283-7271 Fax +264-61-221-729

#### IMPORT PERMIT FOR OZONE DEPELETING SUBSTANCES

(Section 2 of the Import and Export Control Act, 1994 (Act No. 30 of 1994)

Directorate: International Trade Import-Export Management				
PERMIT No.	Export Mana	gement		
Name of ozone depleting substances	Quantity*	HS Code		
*This permit authorizes the above named to import ozone depleting substances to the quantity not exceeding the quantity specified above.				

quantity not exceeding the quantity specified above.
Windhoek, (date)
Director Import-Export Control:

Deductions				
Place	Date	B/E	Init.	Transaction quantity

#### **CONDITIONS**

- 1. Only substances of the class and kind described in this permit may be imported and except where otherwise specified this permit is for new goods only.
- 2. This permit may not be transferred in any manner by the holder thereof any other person or used to benefit a person not named in the permit.
- 3. This permit is valid for the calendar year for which it is issued and may be used for customs clearance of good prior to 31 December of the year of issues.
- 4. This permit is issued without any amendments. Any unauthorized amendments appearing therein will render this permit invalid and will be confiscated by the Commissioner: Customs and Excise.
- 5. This permit is not an exchange license and only authorizes the importation of goods specified therein.
- 6. The importer must retain this permit for a minimum period of three calendar years.
- 7. This permit does not exempt an importer from the obligation of complying with the provisions of other legislation related to the importation of goods into Namibia.
- 8. The permit will only be issued on written recommendation by the National Ozone Officer.
- 9. The recommendation of the National Ozone Officer must be made in line with substance specific obligations of the Montreal Protocol and its relevant amendments as applicable to Namibia for:
  - (a) Annexure I Class E Group I
  - (b) Annexure I Class E Group II
- 10. To meet the phasing out process of ODS as determined in paragraph 9 of this Annexure, the National Ozone Officer shall recommend importer specific quantities as calculated on the bases of the import figures as provided by the Importer in annual intervals using the form as specified in Annexure III of this notice.
- 11. The base level of the overall quantity to be imported during the validity period of all issued import permits for ODS will be:

#### Annexure I Class E Group I and II kg

(Equal to average of annual imports during 2009-2010)

The freeze or minimum reduction levels of ODS import quantities will be for:

#### Annexure I Class E Group I and II

- i. Baseline: Average 2009-2010 consumption
- ii. Freeze on 01 January 2012
- iii. 30% reduction on 01 January 2015
- iv. 70% reduction on 01 January 2018
- v. 97.5% reduction on 01 January 2020
- vi. 2.5% servicing: 2020 -2030

- 13. The importer specific base line shall be calculated on the shares of the importers to the overall calculated import quantities of that specific year.
- 14. To meet the freeze and minimum reduction levels, as listed in paragraph 12 of this Annexure, the reduction of imports for substances listed shall take place on annual intervals.
- 15. Notwithstanding all substances as specified in Class E in Annexure I, an import permit for ODS shall be issued in instances where a possible essential use exemption has been recommended by the National Ozone Officer under the consideration of the specification given by the Montreal Protocol.
- 16. 'Base level' means the annual average consumption of a group of substances for a specific period.
- 17. 'Consumption' means the amount of an imported substance, minus the amount of that substance exported.
- 18. 'Freeze' means the level where the base level for the annual average consumption of a group of substance is met.
- 19. 'Montreal Protocol', means the Montreal Protocol on substances that deplete the Ozone Layer, a protocol to the Vienna Convention for the Protection of the Ozone Layer to which Namibia is a signatory, including adjustments adopted by Parties thereto and amendments that have entered into force.
- 20. 'National Ozone Officer' means the officer in charge of the National Ozone Unit within the Ministry of Trade and Industry.

Annexure 3



#### REPUBLIC OF NAMIBIA

# MINISTRY OF TRADE AND INDUSTRY National Ozone Office Private Bag 13340 Windhoek

Tel: +264-61-283-7271 Fax +264-61-221-729

Trade Name of Chemical	Chemical	Import kg	Sales kg	Stock kg
	Ingredient			<b>_</b>
Refrigerants and chillers and /or foaming agents				
R11 <sup>Δ</sup> -cross: foaming or refrigerant/chiller	CFC			
R12 <sup>Δ</sup> -cross: foaming or refrigerant/chiller	CFC			
<u>R13</u>	CFC			
<u>R111</u>	CFC			
R112	CFC			
R114	CFC			
<u>R115</u>	CFC			
R502	CFC/HCFC			
<u>R21</u>	HCFC			
<u>R22</u>	<u>HCFC</u>			
R141b	HCFC			
<u>R141b</u>	HCFC			
Other refrigerants				
R211	CFC			
R212	CFC			
R213	CFC			
R214	CFC			
R215	CFC			
R216	CFC			
R217	CFC			
<u>R123</u>	HCFC			
R124	HCFC			
			<u> </u>	
<u>R225</u>	HCFC			
	HCFC			
R225 Blends	HCFC/HFCI			
R225				
R225 Blends R401a	HCFC/HFCI			

R409	HCFC		
Fire Suppressants			
Halon 1211 (R12B1)	Halon		
Halon 1301 (R13B1)	Halon		
Halon 2402 (R114B2)	Halon		
Mainly industrial appliances			
Carbon tetrachloride (Tetrachlormenthane)			
1,1,1 trichlorethane (methyl chloroform)B			
Soil fumigant, Phytosanitary, pre-shipment			
Methyl Bromide			
Solvents for electronic appliances			
R113(specify% of CFC)	CFC		

Prepared by:	Capacity:	Date:	_
Signature:	STAMP		

#### Note:

- 1. 'CFC' means cholorofluorocarbons listed in Class A/Group I and Class B/Group I of Annexure I of this Schedule.
- 2. 'HCFC' means hydrocholorofluorocarbons listed in Class E/Group xyz of Annexure I of this Schedule.
- 3. 'Refrigerant' means any Group I of Class A substance or Group I of Class B substance or Group xyz of Class E substance contained in Annexure I of this Schedule. Whether or not in its pure form used for household or commercial purposes and includes any substitute substance.

<sup>&</sup>lt;sup>A</sup> Also as agent for foam

<sup>&</sup>lt;sup>B</sup> Also as agent for paint and Glue