



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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Government Notice

MINISTRY OF TRADE AND INDUSTRY

No. 80

2004

PROHIBITION OF THE 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 following ozone depleting substances as set out in the Schedule below;
- (b) authorise the National Ozone Officer to direct any person who imports into Namibia any Class A, Class B or Class D 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; and
- (c) determine that this Notice comes into operation on 1 January 2005.

J. NYAMU
MINISTER OF TRADE AND INDUSTRY

Windhoek, 2 March 2004

SCHEDULE

Prohibition of import of certain ozone depleting substances

1. The import into Namibia of the following ozone depleting substances listed in Annexure I of this Schedule are prohibited, 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:
 - (a) Class A;
 - (b) Class B; and
 - (c) Class D.

Import of new or used goods

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.

Import from Non-Party States

3. Notwithstanding paragraph 1, the import of -
 - (a) ozone depleting substances as specified in Class A, Class B, and Class D of Annexure I of this Schedule; and
 - (b) goods specified in Class C of Annexure I of this Schedule, to the extent that they are designed to use Class A, Class B or Class D substances listed in that Annexure, is prohibited from the following states:
 - (i) Afghanistan;
 - (ii) Andorra;
 - (iii) Bhutan;
 - (iv) East Timor;
 - (v) Equatorial Guinea;
 - (vi) Eritrea;
 - (vii) Holy See;
 - (viii) Iraq; and
 - (ix) San Mario.

Asthma-metered dose inhalers

4. Notwithstanding paragraph 1 and paragraph 2, a permit for the importation into Namibia of chlorofluorocarbon based propellants used in asthma-metered dose inhalers are not required.

Directives made by National Ozone Officer

5. A directive made by an authorised 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:
 - (a) Class A;

- (b) Class B; and
(c) Class D.

Application for Import Permit

6. For the purposes of paragraph 1 and 2, an application form for an Import Permit for Ozone Depleting Substances is obtainable from:

Ministry of Trade and Industry
Private Bag 13340
Windhoek.

Annexure I

Description of substances and goods	Tariff heading	Description of substances and goods	Tariff heading
Class A / Group I - Chlorofluorocarbons			
chlorofluorocarbon - 11 (CFC-11)	2903.41	rising, condensing or cooling (excluding machinery or plant of a kind used for domestic purposes); instantaneous or storage water heaters, non electric	
chlorofluorocarbon - 12 (CFC-12)	2903.42		
chlorofluorocarbon - 113 (CFC-113)	2903.43		
chlorofluorocarbon - 114 (CFC-114)	2903.44		
chlorofluorocarbon - 115 (CFC-115)	2903.44	Electro-mechanical domestic appliances, with self-contained electric motor	85.09
Group II - Halons			
halon - 1211	2903.46	Trailers and semi-trailers; other vehicles, not mechanically propelled; parts thereof	87.16
halon - 1301	2903.46		
halon - 2402	2903.46		
Class B / Group I-Other fully halogenated CFCs		Group II	
chlorofluorocarbon-13 (CFC-13)	2903.45.05	Compressors	8414.30
chlorofluorocarbon-111 (CFC-111)	2903.45.10	Compressors of a kind used in refrigeration equipment	8414.90
chlorofluorocarbon-112 (CFC-112)	2903.45.15	Parts:	
chlorofluorocarbon-211 (CFC-211)	2903.45.20	-for other ventilating fans (excluding that for fans identifiable for use with motor vehicle engines)	8414.90.70
chlorofluorocarbon-212 (CFC-212)	2903.45.25	-Other	8414.90.90
chlorofluorocarbon-213 (CFC-213)	2903.45.30		
chlorofluorocarbon-214 (CFC-214)	2903.45.35	Turbo-jets, Turbo-propellers and other gas turbines	84.11
chlorofluorocarbon-215 (CFC-215)	2903.45.40		
chlorofluorocarbon-216 (CFC-216)	2903.45.45	Other engines and motors	84.12
chlorofluorocarbon-217 (CFC-217)	2903.45.50		
Group II - Carbon tetrachloride			
carbon tetrachloride	2903.14	Air conditioning machines, comprising a motor-driven fan and elements for changing the temperature and humidity, including those machines in which the humidity cannot be separately regulated	84.15
Group III - 1,1,1-trichlorethane (methyl chloroform)			
methyl chloroform (1,1,1-Trichloroethane)	2903.19.10		
Class C / Group I			
Air Conditioners		Refrigerators, freezers and other refrigerating or freezing equipment, electric or other; heat pumps other than air conditioning equipment of heading 84.15	84.18
Air conditioning machines, comprising a motor-driven fan and elements for changing the temperature and humidity, including those machines in which the humidity cannot be separately regulated	84.15		
Air conditioners cont.		Mechanical Appliances (whether or not hand-operated) for projecting, dispersing or spraying liquids or powders; fire extinguishers, whether or not charged, spray guns and similar appliances; steam or sand blasting machines and similar jet projecting machines	84.24
Prefabricated buildings (includes air-conditioners as built in equipment)	94.06		
Refrigerators, freezers and other refrigerating or freezing equipment, electric or other; heat pumps other than air conditioning equipment of heading 84.15	84.18	Pulley tackle and hoists (excluding skip hoists); winches and capstans jacks	84.25
Machinery, plant or laboratory equipment, whether or not electrically heated, for the treatment of materials by a process involving a change of temperature such as heating, cooking, roasting, distilling, rectifying, sterilising, pasteurising, steaming, drying, evaporating, vapo-	84.19	Other moving, grading, levelling, scraping, excavation, tamping, compacting, extracting or boring machinery, for earth, minerals or ores; pile-drivers and pile-extractors; snow-ploughs and snow-blowers.	84.30

Description of substances and goods	Tariff heading	Description of substances and goods	Tariff heading
<u>Group III</u>			
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 packings for retail sale or as preparations or articles (for example, sulphur treated bands, wicks and candles and fly papers)	38.08
<u>Group IV</u>			
Dry 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	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 elsewhere specified or included	38.24
<u>Group V</u>			
Aerosols Preparation for use on the hair	33.05	Other arms (for example, spring, air or gas guns and pistols, truncheons) (excluding those of heading no. 93.07)	93.04
Pre-shave, shaving or after-shave preparations, personal deodorants, bath preparations, depilatories and other perfumery, cosmetic or toilet preparations, not elsewhere specified or included; prepared room deodorisers, whether or not perfumed or having disinfectant properties.	33.07	Class D / Group I	
Lubricating preparations (including cutting-oil 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	Methyl bromide Bromomethane (Methyl bromide)	2903.30.10

Notes:

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).

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:
- Annexure I Class A Group I
 - Annexure I Class A Group II
 - Annexure I Class B Group I
 - Annexure I Class B Group II
 - Annexure I Class B Group III
 - Annexure I Class D Group I
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:
- Schedule 1 Class A Group I kg
(equal to average of imports during 1995-1997)
 - Schedule 1 Class A Group II kg
(average of annual imports during 1998-2000)
 - Schedule 1 Class B Group I 0kg
(equal to average of annual imports during 1998-2000)
 - Schedule 1 Class B Group II 0kg
(equal to the average of annual imports during 1998-2000)
 - Schedule 1 Class B Group III 0kg
(equal to average of annual imports during 1998-2000)
 - Schedule 1 Class D Group I kg
(equal to average of annual imports during 1995-1998)
12. The freeze or minimum reduction levels of ODS import quantities will be for:
- Schedule 1 Class A Group I -
 - freeze on 1 July, 1999
 - 50% reduction on 1 January, 2005
 - 85% reduction on 1 January, 2007
 - 100% reduction on 1 January, 2010
 - Schedule 1 Class A Group II -
 - freeze on 1 January, 2002
 - 50% reduction on 1 January, 2005
 - 100% reduction on 1 January, 2010
 - Schedule 1 Class B Group I -
 - 20% reduction on 1 January, 2003
 - 85% reduction on 1 January, 2007
 - 100% reduction on 1 January, 2010
 - Schedule 1 Class B Group II -
 - 20% reduction on 1 January, 2003
 - 85% reduction on 1 January, 2007
 - 100% reduction on 1 January, 2010
 - Schedule 1 Class B Group III -
 - freeze on 1 January, 2003
 - 30% reduction on 1 January, 2005
 - 70% reduction on 1 January, 2010
 - 100% reduction on 1 January, 2015
 - Schedule 1 Class D Group I - kg
 - freeze on 1 July, 2002
 - 20% reduction on 1 January, 2005
 - 100% reduction on 1 January, 2015
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 A, Class B, and Class D 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.
- Notes:**
- 'base level' means the annual average consumption of a group of substances for a specific period.
 - 'consumption' means the amount of an imported substance, minus the amount of that substance exported.
 - 'freeze', means the level where the base level for the annual average consumption of a group of substance is met.
 - '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.
 - 'National Ozone Officer' means the officer in charge of the National Ozone Unit within the Ministry of Trade and Industry.

Annexure III

Ministry of Trade and Industry:
 National Ozone Office
 Private Bag 13340
 Windhoek
 Tel: 061-283 7278, Fax: 061-25 9676
 Year: 2 _____ (Period: 1. January-31. December)

Trade name of chemicals	Chemical ingredient	Sales kg	Import kg	Stock kg
Refrigerants and chillers and/or foaming agents				
R11 ^A -cross: foaming <input type="checkbox"/> or refrigerant/chillers <input type="checkbox"/>	CFC			
R12 ^A -cross: foaming <input type="checkbox"/> or refrigerant/chillers <input type="checkbox"/>	CFC			
R13	CFC			
R111	CFC			
R112	CFC			
R114	CFC			
R115	CFC			
R502	CFC/HCFC			
Other Refrigerants				
R211	CFC			
R212	CFC			
R213	CFC			
R214	CFC			
R215	CFC			
R216	CFC			
R217	CFC			
Fire Suppressants				
Halon 1211 (R12B1)	Halon			
Halon 1301 (R13B1)	Halon			
Halon 2402 (R114B2)	Halon			
Mainly industrial appliances				
Carbon tetrachloride (Tetrachlormethane)				
1,1,1 trichloroethane (methyl chloroform) ^B				
Soil fumigant, Phytosanitary, pre-shipment				
Methyl Bromide				
Solvents for electronic appliances				
R113 (specify ...% CFC)	CFC			

_____,
Date,_____
Stamp and Signature

^A Also as agent for foam

^B Also as agent for paint and glue

Note:

1. 'CFC', means chlorofluorocarbons listed in Class A/Group I and Class B/Group I of Annexure I of this Schedule.
2. 'Refrigerant', means any Group I of Class A substance or Group I of Class B 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.