

S.I. 64 of 2010

ENVIRONMENT PROTECTION ACT

(Cap 71)

Environment Protection (Ozone) Regulations, 2010

In exercise of powers conferred by section 10 (3) of the Environment Protection Act, 1994, the Minister of Home Affairs, Environment and Transport makes the following Regulations—

1. These Regulations may be cited as the Environment Protection (Ozone) Regulations, 2010. Citation

2. In these Regulations— Interpretation

“Administrative Officer” means the officer in charge of the Ozone Unit;

“controlled product” means a product containing, made with or designed for a controlled substance and includes the products specified in Schedule 1, Part C;

“controlled substance” means a substance specified in Schedule 1, Part B;

“Minister” means the Minister responsible for environment and “Ministry” is construed accordingly;

“Ozone Unit” means the body designated by the Minister to implement these Regulations and other laws relating to Ozone;

“prescribed product” means a product containing, made with or designed for a prescribed substance and includes the products specified in Schedule 1, Part C; and

“prescribed substance” means a substance specified in Schedule 1, Part A.

Application

3. These Regulations apply to —

- (a) controlled substances and products;
- (b) prescribed substances and products; and
- (c) persons who, in the course of any licensed activity or otherwise produce, manufacture, import, export, sell, purchase or use
 - (i) controlled substances or products; or
 - (ii) prescribed substances or products.

Prohibition on prescribed products

4.(1) A person shall not produce, manufacture, import, export, sell, purchase or use —

- (a) prescribed substance; or
- (b) prescribed product.

(2) A person who imports a prescribed substance or product in contravention of sub regulation (1) shall re-ship the substance or product to the port of origin at his or her cost.

Prohibition on making of controlled substance or product

5. A person shall not produce or manufacture —

- (a) controlled substance; or
- (b) a controlled product.

Restriction on import, export, and sale of controlled substance or product

6. A person shall not import, export or sell —

- (a) a controlled substance; or
- (b) a controlled product,

unless that person —

- (i) is registered by the Ozone Unit under regulation 11; and

(ii) holds a permit issued under regulation 12.

7.(1) A person shall not purchase or use a controlled substance without a permit issued under regulation 12.

Use of
controlled
substance

(2) For the purposes of this section, "use" includes installing, servicing and operating a controlled substance.

8.(1) A person shall not decommission —

- (a) a controlled substance or product; or
- (b) a prescribed substance or product,

Decommissioning
of controlled and
prescribed
substances and
products

except under and in accordance with the conditions of a licence issued under the Licences Act (Cap 113).

(2) A licence referred to in sub regulation (1) shall be issued only to a person who has satisfied the Administrative Officer that the person has completed a course of training approved by the Administrative Officer.

9. A person who imports, exports, sells, purchases, or uses a controlled substance or product shall make arrangements for the recovery of controlled substances from—

Recovery of
substances
and products

- (i) refrigerators and air conditioners;
- (ii) fire protection systems;
- (iii) equipment containing such substances;
- (iv) controlled or prescribed products before the recycling or reclamation, and during servicing and maintenance of such products; and
- (v) controlled or prescribed products before dismantling or disposal of such products,

at that person's own cost and under the supervision of an officer so authorised by the Administrative Officer.

Precautions
against
leakage

10. A person who imports, exports, sells, purchases, or uses controlled substances or products shall take all practicable measures to prevent leakage of substances constituting controlled products whenever they handle controlled products.

Registration

11.(1) An application for registration under regulation 6(i) shall be made to the Administrative Officer in the form specified in Schedule 2, Part A and shall be accompanied by—

- (a) such documents as may be specified in the form; and
- (b) the prescribed fee.

(2) An applicant who satisfies the Administrative Officer that he or she meets the requirements for registration shall be registered under subregulation (1).

Permit

12.(1) An application for a permit under regulations 6(ii) and 7 shall be made to the Administrative Officer in the form specified in Schedule 2, Part B accompanied by —

- (a) such documents as may be specified in the form; and
- (b) the prescribed fee.

(2) Upon receipt of an application under subregulation (1), the Administrative Officer shall consider the application and issue or refuse to issue a permit.

(3) A permit issued under these Regulations shall —

- (a) be subject to any conditions set out in the permit;
- (b) remain in force for such period as may be specified in the permit; and
- (c) not be transferable.

Renewal of
permit

13. A permit issued under regulation 12 may be renewed by making an application for a renewal to the Administrative Officer in writing, accompanied by the prescribed fee.

14. The Administrative Officer may cancel a permit issued under regulation 12, if any of the conditions set out in the permit is contravened, after giving the holder of the permit an opportunity to show cause why the permit should not be cancelled.

Cancellation
of permit

15.(1) A person aggrieved by the decision of the Administrative Officer to—

Appeal

- (a) refuse to register that person under regulation 11;
- (b) refuse to issue or renew a permit under regulation 12 or 13 as the case may be; or
- (c) cancel a permit under 14,

may appeal in writing to the Minister against the decision, within 30 days of the decision.

(2) The decision of the Minister made under subregulation (1) shall be final.

16.(1) The Minister may empower any officer of the Ministry to be an authorised officer for the purpose of ensuring compliance with these Regulations.

Authorised
officer

(2) The provisions of section 22 of the Act shall apply *mutatis mutandis* to an authorised officer empowered under these Regulations.

17.(1) A fee of SR3000 per equipment shall be imposed for the import of prescribed substance or prescribed product containing, made with or designed for prescribed substance, and SR300 per kg for all import of prescribed substance or prescribed product.

Offences and
Penalties

- (2) (a) A person who contravenes regulations 4, 5, 6, 7, 8, 9 and 10; or

- (b) a person who fails to pay the penalty imposed under regulation 17(1),

commits an offence and is liable on conviction to imprisonment for a period not exceeding 2 years and to a fine not exceeding SR20,000.

Prohibition on controlled and prescribed products by 1st January 2020

18. Notwithstanding any other provision of these Regulations, a person shall not produce, manufacture, import, export, sell purchase, or use a controlled substance or product on or after 1st January 2020.

Repeal of S.I. 24 of 2000

19. The Environment Protection (Ozone) Regulations, 2000, are repealed.

Transitional provision

20. A licence or permit issued under the Environment Protection (Ozone) Regulations, 2000, shall during its period of validity have effect as if the licence or permit were issued under these Regulations.

SCHEDULE 1

Part A: Prescribed substances.

This includes any substances mentioned below or a compound containing any such substance and all isomers of such substances.

Group	Substance	Ozone-Depleting Potential
CFC13	(CFC-11)	1.0
CF2Cl2	(CFC-12)	1.0
C2F3Cl3	(CFC-113)	0.8
C2F4Cl2	(CFC-114)	1.0
C2F5Cl	1 (CFC-115)	0.6
CF2BrCl	(halon-1211)	3.0

CF3Br	(halon-1301)	10.0
C2F4Br2	(halon-2402)	6.0
CF3Cl	(CFC-13)	1.0
C2FCl5	(CFC-111)	1.0
C2F2Cl4	(CFC-112)	1.0
C3FCl7	(CFC-211)	1.0
C3F2Cl6	(CFC-212)	1.0
C3F3Cl5	(CFC-213)	1.0
C3F4Cl4	(CFC-214)	1.0
C3F5Cl3	(CFC-215)	1.0
C3F6Cl2	(CFC-216)	1.0
C3F7Cl	(CFC-217)	1.0
CCl4	carbon tetrachloride	1.1
C2H3Cl3*	1,1,1-trichloroethane* (methyl chloroform)	0.1
CH3Br	methyl bromide	0.6

* This formula does not refer to 1, 1, 2-trichloroethane.

Part B: Controlled Substances

This includes any substances mentioned below or a compound containing any such substance and all isomers of such substances.

Group	Substance	Number of isomers	Ozone-Depleting Potential
CHFCI ₂	(HCFC-21)**	1	0.04
CHF ₂ CI	(HCFC-22)**	1	0.055
CH ₂ FCI	(HCFC-31)	1	0.02
C ₂ HFCI ₄	(HCFC-121)	2	0.01 0.04
C ₂ HF ₂ CI ₃	(HCFC-122)	3	0.02 0.08
C ₂ HF ₃ CI ₂	(HCFC-123)	3	0.02 0.06
CHCI ₂ CF ₃	(HCFC-123)**		0.02
C ₂ HF ₄ CI	(HCFC-124)	2	0.02 0.04
CHFCICF ₃	(HCFC-124)**		0.022
C ₂ H ₂ FCI ₃	(HCFC-131)	3	0.007 0.05
C ₂ H ₂ F ₂ CI ₂	(HCFC-132)	4	0.008 0.05
C ₂ H ₂ F ₃ CI	(HCFC-133)	3	0.02 0.06
C ₂ H ₃ FCI ₂	(HCFC-141)	3	0.005 0.07
CH ₃ CFCI ₂	(HCFC-141b)**		0.11
C ₂ H ₃ F ₂ CI	(HCFC-142)	3	0.008 0.07
CH ₃ CF ₂ CI	(HCFC-142b)**		0.065
C ₂ H ₄ FCI	(HCFC-151)	2	0.003 0.005
C ₃ HFCI ₆	(HCFC-221)	5	0.015 0.07
C ₃ HF ₂ CI ₅	(HCFC-222)	9	0.01 0.09
C ₃ HF ₃ CI ₄	(HCFC-223)	12	0.01 0.08

C3HF4Cl3	(HCFC-224)	12	0.01 0.09
C3HF5Cl2	(HCFC-225)	9	0.02 0.07
CF3CF2CHCl 2	(HCFC-225ca)**		0.025
CF2ClCF2CH ClF	(HCFC-225cb)**		0.033
C3HF6Cl	(HCFC-226)	5	0.02 0.10
C3H2FCl5	(HCFC-231)	9	0.05 0.09
C3H2F2Cl4	(HCFC-232)	16	0.008 0.10
C3H2F3Cl3	(HCFC-233)	18	0.007 0.23
C3H2F4Cl2	(HCFC-234)	16	0.01 0.28
C3H2F5Cl	(HCFC-235)	9	0.03 0.52
C3H3FCl4	(HCFC-241)	12	0.004 0.09
C3H3F2Cl3	(HCFC-242)	18	0.005 0.13
C3H3F3Cl2	(HCFC-243)	18	0.007 0.12
C3H3F4Cl	(HCFC-244)	12	0.009 0.14
C3H4FCl3	(HCFC-251)	12	0.001 0.01
C3H4F2Cl2	(HCFC-252)	16	0.005 0.04
C3H4F3Cl	(HCFC-253)	12	0.003 0.03
C3H5FCl2	(HCFC-261)	9	0.002 0.02
C3H5F2Cl	(HCFC-262)	9	0.002 0.02
C3H6FCl	(HCFC-271)	5	0.001 0.03
CH2FBr2		1	1.00
CHF2Br	(HBFC-22B1)	1	0.74
CH2FBr		1	0.73
C2HFBr4		2	0.3 0.8
C2HF2Br3		3	0.5 1.8

C2HF3Br2		3	0.4 1.6
C2HF4Br		2	0.7 1.2
C2H2FBr3		3	0.1 1.1
C2H2F2Br2		4	0.2 1.5
C2H2F3Br		3	0.7 1.6
C2H3FBr2		3	0.1 1.7
C2H3F2Br		3	0.2 1.1
C2H4FBr		2	0.07 0.1
C3HFBr6		5	0.3 1.5
C3HF2Br5		9	0.2 1.9
C3HF3Br4		12	0.3 1.8
C3HF4Br3		12	0.5 2.2
C3HF5Br2		9	0.9 2.0
C3HF6Br		5	0.7 3.3
C3H2FBr5		9	0.1 1.9
C3H2F2Br4		16	0.2 2.1
C3H2F3Br3		18	0.2 5.6
C3H2F4Br2		16	0.3 7.5
C3H2F5Br		8	0.9 14.0
C3H3FBr4		12	0.08 1.9
C3H3F2Br3		18	0.1 3.1
C3H3F3Br2		18	0.1 2.5
C3H3F4Br		12	0.3 4.4
C3H4FBr3		12	0.03 0.3
C3H4F2Br2		16	0.1 1.0
C3H4F3Br		12	0.07 0.8

C3H5FBr2		9	0.04 0.4
C3H5F2Br		9	0.07 0.8
C3H6FBr		5	0.02 0.7
CH2BrCl	bromochloromethane	1	0.12

Part C: Products containing, made with or designed for prescribed or controlled substances

1. Automobile and truck air conditioning units (whether incorporated in vehicles or not).
2. Domestic and commercial refrigeration and air conditioning/heat pump equipment, including Refrigerators; Freezers; Dehumidifiers; Water coolers; Ice machines; Air conditioning and heat pump units.
3. Aerosol products, except medical aerosols.
4. Portable fire extinguishers.
5. Insulation boards, panels and pipe covers.
6. Pre-polymers.

SCHEDULE 2

Part A: Form 1

**APPLICATION FOR REGISTRATION AS IMPORTER EXPORTERS
AND SELLERS OF NON OZONE DEPLETING SUBSTANCES (ODS)**

To be filled in two copies (one will be returned to the applicant with a decision)

Name of the Applicant:

.....

Importer	Exporter (from which company)	Seller (from which company)
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Please tick the appropriate box.

Enterprise/Organisation Identification No.:

.....

Postal Address:

.....

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Tel No:.....Fax

No:.....

Email

address:

Contact person: (Name/Title)

.....

Person authorised to act on behalf of the Enterprise/Organisation (Name/Title):

.....

.....

List of controlled substances and products to be imported, exported or sold:

HCF/HBFCs (Use chemical code name)

Controlled Substances	Requested Quantities	Size of Cylinder	Exporting Country	Intended Use

Additional information to be attached to this application:

- Licence Number of Enterprise/Organisation issued by Seychelles Licensing Authority;
- Copies of any certificates of the Refrigerant Technician(s) dealing with controlled substances and products;
- Authorisation of Enterprise/Organisation for person to act on behalf of Enterprise/Organisation;
- Information on previously imported quantities of controlled substances.

Please note:

It is an offence to import, export, sell, purchase or use prescribed substances (Annexe 1).

It is an offence to import, export, sell, purchase and use controlled substance (Annexe 2).

A quota system is in place for the import of controlled substances.

The import of HCFCs and HBFCs shall be banned from 1st January 2020.

I,, authorised to act on behalf of....., certify that the information given in this application and its annexes is correct.

Name in block letters:

Title:

Signature:

Date and Place:

FORM 2

APPLICATION TO IMPORT NON OZONE DEPLETING SUBSTANCES (ODS)

To be filled in two copies (one will be returned to the applicant with a decision)

Name of the Applicant:

.....

Enterprise/Organisation identification no:

.....

Postal Address:

.....

.....

Tel No:..... Fax No:.....

Email address:

Contact person: (Name/Title)

.....

Person authorised to act on behalf of the Enterprise/Organisation (Name/Title):

.....

.....

List of Controlled substances and products to be imported:

HCFC/HFCs (Use chemical code name)

Controlled Substances	Requested Quantities	Size of Cylinder	Exporting Country	Intended Use

Expected Date of Arrival:

Port of Entry:

Name of Carrier:.....

Additional information to be attached to this application:

- Licence Number of Enterprise/Organisation issued by Seychelles Licensing Authority;
- Copies of any certificates of the Refrigerant Technician(s) dealing with controlled substances and products;
- Authorisation of Enterprise/Organisation for person to act on behalf of Enterprise/Organisation;
- Information on previously imported quantities of controlled substances.

Please note:

It is an offence to import, export, sell, purchase and use prescribed substances (Annexe 1).

It is an offence to import, export, sell, purchase and use controlled substance (Annexe 2).

A quota system is in place for the import of controlled substances.

The import of HCFCs and HBFCs shall be banned from 1st January 2020.

I,, authorised to act on behalf of....., certify that the information given in this application and its annexes is correct.

Name in block letters:.....

Title:.....

Signature:.....

Date and Place:.....

MADE this 30th day of August, 2010.

**JOEL MORGAN
MINISTER OF HOME AFFAIRS,
ENVIRONMENT AND TRANSPORT**
