

Chapter 20:27
Environmental Management
(Prohibition and Control of Ozone Depleting Substances & Ozone Depleting Substance Dependent Equipment) Regulations, 2011

Statutory Instrument 7 of 2011

Amended by SI 12/2013

ARRANGEMENT OF REGULATIONS

IT is hereby notified that the Minister of Environment and Natural Resources Management has, in terms of section 140(2)(b) of the Environmental and Natural Resources Management Act [*Chapter 20:27*], made the following regulations:—

Title and date of commencement

1 These regulations may be cited as the Environment Management (Prohibition and Control of Ozone Depleting Substances and Ozone Depleting Substance Dependent Equipment) Regulations, 2011.

[Amended by SI 12/2013 with effect from the 1st February, 2013]

(2) These regulations shall come into operation on the **1st March, 2011**.

Interpretation

2 In these regulations—

"**form**" means the appropriate form prescribed in the *First Schedule*;

"**officer**" means the Zimbabwe Revenue Authority officer appointed in terms of section 20 of the Revenue Authority Act [*Chapter 23 : 11*];

"**licence**" means an import or export licence issued in terms of section *four*;

"**Montreal Protocol**" means the Montreal Protocol on Substances that deplete the Ozone layer;

"**ozone depleting substance**" or "**ODS**", means any chemical substance which destroys the ozone layer and is controlled under the Montreal Protocol;

"**ozone depleting substance dependent equipment**" or "**ODS dependent equipment**" means products or equipment consisting of ozone depleting substances, including equipment whose continuous functioning relies on the use of ozone depleting substance;

"**Ozone Office**" means the National Ozone Office established by the Ministry of Environment and Natural Resources Management.

Application

3 These regulations shall apply to private and public industrial and commercial importers, exporters, producers and consumers of ozone depleting substances listed in the *Second, Third and Fourth Schedules* and ozone depleting substance dependent equipment listed in the *Fifth Schedule*.

Prohibited substances and equipment

4 **No person shall import** into Zimbabwe, any substances listed and equipment or appliance which uses or whose function relies on the substances listed in the *Second Schedule*.

Import and export licences

5 (1) Any person who wishes to import or export ozone depleting substance or ozone depleting substance dependent equipment or any chemical listed in the *Third, Fourth and Fifth Schedules* shall apply to the Ozone Office in **Form AP1**.

(2) Any application for a licence made in terms of subsection (1), shall be accompanied by an appropriate application fee and registration fee.

Processing of application

6 (1) The Ozone Office shall, as soon as practicable, but in any case **not later than 60 days** from the date of receipt of an application—

(a) grant the application (subject to such conditions as it may think fit to impose) and issue to the applicant the import or export licence applied for; or

(b) refuse the application giving reasons therefore.

(2) The fee for registration paid in terms of section *four* shall be refunded to an unsuccessful applicant, but not application fee.

(3) Where the Ozone Office issues a licence in terms of subsection (1), the licence shall—

(a) be valid for a period of 1 year; and

(b) not be transferable to another person.

Register of licensed importers or exporters

7 (1) The Ozone Office shall establish a register for the purpose of registering all licensed importers, exporters or consumers of ozone depleting substances and ozone depleting substance dependent equipment.

(2) The officer shall be responsible, subject to any direction given to him or her by the Secretary for Environment and Natural Resources Management, that all consignments are marked clearly recording—

(a) the name, identity or quantity of imported or exported ozone depleting substances; or

(b) details concerning contact address, labels and the packaging; or

(c) any other particulars that may be required by the Ozone Office.

(3) All imported ozone depleting substances and ozone depleting substance dependent equipment shall be utilized before their phase out date.

(4) The officer shall not allow the importation of a substance whose phase-out date has expired.

Returns to be furnished by licensed importers, exporters or consumers

8 Every licensed importer or exporter of ozone depleting substance or ozone depleting substance dependent equipment shall in the form and manner and within the time required by

the Ozone Office, furnish the Ozone Office with annual reports or other information in connection with—

- (a) quantities of ozone depleting substance and ozone depleting substance dependent equipment imported or exported, used or destroyed by approved means; and
- (b) sources of each ozone depleting substance and ozone depleting substance dependent equipment imported or exported indicating country, address, contact person, address and contact telephone or fax numbers; and
- (c) quarterly or half-yearly inventories of ozone depleting substance and ozone depleting substance dependent equipment indicating total capacity, consumed quantities and projected imports or exports and consumptions for the following year.

Authorised person to install ozone depleting substances and ozone depleting substances dependent equipment

- 9 (1) No person shall install or decommission an ozone depleting substance and ozone depleting substance dependent equipment unless he or she has been trained and authorised to do so by the National Ozone Unit, Ministry of Environment and natural Resources Management.
- (2) The owner of the ozone depleting substance and ozone depleting substance dependent equipment to be installed or decommissioned shall submit a written request to the national Ozone Office.
- (3) The National Ozone Office shall supervise, monitor and certify the installation or destruction of ozone depleting substances and ozone depleting substance dependent equipment.

Permission to destroy ozone depleting substances and ozone depleting substances dependent equipment

- 10 (1) If the owner or other person having control of ozone depleting substance and ozone depleting substance dependent equipment wishes to destroy them he or she shall submit a written statement to the National Ozone Office.
- (2) If the Ozone office grants permission for the goods to be destroyed, an office shall be appointed to witness the destruction and when the substance and equipment has been destroyed the officer shall record the quantities destroyed and sign a certificate of destruction.

Labelling and packaging

- 11 (1) All importers, exporters and consumers of ozone depleting substances and ozone depleting substances dependent equipment shall ensure that such products are clearly labelled and packaged to national and international standards.
- (2) The labels must state clearly, among other things, chemical formulae, chemical name, safety measures, names and addresses of manufacturers, instructions for use and disposal. United Nations number, Chemical Abstract Service numbers and any other relevant information such as "ozone friendly", and "ozone depleting".

Offences and penalties

- 12 (1) Any person who contravenes or fails to comply with sections *four(1),(2), eight, ten(1), eleven(1), and twelve(1)* of these regulations, shall be guilty of an offence and liable to a fine not

exceeding level fourteen or to imprisonment for a period not exceeding twelve months or both such fine and such imprisonment.

(2) The court convicting a person of an offence under subsection (1), may, upon the application of the prosecutor, declare any ODS or ODS dependent equipment in respect of which the offence has been committed to be forfeited to the State.

(3) Any ozone depleting substance and ozone depleting substance dependent equipment forfeited in terms of subsection (2) shall be destroyed or otherwise dealt with as the Secretary for Environment and Natural Resources Management may direct.

(4) The court convicting a person of an offence under subsection (1) may cancel any licence issued to such a person.

Repeal

13 The Environmental and Natural Resources Management (Control of Ozone Depleting Substances and Ozone Depleting Substances Dependent Equipment) Regulations, 2004, published in Statutory Instrument 133 of 2004, are repealed.

FIRST SCHEDULE (Section 5)

PRESCRIBED FORM

FORM AP1

APPLICATION FOR A LICENCE TO IMPORT/EXPORT ODS OR ODS DEPENDENT EQUIPMENT

Name of organisation/individual:

Physical address:

Postal address:

Responsible Person.....

Address (if different from above):.....

Telephone:

E-mail:

Fax:

State ODS/ODS dependent equipment to be imported and their quantities

1.....

2.....

3.....

State ODS/ODS dependent equipment to be imported and their quantities

1.....

2.....

3.....

State the intended uses (if for resale, indicate to which organisations/individuals

1.....

2.....

3.....

NB:— Upon completion of this form in duplicate, the form shall be submitted to:

The Permanent Secretary, Ministry of Environment and Natural Resources Management, Private Bag 7753, Causeway, Harare (12th Floor, Kaguvi Building, corner 4th Street and Central Avenue, Harare).

SECOND SCHEDULE (Section 3)

LIST OF PROHIBITED OZONE DEPLETING SUBSTANCES

Substance	Chemical name and formula	Ozone Depleting Potential	HS code 2007	HS code 2012
				Ex 2903.77 Copied below...
CFC-11	Trichlorofluoromethane CFC ₁₃	1.0	2903.41	Ex 2903.77
CFC-12	Dichlorodifluoromethane CF ₂ Cl ₂	1.0	2903.42	Ex 2903.77
CFC-13	Chlorotrifluoromethane CF ₃ Cl	1.0	2903.45	
R-111	Pentachlorofluorethane C ₂ FCl ₅	1.0	2903.45	
R-112	Tetrachlorodifluorethane C ₂ F ₂ Cl ₄	1.0	2903.45	
R-113	Trichlorotrifluoroethane C ₂ F ₃ Cl ₃	0.8	2903.43	
R-114	Dichlorotetrafluoroethane	1.0	2903.44	

	C ₂ F ₄ C ₁₂			
R-114	Chloropentafluoroethane CC ₁ F ₂ CF ₃	0.6	2903.44	
R-211	Heptachlorofluoropropane C ₃ FC ₁₇	1.0	2903.45	
R-212	Hexachlorodifluoropropane C ₃ F ₂ Cl ₆	1.0	2903.45	
R-213	Pentachlorotrifluoropropane C ₃ F ₃ Cl ₅	1.0	2903.45	
R-214	Tetrachlorotetrafluoropropane C ₃ F ₄ C ₁₄	1.0	2903.45	
R-215	Trichloropentafluoropropane C ₃ F ₅ C ₁₃	1.0	2903.45	
R-216	Dichlorohexafluoropropane C ₃ F ₆ C ₁₂	1.0	2903.45	
R-217	Chloroheptafluoropropane C ₃ F ₇ C ₁	1.0	2903.45	
R-12B1	Bromochlorodifluoromethane CF ₂ BrC ₁	3.0	2903.46	
R-13B 1	Bromotrifluoromethane CF ₃ Br	10.0	2903.46	
R-14B2	Dibromotetrafluoroethane C ₂ F ₄ Br ₂	6.0	2903.46	
	Carbon tetrachloride CCl ₄			

THIRD SCHEDULE (Section 3)

CONTROLLED SUBSTANCES

	ODP	HS code	HS code
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		2007	2012
Methyl Bromide	0.6		
1,1,1-trichloroethane C ₂ H ₃ Cl ₃ (Methyl-chloroform)	0.1	2903.19	

FOURTH SCHEDULE

CONTROLLED SUBSTANCES

[TO BE PROHIBITED ON 1ST JANUARY, 2030]

		ODP	HS code 2007	HS code 2012
R-21	Dichlorofluoromethane CH ₂ Cl ₂	0.04	2903.49	ex 2903.79
R-22	Chlorodifluoromethane CH ₂ ClF	0.055	2903.49	ex 2903.71
R-31	Monochlorofluoromethane CH ₂ ClF	0.02	2903.49	ex 2903.79
R-121	Tetrachlorofluoroethane C ₂ HCl ₄ F	0.01-0.04	2903.49	
R-122	Trichlorotrifluoroethane C ₂ HCl ₃ F ₃	0.02-0.08	2903.49	
R-123	2,2-dichloro-1,1,1-trifluoroethane C ₂ HCl ₂ F ₃	0.02-0.08	2903.49	
R-123	2,2-dichloro-1,1,1-trifluoroethane C ₂ HCl ₂ F ₃	0.02-0.08	2903.49	
R-123a	Dichlorotrifluoroethane CHCl ₂ CF ₃	0.02		
R-124	2-chloro-1,1,1,2-tetrafluoroethane C ₂ HClF ₄	0.02-0.04	2903.49	

R-124a	Chlorotetrafluoroethane CHFCLCF3	0.022		
R-131	Trichlorofluoroethane C2H2FC13	0.007-0.05	2903.49	
R-132	Dichlorodifluoroethane C2H2F2C12	0.008-0.05	2903.49	
R-133	Chlorodifluoroethane C2H2F3C1	0.02-0.06	2903.49	
R-141	Dichlorofluoroethane C2H3FC12	0.005-0.07	2903.49	
R-141b	1,1-dichloro-lfluoroethane CH3CFC12	0.11	2903.49	
R-142	Chlorodifluoroethane C2H2F2Cl	0.008-0.07	2903.49	
R-142b	1-chloro-1,1-difluoroethane CH3CF2Cl	0.065	2903.49	
R-151	Chlorofluoroethane C2H4FC1	0.003-0.005	2903.49	
R-221	Hexachlorofluoropropane C3HFC16	0.015-0.07	2903.49	
R-222	Pentachlorodifluoropropane C3HF2C15	0.01-0.09	2903.49	
R-223	Tetrachlorotrifluoropropane C3HF3C14	0.01-0.08	2903.49	
R-224	Trichlorotetrafluoropropane C3HF4C13	0.010-0.9	2903.49	
R-225	Dichloropentafluoropropane	0.02-0.07	2903.49	

	C3HF5C12			
R-225ca	1,1-dichloro-2,2,3, 3,3- pentafluoropropane CF3CF,CHC12	0.025	2903.49	
R-225cb	1,3-dichloro-2,2,3,3,3- pentafluoropropane CF2CICF2CHCIF	0.033	2903.49	
R-226	Chlorohexafluoropropane C3HF6Cl	0.02-0.10	2903.49	
R-231	Pentachlorofluoropentanes	0.05-0.09	2903.49	
R-232	Tetrachlorodifluoropropane	0.008-0.10	2903.49	
R-233	Trichlorotrifluoropropane C3H2F3Cl	0.007-0.23	2903.49	
R-234	Dichlortetrafluoropropane C3H2F4Cl	0.01-0.28	2903.49	
R-235	Chloropentafluoropropane C3H2F5Cl	0.03-0.52	2903.49	
R-241	Tetrachloreofluoropropane C3H3FC4	0.004-0.09	2903.49	
R-242	Trichlorodifluoropropane C3H3F2Cl3	0.005-0.13	2903.49	
R-243	Dichlorotrifluoropropane C3H3F3e12	0.007-0.12	2903.49	
R-244	Chlorotetrafluoropropane C3H3F3Cl	0.009-0.14	2903.49	
R-251	Trichlorotetrafluoropropane C3HF4C13	0.001-0.01	2903.49	

R-252	Dichlorodifluoropropane C ₃ H ₄ F ₂ Cl ₂	0.005-0.004	2903.49	
R-253	Chlorotrifluoropropane C ₃ H ₄ F ₃ Cl	0.003-0.03	2903.49	
R-261	Dichlorofluoropropane C ₃ H ₅ FCl ₂	0.002-0.02	2903.49	
R-262	Chlorodifluoropropane C ₃ H ₅ F ₂ Cl	0.002-0.02	2903.49	
R-271	Chlorofluoropropane C ₃ H ₆ FCl	0.001-0.03	2903.49	
R-21B2	Dibromofluoromethane CHFBr ₂	1.0	2903.49	
R-22B1	Bromodifluoromethane	1.0	2903.49	
R-22B 1	Bromodifluoromethane CHF ₂ Br	0.74	2903.49	
	Bromofluoromethane CH ₂ FBr	0.73	2903.49	
	Tetrabromofluoroethane C ₂ HFBr ₄	0.3-0.8	2903.49	
	Tribromodifluoroethane C ₂ HF ₂ Br ₃	0.5-1.8	2903.49	
	Dibromotrifluoroethane C ₂ HF ₃ Br ₂	0.4-1.6	2903.49	
	Bromotetrafluoroethane C ₂ HF ₄ Br	0.7-1.2	2903.49	
	Tribromo fluoroethane C ₂ H ₂ FBr ₃	0.1-1.1	2903.49	
	Dibromodifluoroethane C ₂ H ₂ F ₂ Br ₂	0.2-1.5	2903.49	
	Bromotrifluoroethane	0.7-1.6	2903.49	

	C ₂ H ₂ F ₃ Br			
	Dibromofluoroethane C ₂ H ₃ FBr ₂	0.1-1.7	2903.49	
	Bromodifluoroethane C ₂ H ₃ F ₂ Br	0.2-1.1	2903.49	
	1-Bromo-2-fluoroethane C ₂ H ₄ FBr	0.07-0.1	2903.49	
	Hexabromofluoropropae C ₃ HFBr ₆	0.3-1.5	2903.49	
	Pentabromodifluoro propane C ₃ HF ₂ Br ₅	0.2-1.9	2903.49	
	Tetrabromotrifluor propane C ₃ HF ₃ Br ₄	0.3-1.8	2903.49	
	Tribromotetrafluor propane C ₃ HF ₄ Br ₃	0.5-2.2	2903.49	
	Dibromopentafluoropropane C ₃ HF ₅ Br ₂	0.9-2.0	2903.49	
	Bromohexafluoropropane C ₃ HF ₆ Br	0.7-3.3	2903.49	
	Pentabromofluoropropane C ₃ H ₂ FBr ₅	0.1-1.9	2903.49	
	Tetrabromodifluoromethane C ₃ H ₂ F ₂ Br ₄	0.2-2.1	2903.49	
	Tribromotrifluoropropane C ₃ H ₂ F ₃ Br ₃	0.2-5.6	2903.49	
	Dibromotetrafluoropropane C ₃ H ₂ F ₄ Br ₂	0.3-7.5	2903.49	

	Bromopentafluoropropane C ₃ H ₂ F ₅ Br	0.9-1.4	2903.49	
	Tetrabromofluoropropane C ₃ H ₁ FBr ₄	0.08-1.9	2903.49	
	Tribromodifluoropropane C ₃ H ₃ F ₂ Br ₃	0.1-3.1	2903.49	
	Dibromotrifluoropropane C ₃ H ₃ F ₃ Br ₂	0.1-2.5	2903.49	
	Bromotetrafluoropropane C ₃ H ₃ F ₄ Br	0.3-4.4	2903.49	
	Tribromofluoropropane C ₃ H ₄ FBr ₃	0.03-0.3	2903.49	
	Dibromodifluoro propane C ₃ H ₄ F ₂ Br ₂	0.1-1.0	2903.49	
	Bromotrifluoropropane C ₃ H ₄ F ₃ Br	0.07-0.8	2903.49	
	Dibromofluoropropane C ₃ H ₅ FBr ₂	0.04-0.4	2903.49	
	Bromodifluoropropane C ₃ H ₅ F ₂ Br	0.07-0.8	2903.49	
	Bromofluoropropane C ₃ H ₆ FBr	0.02-0.7	2903.49	
	Bromochloromethane CH ₂ BrC ₁	0.12	2903.49	

LIST OF HCFC CONTAINING BLENDS AND THEIR COMPOSITION

[TO BE PHASED OUT ON 1ST JANUARY 2030]

Ashrae No.	Components	Common Trade Names	HS code 2007	HS code 2012
R-400	CFC-12 CFC-114	—	3824.71	
R-401a 2903.49	HCFC-22 HFC-152a HCFC-124	MP 39, Suva MP 39	3824.74	
R-401b 2903.49	HCFC-22 HFC-152a HCFC-124	MP 66, Suva MP 66	3824.74	
R-401c	HCFC-22 HFC-152a HCFC-124	MP 52, Suva MP 52	3824.74	
R-402a	HFC-125 HC-290 HCFC-22	HP 80,Arcton 402a, Suva HP 80, Genetron HP 80	3824.74	
R-402b HP 81, Arcton 402b, Suva HP 81	HFC-125 HC-290 HCFC-22	HP 81, Arcton 402a, Suva HP 80 Genetron HP 80	3824.74	
R-403a 69S, ISCEON 69 S	HC-290 HCFC-22 FC-218	69S, ISCEON 69S	3824.74	
R-403b	HCFC-22 Propane PFC-218	—	3824.74	
R-405a	HCFC-22 HFC-152a HCFC-142b C-318	GU 2015	3824.74	
R-406a	HCFC-22	GHG, GHG-12,	3824.74	

	HC-600a HCFC-142b	Solkane 406a		
R-408a	HFC-125 HFC-143a HCFC-22	FX55, Arcton 408a, Forane 408a, Forane FX 10, Genetron 408a	3824.74	
R-409a	HCFC-22 HCFC-124 HCFC-142b	FX56, Forane 409a, Forane FX 56, Forane FX 57, Genetron 409a	3824.74	
R-409b	HCFC-22 HCFC-124 HCFC-142b	FX 57, Forane FX 27	3824.74	
R-411a	HC-1270 HCFC-22 HFC-152a	G 2018A	3824.74	
R-411b	HC-1270 HCFC-22 HFC-152a	G 2018B	3824.74	
R-412a	HCFC-22 FC-218 HCFC-142b	TP5R, Arcton 412a Arcton TP5R	3824.74	
R-414a	HCFC-22 HCFC-124 HCFC-142b HC-600a	GHG-X4	3824.74	
R-414b	HCFC-22 HCFC-124 HCFC142b HC-600a	Hotshot	3824.74	

R-500	Cfc-12 Hfc-152a	Asahifron R-500 Daiflon 500, Forane 500, Frigen 500, Genetron 500, MP 39, MP 66, ISCEON 49	3824.71	
R-501	HCFC-22 CFC-12		3824.71	
R-502	HCFC-22 CFC-115	Algorene 502, Arcton 502, Asahifron R-502, Daiflon 502 Forane 502, Freon 502, Genetron 502, HP 80, HP 81, ISCEON 69S	3824.71	
R503	HFC-23 CFC-13	Genetron 503, Suva 95, 5RS	3824.71	
R-504	HFC-23 CFC-115	—	3824.71	
R-505	CFC-12 HCFC-31	—	3824.71	
R-506	HCFC-31 CFC-14	—	3824.71	
R-507	HCFC-124 HFC-143a	AZ-50, 507	3824.74	
R-509	HCFC-22	Arcton 509, Arcton TP5R2	3824.74	
—	HFC-25 HCFC-22	FX-20	3824.74	
—	HCFC-22	FX-10	3824.74	

	HCFC-142b			
—	HCFC-22 HCFC-124 HC-600a	Di36, Merofex DI 36	3824.74	
—	HFC-23 HFC-32 HCFC-124	Daikin Blend	3824.74	
—	HCFC-124 HFC-134a HC-600a	FRIGC	3824.74	
—	HCFC-142b HFC-134a Lubricant	Free Zone	3824.74	
—	HCFC-22 HCFC-142B HC-600a	GHP-HP	3824.74	
—	HCFC-22 HCFC-142B HFC-227ca HC-600a	GHG-X5	3824.74	
—	HCFC-22 HFC-152a HCFC-23	NARM-502	3824.74	
—	HCFC-22 HCFC-123; HCFC-124; C10H16	NAF-S-III	3824.74	
—	Hfc-134a; HCFC-123	NAF-P-III	3824.74	

	HCFC-124;HC			
—	HCFC-22; HFC-23; HFC-152a	NARM-502	3824.74	

FIFTH SCHEDULE (Section 3)

LIST OF ODS DEPENDENT EQUIPMENT

	<i>Description</i>	<i>Tariff heading</i>
(a)	Automobile and truck air-conditioning units, whether incorporated in vehicles or not	8701-8706, 8716
(b)	Domestic and commercial refrigeration & air-conditioning/heat pump equipment, e.g:	
	Refrigerators	8418.10-8418.29, 8418.50; 8418.61 8418.69
	Freezers and ice machines	8418.10-8418.29, 8418.30; 8418.40 8418.50; 8418.61 8418.69
	Dehumidifiers	8415.10-8415.83 8479.60; 8479.89
	Water coolers and gas liquefying units	8419.60; 8419.89
	Air-conditioning and heat pump units	8415.10- 8415.83 8418.61; 8418.69 8418.99
(c)	Aerosol products except medical aerosols	0404.90;3208; 3209; 3212.90; 3303.00; 3305; 3306; 3307; 3402.20; 3403;

		3405,3606.10; 3808;3809, 3814
(d)	Portable fire extinguishers	3813
(e)	Insulation boards, panels and pipe covers	3917.21-3917.40 3920.10- 3920.99 3921.11-3921.90 3925.10-3925.90 3926.90
(f)	Pre-polymers	3901.10-3911.99
(g)	Household or laundry type washing	8450
(h)	Dry Cleaning machines	8451