



Tuvalu

OZONE LAYER PROTECTION ACT

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Tuvalu

OZONE LAYER PROTECTION ACT

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Tuvalu

OZONE LAYER PROTECTION ACT

AN ACT TO CONTROL OZONE DEPLETING SUBSTANCES IN TUVALU IN ACCORDANCE WITH THE OBLIGATIONS APPLYING UNDER THE VIENNA CONVENTION FOR THE PROTECTION OF THE OZONE LAYER AND THE MONTREAL PROTOCOL, AND RELATED PURPOSES.¹

Commencement [18 August 2008]²

PART I - PRELIMINARY

1 Short title

This Act may be cited as the Ozone Layer Protection Act.

2 Interpretation

(1) In this Act, unless the context otherwise requires —

“**aerosol spray**” and “**aerosol**” means any substance packed under pressure in a container with a device for releasing it directly into the atmosphere as a foam or fine spray, or a liquid or solid stream;

“**bulk**”, in relation to any controlled substance, —

- (a) means any controlled substance that is acquired in a non-processed form, whether alone or in a mixture; and
- (b) includes any controlled substance that is acquired in a non-processed form, whether that they are virgin, recovered, recycled or reclaimed;³but

- (c) excludes any controlled substance that is in a manufactured product other than a container used for the transportation or storage of the controlled substance;

“**controlled substance**” means any substances specified in the Schedule or may be introduced to the market, whether alone or in a mixture, and whether they are virgin, recovered, recycled, or reclaimed;

“**consumption reduction schedule**” means a timetable that:

(a) satisfies Tuvalu's obligations under the Convention and the Montreal Protocol; and

(b) states the total amount of controlled substances that may be imported each year - the annual quota; and

(c) shows how the annual quota will decrease over time;

“**Convention**” means the *Vienna Convention for the Protection of the Ozone Layer* (Adopted at Vienna on 22 March 1985);

“**Director**” means the Director of Environment;

“**export**” and “**exportation**” means to take or cause to be taken out of Tuvalu;

“**global warming potential**” or GWP means the climatic warming potential of a greenhouse gas relative to that of carbon dioxide (‘CO₂’), calculated in terms of the 100-year warming potential of one kilogram of a greenhouse gas relative to one kilogram of CO₂ specified in the Schedule

“**import**” and “**importation**” means to bring or cause to be brought into Tuvalu;

“**Minister**” means the Minister responsible for this Act;

“**Montreal Protocol**” means the the Montreal Protocol on Substances that Deplete the Ozone Layer as well as its amendments and adjustments that Tuvalu is obliged to;

“**non-complying country**” means any country that is not a party to the Montreal Protocol;

“**Officer**” means an Environment Officer, any police officer and any customs officer appointed under the Customs Act;

“**ozone depletion potential**” or ODP means the steady-state ozone reduction for each unit mass of gas emitted into the atmosphere relative to that for a unit mass emission of CFC-11, as listed in the relevant Annexes to the Montreal Protocol and as specified in the Schedule;

“**plastic foam**” means any plastics in cellular mass which are formed with the use of any gas or volatile liquid introduced into liquid plastic to make bubbles;

“**quota**” means the quantity of individual substance (or group of substances) covered by the quota system which is allocated to an eligible importer for a given one calendar year.

“**sale**” means every method of disposition for valuable consideration (including barter), and includes —

- (a) the disposition to an agent for sale on consignment;
 - (b) offering for sale or attempting to sell, or receiving or having in possession for sale, or exposing for sale, or sending or delivering for sale, or causing or permitting any of these things to be done;
 - (c) disposal by way of lottery, raffle or game of chance —
- and “**sell**” and “**sold**” shall have corresponding meanings;

“**solvent**” means any aqueous or organic product designed to clean a component or assembly by dissolving the contaminants present on its surface.

- (2) Words used in this Act shall have the same meaning as is given to them in the Montreal Protocol, unless a contrary intention appears.

3 Objects and application of the precautionary principle

- (1) The objects of this Act are to —
 - (a) protect human health and the environment from adverse effects resulting or likely to result from human activities which modify or are likely to modify the ozone layer;
 - (b) phase out ozone depleting substances as soon as possible except for essential uses; and
 - (c) give effect to the Tuvalu's obligations under the *Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer*.
- (2) All persons and agencies having responsibilities under this Act, or whose functions and powers may relate to any matter or thing involving the use, manufacture, sale, handling, storage or movement of ozone depleting substances within Tuvalu, shall apply the precautionary principle when discharging their responsibilities and functions, or exercising their powers.
- (3) For the purposes of this section, the precautionary principle is applied if, in the event of a threat of damage to the environment or a risk to human health in Tuvalu, a lack of scientific certainty regarding the extent of adverse effects is not used to prevent or avoid a decision being made to minimise the potential adverse effects or risks from the importation, use, storage, handling or movement of ozone depleting substances within Tuvalu.

PART II - PROHIBITIONS RELATING TO CONTROLLED SUBSTANCES

4 Prohibitions on importation

- (1) The importation into Tuvalu of any controlled substance specified in Parts III and VI of the Schedule is prohibited.
- (2) Subject to section 6, the importation into Tuvalu of the following is prohibited —
 - (a) any bulk controlled substance specified in Parts I, II, IV and V of the Schedule;
 - (b) any bulk methyl bromide, as specified in Part VIII of the Schedule; and
 - (c) any bulk hydro chlorofluorocarbons, as specified in Part VII of the Schedule (whether alone or in a mixture);
 - (d) any bulk hydrofluorocarbons (HFCs), as specified in Part IX of the Schedule, and
 - (e) any other bulk refrigerants, as specified in Part X of the Schedule or any other refrigerant that will be introduced to the market as a substitute of controlled substances as defined in the Schedule^{°I°X..}

5 Prohibitions on the importation of certain goods

- (1) Subject to section 6, the importation into Tuvalu of the following goods (whether new or second hand) is prohibited —
 - (a) any aerosol spray that contains any controlled substance, other than methyl bromide;
 - (b) any polyurethane, polystyrene and plastic foam, or any goods that contain plastic foam, that is or are manufactured using any controlled substance (including any extruded polystyrene foam, polystyrene board stock and any thermoformed plastic packaging such as supermarket meat/produce trays, egg cartons, fast-food containers, disposable plates and cups, horticultural packaging trays and packaging netting);
 - (c) any dry-cleaning machine that contains or is designed to use any controlled substance as a solvent;
 - (d) any fire extinguisher that contains any controlled substance; and
 - (e) any dehumidifiers, refrigerators, freezers, air-conditioners, supermarket display cases, heat pumps and water coolers that contain any controlled substance.

- (2) The importation into Tuvalu from a non-complying country, of any of the following goods containing or designed to use any controlled substance (other than one specified in Part VII or Part VIII of the Schedule) is prohibited —
- (a) Refrigerators and freezers;
 - (b) Dehumidifiers and domestic and commercial refrigeration, air conditioning and heat pump equipment;
 - (c) Air conditioning and heat pump units;
 - (d) Automobile and truck air conditioning units (whether incorporated in vehicles or not);
 - (e) Ice machines and water coolers;
 - (f) Aerosol products (other than medical aerosols); (g) Portable fire extinguishers;
 - (h) Insulation boards, panels and pipe covers; and
 - (i) Pre-polymers (a reactive mixture of isocyanate and polyoll to which chlorofluorocarbons are added to make rigid plastic foams).

6 Exemptions in relation to imports

- (1) The following exemptions may be given in relation to imports referred to in section 4(1), in accordance with a permit issued under Part III as follows —
- (a) a Quarantine and Pre-shipment Permit in relation to methyl bromide;
 - (b) a Medical Permit in relation to medical products using a controlled substance;
 - (c) Permit to trade controlled substances;
 - (d) Permit to trade equipment relying on controlled substances alternatives.
- (2) Nothing in section 5 shall make it unlawful for any person to —
- (a) import any controlled substance, or any goods containing any controlled substance, that is or are used only as packaging, or part of the packaging, of any other imported goods; or
 - (b) import any goods that are personal or household effects, and in respect of which an officer is satisfied that they are not intended for any other person, or for gift, sale or exchange.
- (3) Nothing in this Act shall prevent an exemption being granted in respect of the import or subsequent export of any substances or goods only for the purpose of being transhipped into another ship or aircraft for carriage to a destination that is outside the territorial limits of Tuvalu.

7 Regulation of exports of controlled substances

- (1) The exportation from Tuvalu of any bulk controlled substance specified in Part I - VI of the Schedule to a non-complying country is prohibited.
- (2) Any person who exports any bulk controlled substance shall, within 14 days after the exportation, notify the Minister in writing and shall give particulars of —
 - (a) the substance exported;
 - (b) the date and amount of the export; and
 - (c) the destination of the exported substance.
- (3) The Minister may give approval to the export of any bulk controlled substance which has been retrieved from vehicles, goods and equipment in Tuvalu and which is to be exported for the purposes of safe disposal in a foreign country.
- (4) An approval given under subsection (3) shall be consistent with any requirement applying under the Convention or the Montreal Protocol, and shall require that the storage, movement and disposal of the controlled substance be undertaken in accordance with accepted international best practice.

8 Prohibitions on Manufacture

- (1) The manufacture within Tuvalu of the following substances or goods is prohibited —
 - (a) any controlled substance;
 - (b) any aerosol spray that contains any controlled substance other than methyl bromide;
 - (c) any plastic foam, or any goods that contain plastic foam, that is or are manufactured using any controlled substance specified in Part I or Part II of the Schedule (including any of the goods referred to in section 5(1)(b));
 - (d) any dry-cleaning machine that contains or is designed to use any controlled substance as a solvent; and
 - (e) any fire extinguisher that contains any controlled substance.

9 Prohibitions on Sales

- (1) Subject to section 10, the sale in Tuvalu of the following goods is prohibited —
 - (a) any goods specified in section 8 (a) - (d) (inclusive); and
 - (b) any fire extinguisher that contains any controlled substance listed in Parts I – VI (inclusive) of the Schedule.

10 Exemptions in relation to sales

- (1) Nothing in section 9 shall make it unlawful for any person to sell —
 - (a) any second hand goods; or
 - (b) any goods in respect of which a permit granted under Part III applies.

PART III – QUOTA AND PERMITS**11 General Principles to be applied in relation to permits**

- (1) When considering the grant of a permit under this Part, the Minister shall have regard to the following —
 - (a) the obligations of Tuvalu under the Convention and the Montreal Protocol;
 - (b) the need to phase out ozone depleting substances, except for essential uses;
 - (c) whether any alternative products are available to be used instead of the ozone depleting substance; and
 - (d) any requirement that may be imposed in relation to the use of any ozone depleting substance so as to minimise its effect on the ozone layer;
 - (e) the need to reduce the use of HFCs.

11A Controlled Substances Quota

- (1) Each importer intending to import any quantity of HCFCs (part VII of the Schedule) or HFCs (part IX of the Schedule) into the territory of Tuvalu in any given year shall request and obtain an HCFC or HFC import quota from the National Ozone Unit for that respective year.
- (2) Only importers formally registered with the National Ozone Unit are eligible to apply for an Import Quota.
- (3) A request letter for attaining a quota for a particular year to import the prescribed controlled substances must be made to the Director using the prescribed template in FORMS I, II, III before 30 November of each year for the subsequent year.
- (4) The Director may request for additional supporting documents to be submitted by the importer.
- (5) The Director will review the quota application and notify respective importer of quota allocation by 31 December of each year for the subsequent year.
- (6) The Director may revoke any quota issued if the Director is satisfied that the quota holder -

- (a) has been convicted of any offence against this Act or any other offence involving controlled substances; or
- (b) provided any false or misleading information in relation to the application for the quota or other obligation contained in this Act.”

12 Quarantine and pre-shipment permits

- (1) In this section —
 - (a) “quarantine applications” mean any treatments to prevent the introduction, establishment or spread of quarantine pests (including diseases), or to ensure their official control; and
 - (b) “pre-shipment applications” mean any treatments applied directly preceding and in relation to export, to meet the phytosanitary or sanitary requirements of the importing country, or the existing phytosanitary or sanitary requirements of the exporting country.
- (2) The Minister may grant a permit under this section in relation to the importation of methyl bromide where the Minister is satisfied, after consulting the Director of Agriculture that it is to be used for legitimate quarantine or pre-shipment applications.

13 Medical permits

The Minister may grant a permit under this section in relation to the importation of any product containing a controlled substance, where the Minister is satisfied, after consulting the Minister for Health, Education and Community Affairs, that it has a medical application relating to the protection of life or health.

14 Permit to import and export of Hydrochlorofluorocarbons (HCFC), Hydrofluorocarbons (HFCs) and other refrigerants.

- (1) An application for a permit to import and export Hydrochlorofluorocarbons (HCFC), Hydrofluorocarbons (HFCs) and other refrigerants must be made to the Director using the prescribed form in Forms I, II, III, three weeks prior shipment and upon payment of prescribed fees. The applicant shall provide any information required by the Director:
 - (a) An application for a permit to import or export any product or equipment relying Hydrochlorofluorocarbons (HCFC), Hydrofluorocarbons (HFCs) and other refrigerants, must be made to the Director using the prescribed FORMS I, II, III, three weeks prior shipment and upon payment of prescribed fees.
 - (b) A permit holder must import or export according to the approved quantities as specified in the permit

- (c) A granted permit is “per-shipment” and has a validity of 45 days from its issuance date or on 31st December of each year, whichever occurs first. Under no circumstances an unused Permit can be carried over to the following year, all Permits expire on 31st December of each year if not used.
 - (d) Customs must void the Permit at the first occasion it is used to import controlled equipment, irrespectively of whether the shipment contains the total permitted quantity or only a part of it.
 - (e) A permit holder who breaches any of the conditions set out in the permit commits an offence
- (2) A holder of a bulk HFC permit must, within 15 days after using the permit (or its expiry without use), submit to the Director the following documents:
- (a) the permit;
 - (b) the customs declaration form in respect of the substances imported together with invoices and bills of lading necessary to show the exact quantity of substances imported, date of import, exporting country, and port of entry.

15 General provisions in relation to permits

- (1) The following requirements shall apply to all permits issued under this Part —
- (a) an application shall be made to the Director on any form approved from time to time by the Director, or otherwise in accordance with any requirement of the Director;
 - (b) the applicant shall provide any information, or further information, required by the Director;
 - (c) the application shall be accompanied by a fee of \$200, and such additional fees as may be determined from time to time by the Minister (except in relation to an application made by any Department or agency of Government, which shall be exempt from fees);
 - (d) a permit may not be transferred;
 - (e) the permit holder shall submit a report to the Director by the 30th January of each year to which the permit applies specifying the amount of any controlled substance imported or consumed, the uses to which the controlled substance was put, and any other matter that the Minister may from time to time require be included in the report;
 - (f) any permit shall be subject to such conditions as may be imposed by the Minister, including any condition requiring compliance with any approval, permission, licence or accreditation available in another country relating to any controlled substance, any equipment used in relation to a controlled substance, or the manner in which a controlled substance may be used;

- (g) the Minister may revoke any permit after its granted if the Minister is satisfied that the permit holder —
 - (i) has been convicted of any offence against this Act or any other offence involving ozone depleting substances; or
 - (ii) provided any false or misleading information in relation to the application for the permit;
 - (h) subject to section 14(1), permits shall be valid for 12 months from the date of its issue, and may be renewed for periods not exceeding 12 months; and
 - (i) all imports made under any permit shall be subject to the Customs Act and the Quarantine Act.
 - (j) The following requirements shall apply to all permits issued under section 15(1)(b), (c),(d) & (e);
 - (A) a permit may not be transferred; and
 - (B) equipment used in relation to a controlled substance, or the manner in which a controlled substance may be used.
- (2) Subject to subsection (1), the Minister through the Director may grant a permit under this section permitting the importation and consumption of a controlled substance, if satisfied that Tuvalu will not be thereby in breach of its obligations under the Convention or the Montreal Protocol.
- (3) A holder of any permit must, within 15 days after using the permit (or its expiry without use), submit to the Director the following documents:
- (a) the permit;
 - (b) the customs declaration form in respect of the substances imported together with invoices and bills of lading necessary to show the exact quantity of substances imported, date of import, exporting country, and port of entry.

15A Permit to store controlled substances

- (1) An application for a permit to store HCFC, HFC or other refrigerants must be made to the Director using the prescribed form under Schedule Form 2. The applicant shall provide any information required by the Director.
- (2) The permit must be displayed in a conspicuous place at the premises or facility to which it relates.
- (3) The facility for storage shall be used for the purpose of storing of controlled substances only.
- (4) A permit is not transferable and can only be used in respect of the premises or facility to which it relates and for the purposes for which it is issued

15B Rejected Applications

- (1) An application to import, store and handle may be rejected on the following grounds —
 - (a) the applicant has been convicted of an offence under these;
 - (b) the applicant has breach or violate the conditions of his or her license issued under this Bill;
 - (c) the application was made fraudulently;
 - (d) the issuance will result in the violation of the Bill of any protocol or international treaty that Tuvalu is a party to; and
 - (e) the applicant fails to provide necessary document that are required in written by the Principal Environment Officer within the time frame given.
- (2) A license must not be granted if the importation, exportation, use or sell locally of the prescribed controlled substance is prohibited by any other law enforced for the time being in Tuvalu.

15C Renewal of permit

An application for the renewal of a permit shall be treated in the same manner as a new application provides by section 15.

15D Import or Export without a permit

Any person or entity who imports or exports any of the prescribed controlled substance or products or equipment relying on controlled substances without a permit issued under this Bill commits an offence..

16 Goods for which no permit may apply

- (1) No permit issued under this Part shall operate to allow the importation of the following —
 - (a) any dry-cleaning machine which contains or is designed to use any bulk controlled substance as a solvent;
 - (b) any goods specified in section 5(2) imported from any non-complying country; and (c) any aerosol or fire extinguisher prohibited by this Act, except where its use is necessary for human health.

16A Labelling of controlled substances containers/cylinders

- (1) Containers or cylinder of controlled substances shall be labelled with at minimum:

- (a) an indication of the type of substance contained;
 - (b) the exact volume capacity of the container/cylinder;
 - (c) a standard indication of safety aspects of the contained substance (flammability, toxicity, etc.).
- (2) No person shall import or cause to import any controlled substance that is recovered, recycled, or reclaimed unless the containers/cylinders are marked as recovered, recycled, or reclaimed by the producer. Such containers/cylinders shall not be released by Customs unless clearly marked.
- (3) Any label referenced under the above shall be in English.
- (4) All Containers or cylinders of controlled substances specified under the Schedule- Part VII and IX must carry a label issued by the Department of Environment before they are allowed to be sold in the domestic market. The label shall have the following information at minimum:
- (a) Type of HCFC or HFC;
 - (b) Serial number of the label;
 - (c) Date of import;
- (5) Further control measures on mandatory for containers/cylinders of controlled substances specified in Schedule IX (HFCs) may be introduced based on the recommendation of the Department of Environment on controlling the annual consumption of HFCs in the country.

PART IV - ENFORCEMENT AND OFFENCES

17 Powers of officers

- (1) Subject to the provisions of subsections (2) and (3) an Officer may enter —
- (a) any land or building (other than a dwelling house) at any time;
 - (b) a dwelling house at a reasonable time during daylight hours; and
 - (c) vessels, ships, aircraft, vehicles or other form of conveyance at any time for the purposes of —
 - (i) investigating the commission of any offence or the breach of any lawful obligation under this Act; or
 - (iii) enforcing any provision of this Act.
- (2) An Officer shall not exercise the powers conferred by subsection (1)(a) or (b) except for the purpose of investigating an alleged offence of which an Officer has reasonable and probable grounds to believe that such entry will produce evidence.

- (3) The powers conferred by subsection (1)(a) or (b) shall not be exercised unless reasonable notice has been given to the owner or occupier of the land building or dwelling house, or unless a search warrant has been obtained from a magistrate or island magistrate.
- (4) The provisions of the Penal Code or any law which replaces the Penal Code, shall apply to the issuance of search warrants for the purposes of this section.
- (5) In the exercise of the powers conferred by this section, an Officer may —
 - (a) conduct such investigations and examinations as are necessary to monitor the effects of any activity, matter or thing relevant to ozone depleting substances, or to determine whether any offence has been committed;
 - (b) take samples for the purpose of analysis and testing;
 - (c) take photographs or measurements;
 - (d) require any person apparently associated with an activity under investigation to state his or her full name, occupation and usual place of residence;
 - (e) require the production of any document relevant to the activity, matter or thing under investigation, including any licence or permit required by this law; and
 - (f) require from any person any assistance that is relevant to the investigation or monitoring activity; and
 - (g) seize any item used in the commission of an offence against this Act.

18 Seizure of substances and goods

- (1) Any officer, in the course of exercising a power under this Act, the Environment Protection Act or the Customs Revenue and Border Protection Act may seize any controlled substance, any goods containing any controlled substance or any equipment using or use in connection with any controlled substance, which the officer reasonable suspects is the subject of a breach of any prohibition under this Act.
- (2) Any controlled substance, goods or equipment seized under this section —
 - (a) shall be stored at a place, and in a manner, in accordance with a direction given by the Director; and
 - (b) may be retained until such time as the Director has been satisfied by its owner, or the person from whom it has been seized, that it is not or has not been the subject of any breach of a prohibition under this Act.
- (3) Where it is agreed by the owner of the controlled substance, goods or equipment that they are in breach of a prohibition under this Act, or where the owner has not satisfied the Director under subsection (2) within 6 months from the date of

seizure, the controlled substance, goods or equipment may be disposed of or destroyed in a manner directed by the Director.

19 Forfeiture of seized substances and goods

- (1) Where any person is convicted of an offence against this Act, the court may order that any controlled substance, goods or equipment in relation to which the offence was committed, shall be forfeited to the government.
- (2) All substances, goods and equipment forfeited under subsection (1) shall be disposed of in a manner determined by the Director.

20 Call-up of substances or goods

- (1) The Minister may, from time to time, issue a public notice requiring that any controlled substance, any goods containing any controlled substance or any equipment using or used in connection with any controlled substance —
 - (a) be stored or handled in accordance with any direction that the Minister or the Director gives;
 - (b) be delivered at a designated time to a designated place for storage or disposal;
 - (c) be otherwise disposed of or destroyed in accordance with any direction that the Minister or Director gives.

21 Offences and penalties

- (1) Any person who —
 - (a) does any act in contravention of any requirement or prohibition under this Act;
 - (b) aids or abets any person in contravening any requirement or prohibition under this Act; or
 - (c) conspires with any person to do any act in contravention of any requirement or prohibition under this Act —

commits an offence, and shall be liable upon conviction to a fine not exceeding \$20,000, or to imprisonment for a term not exceeding 6 months, or both.

- (2) Any person who fails to comply with —
 - (a) any condition of a permit issued under Part III; or
 - (b) a notice given by the Minister under section 19 —

commits an offence, and shall be liable upon conviction to a fine not exceeding \$10,000, or to imprisonment for a term not exceeding 1 month, or both.

- (3) Any person who, in the course of servicing any equipment used in relation to any controlled substance, wilfully or negligently permits any controlled substance to be discharged into the atmosphere commits an offence and shall be liable upon conviction to a fine not exceeding \$20,000, or to imprisonment for a term not exceeding 6 months, or both.
- (4) Any person who —
 - (a) hinders or obstructs an Officer in the performance of his or her duties under this Act, or the exercise of a power under this Act;
 - (b) induces or incites any other person to hinder or obstruct an Officer acting in accordance with this Act;
 - (c) by words or conduct falsely represents that he or she is an Officer, or who otherwise impersonates an Officer; or
 - (d) provides false or misleading information to an Officer who is exercising any power under this Act —

commits an offence, and shall be liable upon conviction to a fine not exceeding \$1,000 if the person is an individual, or to a fine of \$5,000 if the offence is committed by a corporation, or to a term of imprisonment not exceeding 3 months, or both such fine and term of imprisonment.

22 Regulations

- (1) The Minister may, with the consent of Cabinet, make Regulations for the purposes of implementing the provisions of this Act.
- (2) Regulations made under subsection (1) may prescribe offences for breaches of the regulations and impose penalties for such breaches being fines not exceeding \$25,000.

PART V — REPORTING OBLIGATIONS

23 Responsibilities of Permit Holder

- (1) Each permit holder, within 14 days after use of the granted Permit (or its expiration without use) must submit to the National Ozone Unit supporting document comprising of used permit, approved customs declaration form with invoices and bill of lading to demonstrate the exact quantity imported, date of import, exporting country and port of entry.
- (2) Each permit holder must maintain and provide a logbook of any importation or exportation made, copies of the bill of lading, and import and export details to the Principal Environment Officer or Environment Inspector if required.

- (3) Each permit holder must submit to the National Ozone Unit bi-annual report based on the prescribed format in Schedule Form 5 describing the quantity of traded HCFCs, HFCs and HFC-based equipment and its alternatives, no later than the 31st July of the same year (first half of the year) and 31st January of the following year (second half of the year).
- (4) The National Ozone Unit shall take appropriate steps to protect the confidentiality of the information submitted to it.
- (5) Any importer failing to submit satisfactory supporting document or information as requested by the National Ozone Unit within the prescribed time and using the prescribed format shall be excluded from subsequent import permit or quota application.
- (6) Any individual or entity who has the reporting obligation under these Bill must keep the records for a period of five years after the records are made.

24 Handling Licence

- (1) The Director may grant the following types of handling licences:
 - (a) handling licence to handle controlled substances or alternative substances;
 - (b) trainee handling licence to handle controlled substances or alternative substances.
- (2) A person must not handle controlled substances or alternative substances except in accordance with a handling licence or trainee handling licence.

25 Provisions relating to handling licences

- (1) The following provisions apply to handling licences and trainee handling licences granted or to be granted under Section 24:
 - (a) an application must be made to the Director on a form approved by the Director, or otherwise in accordance with any reasonable requirement of the Director;
 - (b) the applicant must provide the evidence required by subclause (2) and any further information required by the Director;
 - (c) a licence may not be transferred;
 - (d) a licence is subject to any conditions imposed by the Director, including any condition requiring compliance with any approval, permission, code of practice, licence, or accreditation available in another country that relates to any controlled substance, to any equipment used in relation to a controlled substance, or to the manner in which a controlled substance may be used;

- (e) a trainee licence holder must be supervised by a person who holds a handling licence;
 - (f) a licence is valid for the period specified in the licence, which may not exceed 2 years;
 - (g) a person applying to renew a licence must apply before the licence expires and in accordance with paragraphs (a) and (b).
- (2) An application must be accompanied by evidence to the Director's satisfaction^o—
- (a) for a handling licence, that the applicant:
 - (i) holds certificate III in refrigeration and air conditioning (or a higher qualification) from a registered provider approved to deliver the accredited course to which the certificate relates; and/or
 - (ii) has at least 5 years' experience in the industry and has completed the Good Practices in Refrigeration (GPR) course or an equivalent qualification recognised by the Director.
 - (b) for a trainee handling licence, that the applicant will be under the supervision of a person holding a handling licence and the applicant:
 - (i) is enrolled in a course that, on completion, entitles the applicant to be awarded certificate III in refrigeration and air conditioning (or a higher qualification) from a registered provider approved to deliver the accredited course to which the certificate relates; or
 - (ii) has at least 1 years' experience in the industry and has completed the Good Practices in Refrigeration (GPR) course or an equivalent qualification recognised by the Director.

26 Banning the imports of Equipment using Hydrochlorofluorocarbon (HCFCs)

Any manufactured product or equipment using Hydrochlorofluorocarbon are prohibited for importation into Tuvalu.

PART VI — LABELLING OF PRODUCTS AND EQUIPMENT CONTAINING OR RELYING ON HFCS

27 Labelled products

- (1) Products and equipment that contain, or whose functioning relies upon HFCS shall not be placed on the market unless they are labelled in English. This applies to:

- (a) refrigeration equipment;
- (b) air-conditioning equipment, including MAC systems;
- (c) heat pumps;
- (d) fire protection equipment;
- (e) an aerosol dispenser that contains HFC gases, with the exception of metered-dose inhalers for the delivery of pharmaceutical ingredients;
- (f) HFC-based solvents;
- (g) Any other equipment that contain or relies upon HFCs.

28 Requirements for Labelled products

- (1) The label required pursuant to the above section shall indicate the following information:
 - (a) a reference that the product or equipment contains HFCs or that its functioning relies upon such substances;
 - (b) the accepted industry designation for the HFCs concerned or, if no such designation is available, the chemical name;
 - (c) the quantity expressed in weight/volume of HFCs contained in the product or equipment, or the quantity of HFCs for which the equipment is designed.
- (2) The label required pursuant to the above section shall be clearly readable and indelible and shall be placed either:
 - (a) adjacent to the service ports for charging or recovering the HFCs; or
 - (b) on that part of the product or equipment that contains the HFCs.
- (3) Any label referenced under this Part shall be in English.

29 General provisions for quotas and permits.

- (1) The National Ozone Unit, when needed, may require more information from the applicant by providing a written reason why the additional information is required and a reasonable time frame for the applicant to reply.
- (2) Any person or entity wishing to apply for the import quota and import/export permits must provide necessary requirements along with the application form.
- (3) The Office of the Director is to:
 - (a) maintain a register of persons who have been issued with a permit under this part; and
 - (b) make the register available for public inspection.
- (4) A permit cannot be transferred.
- (5) The Office of the Director may revoke a permit if satisfied that:

- (a) the permit holder has been convicted of an offence against this Act or any other offence involving controlled substances or manufactured products; or
 - (b) the permit holder has provided false or misleading information in relation to the application for the permit; or
 - (c) the permit holder has breached any of the conditions of the permit ; or
 - (d) the import of controlled substances or manufactured products contravenes any Tuvalu's obligations under the Convention or the Montreal Protocol.
- (6) The Office of the Director, prior to revoking a permit, must inform the permit holder in writing of his or her decision to revoke the permit and give the permit holder the opportunity to be heard.

PART VII — CUSTOM CLEARANCE AND EXCHANGE OF INFORMATION

30 Customs

- (1) Imported and exported controlled substances shall not be released by Customs unless the relative quantity and shipment has obtained the Permit of the National Ozone Unit further to the regular custom procedure.
- (2) Imported and exported equipment containing or relying on controlled substances shall not be released upon Customs endorsement unless it has obtained the Permit of the National Ozone Unit further to the regular custom procedure.

31 Exchange Information

The Custom Administration, upon request of the National Ozone Unit, shall submit data on the import of the controlled substances and RAC equipment within one

SCHEDULE

Reg.2

CONTROLLED SUBSTANCES**PART I - CFCS (CHLOROFLUOROCARBONS)**

<i>Chemical Formula</i>	<i>Substance</i>	<i>Ozone Depleting Potential*</i>
CFCl ₃	CFC-11	1.0
CF ₂ Cl ₂	CFC-12	1.0
C ₂ F ₃ Cl ₃	CFC-113	0.8
C ₂ F ₄ Cl ₂	CFC-114	1.0
C ₂ F ₅ Cl	CFC-115	0.6

PART II - HALONS

<i>Chemical Formula</i>	<i>Substance</i>	<i>Ozone Depleting Potential *</i>
CF ₂ BrCl	Halon 1211	3.0
CF ₃ Br	Halon 1301	10.0
C ₂ F ₄ Br ₂	Halon 2402	6.0

PART III - OTHER CFCS (CHLOROFLUOROCARBONS)

<i>Chemical Formula</i>	<i>Substance</i>	<i>Ozone Depleting Potential*</i>
CF ₃ Cl	CFC-13	1.0
C ₂ FCl ₅	CFC-111	1.0
C ₂ F ₂ Cl ₄	CFC-112	1.0
C ₃ FCl ₇	CFC-211	1.0
C ₃ F ₂ Cl ₆	CFC-212	1.0
C ₃ F ₃ Cl ₅	CFC-213	1.0
C ₃ F ₄ Cl ₄	CFC-214	1.0
C ₃ F ₅ Cl ₃	CFC-215	1.0
C ₃ F ₆ Cl ₂	CFC-216	1.0
C ₃ F ₇ Cl	CFC-217	1.0

PART IV - CARBON TETRACHLORIDE

<i>Chemical Formula</i>	<i>Substance</i>	<i>Ozone Depleting Potential*</i>
CCl ₄	Carbon tetrachloride	1.1

PART V - METHYL CHLOROFORM

<i>Chemical Formula</i>	<i>Substance</i>	<i>Ozone Depleting Potential*</i>
C ₂ H ₃ Cl ₃	1,1,1-trichloroethane	0.1

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

PART VI - HBFCs (HYDROBROMOFLUOROCARBONS)

<i>Chemical Formula</i>	<i>Substance</i>	<i>Number of isomers</i>	<i>Ozone-Depleting Potential*</i>
CHFB _{r2}		1	1.00
CHF ₂ Br	(HBFC-22B 1)	1	0.74
CH ₂ FBr		1	0.73
C ₂ HFBr ₄		2	0.3-0.8
C ₂ HF ₂ Br ₃		3	0.5-1.8
C ₂ HF ₃ Br ₂		3	0.4-1.6
C ₂ HF ₄ Br		2	0.7-1.2
C ₂ H ₂ FBr ₃		3	0.1-1.1
C ₂ H ₂ F ₂ Br ₂		4	0.2-1.5
C ₂ H ₂ F ₃ Br		3	0.7-1.6
C ₂ H ₃ FBr ₂		3	0.1-1.7
C ₂ H ₃ F ₂ Br		3	0.2-1.1
C ₂ H ₄ FBr		2	0.07-0.1
C ₃ HFBr ₆		5	0.3-1.5
C ₃ HF ₂ Br ₅		9	0.2-1.9
C ₃ HF ₃ Br ₄		12	0.3-1.8
C ₃ HF ₄ Br ₃		12	0.5-2.2
C ₃ HF ₅ Br ₂		9	0.9-2.0
C ₃ HF ₆ Br		5	0.7-3.3
C ₃ H ₂ FBr ₅		9	0.1-1.9
C ₃ H ₂ F ₂ Br ₄		16	0.2-2.1
C ₃ H ₂ F ₃ Br ₃		18	0.2-5.6
C ₃ H ₂ F ₄ Br ₂		16	0.3-7.5
C ₃ H ₂ F ₅ Br		8	0.9-1.4
C ₃ H ₃ FBr ₄		12	0.08- 1.9
C ₃ H ₃ F ₂ Br ₃		18	0.1-3.1
C ₃ H ₃ F ₃ Br ₂		18	0.1-2.5
C ₃ H ₃ F ₄ Br		12	0.3-4.4
C ₃ H ₄ FBr ₃		12	0.03-0.3
C ₃ H ₄ F ₂ Br ₂		16	0.1-1.0
C ₃ H ₄ F ₃ Br		12	0.07-0.8
C ₃ H ₅ FBr ₂		9	0.04-0.4
C ₃ H ₅ F ₂ Br		9	0.07-0.8
C ₃ H ₆ FBr		5	0.02-0.7

PART VII - HCFCs (HYDROCHLOROFLUOROCARBONS)

<i>Chemical Formula</i>	<i>Substance</i>	<i>Number of isomers</i>	<i>Ozone-Depleting Potential*</i>	<i>100-year Global Warming Potential</i>
CHFC1 ₂	(HCFC-21)	1	0.04	151
CHF ₂ Cl	(HCFC-22)	1	0.055	1,810
CH ₂ FCl	(HCFC-31)	1	0.02	
C ₂ HFCL ₄	(HCFC-121)	2	0.01-0.04	
C ₂ HF ₂ CL ₃	(HCFC-122)	3	0.02-0.08	
C ₂ HF ₃ Cl ₂	(HCFC-123)	3	0.02-0.06	77
CHCL ₂ CF ₃	(HCFC-123)	-	0.02	
C ₂ HF ₄ Cl	(HCFC-124)	2	0.02-0.04	609
CHFCICF ₃	(HCFC-124)		0.022	
C ₂ H ₂ FCl ₃	(HCFC-131)	3	0.007-0.05	
C ₂ H ₂ F ₂ Cl ₂	(HCFC-132)	4	0.008-0.05	
C ₂ H ₂ F ₃ Cl	(HCFC-133)	3	0.02-0.06	
C ₂ H ₃ FCl ₂	(HCFC-141)	3	0.005-0.07	
CH ₃ CFCl ₂	(HCFC-141b)	-	0.11	725
C ₂ H ₃ F ₂ Cl	(HCFC-142)	3	0.008-0.07	
CH ₃ CF ₂ Cl	(HCFC-142b)	-	0.065	2,3010
C ₂ H ₄ FCl	(HCFC-151)	2	0.003-0.005	
C ₃ HFCl ₆	(HCFC-221)	5	0.015-0.07	
C ₃ HF ₂ Cl ₅	(HCFC-222)	9	0.01-0.09	
C ₃ HF ₃ Cl ₄	(HCFC-223)	12	0.01-0.08	
C ₃ HF ₄ Cl ₃	(HCFC-224)	12	0.01-0.09	
C ₃ HF ₅ Cl ₂	(HCFC-225)	9	0.02-0.07	
CF ₃ CF ₂ CHCl ₂	(HCFC-225ca)	-	0.025	122
CF ₂ ClCF ₂ CHClF	(HCFC-225cb)	-	0.033	595
C ₃ HF ₆ Cl	(HCFC-226)	5	0.02-0.10	
C ₃ H ₂ FCl ₅	(HCFC-231)	9	0.05-0.09	
C ₃ H ₂ F ₂ Cl ₄	(HCFC-232)	16	0.008-0.10	
C ₃ H ₂ F ₃ Cl ₃	(HCFC-233)	18	0.007-0.23	
C ₃ H ₂ F ₄ Cl ₂	(HCFC-234)	16	0.01-0.28	
C ₃ H ₂ F ₅ Cl	(HCFC-235)	9	0.03-0.52	
C ₃ H ₃ FCl ₄	(HCFC-241)	12	0.004-0.09	
C ₃ H ₃ F ₂ Cl ₃	(HCFC-242)	18	0.005-0.13	
C ₃ H ₃ F ₃ Cl ₂	(HCFC-243)	18	0.007-0.12	
C ₃ H ₃ F ₄ Cl	(HCFC-244)	12	0.009-0.14	
C ₃ H ₄ FCl ₃	(HCFC-251)	12	0.001-0.01	
C ₃ H ₄ F ₂ Cl ₂	(HCFC-252)	16	0.005-0.04	
C ₃ H ₄ F ₃ Cl	(HCFC-253)	12	0.003-0.03	
C ₃ H ₅ FCl ₂	(HCFC-261)	9	0.002-0.02	
C ₃ H ₅ F ₂ Cl	(HCFC-262)	9	0.002-0.02	
C ₃ H ₆ FCl	(HCFC-271)	5	0.001-0.03	

PART VIII - METHYL BROMIDE

<i>Chemical Formula</i>	<i>Substance</i>	<i>Ozone-Depleting Potential</i>
CH ₃ Br	(Mono) bromomethane	0.6

* Notes

Ozone depleting potential is determined in accordance with the relevant Annexes to the Montreal Protocol Where a range of ODPs is indicated, the highest value in that range shall be used for the purposes of the Protocol. The ODPs listed as a single value have been determined from calculations based on laboratory measurements. Those listed as a range are based on estimates and are less certain. The range pertains to an isomeric group. The upper value is the estimate of the ODP of the isomer with the highest ODP, and the lower value is the estimate of the ODP of the isomer with the lowest ODP.

PART IX

GROUP I		
<i>Chemical Formula</i>	<i>Substance</i>	<i>100-year Global Warming Potential</i>
CHF ₂ CHF ₂	HCF-134	1100
CH ₂ FCF ₃	HCF-134A	1430
CH ₂ FCHF ₂	HCF-143	353
CHF ₂ CH ₂ CF ₃	HCF-245fa	1030
CF ₃ CH ₂ CF ₂ CH ₃	HCF-365mfc	794
CF ₃ CHFCF ₃	HCF-227ea	3220
CH ₂ FCF ₂ CF ₃	HCF-236cb	1340
CHF ₂ CHFCF ₃	HCF-236ea	1370
CF ₃ CH ₂ CF ₃	HCF-236fa	9810
CH ₂ FCF ₂ CHF ₂	HCF-245ca	693
CF ₃ CHFCHFCF ₂ CF ₃	HCF-43-10mee	1640
CH ₂ F ₂	HCF-32	675
CHF ₂ CF ₃	HCF-125	3500
CH ₃ CF ₃	HCF-143a	4470
CH ₃ F	HCF-41	92
CH ₂ FCH ₂ F	HCF-152	53
CH ₃ CHF ₂	HCF-152a	124
GROUP II		
CHF ₃	HCF-23	14800

PART X

<i>Chemical Formula</i>	<i>Refrigerant</i>	<i>Name/Type</i>
CH(CH ₃) ₂ CH ₃	R-600a	Hydrocarbon
CH ₃ CH ₂ CH ₂ CH ₃	R-600	Hydrocarbon

CH ₃ CH ₂ CH ₃	R-290	Hydrocarbon
NH ₃	R-717	Ammonia

FORM 1

DEPARTMENT OF ENVIRONMENT

APPLICATION FOR PERMIT TO IMPORT CONTROLLED SUBSTANCES

(Section 11 of the Ozone Layer Protection and Refrigerant Amendment Bill)

Part A - Applicant details

1. Full name _____
2. Name and address of place of business _____
3. Residential address _____
4. Telephone Home _____ Work _____
Mobile _____ Fax _____
5. E-mail _____
6. **(If applying on behalf of a company or partnership)**
 - (a) Position in the company or partnership _____
 - (b) Name and registered address of the company or partnership _____

 - (c) Describe type of business (including any other business operating under the above management) _____
7. Is the applicant applying for the first time? YES/NO

Part B — Nature of the application

- Proposed date of importation: _____
- Type of container: _____
- Countries of origin: _____
- Type of carrier — ship/aircraft _____
- Name of vessel/agent _____
- Proposed destinations in Tuvalu: _____

Controlled Substances

Pure chemicals (use chemical code names)

Controlled substance	Requested quantities (kg)	Trade Name	Country of origin

Mixtures (state chemical code names)

Trade name	Chemical composition (% of each controlled substance)	Requested quantities (kg)	Country of origin

Please specify intended use: distribution and selling servicing and maintenance
 others, please specify below:

Part C — Other information

Provide any additional information which the applicant: considers necessary for this application

Part D — Conditions of application

1. The applicant must complete this Form and send 2 copies to the Department of Environment.

2. The applicant will be notified within 14 days of the result of the application. An application fee of \$200 one off payment must be enclosed with each application form.
3. The permit must be displayed in a conspicuous place at the place of business
4. A permit is not transferable and can only be used in respect of the shipment for which it is issued.

Declaration

I, _____ (the applicant) declare that the information provided in this application is true and accurate and I fully understand the conditions of this application.

Signed _____

Date _____

Part E (Official use only)

Permit No: _____

Quota No: _____

The information provided in this application has been checked and found:

Accurate _____

Inaccurate _____

I recommend that a permit to import Controlled Substances be issued/not issued to _____ (applicant) for the shipment stated below.

Signed _____

Director of Environment

Date _____

FORM 2

DEPARTMENT OF ENVIRONMENT

APPLICATION FOR PERMIT TO USE PREMISES OR A FACILITY TO STORE CONTROLLED SUBSTANCES

(Section 13 of Ozone Layer Protection and Refrigerant Amendment Bill)

Part A — Applicant details

1. Full name _____
2. Name and address of place of business _____
3. Residential address _____
4. Telephone Home _____ Work _____
Mobile _____ Fax _____
5. E-mail _____
6. **(If applying on behalf of a company or partnership)**
 - (a) Position in the company or partnership _____
 - (b) Name and registered address of the company or partnership _____

 - (c) Describe type of business (including any other business operating under the above management) _____
7. Is the applicant applying for the first time? YES/NO

Part B — Premises or facility

1. State the purpose for which the applicant/business intends to use the premises or facility in respect of a controlled substance: Sale, Storage, Processing, and Purchase for resale
2. Specify whether the permit is for use of premises or a facility _____
3. If the permit is for use of premises, state the location of the premises and give a brief description of them. _____
4. Is there a designated area for storage? YES/NO
5. If the permit is for the use of a facility, specify what facility is to be used. _____
6. Specify which controlled substance is (or substances are) involved. _____

7 Has the applicant dealt with the controlled substance before? YES/NO
If Yes, briefly state your experience in dealing with the substance:

8. Any other information the applicant considers relevant to the application.

Part C - Conditions of application

1. The applicant must complete this Form and send a copy to the Department of Environment.
2. The application fee of \$100 must accompany this form otherwise it will not be processed.
3. The applicant will be notified within 14 days of the result of the application. Upon payment of the permit fee of \$100, a successful applicant will be issued permit.
4. The permit must be displayed in a conspicuous place at the premises or facility to which it relates.
5. A permit is not transferable and can only be used in respect of the premises or facility to which it relates and for the purposes for which it is issued.

Declaration

I, _____ (applicant) declare the information given in this application to be true and accurate and I fully understand the conditions of this application.

Signed _____

Date _____

Part E (Official use only)

Application No: _____

Receipt number: _____

Date application received: _____

If permit issued

Receipt number: _____

Permit number: _____

Date of issue: _____

Date of expiry: _____

Conditions of the permit

If permit not issued

Reason for not issuing permit

Recommendation to applicant (if any)

Signed _____

Director of Environment

Date _____

FORM 3

DEPARTMENT OF ENVIRONMENT

APPLICATION FOR LICENCE TO HANDLE CONTROLLED SUBSTANCES

(Sections 24 of the Ozone Layer Protection and Refrigerant Amendment Bill)

Part A — Applicant details

1. Full name _____
2. Name of employer _____
3. Name and address of place of business _____
4. Residential address _____
5. Telephone Home _____ Work _____
Mobile _____ Fax _____
6. E-mail _____
7. Is the applicant applying for the first time? YES/NO

Part B - Activity requiring a licence

1. State the activity or activities to be carried out which require the issue of a licence in respect of controlled substances (tick as applicable) - Charging, Recharging, Refilling, Recovery, Recycling, Capturing, Fumigation.

2. State which controlled substance or substances the applicant will be dealing with. (Refer to the list of controlled substances in Schedule 3 and give the relevant numbers.)

3. State whether the activity complies with the relevant Code of Practice. YES/NO
If Yes, attach a copy of the certificate of compliance. If No, state when compliance will be achieved.

4. State whether the applicant holds an accreditation certificate. YES/NO
If Yes, state the name of the approved institution or individual and attach a copy of the certificate. If No, state when accreditation will be achieved.

5. State any other relevant qualification the applicant has attained. (Attach evidence of the qualification.)

6. State whether the applicant is currently carrying out any Charging, Recharging, Refilling, Recovery, Recycling, Capturing, and Fumigation of a controlled substance. YES/NO

If Yes, briefly describe the method used.

7. If the answer to question 6 is Yes, state when the applicant last performed the activity.

8. If the applicant uses one or more reclamation units, state —

(a) the brand name of each unit;

(b) the name of the supplier of each unit.

9. Does the applicant employ persons for carrying out the work? YES/NO

If Yes, provide the following details:

Name of employee	Qualification

10. Are there any accredited or licensed staff employed in your business? YES/NO

If Yes, provide the following details:

Name of accredited or licensed person	Qualification

Part C — Conditions of application

- The applicant must complete this Form and send a copy to the Department of Environment.
- The application fee of \$100 must accompany this form otherwise it will not be processed.
- The applicant will be notified within 14 days of the result of the application. Upon payment of the licence fee of \$100, a successful applicant will be issued a licence.
- The licence must be displayed in a conspicuous place at the licensee's place of business.
- A licence is not transferable and can only be used by the applicant to whom the licence is granted, and for the purposes for which it is issued.

Declaration

- (applicant) declare the information given in this application to be true and accurate and I fully understand the conditions of this application.

Signed _____

Date _____

Part D (Official use only)

Date application received _____

Receipt number: _____

If licence issued:

Receipt number _____

Licence Number _____

Date of issue _____

Date of expiry _____

Conditions of licence:

Specify training (if required)

If licence not issued:

Reason for not issuing licence:

Recommendation to applicant (if any):

Signed _____ (ODS Officer)

for DIRECTOR OF ENVIRONMENT

Name _____

Date _____

FORM 4

DEPARTMENT OF ENVIRONMENT

**PERMIT TO EXPORT CONTROLLED SUBSTANCES OR EQUIPMENT
CONTAINING CONTROLLED SUBSTANCE**

(Section 1 I of the Ozone Layer and Refrigerant Amendment Bill)

Permit No.

Pursuant to section 11 of the Ozone Layer and Refrigerant Amendment Bill hereby issue a permit to _____ (applicant) to export (tick as applicable) controlled substances/equipment containing a controlled substance as specified below.

This Permit is valid for a shipment as mentioned below —

vessel or aircraft _____

on (date) _____

to (destination) _____

Conditions of permit:

1. This Permit is not transferable and is valid only for the shipment specified above.
2. An administration fee of \$50 is payable to the Director of Environment for the shipment.
3. Controlled Substance/s (specify) _____
4. Permitted equipment (specify) _____
5. Form 4 must be completed by every exporter of Controlled Substances in respect of each shipment.

Additional conditions in respect of exports

1. Clearance of the shipment must have prior approval of the Department of Environment before the goods leave Tuvalu. Goods intended for export which do not have prior clearance may be detained at the border at the exporters expense.
2. Exported equipment containing controlled substances must be labelled with the name and address of the exporter and the nature of the controlled substance.

3. The authorised person must keep records of all controlled substances/equipment exported, including names and addresses of the recipients.
4. The records must be kept for 5 years, and —
 - (a) made available upon request for inspection by an ODS Inspector/Officer;
 - (b) submitted to Director of Environment on or before 1st November of each year.

Signed _____

Director of Environment

Date _____

FORM 5

DEPARTMENT OF ENVIRONMENT

BI-ANNUAL REPORT FOR IMPORT, EXPORT, STORE, & HANDLING

(section 23 of the Ozone Layer Protection and Refrigerant (Amendment) Bill)

Part A — Personal Information

1. Full name _____
3. Name and address of place of business _____
4. Residential address _____
5. Contact Home _____ Work _____
 Mobile _____ E-mail _____

PART B - Reporting

Type of Permit	Application Number	Descriptions	Quantity (kg/pieces)	Exporting/Importing Country	Exporting/Importing Company	Date Proceed

FORM 6

DEPARTMENT OF ENVIRONMENT

**PERMIT TO EXPORT CONTROLLED SUBSTANCES OR EQUIPMENT
CONTAINING CONTROLLED SUBSTANCE**

(Section 11 of the Ozone Layer and Refrigerant Amendment Bill)

Permit No.

I hereby issue a permit to _____(applicant) to export (tick as applicable) controlled substances/equipment containing a controlled substance as specified below.

This Permit is valid for a shipment as mentioned below —

vessel or aircraft _____

on (date) _____

to (destination) _____

Conditions of permit:

1. This Permit is not transferable and is valid only for the shipment specified above.
2. An administration fee of \$50 is payable to the Director of Environment for the shipment.
3. Controlled Substance/s (specify) _____
4. Permitted equipment (specify) _____

5. Form 4 must be completed by every exporter of Controlled Substances in respect of each shipment.

Additional conditions in respect of exports

1. Clearance of the shipment must have prior approval of the Department of Environment before the goods leave Tuvalu. Goods intended for export which do not have prior clearance may be detained at the border at the exporter's expense.

2. Exported equipment containing controlled substances must be labelled with the name and address of the exporter and the nature of the controlled substance.

3. The authorised person must keep records of all controlled substances/equipment exported, including names and addresses of the recipients.

4. The records must be kept for 5 years, and —

(a) made available upon request for inspection by an ODS Inspector/Officer;

(b) submitted to Director of Environment on or before 1st November of each year.

Signed _____

Director of Environment

Date _____

ENDNOTES

¹ Act 3 of 2008

Amended by Act 6 of 2023, commencement 3 August 2023

NB these amendments have not yet been incorporated in this Act but may be found in the amendment Act in the 2023 Acts on the Laws website

² LN 6/2008