



## REPUBLIC OF VANUATU

### CUSTOMS ACT [CAP 257]

#### Prohibition of Import and Export of Ozone Depleting Substances Order No. 12 of 2010

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### Prohibition of Import and Export of Ozone Depleting Substances Order No. 12 of 2010

In exercise of the powers conferred on me by sections 29 and 47, and paragraph 101(2)(b) of the Customs Act [CAP 257], I, the Honourable SELA MOLISA Minister of Finance and Economic Management, with the prior approval of the Council of Ministers make the following Order.

An Order to prohibit and restrict the importation and exportation of certain ozone depleting goods and goods containing ozone depleting substances in accordance with the requirements of the Vienna Convention for the Protection of the Ozone Layer, and the Montreal Protocol (as amended) made under that Convention.

#### **1 Interpretation**

(1) In this Order, unless the contrary intention appears:

**aerosol and aerosol spray** mean 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 means any controlled substance that is acquired in a non-processed form, whether alone or in a mixture and includes any controlled substance that is acquired in a non-processed form, whether alone or in a mixture, that has been recovered, cleaned (by filtering or drying) or reclaimed (by filtering, drying, distillation or chemical treatment). It does not include any controlled substance that is in a manufactured product;

**controlled substance** means any substance specified in the Schedule;

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

**export and exportation** means to take or cause to be taken out of Vanuatu;

**import and importation** means to bring or cause to be brought into Vanuatu;

**Montreal Protocol** means the *Montreal Protocol on Substances that Deplete the Ozone Layer* (Adopted at Montreal on 16 September 1987), and includes all amendments to the Protocol that are ratified by Parliament from time to time;

**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;

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

- (2) The words used in this Order are to have the same meaning as is given to them in the Montreal Protocol, unless a contrary intention appears.

## **2 Prohibition on the importation of ozone depleting substances**

- (1) The importation into Vanuatu of any goods containing any quantity of a controlled substance specified in Parts I to VI (inclusive) of the Schedule is prohibited.
- (2) The importation into Vanuatu of any quantity of a controlled substance specified in Parts I to VI (inclusive) of the Schedule in bulk is prohibited.

## **3 Prohibition on the importation of certain goods containing ozone depleting substances**

- (1) Subject to subclause (2) of this Order, the importation into Vanuatu of the following goods (whether new or second hand) is prohibited:
- (a) any aerosol spray that contains any quantity of a controlled substance, other than methyl bromide;
- (b) 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 extruded polystyrene foam, polystyrene boardstock 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 quantity of a controlled substance;
  - (e) any dehumidifiers, refrigerators, freezers, air-conditioners, supermarket display cases, heat pumps and water coolers that contain any quantity of a controlled substance listed in Part I and Part II of the Schedule.
- (2) Nothing in subclause (1) prohibits:
- (a) the import of 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) the import of any goods that are personal or household effects, and in respect of which the Director of Customs is satisfied that they are not intended for any other person, or for gift, sale or exchange.
- (3) The importation into Vanuatu from a country that is not a party to the *Montreal Protocol*, of any of the following goods containing any quantity of a controlled substance (other than one specified in Part VII or Part VIII of the Schedule) is prohibited:
- (a) refrigerators and freezers; or
  - (b) dehumidifiers, domestic or commercial refrigeration, air conditioning and heat pump equipment; or
  - (c) air conditioning and heat pump units; or
  - (d) automobile and truck air conditioning units (whether incorporated in vehicles or not); or
  - (e) ice machines and water coolers; or
  - (f) aerosol products (other than medical aerosols); or
  - (g) portable fire extinguishers; or
  - (h) insulation boards, panels and pipe covers; or
  - (i) pre-polymers (a reactive mixture of isocyanate and polyoll to which chlorofluorocarbons are added to make rigid plastic foams).

#### **4 Restriction on the importation of HCFC's**

Despite any other provision of this Order, the controlled substances specified in Part VII of the Schedule may be imported into Vanuatu if:

- (a) the Director of Environment certifies that the importation is consistent with the requirements applying under the Convention and the *Montreal Protocol*; and
- (b) all requirements applying under any law regulating controlled substances have been complied with, including any applicable quota scheme that may apply from time to time.

#### **5 Exemptions for medical or quarantine purposes**

- (1) Despite any other provision of this Order,, a product containing a controlled substance may be imported into Vanuatu if the Director General of Health certifies that the product has a medical application relating to the protection of life or health in Vanuatu.
- (2) Despite any other provision of this Order, methyl bromide may be imported into Vanuatu if the Officer in charge of the Vanuatu Quarantine and Inspection Service certifies that it is to be used for legitimate quarantine or pre-shipment applications in Vanuatu.
- (3) For the purposes of subclause (2), unless the context otherwise requires:

**quarantine applications** mean any treatments to prevent the introduction, establishment or spread of quarantine pests (including diseases), or to ensure their official control;

**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.

#### **6 Prohibition of export of controlled substances**

The exportation from Vanuatu of any bulk controlled substance specified in Part I - VI of the Schedule to any other country is prohibited.

#### **7 Restrictions on exports of controlled substances**

- (1) A person must not export any bulk controlled substance unless he or she notifies the Director of Customs in writing at least 14 days prior to the exportation.

- (2) A notice made to the Director of Customs under subclause (1) must contain the following information:
- (a) the substance exported; and
  - (b) the date and amount of the export; and
  - (c) the destination of the exported substance.
- (3) The Minister responsible for Environment may approve the export of any bulk controlled substance which has been retrieved from vehicles, goods or any other equipment, for the purposes of safe disposal in a foreign country.
- (4) An approval given under subclause (3) is subject to the condition that the storage, movement and disposal of the controlled substances is to be undertaken in accordance with:
- (a) any requirement applicable under the Convention and the Montreal Protocol; and
  - (b) any accepted international best practice standards.

#### **8 No restrictions on substances imported for transhipment**

- (1) Despite the provisions of this Order, the Director of Customs may grant an exemption in respect of the import and subsequent export of any substances or goods only for the purposes of the substances or goods being transhipped into another ship or aircraft for carriage to a destination that is outside the territorial limits of Vanuatu.
- (2) The Director may impose any conditions on any exemption granted under subclause (1) to ensure the safe storage, transportation or handling of any substance or goods during transhipment.

#### **9 Commencement**

This Order commences on the day on which it is made.

Made at Port Vila this 18<sup>th</sup> day of February, 2010.



**Honourable SELA MOLISA**  
**Minister of Finance and Economic Management**

## SCHEDULE

### CONTROLLED SUBSTANCES

#### PART I CFCs (CHLOROFLUOROCARBONS) (HS Code - 2903.40)

<i>Chemical Formula</i>	<i>Substance</i>	<i>HS Code</i>
CFCl <sub>3</sub>	CFC-11	2903.41.00
CF <sub>2</sub> Cl <sub>2</sub>	CFC-12	2903.42.00
C <sub>2</sub> F <sub>3</sub> Cl <sub>3</sub>	CFC-113	2903.43.00
C <sub>2</sub> F <sub>4</sub> Cl <sub>2</sub>	CFC-114	2903.44.10
C <sub>2</sub> F <sub>5</sub> Cl	CFC-115	2903.44.90

#### PART II HALONS (HS Code - 2903.40)

<i>Chemical Formula</i>	<i>Substance</i>	<i>HS Code</i>
CF <sub>2</sub> BrCl	Halon 1211	2903.46.10
CF <sub>3</sub> Br	Halon 1301	2903.46.20
C <sub>2</sub> F <sub>4</sub> Br <sub>2</sub>	Halon 2402	2903.46.90

#### PART III OTHER CFCS (CHLOROFLUOROCARBONS) (HS Code - 2903.45)

<i>Chemical Formula</i>	<i>Substance</i>	<i>HS Code</i>
CF <sub>3</sub> Cl	CFC-13	2903.45.10
C <sub>2</sub> FCl <sub>5</sub>	CFC-111	2903.45.15
C <sub>2</sub> F <sub>2</sub> Cl <sub>4</sub>	CFC-112	2903.45.20
C <sub>3</sub> FCl <sub>7</sub>	CFC-211	
C <sub>3</sub> F <sub>2</sub> Cl <sub>6</sub>	CFC-212	
C <sub>3</sub> F <sub>3</sub> Cl <sub>5</sub>	CFC-213	
C <sub>3</sub> F <sub>4</sub> Cl <sub>4</sub>	CFC-214	
C <sub>3</sub> F <sub>5</sub> Cl <sub>3</sub>	CFC-215	
C <sub>3</sub> F <sub>6</sub> Cl <sub>2</sub>	CFC-216	
C <sub>3</sub> F <sub>7</sub> Cl	CFC-217	

#### PART IV CARBON TETRACHLORIDE (HS Code - 2903.10)

<i>Chemical Formula</i>	<i>Substance</i>	<i>HS Code</i>
CCl <sub>4</sub>	Carbon tetrachloride	2903.14.00



**PART V**  
**METHYL CHLOROFORM (HS Code - 2903.19)**

<i>Chemical Formula</i>	<i>Substance</i>	<i>HS Code</i>
C <sub>2</sub> H <sub>3</sub> Cl <sub>3</sub>	1,1,1-trichloroethane	2903.19.10

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

**PART VI**  
**HBFCs (HYDROBROMOFLUOROCARBONS) (HS Code - 2903.49)**

<i>Chemical Formula</i>	<i>Substance</i>	<i>HS Code</i>
CHFBr <sub>2</sub>		2903.49
CHF <sub>2</sub> Br	(HBFC-22B1)	2903.49.30
CH <sub>2</sub> FBr		2903.49
C <sub>2</sub> H <sub>2</sub> FBr <sub>4</sub>		2903.49
C <sub>2</sub> H <sub>2</sub> F <sub>2</sub> Br <sub>3</sub>		2903.49
C <sub>2</sub> H <sub>2</sub> F <sub>3</sub> Br <sub>2</sub>		2903.49
C <sub>2</sub> H <sub>2</sub> F <sub>4</sub> Br		2903.49
C <sub>2</sub> H <sub>2</sub> FBr <sub>3</sub>		2903.49
C <sub>2</sub> H <sub>2</sub> F <sub>2</sub> Br <sub>2</sub>		2903.49
C <sub>2</sub> H <sub>2</sub> F <sub>3</sub> Br		2903.49
C <sub>2</sub> H <sub>3</sub> FBr <sub>2</sub>		2903.49
C <sub>2</sub> H <sub>3</sub> F <sub>2</sub> Br		2903.49
C <sub>2</sub> H <sub>4</sub> FBr		2903.49
C <sub>3</sub> H <sub>2</sub> FBr <sub>6</sub>		2903.49
C <sub>3</sub> H <sub>2</sub> F <sub>2</sub> Br <sub>5</sub>		2903.49
C <sub>3</sub> H <sub>2</sub> F <sub>3</sub> Br <sub>4</sub>		2903.49
C <sub>3</sub> H <sub>2</sub> F <sub>4</sub> Br <sub>3</sub>		2903.49
C <sub>3</sub> H <sub>2</sub> F <sub>5</sub> Br <sub>2</sub>		2903.49
C <sub>3</sub> H <sub>2</sub> F <sub>6</sub> Br		2903.49
C <sub>3</sub> H <sub>2</sub> FBr <sub>5</sub>		2903.49
C <sub>3</sub> H <sub>2</sub> F <sub>2</sub> Br <sub>4</sub>		2903.49
C <sub>3</sub> H <sub>2</sub> F <sub>3</sub> Br <sub>3</sub>		2903.49
C <sub>3</sub> H <sub>2</sub> F <sub>4</sub> Br <sub>2</sub>		2903.49
C <sub>3</sub> H <sub>2</sub> F <sub>5</sub> Br		2903.49
C <sub>3</sub> H <sub>3</sub> FBr <sub>4</sub>		2903.49
C <sub>3</sub> H <sub>3</sub> F <sub>2</sub> Br <sub>3</sub>		2903.49
C <sub>3</sub> H <sub>3</sub> F <sub>3</sub> Br <sub>2</sub>		2903.49
C <sub>3</sub> H <sub>3</sub> F <sub>4</sub> Br		2903.49
C <sub>3</sub> H <sub>4</sub> FBr <sub>3</sub>		2903.49
C <sub>3</sub> H <sub>4</sub> F <sub>2</sub> Br <sub>2</sub>		2903.49
C <sub>3</sub> H <sub>4</sub> F <sub>3</sub> Br		2903.49
C <sub>3</sub> H <sub>5</sub> FBr <sub>2</sub>		2903.49
C <sub>3</sub> H <sub>5</sub> F <sub>2</sub> Br		2903.49
C <sub>3</sub> H <sub>6</sub> FBr		2903.49

**PART VII**  
**HCFCs (HYDROCHLOROFLUOROCARBONS) (HS Code - 2903.49)**

<i>Chemical Formula</i>	<i>Substance</i>	<i>HS Code</i>
CHFCI <sub>2</sub>	(HCFC-21)	2903.49
CHF <sub>2</sub> CI	(HCFC-22)	2903.49.11
CH <sub>2</sub> FCI	(HCFC-31)	2903.49
C <sub>2</sub> HFCl <sub>4</sub>	(HCFC-121)	2903.49
C <sub>2</sub> HF <sub>2</sub> Cl <sub>3</sub>	(HCFC-122)	2903.49
C <sub>2</sub> HF <sub>3</sub> Cl <sub>2</sub>	(HCFC-123)	2903.49.19
CHCl <sub>2</sub> CF <sub>3</sub>	(HCFC-123)	2903.49.19
C <sub>2</sub> HF <sub>4</sub> CI	(HCFC-124)	2903.49.19
CHFClCF <sub>3</sub>	(HCFC-124)	2903.49.19
C <sub>2</sub> H <sub>2</sub> FCI <sub>3</sub>	(HCFC-131)	2903.49
C <sub>2</sub> H <sub>2</sub> F <sub>2</sub> Cl <sub>2</sub>	(HCFC-132)	2903.49
C <sub>2</sub> H <sub>2</sub> F <sub>3</sub> CI	(HCFC-133)	2903.49
C <sub>2</sub> H <sub>3</sub> FCI <sub>2</sub>	(HCFC-141)	2903.49.19
CH <sub>3</sub> CFCI <sub>2</sub>	(HCFC-141b)	2903.49.15
C <sub>2</sub> H <sub>3</sub> F <sub>2</sub> CI	(HCFC-142)	2903.49.19
CH <sub>3</sub> CF <sub>2</sub> CI	(HCFC-142b)	2903.49.19
C <sub>2</sub> H <sub>4</sub> FCI	(HCFC-151)	2903.49
C <sub>3</sub> HFCl <sub>6</sub>	(HCFC-221)	2903.49
C <sub>3</sub> HF <sub>2</sub> Cl <sub>5</sub>	(HCFC-222)	2903.49
C <sub>3</sub> HF <sub>3</sub> Cl <sub>4</sub>	(HCFC-223)	2903.49
C <sub>3</sub> HF <sub>4</sub> Cl <sub>3</sub>	(HCFC-224)	2903.49
C <sub>3</sub> HF <sub>5</sub> Cl <sub>2</sub>	(HCFC-225)	2903.49
CF <sub>3</sub> CF <sub>2</sub> CHCl <sub>2</sub>	(HCFC-225ca)	2903.49
CF <sub>2</sub> ClCF <sub>2</sub> CHClF	(HCFC-225cb)	2903.49
C <sub>3</sub> HF <sub>6</sub> CI	(HCFC-226)	2903.49
C <sub>3</sub> H <sub>2</sub> FCI <sub>5</sub>	(HCFC-231)	2903.49
C <sub>3</sub> H <sub>2</sub> F <sub>2</sub> Cl <sub>4</sub>	(HCFC-232)	2903.49
C <sub>3</sub> H <sub>2</sub> F <sub>3</sub> Cl <sub>3</sub>	(HCFC-233)	2903.49
C <sub>3</sub> H <sub>2</sub> F <sub>4</sub> Cl <sub>2</sub>	(HCFC-234)	2903.49
C <sub>3</sub> H <sub>2</sub> F <sub>5</sub> CI	(HCFC-235)	2903.49
C <sub>3</sub> H <sub>3</sub> FCI <sub>4</sub>	(HCFC-241)	2903.49
C <sub>3</sub> H <sub>3</sub> F <sub>2</sub> Cl <sub>3</sub>	(HCFC-242)	2903.49
C <sub>3</sub> H <sub>3</sub> F <sub>3</sub> Cl <sub>2</sub>	(HCFC-243)	2903.49
C <sub>3</sub> H <sub>3</sub> F <sub>4</sub> CI	(HCFC-244)	2903.49
C <sub>3</sub> H <sub>4</sub> FCI <sub>3</sub>	(HCFC-251)	2903.49
C <sub>3</sub> H <sub>4</sub> F <sub>2</sub> Cl <sub>2</sub>	(HCFC-252)	2903.49
C <sub>3</sub> H <sub>4</sub> F <sub>3</sub> CI	(HCFC-253)	2903.49
C <sub>3</sub> H <sub>5</sub> FCI <sub>2</sub>	(HCFC-261)	2903.49
C <sub>3</sub> H <sub>5</sub> F <sub>2</sub> CI	(HCFC-262)	2903.49
C <sub>3</sub> H <sub>6</sub> FCI	(HCFC-271)	2903.49

**PART VIII**  
**METHYL BROMIDE (HS Code - 2903.39)**

<i>Chemical Formula</i>	<i>Substance</i>	<i>HS Code</i>
CH <sub>3</sub> Br	(Mono) bromomethane	2903.39.11
CH <sub>2</sub> BrCl	Bromochloromethane	2903.49.80