

Guidelines

Importing and using ODS

Ozone Layer Protection Act No. 27 of 2010



Introduction

Our environment is important in Vanuatu and that is why we have laws to protect our environment from a range of impacts. As our population grows and development continues it becomes more and more important to look after our environment.

Part of this protection is the legal requirement for managing the import, purchase, sale, storage, processing/recycling, recovery or refilling of ozone depleting substances (ODS) in Vanuatu.

These guidelines provide information about ODS in Vanuatu are set out in eight sections:

1. What are ODS and why are they regulated?
2. What do ODS look like?
3. What ODS cannot be imported into Vanuatu?
4. Importing ODS that are not prohibited
5. Accessing and using ODS in Vanuatu
6. What approvals do I need from the Department?
7. Monitoring and reporting
8. Where can I find more information?

What are ODS and why are they regulated?

ODS are man-made chemicals that exist as gases and have a range of uses including as refrigerants in refrigerators and air-conditioners (including air-conditioning units in cars and trucks), as blowing agents in foam, inside fire-extinguishers and as cleaning agents or solvents. There are a number of different types of ODS including chlorofluorocarbons (CFCs) and hydrochlorofluorocarbons (HCFCs).

ODS have been scientifically proven to destroy the ozone layer – a naturally occurring layer of the earth's atmosphere that protects us from the sun's ultraviolet (UV) light. The ozone layer absorbs a portion of the radiation from the sun, preventing it from reaching the earth's surface. The UV light blocked by the ozone layer has been linked to many harmful effects including skin cancers, cataracts and harm to crops and marine life.

In the 1970s, scientific evidence showed that the ozone layer was deteriorating. This deterioration was due to increased use of ODS and led to the development of international agreements to protect the ozone layer and phase-out the use of ODS.

In Vanuatu, ODS are controlled under the *Ozone Layer Protection Act No. 27 of 2010* (the OLP Act) and are regulated by the Department of Environmental Protection and Conservation (the Department), in collaboration with the Department of Customs and Inland Revenue (Customs). Under the OLP Act, ODS are controlled substances.

What do ODS look like?

ODS are gases and can be found in two forms: in bulk or in goods containing ODS.

Bulk ODS refers to unprocessed ODS. In this case, the gas is generally found as cylinders of pure ODS gas or cylinders of gas that include ODS as part of a mixture or blend.

Some goods, such as refrigerators, use ODS as part of their operation. These goods are designed to use pure ODS gas or gas that includes ODS as part of a mixture or blend and come with gas inside them. For example, if you import a refrigerator that uses HCFC-22 or R-22 as a refrigerant, you are also importing HCFC-22 or R-22 as the refrigerator is 'pre-charged' – it contains ODS and is ready to use.

What ODS cannot be imported into Vanuatu?

Under the OLP Act, ODS cannot be manufactured in Vanuatu and must be imported from overseas. Some ODS are prohibited and you cannot import them into Vanuatu.

Bulk ODS (e.g., importing gas cylinders containing ODS)

Of the eight classes of ODS regulated under the OLP Act, you cannot import bulk ODS from six classes. The import of the following bulk ODS is prohibited:

ODS	Tariff Item (2017 Harmonized Coding System)
CFCs	3824.71.00
Halons	n/a
Carbon tetrachloride	2903.14.00 3824.75.00
Methyl chloroform	3824.76.00
Hydrobromofluorocarbons (HBFCs)	3824.73.00
Bromochloromethane	3824.77.00

Goods that contain ODS (e.g., importing pre-charged equipment)

In general, you cannot import the following goods containing ODS into Vanuatu. There are exemptions if you are importing these goods as part of your personal or household effects or as packaging, or if the goods are being transhipped.

Item	ODS
Aerosol sprays or other aerosol products	Containing CFCs, halons, carbon tetrachloride, methyl chloroform, HBFCs, bromochloromethane or HCFCs
Plastic foam or goods containing plastic foam. For example, extruded polystyrene foam, polystyrene boardstock or thermoformed plastic packaging.	Manufactured using CFCs or halons
Dry cleaning machines	Using CFCs, halons, carbon tetrachloride, methyl chloroform, HBFCs, bromochloromethane, HCFCs or methyl bromide as a solvent
Fire extinguishers	Containing CFCs, halons, carbon tetrachloride, methyl chloroform, HBFCs, bromochloromethane, HCFCs or methyl bromide
Dehumidifiers	Containing CFCs, halons, carbon tetrachloride, methyl chloroform, HBFCs, or bromochloromethane
Refrigerators	Containing CFCs, halons, carbon tetrachloride, methyl chloroform, HBFCs, or bromochloromethane
Freezers	Containing CFCs, halons, carbon tetrachloride, methyl chloroform, HBFCs, or bromochloromethane
Air-conditioners, including car and truck air-conditioning units	Containing CFCs, halons, carbon tetrachloride, methyl chloroform, HBFCs, or bromochloromethane
Supermarket display cases	Containing CFCs or halons
Heat pumps and heat pump equipment	Containing CFCs, halons, carbon tetrachloride, methyl chloroform, HBFCs, or bromochloromethane
Water coolers and ice machines	Containing CFCs, halons, carbon tetrachloride, methyl chloroform, HBFCs, or bromochloromethane
Insulation boards, panels and pipe covers	Containing CFCs, halons, carbon tetrachloride, methyl chloroform, HBFCs, or bromochloromethane
Pre-polymers	Containing CFCs, halons, carbon tetrachloride, methyl chloroform, HBFCs, or bromochloromethane

Importing ODS that are not prohibited

Importing any ODS that are not prohibited requires approval from the Department.

Importing bulk ODS (e.g., gas cylinders containing ODS)

If you wish to import the following classes of bulk ODS you will require approval:

ODS	Tariff Item (2017 Harmonized Coding System)
HCFCs	3824.74.00
Methyl bromide	3824.77.00

Note: Methyl bromide may only be imported for legitimate quarantine or pre-shipment applications. Legitimate quarantine or pre-shipment applications include treating a shipment coming into Vanuatu to prevent or control quarantine pests (including diseases) or treating a shipment leaving Vanuatu to meet either Vanuatu's export requirements or the importing country's requirements.

Importing goods containing ODS (e.g., importing pre-charged equipment)

If you wish to import goods containing HCFCs you will require approval. This includes items such as dehumidifiers, refrigerators, freezers, air-conditioners (including car and truck air-conditioning units), supermarket display cases, heat pumps and heat pump equipment, water coolers and ice machines, insulation boards, panels and pipe covers and pre-polymers.

There are exemptions if you are importing these goods as part of your personal or household effects or as packaging, or if the goods are being transhipped.

Importing any medical product containing ODS also requires the approval of the Department. Examples of medical products that may contain ODS include medical aerosol products such as nasal preparations, metered-dose inhalers, anaesthetic drugs and antibiotics. Some sterilisation equipment may also use gas mixtures containing ODS.

Accessing and using ODS in Vanuatu

If you do not import ODS yourself you may access ODS by purchasing from an importer.

Once you have access to ODS you can use them in one or more of the following ways:

- Sell bulk ODS or goods containing ODS. Selling involves disposing of goods for valuable consideration (including barter), and includes:

- Disposition to an agent for sale on consignment
- Offering for sale or attempting to sell; receiving or having in possession for sale; exposing for sale; delivering for sale; or causing or permitting any of these things to be done.
- Disposal by way of lottery, raffle or game of chance.
- Store bulk ODS or goods containing ODS
- Process/recycle ODS. The processing or recycling of ODS involves reducing the amount of contaminants contained in used ODS (e.g., oils). This may be done using devices such as filter dryers to reduce moisture, acidity and particulates or by distillation. Processing/recycling that involves reprocessing used ODS to new product specification may be referred to as reclamation. This involves the use of processes or procedures available only at specialised reclamation or manufacturing facilities.
- Recover ODS. Recovery involves using a recovery machine to remove ODS from goods and store it in an external cylinder. The recovery of ODS does not necessarily involve testing it or processing it in any way.
- Refill cylinders of bulk ODS.

All of these activities require approval from the Department.

What approvals do I need from the Department?

Registration

If you are planning to import, purchase, sell, store, process/recycle, recover or refill any ODS, you must be registered as an Approved Importer. Registration may be for up to three years and incurs a 10,000 vatu application fee.

If you are undertaking any of these activities you are also likely to be using premises or facilities to do so. For example, if you are an air-conditioning repair company importing bulk R-22 you will need to store the gas until you need to use it to recharge or repair air-conditioners. Likewise, if you are importing refrigerators containing R-22 for sale in your retail store you will need to store the refrigerators in either your store, warehouse or somewhere else until they are sold.

If you are planning to use any premises to store, sell, process/recycle, recover or refill ODS or goods containing ODS you also need to have these premises/facilities registered as an Approved Facility. This registration may also be for up to three years and incurs a 20,000 vatu application fee. As part of the application assessment process, departmental officers will inspect your proposed site.

Licences and permits

In addition to registration, you must also hold the relevant licence or permit. The additional licence or permit you require depends on the type of ODS you are planning to use.

The table below summarises the additional licences or permits you may need.

What are you importing?	Licence/permit needed	Cost (Vatu)
Bulk HCFCs or goods containing HCFCs	HCFC Import Quota Licence	20,000 and 100 per kilogram of ODS
Bulk methyl bromide	Quarantine and pre-shipment permit	10,000 and 100 per kilogram of ODS
Medical products containing ODS	Medical and health-related permit	10,000 and 100 per kilogram of ODS

Monitoring and reporting

As a party to international agreements on ODS, Vanuatu has monitoring and reporting obligations about the import and use of ODS. This allows us to determine if Vanuatu is meeting its phase-out targets. To comply with these obligations, the Department and Customs work together to monitor the import and use of ODS to Vanuatu. This role includes undertaking site inspections to check whether your business holds the appropriate approvals under the OLP Act, monitoring the quantities of ODS you import, questioning the information you provide at the time of import and verifying the labels on imported goods.

If you hold a HCFC Import Quota Licence you must submit bi-annual reports to the Department detailing the amount of ODS imported/consumed and the use to which the ODS was put. If you hold a quarantine and pre-shipment permit or medical and health-related permit you must submit annual reports about your imports.

Where can I find more information?

More information about ODS and the Montreal Protocol is available online at <http://ozone.unep.org/> and on our website www.environment.gov.vu.

The Department also has available a number of posters and other materials about ODS. To collect some materials or arrange an appointment with our Senior Officer (Chemical and Ozone) or provincial extension officers, please contact us:

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