



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

N\$7.20

WINDHOEK - 7 July 2020

No. 7265

### CONTENTS

*Page*

#### GOVERNMENT NOTICE

No. 148	Prohibition of import into Namibia of Ozone Depleting Substances: Import and Export Control Act, 1994 .....	1
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## Government Notice

### MINISTRY OF INDUSTRIALISATION AND TRADE

No. 148

2020

#### PROHIBITION OF IMPORT INTO NAMIBIA OF OZONE DEPLETING SUBSTANCES: IMPORT AND EXPORT CONTROL ACT, 1994

Under subsection (1)(b) and (5) of section 2 of the Import and Export Control Act, 1994 (Act No. 30 of 1994), I -

- (a) prohibit, except under the authority of and in accordance with the conditions contained in a permit issued by the Ministry of Industrialisation and Trade, the import into Namibia of the substances controlled under the Montreal Protocol on Substances that Deplete the Ozone Layer as set out in the Schedule below;
- (b) determine that this notice comes into operation on 1 January 2021; and
- (c) withdraw Government Gazette No. 4636 of 31 December 2010 with effect from 31 December 2020.

**L. IPUMBU**  
**MINISTRY OF INDUSTRIALISATION AND TRADE**

Windhoek, 22 June 2020

## SCHEDULE

### Definitions

1. In this notice a word or expression to which a meaning has been assigned in the Act has that meaning, and unless the context otherwise indicates -

“base level” means the annual average consumption of a group of substances for a specific period;

“consumption” means the amount of an imported substance minus the amount of that substance exported;

“freeze” means the level where the base level for the annual average consumption of a group of substance is met;

“importer” means an importer as defined in section 1 of the Customs and Excise Act, 1998 (Act. No. 20 of 1998);

“Montreal Protocol” means the Montreal Protocol on Substances that Deplete the Ozone Layer, a protocol to the Vienna Convention for the Protection of the Ozone Layer, to which Namibia is a Party, including adjustments adopted by Parties and amendments that have entered into force; and

“National Ozone Officer” means the officer in charge of the National Ozone Unit within the Ministry of Industrialisation and Trade.

### Prohibition of import of certain ozone depleting substances

2. (1) An importer may not import into Namibia any ozone depleting substances listed in the following classes in Annexure 1:

- (a) Class A;
- (b) Class B;
- (c) Class C; and
- (d) Class D.

(2) An importer may not import into Namibia any goods set out in Class C in Annexure 1, whether new or used, to the extent that they contain the following ozone depleting substances set out in that Annexure:

- (a) Class A;
- (b) Class B;
- (c) Class D; and
- (d) Class E.

(3) An importer may not import into Namibia any of the Class F substances listed in Annexure 1 as from the 01 January 2021, except under the authority and conditions contained in a permit issued by the Ministry of Industrialisation and Trade in the form as set out in Annexure 2.

(4) An importer may not import into Namibia any of the Class E substances listed in Annexure 1 as from 1 January 2025.

(5) As from 1 January 2035, an importer may not import into Namibia the goods set out in Class C in Annexure 1, whether new or used, to the extent that they contain Class F substances set out in that Annexure.

**Handling of refrigeration and air conditions**

3. (1) An importer who wishes to import goods set out in Class C in Annexure 1, whether new or used, must import such goods in accordance with the Safety Standards for handling of Refrigeration and Air Conditions set out by the Namibia Standards Institution.

(2) Subject to paragraph 1, an importer who imports all other refrigerant gases and cooling appliances that are not prohibited for import must produce an import permit -

- (a) at the point of entry for statistical and control purposes; or
- (b) when requested by customs and excise officer, an ozone depleting substances officer or by any authorised official.

**Import from Non-Party States**

4. An importer may not import into Namibia any -

- (a) ozone depleting substances as specified in Class E of Annexure 1; and
- (b) goods specified in Class C of Annexure I, to the extent that they contain Class E substances listed in that Annexure,

from States that are not parties to the Montreal Protocol and its amendments.

**Asthma-metered dose inhalers**

5. A permit is not required for the importation into Namibia of chlorofluorocarbon-based propellants used in asthma-metered dose inhalers.

**Directives made by National Ozone Officer**

6. A directive issued by the Minister of Industrialisation and Trade through an authorised National Ozone Officer must -

- (a) be made in writing; and
- (b) direct a person who imports Class E and Class F substances specified in Annexure 1 to furnish the Minister of Industrialisation and Trade at annual intervals with the information specified in Annexure 3.

**Application for Import Permit**

7. An application form for an import permit for the substances controlled under the Montreal Protocol may be obtained from the Ministry of Industrialisation and Trade, Private Bag 13340, Windhoek.

**Offence and penalty**

8. An importer who contravenes any provisions of this notice commits an offence and on conviction is liable to a fine not exceeding N\$20 000 or imprisonment for a period not exceeding two years, or to both such fine and such imprisonment and to a further fine not exceeding three times the commercial value of goods, if any, in respect of which the offence was committed.

## Annexure 1



**REPUBLIC OF NAMIBIA**  
**MINISTRY OF INDUSTRIALISATION AND TRADE**  
 Private Bag 13340  
 Windhoek  
 Tel: +264-61-283-7512  
 Fax +264-61-221-729

LIST OF SUBSTANCES, GOODS & TARIFFS  
 (Import and Export Control Act, 1994 (Act No. 30 of 1994))

Tariff heading*	Description of substances and goods
2903.41 2903.42 2903.43 2903.44 2903.44	Class A / <u>Group I - Chlorofluorocarbons</u> chlorofluorocarbon - II (CFC-II) chlorofluorocarbon - 12 (CFC-12) chlorofluorocarbon - 113 (CFC-113) chlorofluorocarbon - 114 (CFC-114) chlorofluorocarbon - 115 (CFC-115)
2903.76 2903.76 2903.76	<u>Group II - Halons</u> halon - 1211 halon - 1301 halon - 2402
2903.77.05 2903.77.10 2903.77.15 2903.77.20 2903.77.25 2903.77.30 2903.77.35 2903.77.40 2903.77.45 2903.77.50	Class B / <u>Group I-Other fully halogenated CFCs</u> chlorofluorocarbon-13 (CFC-13) chlorofluorocarbon-111 (CFC-111) chlorofluorocarbon-112 (CFC-112) chlorofluorocarbon-211 (CFC-211) chlorofluorocarbon-212 (CFC-212) chlorofluorocarbon-213 (CFC-213) chlorofluorocarbon-214 (CFC-214) chlorofluorocarbon-215 (CFC-215) chlorofluorocarbon-216 (CFC-216) chlorofluorocarbon-217 (CFC-217)
2903.14	<u>Group II - Carbon tetrachloride</u> carbon tetrachloride
2903.19.10	<u>Group III - 111-trichlorethane (methyl chloroform)</u> methyl chloroform (111-Trichloroethane)
8415	Class C/ <u>Group I Air-Conditioners</u> Air conditioning machines, comprising a motor-driven fan and elements for changing the temperature and humidity, including those machines in which the humidity cannot be separately regulated
9406	Prefabricated buildings (includes air conditioners as built in equipment)
8418.29; 8418.40; 8418.50; 8418.61; 8418.69	Refrigerators, freezers and other refrigerating or freezing equipment, electric or other; heat pumps other than air conditioning equipment of heading

8419	Machinery, plant or laboratory equipment, whether or not electrically heated, for the treatment of materials by a process involving a change of temperature such as heating, cooking, roasting, distilling, rectifying, sterilizing, pasteurizing, steaming, drying. Evaporating, condensing or cooling (excluding machinery or plant of a kind used for domestic purposes); instantaneous or storage water heaters, non-electric
8509	Electro-mechanical domestic appliances, with self-contained electric motor
8716	Trailers and semi-trailers; other vehicles, not mechanically propelled; parts thereof
	<u>Group II</u> Other
8411	Turbo-jets, Turbo-propellers and other gas turbines
8412	Other engines and motors
8415	Air conditioning machines, comprising a motor-driven fan and elements for changing the temperature and humidity, including those machines in which the humidity cannot be separately regulated
8424	Mechanical Appliances (whether or not hand operated) for projecting, dispersing or spraying liquids or powders; fire extinguishers, whether or not charged, spray guns and similar appliances; steam or sand blasting machines and similar jet projecting machines
8425	Pulley tackle and hoists (excluding skip hoists); winches and capstans jacks
8430	Other moving, grading, levelling, scraping, excavation, tamping, compacting, extracting or boring machinery, for earth, minerals or ores; pile-drivers and pile-extractors; snow ploughs and snow-blowers
	<u>Group III - Fire Extinguishers</u>
8424.10	Fire extinguishers, whether or not Charged
	<u>Group IV - Dry cleaning machinery</u>
8450	Household or laundry-type washing machines, including machines which with both wash and dry
8451.10	Dry cleaning machines
	<u>Group V-Aerosols</u>
33.05	Preparation for use on the hair
33.07	Pre-shave, shaving or after-shave preparations, personal deodorants, bath preparations, depilatories and other perfumery, cosmetic or toilet preparations, not elsewhere specified or included; prepared room deodorizers, whether or not perfumed or having disinfectant properties
34.03	Lubricating preparations (including cutting-oil preparations, bolt or nut release preparations, anti-rust or anti corrosion preparations and mould release preparations, based on lubricants) and preparations of a kind used for the oil or grease treatment of textile materials, leather, fur skins or other materials, but excluding preparations containing, as basic constituents, 70 per cent or more by mass of petroleum oils or of oils obtained from bituminous minerals

38.08	Insecticides, rodenticides, fungicides, herbicides, anti-sprouting products and plant growth regulators, disinfectants and similar products, put up in forms or packaging for retail sale or as preparations or articles (for example, sulphur treated bands, wicks and candles and fly papers)
38.14	Organic composite solvents and thinners, not elsewhere specified or included; prepared paint or varnish removers
38.24	Prepared binders for foundry moulds or cores; chemical products and preparations of the chemical or allied industries (including those consisting of mixtures of natural products), not elsewhere specified or included; residual products of the chemical or allied industries, not elsewhere specified or included
93.04	Other arms (for example, spring, air or gas guns and pistols, truncheons) (excluding those of heading no. 93.07)
2903.39.20	<u>Class D/Group I Methyl bromide</u> Bromomethane (Methyl bromide)
	<u>Class E/ Group I Hydrochlorofluorocarbons (HCFC)</u>
2903.79	Dichlorofluoromethane – HCFC-21
2903.71	Chlororodifluoromethane – HCFC-22
2903.73	Dichlorofluoroethanes – HCFC-141
2903.73	1,1-dichloro-1-fluoroethane – HCFC-141b
2903.74	Chlorodifluoroethanes - HCFC-142
2903.74	1-chloro-1,1-difluoroethane – HCFC-142b
2903.75	Dichloropentafluoropropane - HCFC-225
2903.72	Dichlorotrifluoroethanes - HCFC-123
2903.79.10	Chlorotetrafluoroethanes - HCFC-124
	<u>Group II HCFC blends</u>
3827.71	HCFC blend – R-401a/b/c
3824.71	HCFC blend – R-402a/b
3824.71	HCFC blend – R-405a
3827.74.17	HCFC blend – R-406a
3824.74.19	HCFC blend – R-408a
3824.74.21	HCFC blend – R-409a/b
3827.74.23	HCFC blend - R-415B
3824.71.11	HCFC blend - R-500
3824.71.13	HCFC blend - R-502
3824.78.23	HCFC blend – R-507
3824.74	HCFC blend – R-509
3827.74.25	HCFC blend - R-418A
	<u>Other HCFCs and HCFC blends</u>
	<u>Class F / Group I Hydrofluorocarbons (HFC)</u>
2903.39.65	Tetrafluoroethane - HFC-134a
2903.39.40	Difluoroethane - HFC-152a
2903.39.30	Pentafluoroethane - HFC-125
2903.39.50	Trifluoroethane - HFC-143a
2903.39.70	Difluoromethane - HFC-32
2903.39.67	Trifluoromethane - HFC-23
2903.39.55	Pentafluoropropane - HFC-245fa
2903.39.60	Tetrafluoropropene - HFC-123yf

	<u>Group II HFC blends</u>
3824.78.07	HFC blend - R-404A
3824.78.23	HFC blend - R-507A
3824.78.11	HFC blend - R-407A
3824.78.11	HFC blend - R-407B
3824.78.11	HFC blend - R-407C
3824.78.11	HFC blend – R-407E
3824.78.11	HFC blend – R-407D
3824.78.15	HFC blend – R-407F
3824.78.19	HFC blend - R-410A
3824.78.27	HFC blend - R-508A
3824.78.27	HFC blend - R-508B
	<u>Other HFCs and HFC blends</u>

\* A reference to a tariff heading in the description of a substances or goods, contained in this Annexure corresponds to the tariff heading in the respective Chapters to Schedule I of the Customs and Excise Act, 1998 (Act No. 20 of 1998).






**CONDITIONS**

1. Only substances of the class and kind described in this permit may be imported except where otherwise specified in this permit.
2. This permit may not be transferred in any manner by the holder to any other person or used to benefit a person not named in the permit.
3. This permit is valid for the calendar year for which it is issued and may be used for customs clearance of goods prior to 31 December of the year of issue.
4. This permit is issued without any amendments and any unauthorised amendments appearing in the permit will render this permit invalid and will authorise the Commissioner of Customs and Excise to confiscate the permit.
5. This permit may not be used as exchange license and only authorises the importation of goods specified in the permit.
6. The importer must keep this permit for a minimum period of three calendar years.
7. This permit does not exempt an importer from the obligation of complying with the provisions of any other legislation related to the importation of goods into Namibia.
8. The permit may be issued only on the recommendation of the National Ozone Officer.
9. The recommendation of the National Ozone Officer must be made in line with specific obligations under the Montreal Protocol and its relevant amendments as applicable to Namibia for:
  - (a) Annexure 1 Class E Group I and Group II
  - (b) Annexure 1 Class F Group I and Group II

10. To meet the phasing out process of HCFCs and HFCs, the National Ozone Officer must recommend importer specific quantities (quotas) as calculated on the basis of the import figures as provided by the importers at annual intervals using the form as specified in Annexure 3 of this notice.
11. The base level of the overall quantity to be imported during the validity period of all import permits issued for HFCs will be:
- (a) **Annexure 1 Class E Group I and I**
- (Equal to average of annual imports during 2009-2010)
- The Freeze or minimum reduction levels of ODS import quantities will be for:
- (i) Baseline: Average 2009-2010 consumption;
  - (ii) Freeze on 01 January 2012;
  - (iii) 30% reduction on 01 January 2015;
  - (iv) 70% reduction on 01 January 2018;
  - (v) 97.5% reduction on 01 January 2020; and
  - (vi) 2.5 servicing: 2020-2030.
- (b) **Annexure 1 Class F Group I and II**
- The freeze or minimum reduction levels of HFC import quantities will be for:
- (i) baseline: average HFC consumption for 2020 to 2022 + 65% of HCFC baseline consumption;
  - (ii) freeze on 1 January 2024;
  - (iii) 10% reduction on 01 January 2029;
  - (iv) 30% reduction on 01 January 2035;
  - (v) 50% reduction on 01 January 2040; and
  - (vi) 80% plateau on 01 January 2045.
12. The importer specific baseline must be calculated on the shares of the importers in the overall calculated import quantities for that specific year.
13. To meet the freeze and minimum reduction levels listed in paragraph 11 of this Annexure, the reduction of imports for substances listed must take place at annual intervals.
14. An import permit for HCFCs and HFCs for all substances specified in Class F in Annexure 1, must be issued in instances where a possible essential use exemption has been recommended by the National Ozone Officer in accordance with the requirements of the Montreal Protocol.

## Annexure 3



## MINISTRY OF INDUSTRIALISATION AND TRADE

National Ozone Office

Private Bag 13340

Windhoek

Tel: +264-61-283-7512

Fax +264-61-221-729

Year \_\_\_\_\_

(Period: 01 January-31 December)

<u>Trade Name of Chemical</u>	<u>Chemical Ingre- dient</u>	<u>Import kg</u>	<u>Sales kg</u>	<u>Stock kg</u>
<b><u>Refrigerants and chillers and /or foaming agents</u></b>				
R11 <sup>A</sup> -cross: foaming or refrigerant/chiller	CFC			
R12 <sup>A</sup> -cross: foaming or refrigerant/chiller	CFC			
R13	CFC			
R111	CFC			
R112	CFC			
R114	CFC			
R115	CFC			
R502	CFC/HCFC			
R21	HCFC			
R22	HCFC			
R141b	HCFC			
R141b	HCFC			
<b>Other refrigerants</b>				
R134a	HFC			
R407c	HFC			
R410	HFC			
R507	HFC			
R404	HFC			
R717	Ammonia			
R-600	Butane			
R600a	Iso-Butane			
R-744	Carbon dioxide			
R-290	Propane			
R123	HCFC			
R124	HCFC			
R225	HCFC			
<b>Blends</b>				
R401a	HCFC/HFCI			
R402	HCFC/HFC/HC			
R406	HCFC/HC			

R408	HCFC/HFC			
R409	HCFC			
<b>Fire Suppressants</b>				
Halon 1211 (R12B1)	Halon			
Halon 1301 (R13B1)	Halon			
Halon 2402 (R114B2)	Halon			
<b>Mainly industrial appliances</b>				
Carbon tetrachloride (Tetrachlormenthan)				
1,1,1 trichlorethane (methyl chloroform)B				
<b>Soil fumigant, Phytosanitary, pre-shipment</b>				
Methyl Bromide				
<b>Solvents for electronic appliances</b>				
R113(specify...% of CFC)	CFC			

**Prepared by:** \_\_\_\_\_ **Capacity:** \_\_\_\_\_

**Date:** \_\_\_\_\_ **Signature:** \_\_\_\_\_ **STAMP** \_\_\_\_\_

A Also as agent for foam

B Also as agent for paint and glue

Note:

1. 'CFC' means chlorofluorocarbons listed in Class A/Group I and Class B/Group I of Annexure 1.
2. 'HCFC' means hydrochlorofluorocarbons listed in Class E/Group I and II of Annexure 1.
3. 'HFC' means hydrofluorocarbons listed in Class F/Group I and II of Annexure 1.
4. 'HC' means hydrocarbons which are natural refrigerants.
5. 'Refrigerant' means any Class A/Group I, Class B /Group I, Class E/Group I and II and Class F/Group I and II substance contained in Annexure 1, whether or not in its pure form used for household or commercial purposes and includes any substitute substance.

\_\_\_\_\_