

STATUTORY INSTRUMENTS SUPPLEMENT

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S T A T U T O R Y I N S T R U M E N T S

2020 No. 48.

**NATIONAL ENVIRONMENT (MANAGEMENT OF OZONE
DEPLETING SUBSTANCES AND PRODUCTS) REGULATIONS, 2020**

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STATUTORY INSTRUMENTS

2020 No. 48.

National Environment (Management of Ozone Depleting Substances and Products) Regulations, 2020.

(Under sections 75 and 179(1) and (2)(p) of the National Environment Act, 2019, Act 5 of 2019)

IN EXERCISE of the powers conferred upon the Minister by section 179 of the National Environment Act, 2019 and in consultation with the National Environment Management Authority, these Regulations are made this 11th day of October, 2019.

PART I—PRELIMINARY.

1. Title.

These Regulations may be cited as the National Environment (Management of Ozone Depleting Substances and Products) Regulations, 2020.

2. Interpretation.

In these Regulations, unless the context otherwise requires—

“Act” means the National Environment Act, 2019;

“Authority” means the National Environment Management Authority established under the Act;

“authorised officer” means an officer of the Authority or any other person authorised to act on behalf of the Authority under the Act or these Regulations;

“Board” means the Board of the Authority appointed under the Act;

“currency point” has the value assigned to it in Schedule 1 to these Regulations;

- “user” means any person who purchases, receives or manages a restricted substance or product;
- “energy efficiency” means the ratio or quantitative relationship between an output of performance, service, goods or energy and input of energy;
- “Directorate of Industrial Training” means the Directorate of Industrial Training in the Ministry responsible for education;
- “ground-level ozone” means ozone formed from pollutants emitted by motor vehicles, power plants, industrial boilers, refineries, chemical plants and other processes which chemically react with ultraviolet rays at ground level and cause pollution;
- “lead agency” means a ministry, department, agency, local government or public officer in which or in whom the functions of control or management of any segment of the environment is vested;
- “Minister” means the Minister responsible for the environment;
- “ozone” means the natural gas composed of three oxygen molecules, that is found in the stratosphere at an altitude of about 10 kilometers, containing a high concentration of ozone, which absorb and block most of the sun’s ultraviolet radiation from reaching the earth;
- “ozone layer” means the layer in the earth’s atmospheric zone above the planetary boundary layer;
- “person authorised” means a person to whom an authorisation is granted to trade in restricted substances or products under these Regulations;
- “reclaimed” in respect of a restricted substance, means recovered, re-processed and upgraded through a process such as filtering, drying, distillation and chemical treatment in order to restore the restricted substance to industry-accepted quality and quality reuse standards;

“recovered” in respect of a restricted substance means—

- (a) collected after the substance has been used; or
- (b) collected from machinery, equipment or a container during servicing or before the disposal of the machinery, equipment or container;

“recycle” in respect of a restricted substance, means the re-use of a recovered restricted substance following a basic cleaning process such as filtering and drying, and normally involves, in the case of refrigerants, a recharge back into equipment;

“restricted product” means a product that contains, is made with or is dependent on, or designed to contain a restricted substance and includes the products in Schedule 3 to these Regulations;

“restricted substance” means a substance regulated under these Regulations, including a substance listed in Schedule 3 to these Regulations, whether existing alone or in a mixture, and includes that substance when reclaimed, recycled or recovered unless otherwise indicated;

“substances and products” include substances, products, equipment and technologies under these Regulations with ozone depleting and global warming potential.

3. Application.

(1) These Regulations apply—

- (a) to import, production, sale, distribution, export, re-export and use of restricted substances and products with ozone depleting and global warming potential; and
- (b) to programmes, measures and strategies designed to protect the ozone layer and mitigate global warming effects.

(2) For the avoidance of doubt, these Regulations do not apply to ground-level ozone managed in accordance with the Act or regulations on air quality made under the Act.

4. Trade in prohibited or restricted substances and products.

(1) A person shall not import, produce, sell, distribute, export, re-export or use a prohibited substance or product listed under Schedule 2 to these Regulations.

(2) A person shall not import, produce, sell, distribute, export or re-export a restricted substance or product listed in Schedule 3 to these Regulations—

- (a) without authorisation issued by the Authority; and
- (b) beyond the prescribed limits or phase down dates.

(3) For the avoidance of doubt, the restriction in subregulation (2) shall also apply to a substance or product for essential or critical use allowed under these Regulations.

(4) A person shall not import, produce, sell, distribute, export or re-export a restricted substance or product from or to a country that is not a party to an international agreement relating to the protection of the ozone layer.

PART II—AUTHORISATION TO TRADE IN RESTRICTED
SUBSTANCES AND PRODUCTS.

5. Application for authorisation.

(1) A person who intends to import, produce, sell, distribute, export or re-export a restricted substance or product under regulation 4(2) or (4) shall apply to the Authority for authorisation in the format set out in Schedule 4 to these Regulations.

(2) An application under subregulation (1) shall—

- (a) contain—
- (i) the legal status of the applicant;
 - (ii) a description of the technical competence and experience of the applicant, including the personnel and evidence of certification of personnel;
 - (iii) proof of the financial capacity of the applicant;
 - (iv) a valid trading licence;
 - (iv) a valid certificate of registration of workplace from the Government Institution responsible for occupational safety and health;
 - (v) the name of the person authorised to act on behalf of the importer or exporter, where applicable;
 - (vi) the restricted substance or product, including for essential or critical use, to be imported, exported or re-exported;
 - (vii) the harmonised commodity description and coding system of classification, and the name of the restricted substance or product in accordance with the World Customs Harmonized System Code of nomenclature;
 - (viii) port of entry or exit;
 - (ix) the quantity of the substance or product to be imported, exported or re-exported; and
 - (ix) the purpose and intended use of the restricted substance or product, including safety precautions and safety data sheets;
- (b) in addition to the requirements of paragraph (a), in respect to import, indicate—

- (i) the country of origin of the substance or product or country from which the substance or product is consigned;
 - (ii) the name and full address of the supplier or manufacturer;
 - (iii) the final destination for the substance or product;
 - (iv) the proposed mode of transport, handling and storage for the substance or product; and
 - (v) measures for the containment of leakage;
- (c) in addition to the requirements of paragraph (a), in respect to export or re-export, indicate-
- (i) the nature of substance or product to be exported or re-exported;
 - (ii) the country to which the substance or product is to be exported or re-exported;
 - (iii) the name and address of the intended recipient;
 - (iv) a request for issuance of a certificate of export, accompanied with a movement document in the format set out in Schedule 5 to these Regulations; and
 - (v) evidence that the consent of the designated national authority of the state to which the restricted substance or product is to be exported and, where applicable, the country through which the applicant intends to move the restricted substance or product, has been obtained.

(3) An application under subregulation (1) shall be made by 30th October of each year and shall be accompanied by proof of payment of the prescribed fee in Schedule 6 to these Regulations.

6. Consultations.

(1) The Authority may consult a relevant lead agency, private sector or any other relevant stakeholder before making a decision on an application under this Part.

(2) The lead agency, private sector or any other stakeholder consulted under subregulation (1) shall review the application and submit their comments and recommendations on the application within fifteen days of receipt of the application from the Authority.

7. Processing of application for authorisation.

(1) The Board shall set up a technical committee on the management of ozone depleting substances and products in accordance with section 21 of the Act.

(2) The committee set up under subregulation (1) shall process applications under this Part, taking into account any comments and recommendations received from the lead agency, private sector or any other stakeholder under regulation 6.

(3) The committee may, in processing an application—

- (a) conduct inspections that are necessary to enable it make an informed decision regarding—
 - (i) the adequacy of the applicant's technical capacity to manage the restricted substance or product;
 - (ii) the availability of adequate and appropriate facilities to import, produce, sell, distribute, export, re-export or use the restricted substance or product for which the application is made; and
 - (iii) any other specific measure that may be deemed necessary;

- (b) make recommendations to the Authority in respect to the application.

(4) The Authority shall, before issuing an authorisation under this regulation—

- (a) consider the recommendations made by the committee under subregulation (3);
- (b) consider the measures needed to protect human health and the environment from adverse effects that may result from the use of the restricted substance or product;
- (c) consider the technology available and whether any alternative substances or products have been developed that may be used instead of the substance or product for which the application is made;
- (d) in respect to an application for authorisation to import a restricted substance or product, consider, as applicable—
 - (i) the amount of the substance or product that is available for allocation;
 - (ii) the total amount of the substance or product for which applications have been received in a given period; or
 - (iii) the importance of the use to which the substance or product will be put;
- (e) in respect to an application for authorisation to export or re-export a restricted substance or product, take into account the requirements of regulation 17;
- (f) consider whether the applicant has complied with any applicable code of practice that applies to the business of the applicant;

- (g) consider the adequacy of the applicant's financial and technical capacity; and
- (h) take into account any other measures as are necessary to ensure compliance with the requirements of the Act, these Regulations, environmental standards and any other applicable law.

(5) For the purposes of determining the financial capacity of an applicant under subregulation (4)(g), the Authority shall be guided by—

- (a) certified audited financial statements of the applicant for the last two years or as applicable;
- (b) a detailed statement of the financial resources available to the applicant to undertake the business;
- (c) the net assets of the applicant as disclosed in the annual returns;
- (d) the tax clearance for the applicant from Uganda Revenue Authority;
- (e) the bank statement of the applicant for the last six months or as applicable;
- (f) the actual stock in trade of the applicant; and
- (g) any other information the Authority may deem necessary.

(6) The Authority shall process an application under this regulation within thirty working days from the date of receipt of a complete application, and make a decision to grant or not to grant the authorisation.

8. Grant of authorisation to trade in restricted substance or product.

(1) The Authority shall grant authorisation to import, produce, sell, distribute, export or re-export a restricted substance or product where the Authority is satisfied that the applicant has complied with the requirements of regulation 5(2).

(2) The authorisation granted under this regulation shall be in the format set out in Schedule 7 to these Regulations.

(3) The authorisation may be granted subject to conditions prescribed in regulation 9.

(4) The authorisation granted under this regulation is not transferable.

9. Conditions contained in the authorisation.

(1) The Authority may, in granting authorisation under regulation 8, impose conditions about the restricted substance or product, including requirements relating to—

- (a) origin and tariff code;
- (b) quantity of the restricted substance or product;
- (c) specified quota of the restricted substance or product;
- (d) mode of transportation and storage;
- (e) the use to which the restricted substance or product will be put;
- (f) availability, suitability and adequacy of facilities;
- (g) qualifications and experience of the personnel to manage the restricted substance or product;

- (h) continuous training of personnel, especially in the handling of highly flammable substances and products;
- (i) the provision of information, including photographs, to the Authority concerning the identification, movement, and location of the restricted substance or product and compliance with conditions;
- (j) the financial security in Uganda relating to the restricted substance or product;
- (k) restriction or prohibition on use of the authorisation as security for a loan;
- (l) the labelling, packaging, handling, storage, distribution or disposal of the restricted substance or product;
- (m) liability for the restricted substance or product if it cannot be used for the purpose for which it was imported or produced;
- (n) measures for pollution abatement and control of emissions;
- (o) risk reduction and safety measures for the protection of human health and the environment; and
- (p) any other conditions as the Authority may deem necessary.

(2) Where the authorisation is for export or re-export of a restricted substance or product, there shall be a condition requiring the applicant to obtain a certificate of export and an export licence in accordance with regulation 17.

10. Refusal to grant authorisation.

The Authority may refuse to grant an authorisation to an applicant under these Regulations where the Authority considers that—

- (a) the grant of authorisation would be inconsistent with these Regulations;
- (b) the applicant has been convicted of an offence under these Regulations; or
- (c) the information in the application is incorrect or misleading.

11. Variation of authorisation.

(1) The Authority may, after granting the authorisation, on its own initiative or on the application of the person authorised made in writing, vary the authorisation on such terms and conditions as it considers necessary.

(2) The reasons for variation of the authorisation under subregulation (1) may be to—

- (a) protect human health or the environment;
- (b) comply with prescribed environmental standards; or
- (c) any other reasons the Authority may consider relevant.

(3) Where the variation relates to substantive matters referred to under subregulation (2), the Authority may require the person authorised—

- (a) to halt activities until the variation has been made and an updated authorisation has been issued;
- (b) to conduct such investigations and assessments as the Authority may direct and to submit to the Authority reports with any comments on those reports from relevant lead agencies and other stakeholders; and
- (c) to consult the relevant lead agency or other stakeholders in accordance with regulation 6.

(4) Where the variation is on the initiative of the Authority, the Authority shall—

- (a) notify the person authorised in writing, of the proposed variation;
- (b) give the person authorised an opportunity to comment on the proposed variation in writing; and
- (c) if necessary, consult the relevant lead agency or other stakeholders in accordance with regulation 6, and accord them the opportunity to submit to the Authority written comments on the proposed variation.

(5) The Authority shall, within 21 days of completion of the process contemplated for substantive variations in subregulation (2)—

- (a) vary or decline to vary the authorisation; and
- (b) notify the person authorised of the decision and its reasons.

(6) Where the Authority varies the authorisation, the variation shall be without prejudice to any liabilities or obligations which may have accrued on the person authorised before the variation was effected.

12. Duration and scope of authorisation.

An authorisation granted under these Regulations shall be valid for a period of one calendar year.

13. Renewal of authorisation.

(1) A person granted an authorisation under these Regulations may, within three months prior to expiry of the authorisation, apply to the Authority in writing for renewal of the authorisation.

(2) An application under subregulation (1) shall include—

- (a) a copy of the current authorisation;
- (b) a report of compliance with the conditions of authorisation, specifying—
 - (i) the nature of the restricted substance or product;
 - (ii) record of sale and available stock of the restricted substance or product; and
 - (iii) proof of continuous training of personnel in handling restricted substances and products.
- (b) record of safety equipment and measures, including the best available technology and best environment management practices;
- (c) proof of payment of the fees prescribed in Schedule 6 to these Regulations; and
- (d) any other information that may be required by the Authority.

(3) The Authority may, when renewing the authorisation, vary the conditions attached to the authorisation and impose additional conditions.

(4) The Authority shall process the application for renewal in accordance with this Part.

14. Suspension or revocation of authorisation.

(1) Without prejudice to the power of the Authority under the Act, the Authority may suspend or revoke an authorisation granted under regulation 8 where—

- (a) information or data given by the applicant in the application or during consultations was false, substantially incorrect or intended to mislead;

- (b) information essential for approval of the application was hidden or concealed and gave rise to a wrong decision;
- (c) there is non-compliance with the Act, these Regulations or conditions of authorisation;
- (d) it is necessary to protect human health or to prevent harm or further harm to the environment, due to a situation that was not foreseen during the process for grant of the authorisation; or
- (e) there is a substantial change or modification of the process or technology, the basis on which the authorisation was granted, which may lead to adverse environmental impacts or endanger human health or undermine safety.

(2) Where the Authority intends to suspend or revoke an authorisation under this regulation, the Authority shall, within fourteen days before the decision, notify the person authorised in writing of the intention, stating the reasons for the intended suspension or revocation.

(3) The person given notice under subregulation (2) may, within seven days from the date of receipt of the notice, give written response to the Authority, stating reasons why the authorisation should not be suspended or revoked.

(4) The Authority may, after the expiration of the period specified in subregulation (3), suspend or revoke the authorisation where—

- (a) it is not satisfied with the reasons given by the person authorised; or
- (b) it has not received a response from the person authorised.

(5) Notwithstanding subregulation (2), the Authority may, depending on the gravity of the matter, suspend the authorisation granted under these Regulations without notice.

(6) Where the authorisation is suspended or revoked under subregulation (4) or (5), the person authorised shall stop any further operations and undertake necessary corrective measures in a manner prescribed by the Authority.

(7) Where an authorisation has been suspended and the person authorised has undertaken corrective measures under subregulation (6) to the satisfaction of the Authority, the person authorised may apply to the Authority for reconsideration.

15. Publication of authorisation.

The Authority shall, by 31st March of each year, publish in a newspaper of wide circulation, the list of authorisations granted under these Regulations.

16. Database of authorisations.

The Authority shall keep a database of all authorisations granted under these Regulations in accordance with regulation 30.

PART III—HANDLING OF RESTRICTED SUBSTANCES
AND PRODUCTS AND ADOPTION OF OZONE AND
CLIMATE FRIENDLY ALTERNATIVES.

17. Export or re-export of restricted substance or product.

(1) A person who intends to export or re-export a restricted substance or product from Uganda shall, in addition to the authorisation granted under regulation 8(1)—

- (a) obtain a certificate of export from the Authority; and
- (b) obtain an export licence from the ministry responsible for trade.

(2) The Authority may issue a certificate of export to an applicant to export or re-export a restricted substance or product from Uganda—

- (a) where it is satisfied with the completed movement document submitted under regulation 5(2)(c)(iv); and
- (b) after obtaining the consent of the designated national authority of the state to which the restricted substance or product is to be exported and, where applicable, the country through which the applicant intends to move the restricted substance or product.

(3) A certificate of export or re-export of a restricted substance or product shall be in the format set out in Schedule 8 to these Regulations and issued on payment of the prescribed fee in Schedule 6 to these Regulations.

18. Verification and labelling.

(1) The lead agency responsible for customs or conformity to standards shall, in consultation with the Authority, verify compliance with the Act, these Regulations and any other applicable laws and standards.

(2) A person who imports, exports or re-exports restricted substances or products into or from Uganda shall only use the ports of entry and exit designated under Schedule 9 to these Regulations.

(3) A person who imports, exports or re-exports restricted substances or products into or from Uganda, shall make accurate declarations to the customs officer and tender the substances or products to the officer for verification.

(4) A person who imports, exports or re-exports restricted substances or products into or from Uganda shall submit to the customs officer—

- (a) a copy of safety data sheets;
- (b) a copy of the certificate of origin where applicable;

- (c) packaging lists;
- (d) a copy of a certificate of analysis;
- (e) certificate of conformity;
- (f) documents showing energy performance;
- (g) a copy of the authorisation issued under these Regulations;
- (h) a copy of the certificate of export of a restricted substance or product;
- (i) evidence of prior informed consent, where applicable; and
- (j) any other information as the Authority or the Uganda Revenue Authority may deem necessary.

(5) A person who imports, exports or re-exports restricted substances or products into or from Uganda shall ensure conformity to applicable standards.

(6) A person importing or selling any restricted substance or product shall ensure that the container of the restricted substance or products has a conspicuous label bearing—

- (a) the name of the restricted substance or product;
- (b) batch number of the restricted substance or product;
- (c) expiry date of the restricted substance or product;
- (d) storage instructions;
 - (i) instruction for use;
 - (ii) chemical composition or list of ingredients of the product;
 - (iii) the name and address of the manufacturer;

- (e) the country of origin or source of the restricted substance or product;
- (f) the energy performance of the product;
- (g) the following statement in clearly legible letters-
 - (i) “THIS SUBSTANCE/PRODUCT IS HARMFUL TO THE OZONE LAYER”; or
 - (ii) “THIS SUBSTANCE/PRODUCT CONTRIBUTES TO GLOBAL WARMING”; and
- (h) a symbol, if available, indicating that the substance or product is harmful to human health and the ozone layer or contributes to global warming.

19. Code of practice.

(1) The Authority shall, in consultation with the relevant lead agencies, develop a code of practice to guide a person whose business is or includes—

- (a) the manufacture or use of any goods containing or designed to use, or manufactured using, restricted substances or products;
- (b) the transporting, installing, operating, servicing, modifying or dismantling of any equipment containing or designed to use, or manufactured using restricted substances or products; or
- (c) the supply or use of any restricted substance or product.

(2) For purposes of this regulation, “code of practice” means a set of rules which explain and guide refrigeration and air conditioning practices.

20. Training.

(1) A person shall not produce, install or service a restricted substance or product unless he or she is trained in accordance with the Business Technical Vocational Education and Training Act, 2008 or by a body or institution recognised by the Directorate of Industrial Training.

(2) A person trained in accordance with subregulation (1) shall not produce, install or service a restricted substance or product unless he or she is certified in accordance with regulation 21.

(3) A person authorised to import, produce, sell or distribute a restricted substance or product shall ensure that the substance or product is installed by a person trained and certified in accordance with regulation 21 and any other applicable law.

(4) The Authority shall, at least once every year and in collaboration with the Directorate of Industrial Training, publish in a newspaper of wide circulation, a list of persons trained under this regulation and certified under regulation 21.

21. Certification of service and maintenance technicians.

(1) The Directorate of Industrial Training shall be responsible for the certification of service and maintenance technicians.

(2) For purposes of subregulation (1), the Directorate of Industrial Training shall consult the Authority or a relevant lead agency.

(3) The Directorate of Industrial Training may, in addition to the Authority, consult private sector or any other relevant stakeholder.

(4) For purposes of subregulation (1), the Directorate of Industrial Training may, in consultation with the Authority, by notice in writing, require any person dealing in restricted substances or products, to propose a certification scheme incorporating—

- (a) categories of persons to be certified;
- (b) four assessment and certification Uganda Vocational Qualification levels 1- 4 as prescribed in the Uganda Vocational Qualifications Framework, made in accordance with the Business Technical Vocational Education and Training Act, 2008;
- (c) the conditions for certification, including the minimum level of training required;
- (d) the procedure for granting certification;
- (e) provision for continued apprenticeship and further skills training and upgrading; and
- (f) such other matters as the notice may specify.

(5) The Directorate of Industrial Training shall, in collaboration with other relevant lead agencies responsible for training and the Authority, assess whether the person being considered for certification under this regulation has the competence required to achieve high quality service and maintenance of equipment.

(6) A person being considered for certification under this regulation shall demonstrate, in the handling of equipment the ability—

- (a) to identify the type of refrigerant in the equipment;
- (b) to conserve of energy, thereby enhancing energy efficiency;
- (c) to reduce refrigerant leakages;
- (d) to improve safety, by reducing or eliminating risks;
- (e) to better temperature control and thermal comfort for persons;
- (f) to achieve and maintain a high quality indoor environment; and

- (g) to care and skill, which ultimately enhances the life of the equipment by limiting replacement and repair cost.

22. Adoption of ozone and climate friendly alternatives.

(1) The Authority shall, in consultation with the relevant lead agency, put in place measures for the adoption of ozone and climate friendly substances, products, equipment, technologies and practices.

(2) The ozone and climate friendly alternatives referred to in subregulation (1) shall—

- (a) minimise environmental impacts, in particular impacts on the ozone layer and climate; and
- (b) meet other health, safety and economic considerations, including national, regional or international energy efficiency standards.

(3) The technologies and practices referred to in subregulation (1) may include those applied in—

- (a) foam blowing;
- (b) air conditioning for mobile and stationary equipment, facilities and heat pumps;
- (c) refrigeration and cold storage for domestic, commercial and industrial equipment and facilities;
- (d) colour codes;
- (e) aerosols;
- (f) solvents;
- (g) dehumidifiers;
- (h) electronic cleaning, precision cleaning and metal cleaning; and
- (i) dry cleaning.

(4) In regard to the refrigeration, air conditioning and heat-pump sector, the designers and users of energy efficient technologies and practices referred to in subregulation (1), shall—

- (a) make efforts to reduce the need for cooling, thereby reducing the cooling load;
- (b) select appropriate equipment type and size, with high efficiency cycles and components;
- (c) design and use appropriate and effective controls to maximise efficiency under all operating conditions; and
- (d) apply good installation, operating and maintenance practices to support high efficiency operation throughout the life of the equipment.

(5) The relevant lead agency, private sector and other stakeholders shall, in consultation with the Authority, take measures to adopt ozone and climate friendly alternatives for substances and products exempted for essential or critical use under the Act, these Regulations or any international agreement to which Uganda is a party.

23. Incentives and disincentives.

(1) The Minister may, in accordance with section 42 of the Act, recommend to the Minister responsible for finance, that fiscal, tax, financial and other economic instruments be applied to encourage use of ozone and climate friendly substances and products.

(2) The instruments referred to in subregulation (1) shall include measures for promoting affordable energy efficient technologies and equipment.

(3) Notwithstanding subregulation (1), the Minister may recommend to the Minister responsible for finance that tax and economic disincentives be applied to the importation of restricted substances and products.

24. User responsibility.

(1) A person who sells a restricted substance or product, shall ensure that a buyer of one kilogramme or more of the restricted substance or product, signs a declaration form set out in Schedule 10 to these Regulations.

(2) A person who buys, receives or manages a restricted substance or product of one kilogramme or more as a user and after obtaining an authorisation under these Regulations, may use the restricted substance or product only for the purpose declared in the user declaration form.

(3) An industrial or commercial user of restricted substances and products shall put in place measures for emission control and rational use of the specified substances and products, including the use of ozone and climate friendly alternatives.

(4) A person being a user under this regulation who—

(a) sells or otherwise supplies or uses a restricted substance or product for a purpose other than the purpose declared in the user declaration form; or

(b) sells or otherwise supplies a restricted substance or product bought or received as indicated in a user declaration form to any other person,

commits an offence and is liable, on conviction, to a fine not exceeding ten thousand currency points or imprisonment not exceeding three years or both.

25. Maintenance of products using a restricted substance.

(1) An owner of a product using a restricted substance of one kilogramme and more, shall ensure that the restricted substance is inspected and maintained every three months by a qualified and certified person.

(2) The qualified and certified person referred to in subregulation (1) shall include a service or maintenance technician.

(3) The owner of a product using a restricted substance of one kilogramme and more shall maintain a log book indicating operational parameters of the product inspected and maintained under subregulation (1).

(4) The log book referred to under subregulation (3) shall contain the—

- (a) type and capacity of equipment;
- (b) serial number of equipment;
- (c) type of refrigerant;
- (d) temperature range and application;
- (e) energy performance of equipment;
- (f) date of manufacture of equipment;
- (g) details of manufacturer of equipment and refrigerant;
- (h) date of installation and commissioning of equipment;
- (i) name of company or person that installed the equipment;
- (j) name of certified company or person that carried out maintenance;
- (k) details of operating parameters; and
- (l) any other information.

(5) A person who contravenes subregulation (1) commits an offence and is liable, on conviction, to a fine not exceeding ten thousand currency points or imprisonment not exceeding three years or both.

26. Disposal of restricted substances and products.

A person, being an owner or user of a restricted substance or product which is discarded or has reached its end of life shall dispose of the restricted substance or product in accordance with the National Environment (Waste Management) Regulations, 2020 and any other applicable law.

PART IV—RECORDS, REPORTING AND ADMINISTRATIVE MEASURES.

27. Duty to maintain records.

A person who imports, produces, sells, distributes, exports or re-exports a restricted substance or product shall—

- (a) maintain records containing the information specified in Schedule 11 to these Regulations; and
- (b) avail the record referred to in paragraph (a) to the Authority or an authorised officer, upon request.

28. Metering and sampling.

The Authority may direct the person authorised under these Regulations to, at the expense of the person authorised, install metering devices and to take samples and analyse the sample as the Authority may direct.

29. Reporting procedures.

(1) A person authorised shall, three months prior to expiry of the authorisation, submit to the Authority a report of compliance with conditions of the authorisation.

(2) The report under subregulation (1) shall be in the format set out in Schedule 12 to these Regulations.

30. Database for restricted substances and products.

(1) The Authority shall maintain a database to monitor, regulate and control trade and use of restricted substances and products.

(2) The database referred to under subregulation (1) shall contain—

- (a) the name and address of the person authorised;
- (b) the details, including conditions of authorisations granted, certificate of export issued under these Regulations, an export licence and certificate of registration of workplace;
- (c) the name, contact details and physical address of the manufacturer;
- (d) the country of origin of the restricted substance or product;
- (e) prescribed quotas for import;
- (f) the intended use of the restricted product or substance;
- (g) Harmonised System Codes;
- (h) the chemical name and formula of the substance;
- (i) ingredients in the substance;
- (j) the Chemical Abstract Service number;
- (k) the type, quantities, batch number and expiry date of restricted substances and products imported, distributed, exported or re-exported;
- (l) the details of exemptions for essential and critical use specified under these Regulations or any international agreement to which Uganda is a party;
- (m) quantities of restricted substances and products imported, exported or re-exported; and
- (n) any other information required to comply with Uganda's international obligations and as prescribed by the Act and these Regulations.

(3) The database maintained under this regulation shall be accessible to the Uganda Revenue Authority and any other lead agency authorised by the Authority.

31. Public information, education, awareness and research.

(1) The Authority shall, in collaboration with relevant stakeholders—

- (a) carry out public education and awareness activities and programmes relating to the elimination of restricted substances and products and use of substances and products with ozone and climate friendly potential; and
- (b) promote and undertake research to inform programmes and strategies related to the development of substances and products with ozone and climate friendly potential, including measures to reduce and minimize risks associated with substances and products with ozone depleting and global warming potential.

(2) Subject to the Access to Information Act, 2005, the Authority shall publish and make available information on restricted substances and products and their ozone and climate friendly alternatives.

32. Inspection.

An environmental inspector and any other authorised officer may, in addition to the powers contained under the Act, carry out inspections relevant to the management of restricted substances or products.

33. Management of seized substance or product.

(1) Where the Authority, an authorised officer, an environmental inspector or police officer exercises the power to seize any substance or product under these Regulations, sections 128, 133 and 159 of the Act shall apply in respect of seizure of that substance or product.

(2) Where the Authority, authorised officer, environmental inspector or police officer seizes a substance or product under

subregulation (1), they shall arrange for appropriate temporal storage at the expense of the importer or other person authorised.

(3) An environmental inspector or an authorised officer shall accompany the movement of the seized substance or product to the storage area referred to under subregulation (2) and report to the Authority and the relevant lead agency.

(4) In addition to the requirements under subregulation (1), the seized substance or product may—

- (a) be returned to the country of origin, at the expense of the importer or other person authorised;
- (b) be disposed of or destroyed in accordance with the manufacturer's instructions or as guided by the Authority;
- (c) be forfeited to the state; or
- (d) be managed or otherwise dealt with in accordance with the Act, these Regulations and any other applicable law.

PART V—OFFENCES AND PENALTIES.

34. Prohibited and substandard substances or products.

A person who produces, imports, sells, distributes, uses, exports or re-exports any prohibited or substandard substance or product commits an offence and is liable—

- (a) on first conviction, to a fine not exceeding fifty thousand currency points or imprisonment not exceeding ten years or both;
- (b) in the case of a continuing contravention, to an additional penalty not exceeding five thousand currency points in respect of each day on which the offence continues; or

- (c) in respect of a second or subsequent contravention, to a higher penalty not exceeding sixty thousand currency points or imprisonment not exceeding twelve years or both.

35. Offences relating to restricted substance or product.

A person who without valid authorisation granted under these Regulations, produces, imports, sells, distributes, uses, exports or re-exports any restricted substance or product, commits an offence and is liable—

- (a) on first conviction, to a fine not exceeding thirty thousand currency points or imprisonment not exceeding seven years or both;
- (b) in the case of a continuing contravention, to an additional penalty not exceeding three thousand currency points in respect of each day on which the offence continues; and
- (c) in respect of a second or subsequent contravention, to a higher penalty not exceeding forty thousand currency points or imprisonment not exceeding nine years or both.

36. Offences relating to maintenance of equipment.

(1) A person commits an offence who—

- (a) without training and certification, produces, installs, operates, services, modifies or dismantles any restricted substance or product; or
- (b) being a person referred to under regulation 19, does not comply with the code of practice prescribed under these Regulations.

(2) A service or maintenance technician who recklessly or intentionally releases restricted substances into the atmosphere commits an offence.

(3) A person who hires a person who is not trained and certified under these Regulations to install, service, modify or dismantle a product containing a restricted substance of one kilogramme or more, commits an offence.

(4) A person who commits an offence under this regulation is liable, on conviction, to a fine not exceeding ten thousand currency points or imprisonment not exceeding three years or both.

37. Revocation of S.I 63 of 2001.

(1) The National Environment (Management of Ozone Depleting Substances and Products) Regulations, 2001 are revoked.

(2) An approval made under the National Environment (Management of Ozone Depleting Substances and Products) Regulations, 2001 repealed under subregulation (1), and which is in force immediately before the commencement of these Regulations—

- (a) shall have effect from the commencement of these Regulations as if granted under these Regulations; and
- (b) in the case of an approval for a specified period, shall remain in force, subject to these Regulations, for so much of that period as falls after the commencement of these Regulations.

SCHEDULES.

SCHEDULE 1

Regulation 2.

CURRENCY POINT.

A currency point is equivalent to twenty thousand shillings.

SCHEDULE 2

Regulation 4(1).

PROHIBITED SUBSTANCES AND PROHIBITION DATES.

	Item	Restricted Substance	Date of Prohibition
1.	Hydro bromofluorocarbons	(HBFCs)	January 1, 2002
2	Chlorofluorocarbons (CFCs) CFC-11 CFC-12	CFC-113	January 1, 2010
		CFC- 114	
		CFC-115	
3.	Halons	Halon 1211	January 1, 2010
		Halon 1301	
		Halon 2402	
4.	Other fully halogenated Chlorofluorocarbons (CFC)	CFC-13	January 1, 2010
		CFC-111	
		CFC-112	
		CFC-122	
		CFC-213	
		CFC-215	
		CFC- 212	
		CFC-215	
		CFC-214	
CFC-216			
5.	Carbon tetrachloride		January 1, 2010
6.	1,1, 1- trichloroethane (methyl chloroform)		January 1, 2015
7.	Methyl bromide		January 1, 2015

SCHEDULE 3

Regulations 2 and 4(2).

RESTRICTED SUBSTANCES AND PRODUCTS*

Part 1: Restricted Substances and Phase down Dates

	Item	Restricted Substance	Date of Prohibition
1.	Hydrochloro-fluorocarbons (HCFCs)	HCFC-21 (CHFCl ₂)	Jan 1, 2030
		HCFC-22 (CHF ₂ Cl)	
		HCFC-31 (CH ₂ FCl)	
		HCFC-123** (CHCl ₂ CF ₃)	
		HCFC-124** (CHFClCF ₃)	
		HCFC-133 (C ₂ H ₂ F ₃ Cl)	
		HCFC-141b** (CH ₃ CFCl ₂)	
		HCFC-142b** (CH ₃ CF ₂ Cl)	
		HCFC-225 (C ₃ HF ₅ Cl ₂)	
		HCFC-225ca (CF ₃ CF ₂ CHCl ₂)	
		HCFC-225cb (CF ₂ ClCF ₂ CHClF)	
2.	Hydro-fluorocarbons (HFCs)	Controlled Substance	Phase Down Dates
	Group I	HFC-134 (CHF ₂ CHF ₂)	Baseline: Average HFC for 2020–2022 + 65% of HCFC baseline
		HFC-134a (CH ₂ FCF ₃)	
		HFC-143 (CH ₂ FCHF ₂)	Freeze date: 1 st January, 2024
		HFC-245fa (CHF ₂ CH ₂ CF ₃)	10% reduction: 1 st January, 2029
		HFC-365mfc (CF ₃ CH ₂ CF ₂ CH ₃)	30% reduction: 1 st January, 2035
		HFC-227ea (CF ₃ CHFCF ₃)	50% reduction: 1 st January, 2040
		HFC-236cb (CH ₂ FCF ₂ CF ₃)	80% reduction: 1 st January, 2045
		HFC-236ea (CHF ₂ CHFCF ₃)	
		HFC-236fa (CF ₃ CH ₂ CF ₃)	
		HFC-245ca (CH ₂ FCF ₂ CHF ₂)	

		HFC-43-10mee (CF ₃ CHFCHF ₂ CF ₃)	
		HFC-32 (CH ₂ F ₂)	
		HFC-125 (CHF ₂ CF ₃)	
		HFC-143a (CH ₃ CF ₃)	
		HFC-41(CH ₃ F)	
		HFC-152 (CH ₂ FCH ₂ F)	
		HFC-152a (CH ₃ CHF ₂)	
	Group II	HFC-23 (CHF ₃)	

Part II: Restricted Products

1. Automobile and truck conditioning units, whether incorporated in vehicles or not
2. Domestic and commercial refrigeration and air conditioning or heat pump equipment when containing controlled substances as a refrigerant or in insulating material of the product. These include—
 - (a) refrigerators;
 - (b) freezers;
 - (c) Dehumidifiers ;
 - (d) water coolers;
 - (e) ice machines; and
 - (f) air conditioning and heat pump units.
3. Aerosol products, except medical aerosols.
4. Fire extinguishers.
5. Insulation boards, panels and pipe covers.
6. Pre-polymers.

*This does not include products when transported in consignments of personal or household effects or in similar non-commercial situations normally exempted from customs attention.

SCHEDULE 4

Regulation 5(1).

FORM NEMA/ODS/I
(To be completed in duplicate)

**APPLICATION FOR AUTHORISATION
TO TRADE IN A RESTRICTED SUBSTANCE OR PRODUCT.**

**Part A: General information concerning the importer/producer/seller/
distributor /exporter (tick, as appropriate);**

1. Name or trade name of applicant:
.....

2. Legal status of the applicant (*whether individual, partnership or company; and attach certified copy of certificate of incorporation/ registration*)
.....

3. Contact details of applicant
 - (a) Postal address:
 - (b) Physical address:
 - (b) Telephone No
 - (c) Fax No:
 - (d) E-mail address:

4. Valid trading licence, import or export licence and date obtained (*attach a copy*)
.....

5. Certificate of registration of workplace and date obtained (*attach a copy*)
.....

6. Knowledge and experience of applicant (*Describe and attach supporting documents*)
.....
.....
.....
.....

7. Technical competence and experience of personnel and evidence of certification of personnel (*Describe and attach supporting documents*)

8. Evidence of continuous training of personnel, especially in the handling of highly flammable substances and products

9. Financial capacity of the applicant.
Provide documents demonstrating the financial capacity of the applicant including, a detailed statement of the applicant's assets and liabilities signed by the applicant, or in the case of an applicant which is a body corporate, accompanied by—
- (a) certified audited financial statements of the applicant for the last two years or as applicable;
 - (b) a detailed statement of the financial resources available to the applicant to undertake the business;
 - (c) the net assets of the applicant as disclosed in the annual returns;
 - (d) the tax clearance certificate (*attach most recent*);
 - (e) the bank statement of the applicant for the last six months or as applicable;
 - (f) the actual stock in trade of the applicant; and
 - (g) Nature of financial security (*insurance and any other form of security*)
10. Name and contact details of person authorised to act on behalf of applicant (*where applicable*)

- (a) Postal address:

 - (b) Physical address

- (b) Telephone No:
- (c) Fax No:
- (d) E-mail address:

11. Restricted substance or product to be traded in:
.....

12. Harmonised commodity description and coding system of classification, and name of the restricted substance or product
.....
.....
.....

13. Customs tariff number and trade name of restricted substance or product:
.....
.....
.....

14. Condition of restricted substance or product (*tick whichever is applicable*)
(a) already used or reconditioned (...)
(b) new or virgin (...)
(c) recycled, recovered or reclaimed (...)

15. Proposed handling and storage plans and procedures, including safety precaution to be observed by the importer (*also attach safety data sheets*)
.....
.....
.....

16. Measures for the containment of leakage.
.....
.....
.....

17. Measures for pollution abatement and control of emissions
.....
.....
.....

18. Statement as to whether the applicant has complied with applicable code of practice
.....
.....
.....

19. Is the user of the substance or product known? Yes/No (*tick*).
If yes, state the name and contact details, including;

(a) Postal address:
.....

(b) Physical address
.....

(c) Telephone No:

(d) Fax No:

(e) E-mail address:

20. Security verification (*attach a copy of a certificate of good conduct from the Directorate of Interpol and National Identification/Passport biodata of applicant or representative of applicant*)
.....

Part B: Where the application is for import of restricted substance or product;

1. Quantity or number of units to be imported:Kgs

2. Country of origin of the substance or product or country from which the substance or product is consigned
.....

3. Name and contact details of supplier/manufacturer
.....

- (g) Postal address:
.....
- (h) Physical address
.....
- (h) Telephone No:
- (i) Fax No:
- (j) E-mail address:

- 4. Proposed port of entry:
- 5. Proposed mode of transport
.....
.....
- 6. Purpose and use of restricted substance or product
.....
.....
.....
- 7. Final destination for the substance or product
.....

Part C: Where the application is for production or sale of restricted substance or product;

- 1. Location of the facility (*Plot No., block No., village, parish, sub-county, county, district/municipality*)
.....
.....
- 2. Description of the layout and design of the facility, including ventilation or other measures, and suitability for storage of the stock of specified substance or product (*describe and attach proposed structural plans, including site layout and decommissioning plans*)
.....
.....
.....

- 3. Source of the raw materials for the production of the substance or product (*i.e. where the raw materials were collected /sourced from*).
.....
.....
.....
- 4. Type of substance or product to be produced or sold (*describe whether liquid, solid or gaseous; equipment or technologies and their possible impacts*).
.....
.....
.....
- 5. Installed capacity of production facility and quantity of substance or product to be produced or sold (*total number of units or weight/volume in kg or tonnes or m³*)
.....
.....
.....
- 6. Size of storage facility and quantities of substances or products to be stored (*weight in kg, tonnes or volume in m³ number of units*)
.....
.....
- 7. Whether the substance or product is to be used, recycled or destroyed
.....
.....
- 8. Type of containers in which the substance or product is to be packaged
.....
.....
.....
- 9. Labels on the container (*describe and attach sample*)
.....
.....
.....
- 10. Are there any other materials produced, stored or sold or to be produced, stored or sold in the facility? (*describe*)
.....
.....

11. Proposed safety and health management plan and risk assessment and management plan (*attach copy of the plan*).....
.....
.....

12. Proposed measures for containment and minimisation of leakage
.....
.....

13. Description of the surroundings of the facility (*whether industrial, settlements, commercial and other social amenities*) and distance from the facility)
.....
.....
.....

Part D: Where the application is for distribution of restricted substance or product;

1. A description of the nature and type of vessels and equipment to be used for distribution of the substance or product (*include registration number and model as appropriate*)
.....
.....
.....

2. Proof of safety checks of the distribution/transportation vehicles for road worthiness and suitability to transport the substance or product (*attach copy of certificate of road worthiness*)
.....
.....
.....

3. Carriage capacity of the vessel to be used in distribution/transportation of the substance or product
.....
.....
.....

- 4. Source and quantity of substance or product per vessel to be distributed/ transported (*tonnes/kg per annum*)
.....
.....
.....
- 5. Type of containers in which the substance or product is to be packaged
.....
.....
.....
- 6. Labels on the container (*describe and attach sample*)
.....
.....
.....
- 7. Place to which the substance/product is to be distributed (attach additional information if necessary)
.....
.....
.....

Part E: Where the application is for export/re-export of restricted substance or product;

- 1. Quantity to be exported/re-exported:Kgs/number of units
- 2. Nature of substance or product to be exported or re-exported;
.....
- 3. Country of origin/source of the substance or product
.....
- 4. Name and contact details of supplier/manufacturer
.....
- (a) Postal address:
.....

(b) Physical address
.....

(c) Telephone No:

(d) Fax No:

(e) E-mail address:

5. Proposed port of exit:

6. Proposed mode of transport and intended carrier
.....
.....

7. Purpose and use of restricted substances or products to be exported or re-exported
.....
.....
.....

8. Country to which the substance or product is to be exported or re-exported
.....

9. Name/trade name and contact details of intended recipient
.....

(a) Postal address:
.....

(b) Physical address
.....

(c) Telephone No:

(d) Fax No:

(e) E-mail address:

- 10. Country(ies) of transit (if applicable)

- 11. Do you require a certificate of export or export licence? If yes, fill the movement document in Schedule 5.

Part F: Attachments

- 1. Attach other approvals, including certificate of approval of environmental and social impact assessment, where applicable

- 2. Attach a copy of the current authorisation (*if the application is for renewal*).

- 3. Attach a report of compliance with the conditions of authorisation (*if the application is for renewal*).

- 4. Attach a record of safety equipment and measures applied before, including the best available technology and best environment management practices (*if the application is for renewal*).

- 5. Any other information

I declare that, the information stated in this application is true and correct to the best of my knowledge.

Signature:

Name of applicant

.....
.....

Designation and title of applicant

.....
.....

Contact information (*phone number, e-mail and other*)

.....
.....

Date :

(For Official Use Only)

Application received on 20.....

Fees paid shs (in words)

.....

Comments of the lead agency (*attach additional comment as necessary*)

.....
.....
.....

Where applicable, comments from private sector, other stakeholders and the public (*attach additional comments as necessary*)

.....
.....
.....

Recommendations of the National Environment Management Authority/
technical committee on management of ozone depleting substances or
products

.....
.....
.....

In respect of an application for production of substance or products—

Type, appropriateness and adequacy of facility

.....
.....
.....

In respect of an application for distribution of substance or product –

1. Worthiness/suitability of mode of transportation of substance or product

.....
.....
.....

2. Proof of safety checks on the mode of transport (*attach copy of certificate of road worthiness*)

.....
.....
.....

Date

Chairperson, Technical Committee on Management of Ozone Depleting Substances and Products

Date when decision was communicated to applicant (*attach communication to this form*)

Signature

Date

Name of Responsible Officer

Chairperson, Technical Committee on Management of Ozone Depleting Substances and Products.

SCHEDULE 5

Regulation 5(2)(c) (iv).

FORM NEMA/ODS/II
(To be completed in duplicate)

**MOVEMENT DOCUMENT FOR RESTRICTED SUBSTANCE/
PRODUCT**

1. Corresponding to notification No:	2. Serial/total number of shipments:	
3. Exporter - notifier Registration No: Name: Address: Contact person: Tel: Fax: E-mail:	4. Importer - consignee Registration No: Name: Address: Contact person: Tel: Fax: E-mail:	
5. Packaging Type(s): Number of packages: Weight (kgs): Special handling requirements: Yes: <input type="checkbox"/>/No: <input type="checkbox"/>		
6. To be completed by transporter's representative		
6. (a) 1st Transporter: Registration No: Name: Address: Tel: Fax: E-mail: Means of transport (I): Date of transfer: Signature:	7. (b) 2nd Transporter: Registration No: Name: Address: Tel: Fax: E-mail: Means of transport (I): Date of transfer: Signature:	8. (c) Last Transporter: Registration No: Name: Address: Tel: Fax: E-mail: Means of transport (I): Date of transfer: Signature:

<p>8. Source of substance/product: Registration No: Name: Address:</p> <p>Contact person: Tel: Fax: E-mail: Site of generation (2):</p>	<p>9. Physical characteristics of substance/product:</p>
<p>10. Designation and composition of the substance/product:</p>	<p>11. Substance/product identification (<i>fill in relevant codes</i>)</p> <p>(i) UN class: (ii) UN Number: (iii) UN Shipping name: (iv) Customs code(s) (HS): National code in country of export: National code in country of import: (v) Other (specify):</p>
<p>12. Exporter's - notifier's declaration:</p> <p>I certify that the above information is complete and correct to my best knowledge. I also certify that legally enforceable written contractual obligations have been entered into, that any applicable insurance or other financial guarantee is in force covering the transboundary movement and that all necessary consents have been received from the competent authorities of the countries concerned.</p> <p>Signature: Name: Date:</p>	

For use by any person involved in the transboundary movement in case additional information is required

13. Shipment received by importer - consignee (if not facility):

Name:

Date:

Signature:

FOR USE BY CUSTOMS OFFICES

14. Country of export - dispatch or customs office of exit

The substance/product described in this movement document left the country on:

Date:

Signature:

Stamp

15. Country of import - destination or customs office of entry

The substance/product described in this movement document entered the country on:

Date:

Signature:

Stamp

Stamps of Customs Offices of transit countries

Name of country:

Exit:

Name of country:

Exit:

Entry:

Entry:

SCHEDULE 6

*Regulation 5(3),
13(2)(c) and 17(3).*

FEES.

	Shs.
1. Application for authorisation	100,000.
2. Authorisation fee	
(a) import or production of substance or product	1,000,000
(b) sale or distribution of substance or product	800,000
(c) export or re-export of substance or product	500,000
3. Transboundary movement of substance or product:	
(a) movement document for transboundary movement	500,000
(b) Notification for prior informed consent	300,000

Rationale of fees: to cover administrative costs for processing the application, including inspections, sittings of the technical committee for control of ozone depleting substances and products.

SCHEDULE 7

Regulation 8(2).

FORM NEMA/ODS/III
(To be completed in duplicate)

**AUTHORISATION TO TRADE IN A RESTRICTED SUBSTANCE/
PRODUCT**

Authorisation No. NEMA/ODS/.....

Name

Address

You are hereby authorized to import/produce/sell/distribute/export/re-export to/from (*country and user, as appropriate*) the following restricted substances/products—

1.
2.
3.

This Authorisation is valid from 20..... to 20.....

This Authorisation is granted subject to the following conditions—

1.
2.
3.
4.

Executive Director
National Environment Management Authority.

Date:

SCHEDULE 8

Regulation 17(3).

FORM NEMA/ODS/IV (To be completed in duplicate)

CERTIFICATE OF EXPORT OF RESTRICTED SUBSTANCE/ PRODUCT

Serial No: Ref No: Issued in Uganda					
1. Particulars of Exporter: Name of Exporter Physical address Postal address Contact phone number Tax identification number			2. Particulars of Transporter: Name of Transporter Physical address Postal address Contact phone number Tax identification number		
3. Mode of transport:			4. Port of shipment:		
5. Marks and Numbers: Number and kind of packages Description of substance/ product:	6. Customs Tariff Code:	7. Origin criterion:	8. Gross weight/ o t h e r quantity:	9. Value (USD):	10. Invoice No: ... and Date:

II. Declaration by Exporter:

I, the undersigned, hereby declare that the above details and statements are correct; and that all the substances/products are produced/assembled/obtained from (*name of place/origin of substance/product*)

Date:

.....
Declarant's Signature and Stamp:

Name of the Exporter:

.....
Stamp/Seal

CERTIFICATION OF EXPORT:

This Certificate hereby authorises the business/person named above to export/re-export..... from the Republic of Uganda for the period of months, starting from the date of issue shown below.

This certificate is given on the basis of the information given in the application for export/re-export No. dated

This certificate will be revoked if the applicant is found in violation of the conditions in the Authorisation issued by National Environment Management Authority on

.....
Name and Signature of authorised officer:

Date:

SCHEDULE 9

Regulation 18(2).

DESIGNATED PORTS OF ENTRY AND EXIT.

1. Malaba
2. Busia
3. Mpondwe
4. Katuna
5. Entebbe International Airport
6. Mutukula
7. Port Bell
8. Mirama Hills
9. Elegu
10. Goli
11. Vurra
12. Kampala
13. Jinja
14. Mbarara
15. Mombasa

SCHEDULE 10

Regulation 24(1).

FORM NEMA/ODS/V
(To be completed in duplicate)

DECLARATION BY USER OF RESTRICTED SUBSTANCES AND PRODUCTS.

I. Information concerning the vendor/supplier:

Name of vendor/supplier:

Postal address:
.....

Physical address
.....

Telephone No:

Fax No:

E-mail address:

II. Information concerning the user

Name of user:

Postal address:
.....

Physical address
.....

Telephone No:

Fax No:

E-mail address:

Name and description of restricted substance/product
.....

Number of kilogrammes/number of units
.....

End-use category/purpose:

.....
.....

III. Declaration

I shall not sell or otherwise supply any quantity of the restricted substance/
product bought/received by me to any person.

I shall not use any quantity of the restricted substance/product received for
a purpose not set out in this declaration.

I declare that the information stated in this declaration form is true and
correct to the best of my knowledge.

Signature:

Designation and title of user

.....
.....

Date :

(For Official Use Only)

User declaration received on 20.....

Signature

Name of Authorised Officer

SCHEDULE 11

Regulation 27(a).

RECORDS TO BE MAINTAINED FOR RESTRICTED SUBSTANCES AND PRODUCTS.

I. Information relating to imports

Type/name of substance or product imported in each shipment.

Dated records of—

- (a) the actual quantity of each restricted substance or product imported in each shipment;
- (b) the port through which the restricted substance or product was imported;
- (c) the country from which the restricted substance or product was imported and the name and address of the supplier;
- (d) the port from which the restricted substance or product was imported;
- (e) the entry number for the consignment of the restricted substance or product imported; and
- (f) copies of the bill of lading or airway bill, the invoice and documents submitted to the Uganda Revenue Authority for each consignment.

II. Information relating to export or re-export

Dated records of—

- (a) the actual quantity of each restricted substance or product exported in each shipment;
- (b) the port through which the restricted substance or product was exported;

- (c) the party through which the restricted substance or product was exported and the name and address of the recipient; and
- (d) the purpose for which the restricted substance or product was exported.

III. Information relating to production, distribution, sale and use.

Dated records of the actual quantity of each restricted substance or product—

- (a) produced in Uganda;
- (b) sold and the names and addresses of the user(s);
- (c) purchased or received from a Uganda supplier, wholesaler or distributor; and
- (d) used and the end use category or purpose.

IV. Other.

- (a) Record of safety equipment and measures, including the best available technology and best environment management practices.
- (b) Record of measures for pollution abatement and control of emissions.
- (c) Record of training of personnel, including certification and continuous professional development.
- (d) Record of maintenance of equipment by qualified and certified persons.

SCHEDULE 12

Regulation 29(2).

FORM NEMA/ODS/VI
(To be completed in duplicate)

**REPORT OF COMPLIANCE WITH CONDITIONS OF
AUTHORISATION.**

General information:

Name of company/firm or individual:

.....
.....

Type of authorisation(s) held by the company/firm/individual:

.....

Number of operational days in the reporting year:

.....

<i>Type of substance or product</i>	<i>Quantity imported or produced</i>	<i>Quantity sold or distributed</i>	<i>Quantity exported or re-exported</i>	<i>Quantity used versus quantity received by user</i>	<i>Quantity to be or disposed of as waste (cannot be re-used)</i>

Areas of improvement:

.....
.....
.....

Incidents or accidents/near misses including response measures:

.....

.....

.....

Quantity of refrigerant recovered /recycled /reclaimed/reused:

<i>Substance recovered /emitted</i>			
<i>Substance</i>	<i>Quantity recovered</i>	<i>Quantity discharged</i>	<i>Total quantity</i>
HCFC			
HFC (specify)			
HC			

<i>Substance recycled /discharged</i>			
<i>Substance</i>	<i>Quantity recycled</i>	<i>Quantity emitted</i>	<i>Total quantity</i>
HCFC			
HFC (specify)			

Any other relevant information:

.....

.....

Cross References

Access to Information Act, 2005, Act 6 of 2005

Business Technical Vocational Education and Training Act, 2008, Act 12 of 2008.

External Trade Act, Cap. 88 of 1953.

National Environment Act, 2019, Act 5 of 2019.

National Environment (Waste Management) Regulations, 2020.

Occupational Safety and Health Act, 2006, Act 9 of 2006.

Uganda National Bureau of Standards Act, Cap 327.

Uganda Revenue Authority Act, Cap. 196.

HON. SAM CHEPTORIS,
Minister responsible for Water and Environment.

STATUTORY INSTRUMENTS SUPPLEMENT

to The Uganda Gazette No. 18, Volume CXIII, dated 20th March, 2020

Printed by UPPC, Entebbe, by Order of the Government.

S T A T U T O R Y I N S T R U M E N T S

2020 No. 47.

**THE NATIONAL ENVIRONMENT (AUDIT)
REGULATIONS, 2020**

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STATUTORY INSTRUMENTS

2020 No. 47

The National Environment (Audit) Regulations, 2020

*(Under sections 126 and 179 of the National Environment Act, 2019,
Act 5 of 2019)*

IN EXERCISE of the powers conferred upon the Minister by section 179 of the National Environment Act, 2019 and in consultation with the National Environment Management Authority, these Regulations are made this 11th day of October, 2019.

PART I—PRELIMINARY

1. Title.

These Regulations may be cited as the National Environment (Audit) Regulations, 2020.

2. Interpretation.

In these Regulations, unless the context otherwise requires—

“Act” means the National Environment Act, 2019;

“Authority” means the National Environment Management Authority established under the Act;

“authorised officer” means an officer of the Authority or lead agency or any other person authorised to act on behalf of the Authority or lead agency under the Act and these Regulations;

“currency point” has the value assigned to it in Schedule 1 to these Regulations;

“developer” means a person who proposes to undertake a new project or to rehabilitate, repair, extend, maintain or operate an existing project with potential effects on the environment;

“environmental and social assessment” means a procedure that ensures that the environmental and social impacts, risks or other concerns of a given project are taken into account in approving a project for implementation;

“environmental audit” means a systematic, documented, periodic evaluation used to determine how well specified projects or an organisation’s management system, facilities and equipment are performing in conserving the environment and its resources and conform to the requirements of the Act, these Regulations and any other applicable law;

“environmental auditor” means a person or firm of experts certified and registered to conduct environmental audits in accordance with the National Environment (Conduct and Certification of Environmental Practitioners) Regulations 2003;

“environmental audit report” means a report prepared after an environmental audit that describes the attributes of the audit and the audit findings and conclusions, and includes an environmental enforcement audit report, environmental compliance audit report or a voluntary environmental audit report;

“environmental compliance agreement” means an agreement between the developer and the Authority as provided for in regulation 21;

“environmental compliance audit” means a mandatory environmental audit carried out to determine the compliance status of a project with environmental and health regulatory requirements and relevant permits, licences and approval conditions;

“environmental enforcement audit” means an environmental audit undertaken by the Authority or lead agency to enforce

compliance with environmental and health regulatory requirements and relevant permits, licences and approval conditions;

“environmental inspector” means a person designated as an environmental inspector under the Act;

“lead agency” means a ministry, department, agency, local government or public officer in which or in whom the functions of control or management of any segment of the environment are vested;

“project” means the execution of construction or renovation work or other developments, installations, schemes, activities or other interventions in the natural surroundings and landscape which may have an impact on human health and the environment.

3. Application of Regulations.

(1) These Regulations apply to an environmental audit for a project or activity for which environmental and social assessment has been undertaken and any other project or activity as may be prescribed by the Authority.

(2) An environmental audit shall be undertaken to ensure compliance by the developer with the Act, regulations and standards made under the Act, conditions in permits and licences and any other applicable law, environment management systems and the environmental management and monitoring plan of the developer.

PART II—ENVIRONMENTAL ENFORCEMENT AUDIT.

4. Environmental enforcement audit.

The Authority or lead agency may, at its own instance or following a petition by any person, carry out an environmental enforcement audit for a project or activity that has or may have adverse human health, environmental, socio-economic or cultural impacts.

5. Environmental enforcement audits at the instance of the Authority or lead agency.

(1) The Authority or lead agency may conduct or cause to be conducted an environmental enforcement audit on any project or activity where there is reason to believe that—

- (a) the operations of the project or activity have or are likely to have adverse impacts on human health or the environment;
or
- (b) the operations of the project or activity violate or are likely to violate the Act, regulations made under the Act or any other applicable law.

(2) The Authority or lead agency may carry out an environmental enforcement audit with or without notice to the developer.

(3) The notice under subregulation (2) shall be in writing.

6. Environmental enforcement audit arising out of a petition.

(1) A person who has reason to believe that an environmental enforcement audit should be undertaken on a project or activity may petition the Authority or lead agency in writing.

(2) The petition referred to in subregulation (1) shall contain—

- (a) the name, signature, address and contact information of the petitioner;
- (b) the names and signatures of at least ten adults in support of the petition, from persons who may or are likely to be affected by the operations of the project or activity, where applicable;
- (c) the location of the project or activity that is the subject of the petition;
- (d) the reasons why the petitioner requires the project or activity to be the subject of an environmental enforcement audit, including proof, where available; and

(e) any other matter relevant to the petition.

(3) The Authority or lead agency may, on receipt of the petition—

(a) notify the developer of the project or activity which is the subject of the petition, and require a response within seven days from the date of receipt of the notice; or

(b) inspect the project or activity within twenty one days from the date of receipt of the petition to determine whether an environmental enforcement audit should be carried out.

(4) The Authority or lead agency may, where it determines after reviewing the petition that there is public interest or cause to believe that a project or activity has or may have adverse impacts on human health or the environment—

(a) carry out an environmental enforcement audit; or

(b) instruct the developer to carry out an environmental compliance audit within a specified period determined by the Authority.

(5) The Authority or lead agency may reject a petition, where it deems that a project or activity has or may have adverse impacts on human health or the environment.

(6) The Authority or lead agency may reject the petition under subregulation (5) within twenty eight days of receipt of the petition, giving reasons in writing for the rejection.

(7) The decision by a lead agency to reject a petition under subregulation (5) shall be made in consultation with the Authority.

(8) Where the Authority or lead agency determines that an environmental enforcement audit is to be undertaken under subregulation (4), it shall—

- (a) draw up terms of reference for undertaking the environmental enforcement audit; and
- (b) require the developer to meet the costs of the audit.

7. Powers of entry to project or activity site.

(1) The Authority or lead agency may, for the purposes of carrying out an environmental enforcement audit, enter a project or activity site and—

- (a) require persons at the project or activity site to participate in the audit;
- (b) have access to, and interview any employee;
- (c) examine, make copies of or retain all or any documents and records relating to the design, performance and effects of the project or activity;
- (d) take samples for analysis;
- (e) take photographs and make audio or visual recordings; and
- (f) undertake any other activity necessary for the audit.

(2) For the avoidance of doubt, an environmental enforcement audit under subregulation (1) shall be undertaken by an authorised officer.

8. Public involvement in environmental enforcement audits.

(1) The Authority or lead agency may, in conducting an environmental enforcement audit, consult the members of the public affected or likely to be affected by the project or activity being audited.

(2) The consultation referred to under subregulation (1) may include—

- (a) an invitation to provide information, comments or raise concerns on the effects of the project or activity; or
- (b) meetings or interviews.

9. Conduct of environmental enforcement audit.

(1) The Authority or lead agency shall, in the conduct of an environmental enforcement audit under regulation 5 or 6, appoint suitably qualified and technically competent persons, including a lead auditor, to undertake the environmental enforcement audit on such terms and conditions as the Authority or lead agency considers necessary.

(2) The persons appointed under subregulation (1) shall include—

- (a) a representative of the lead agency, where the appointment is by the Authority; and
- (b) a representative of the Authority, where the appointment is by the lead agency.

(3) An environmental enforcement audit shall be conducted in a transparent and professional manner.

(4) The lead auditor shall ensure a systematic approach to the environmental enforcement audit, including—

- (a) planning the audit to establish the objective, scope, criteria and methodology for the audit;
- (b) identification of the key areas, processes or activities to audit and the staff of the developer to interact with or interview;
- (c) start-up meetings with the developer to introduce the purpose of the audit and to plan the conduct of the audit, including the availability of resources;
- (d) reviewing the necessary background documents, including the environment management system and the environmental management and monitoring plan, where applicable;

- (e) conducting and documenting the audit, including by physically inspecting the facility and making critical observations for purposes of identifying non-conformances with—
 - (i) relevant laws and standards; and
 - (ii) conditions of licences, permits, certificates and other approvals; and
- (e) an audit closure meeting, to give preliminary communication of the audit findings to the developer, including a discussion of possible corrective actions to the identified non-conformances.

10. Environmental enforcement audit report.

(1) The Authority or lead agency shall, on completion of an environmental enforcement audit, prepare an environmental enforcement audit report in the format specified in Schedule 2 to these Regulations.

(2) Where a lead agency prepares an environmental enforcement audit report under subregulation (1), it shall submit a copy of the report to the Authority within thirty days from the date of completion of the audit, indicating the areas of concern.

(3) The Authority may, on receipt of an environmental enforcement audit report under subregulation (2), take any actions it deems necessary.

11. Corrective measures following an environmental enforcement audit.

(1) The Authority shall notify the developer of the findings of the environmental enforcement audit and require the developer to take specific corrective measures within a specified period.

(2) Where the developer agrees to the findings of the environmental enforcement audit and accepts to implement the

corrective measures specified by the Authority, the developer and the Authority shall enter into a compliance agreement in accordance with regulations 21 and 22.

(3) Where the developer fails to implement the corrective measures within the period referred to in subregulation (1) or refuses to agree to the findings referred to under subregulation (2), the Authority may issue and enforce notices, orders, administrative fines and penalties under the Act.

PART III—ENVIRONMENTAL COMPLIANCE AUDIT.

Environmental Compliance Audit

12. Environmental compliance audit.

(1) The developer of a project or activity listed in Schedule 3 to these Regulations shall carry out an environmental compliance audit.

(2) Notwithstanding subregulation (1), the Authority may require a developer of a project not included in Schedule 3 to these Regulations, to undertake an environmental compliance audit.

(3) The environmental compliance audit referred to in subregulation (1) shall be undertaken annually, unless otherwise required by the Authority.

(4) The developer shall ensure that an environmental compliance audit is undertaken by an environmental audit team of persons duly certified and registered in accordance with the National Environment (Conduct and Certification of Environmental Practitioners) Regulations, 2003.

(5) The audit team referred to in subregulation (4) shall be supervised by a duly certified and registered lead environmental auditor.

(6) The audit team may, in the event of knowledge gaps, include relevant experts to provide specialist knowledge and to assist with understanding and interpreting technical aspects of the project or activity to be audited.

13. Terms of reference for an environmental compliance audit.

(1) An environmental compliance audit shall be conducted in accordance with environmental audit guidelines issued by the Authority and the terms of reference developed by the developer in consultation with the environmental audit team.

(2) The terms of reference referred to under subregulation (1) shall include an environmental audit plan.

14. Factors to consider in the conduct of an environmental compliance audit.

The developer shall, during the conduct of an environmental compliance audit—

- (a) ensure compliance with the Act, regulations made under the Act, conditions in permits, licences, certificates and other approvals, and any other applicable law or international agreement;
- (b) assess the effectiveness of the environment management system and compliance with the environmental management and monitoring plan of the project or activity; and
- (c) undertake consultation with the members of the public affected or likely to be affected by the environmental and social aspects of the project or activity.

Environmental Compliance Audit Report.

15. Content of environmental compliance audit report.

(1) The environmental compliance audit report shall be prepared in accordance with Schedule 2 to these Regulations.

(2) The environmental compliance audit report shall contain a declaration, dated and signed by all the members of the environmental audit team, stating that the audit was conducted in accordance with these Regulations, the National Environment (Conduct and Certification of Environmental Practitioners) Regulations, 2003 and any other applicable law.

(3) The developer is responsible for the content of the environmental compliance audit report and shall ensure that the report is prepared in accordance with the Act, these Regulations and any other applicable law.

16. Submission of environmental compliance audit report.

(1) The developer shall submit two hard copies and an electronic copy of the environmental compliance audit report to the Authority.

(2) The developer shall, on submission of the environmental compliance audit report, pay a fee prescribed in regulation 20 and Schedule 3 to these Regulations.

(3) Notwithstanding subregulation (1), the Authority may request additional copies of the environmental compliance audit report where it considers necessary.

(3) Where the audit findings indicate non-compliance, the developer shall submit an audit corrective action plan as part of the environmental compliance audit report.

(4) The corrective action plan referred to in subregulation (3) shall contain—

- (a) proposed actions and specific deliverables;
- (b) responsibility assignments;
- (c) an implementation schedule with proposed timeframes for correcting any non-compliance; and

- (d) a commitment that the developer shall adopt an improved environment management system or undertake other measures, to avoid the recurrence of non-compliance, as appropriate.

Review of Environmental Compliance Audit Report.

17. Review of environmental compliance audit report by the Authority.

(1) The Authority shall review the environmental compliance audit report submitted under regulation 16(1) to determine its adequacy in terms of content and corrective measures included in the corrective action plan.

(2) The Authority may, in considering the environmental compliance audit report, verify the content of the report by—

- (a) conducting an inspection of the project or activity; or
- (b) requesting the relevant lead agency to inspect the project or activity with reference to the audit report and to submit its findings to the Authority.

18. Review of environmental compliance audit report by lead agency.

(1) The Authority may, comment within fourteen days of receipt of the report, submit the environmental compliance audit report to a lead agency for review.

(2) The lead agency shall review the environmental compliance audit report, including the audit corrective action plan and submit comments to the Authority within thirty days of receipt of the report.

19. Decision of the Authority on the environmental compliance audit report.

(1) Where a lead agency submits comments or fails to submit comments to the Authority within the period specified in regulation 18(2), the Authority shall consider the environmental compliance audit report and may—

- (a) require the developer to carry out special or further investigation;
- (a) if dissatisfied with the standard or quality of the environmental compliance audit report, reject the environmental compliance audit report, stating reasons for the rejection, and require the developer to conduct an environmental compliance audit again;
- (b) enter into an environmental compliance agreement with the developer in accordance with regulation 21;
- (c) issue an environmental restoration order, environmental improvement notice or environmental compliance notice, as appropriate;
- (d) commend the developer where there has been compliance, indicating areas for improvement; or
- (e) take any other decision as it may consider necessary.

(2) The Authority shall, where it takes a decision under subregulation (1), communicate the decision to the developer within ninety days of receipt of the environmental compliance audit report.

Fees Payable for Environmental Compliance Audit.

20. Fees payable for environmental compliance audits.

The fee referred to in regulation 16(2) and set out in Schedule 3 to these Regulations for environmental compliance audit takes into account—

- (a) the nature and category of the project or activity;
- (b) potential environmental and social impacts or risks of the project or activity;
- (c) the complexity of the project or activity that necessitates additional effort for review of the environmental compliance audit report;

- (d) the possible involvement of specialised skills and external expertise in the review process; and
- (e) the polluter pays principle and precautionary principle that applies to use of environmental audit measures for environmental remediation.

PART IV—ENVIRONMENTAL COMPLIANCE AGREEMENT AND
ENVIRONMENTAL MANAGEMENT SYSTEM.

Environmental Compliance Agreement.

21. Environmental compliance agreement.

(1) The Authority and the developer may enter into an environmental compliance agreement where non-compliance has been identified during an environmental enforcement audit or environmental compliance audit.

(2) The environmental compliance agreement referred to under subregulation (1) shall specify—

- (a) the corrective measures required to bring the audited project into compliance with the Act, regulations made under the Act, other applicable law, conditions in permits, licences, certificates and other approvals;
- (b) the restoration or improvement measures that must be undertaken to remedy harm to human health or the environment in accordance with the Act and any other applicable law, where applicable;
- (c) the frequency of periodic reports to be submitted to the Authority; and
- (d) any other action the Authority may consider necessary.

22. Effect of an environmental compliance agreement.

An environmental compliance agreement made under regulation 21 has the same effect as an environmental improvement notice enforceable in accordance with section 135 of the Act.

Environment Management System.

23. Establishment of environment management system.

(1) A developer shall establish, maintain and implement an environment management system in accordance with section 49 of the Act.

(2) An environment management system shall include—

- (a) an environmental management policy and goals, reflecting a commitment by the developer of the project or activity to implement the environment management system and to communicate it to all employees;
- (b) the environmental management and monitoring plan provided for under section 122(3) of the Act and the National Environment (Environmental and Social Assessment) Regulations, 2020;
- (c) structures and assignment of responsibilities for the implementation of the environment management system, including appointment of persons responsible for its implementation and coordination;
- (d) mechanisms for developing capabilities and support systems necessary to achieve the objectives of the environment management system, including training, awareness and competences of employees;
- (e) objectives, targets, procedures and practices for mitigating environmental and social impacts or risks associated with the project or activity and for securing compliance with legal requirements;
- (f) a system of keeping and managing information and records; and

- (g) mechanisms for reporting, monitoring and evaluating the performance of the environment management system to ensure the suitability, adequacy and effectiveness of the system.

(3) A developer shall periodically review the environment management system and demonstrate continuous improvement in the environmental performance of the project or activity.

(4) The developer shall make available to all employees the relevant parts of the documented environment management system for reference in execution of work.

(5) The developer shall ensure that a copy of the environmental management policy is displayed in a conspicuous place at the project or activity site to which it applies.

(6) The developer shall make the documented environment management system available to the Authority or lead agency, upon request.

PART V—GENERAL

24. Documents deemed to be public documents.

(1) Subject to the Constitution and Access to Information Act, 2005, documents submitted to the Authority under these Regulations shall be public documents.

(2) Subject to section 146 of the Act, a person who desires to access the documents described in subregulation (1) shall apply to the Authority and pay the prescribed fee.

25. Guidelines.

The Authority may, in collaboration with the relevant lead agency, make audit guidelines for different sectors.

26. Offences and penalties.

A person who—

- (a) makes a false or misleading statement in an environmental compliance audit report;
- (b) fraudulently alters an environmental compliance audit report;
- (c) fails to submit an environmental compliance audit report to the Authority;
- (d) fails to implement an environmental compliance agreement; or
- (e) fails to implement a corrective action plan contained in an environmental enforcement audit report or an environmental compliance audit report,

commits an offence and is liable, on conviction—

- (i) in the case of an individual, to a fine not exceeding ten thousand currency points or imprisonment not exceeding five years or both; or
- (ii) in the case of a body corporate, to a fine not exceeding fifty thousand currency points.

27. Revocation of S.I. 12 of 2006.

The National Environment (Audit) Regulations, 2006 are revoked.

SCHEDULES

SCHEDULE 1

CURRENCY POINT

Regulation 2

A currency point is equivalent to twenty thousand shillings.

SCHEDULE 2.

Regulations 10(1), 15(1).

CONTENT OF AN ENVIRONMENTAL AUDIT REPORT.

1. An environmental audit report shall include—
 - (a) the names and composition of the environmental audit team, including their qualifications, specific skills and relevance to a specific subject matter;
 - (b) a description of the project or activity audited and its physical location including a map, coordinates, boundaries of the site, plot number, block number, name of cell, village, parish, ward, sub-county, division, county and district;
 - (c) the identity of the developer or representatives of the developer who took part in the environmental audit and their specific roles;
 - (d) the criteria, objectives, scope, protocol and methodology used during the conduct of the environmental audit and any obstacles encountered, including gaps in knowledge and any other limitations encountered;
 - (e) the period covered by the environmental audit and the dates on which the audit was conducted;
 - (f) the terms of reference for the audit, including where applicable, consideration of the environment assessment baseline, and the date and issues raised in the previous environmental audit, environmental monitoring reports or inspections;
 - (g) a description and an assessment of the effectiveness of the environment management system and the compliance with the environmental management and monitoring plan, including environmental, health and social safeguards associated with the project or activity;

- (h) a description of the observed impacts of the audited project or activity, including both qualitative and quantitative data and information, where applicable;
- (i) the audit findings, including any identified non-compliance, causes of the non-compliance, proposed corrective actions and time-frame for implementing the corrective actions;
- (j) record of consultations with relevant stakeholders;
- (k) an implementation plan, including an audit corrective action plan proposed by the developer in consultation with the audit team that addresses the correction of past environmental non-compliance, the current environmental compliance and prevention of future non-compliance;
- (l) any other recommended action;
- (m) copies of all relevant approval certificates, permits and licences as an annex to the report; and
- (n) any other information the Authority may require.

2. As a separate document, the environmental audit report shall include a statement of the confidential nature of the information obtained or parts of the information, if any.

3. The environmental audit report shall contain a declaration dated and signed by all members of the environmental audit team.

4. The developer shall, every three years, submit, together with the environmental audit report, an updated environmental management and monitoring plan of the project or activity.

SCHEDULE 3

*Regulations 12(1) and (2),
16(2) and 20 (1).*

PROJECTS OR ACTIVITIES FOR WHICH ENVIRONMENTAL COMPLIANCE AUDIT IS REQUIRED AND ASSOCIATED FEES.

PROJECT CATEGORY	CLASS	FEES
<p>Projects under Schedule 4 of the Act which require Environmental Compliance Audits:</p> <p>1. Exploration and power generation, transmission and distribution infrastructure. Hydropower generation plants up to 1 megawatts where—</p> <ul style="list-style-type: none"> (a) impacts are low and can readily be mitigated. (b) footprint of construction works has limited area. (c) limited amounts of water are to be abstracted. (d) labour requirement is low. (e) duration of construction works is less than 2 years. (f) the site is not in an environmentally sensitive area or fragile ecosystem. (g) the requirement for associated infrastructure such as camps, access roads and dump sites is limited. <p>2. Food and beverage industry.</p> <ul style="list-style-type: none"> (a) Brewing, distilling or malting of beer, wine, waragi and other spirits for commercial purposes of a capacity of between 500 litres and 1000 litres per day. (b) Production of non-alcoholic drinks of 500 litres and 1000 litres per day. (c) Confectionery or bakeries for commercial purposes. (d) Manufacture of herbal and food supplements, employing more than 50 people. <p>Projects under Schedule 5 of the Act which require Environmental Compliance Audits:</p>	1	500,000/=

<p>1. Utilisation of water resources and water supply.</p> <ul style="list-style-type: none"> (a) Abstraction or utilisation of surface water for agricultural, industrial or urban use of more than 1000 m³/day. (b) Abstraction or utilisation of ground water of more than 1000m³/day. (c) Valley dams and valley tanks where the threshold is 1,000,000 m³ or more. (d) Large scale gravitational water scheme of more than 1000 m³/day or where the ecosystem is fragile and sensitive. <p>2. Wood industries. Wood preservation facilities.</p> <p>3. Metallurgic industry. Manufacture of motorised and non-motorised transport products.</p> <p>4. Waste management facilities. Construction and operation of—</p> <ul style="list-style-type: none"> (i) Recovery/re-cycling plant. (ii) Composting plants. (iii) Water/effluent treatment plant. (iv) Sewage treatment plants. 		
<p>Projects under Schedule 5 of the Act which require Environmental Compliance Audits:</p> <p>1. Transport, transportation equipment and related infrastructure.</p> <ul style="list-style-type: none"> (a) Construction of public roads not being community access roads, including— <ul style="list-style-type: none"> (i) Enlargement or upgrade of existing public roads. (ii) Construction of flyovers. (iii) Construction of terminals. (iv) Construction of parking facilities, including bus and taxi parks. (b) Construction of roads to aid specific projects, including petroleum in-field roads. (c) Construction of private roads of more than 6 meters in width, including private roads joining national roads that pass through fragile ecosystems or involve re-settlement. (d) Construction of inland container ports. (e) Construction of large mechanical workshop and vehicle inspection centres, with a capacity of 50 or more vehicles. 	2	1,000,000/=

- (f) Construction of commercial public roadside resting facilities.
- (g) Construction of new railway lines and related facilities or improvement works to existing railway lines and related facilities.
- (h) Construction of underground and other tunnels for transportation purposes.
- (i) Construction of tramways and cable cars.
- (j) Air transport facilities including—
 - (i) Construction, expansion or upgrade of aerodromes, airports or airfields.
 - (ii) Construction, expansion or upgrade of heliports or helipads.
- (k) Water transport facilities including—
 - (i) Construction of new, or expansion of shipyards, ports and harbour facilities, jetty and pier development for loading and unloading connected to land.
 - (ii) Creation of access waterways of more than 10 kilometres.
 - (iii) Facilities used in building and repairing all types of ships above 4,000 tonnes displacement.
 - (iv) Marinas.
- (l) Support facilities to facilities in paragraph (a) to (k).

2. Exploration and power generation, transmission and distribution infrastructure.

- (a) Generation of power from solar PV power plants of more than 2 megawatts.
- (b) Exploration and generation of geothermal resources.
- (c) Thermal power generation and other combustion installations.
- (d) Wind power generation farms of a capacity of at least 10 megawatts.
- (e) Generation of power from peat.
- (f) Generation, storage or distribution of electricity from gas and steam energy.

3. Utilisation of water resources and water supply.

- (a) Abstraction or utilisation of surface water for agricultural, industrial or urban use of more than 1000 m³/day.

- (b) Abstraction or utilisation of ground water of more than 1000m³/ day.
- (c) Diversion of water from a river or stream, where the water discharged is more than 400m³/day or 30% of Internal Renewable Water Resources over the river catchment.
- (d) Bulk water transfer from one catchment or water body to another.
- (e) Construction of large scale gravitational water schemes of more than 1000 m³/day or where the ecosystem is fragile and sensitive.

4. Housing and urban development.

Construction and use of warehouses.

5. Agricultural investments, livestock, range management and fisheries.

- (a) Large scale application of agro-chemicals for disease and pest control.
- (b) Large scale irrigation of more than 20 hectares.
- (c) Construction of facilities for commercial aquaculture of 200,000 kilos per year or of an area of one hectare.
- (d) Establishment of industrial or commercial fish processing plants.
- (e) Establishment of fish cages for commercial production.

6. Food and beverage industry.

- (a) Brewing and distilling of beer, wines, waragi and other spirits for commercial purposes of a capacity of at least 1000 litres per day.
- (b) Production of non-alcoholic drinks of at least 1000 litres per day.
- (c) Milling facilities with capacity of at least 1000kilograms per day, including for grains, cereals, pulse feeds and other agro-products.
- (d) Manufacture and refining of vegetable and animal oils and fats.
- (e) Processing of dairy products.
- (f) Abattoirs /slaughter – houses and meat processing plants.
- (g) Sugar factories and jaggeries

7. Nature conservation areas.

- (a) Introduction of new or alien wildlife species; including microorganisms to local ecosystems.
- (b) Wildlife farming, including ranching and breeding.

8. Forestry.

Commercial charcoal production.

9. Hotel, tourism and recreational development.

Construction of luxury tented camps, lodges, hotels, resort and beach front facilities other than bandas, tents and campsites and construction of other tourism or recreation facilities in wildlife or forest protected areas or near wetlands or other ecologically sensitive areas.

10. Wood industries

Manufacture of veneer and plywood.

11. Textile industry.

- (a) Pre-treatment or dyeing of fibres and textiles.
- (b) Filature fabric, ginning or carpet mills using dyes (by utilizing chemical or vegetable dyes and/or bleaching agents).
- (c) Denim or garments industry products washing facilities.
- (d) Industrial type facilities where wool or angora is wrapped, de-oiled and bleached.
- (e) Manufacture of all fibre garments.

12. Metallurgy.

- (i) Boiler-making and manufacture of reservoirs, tanks and other sheet containers.
- (ii) Manufacture of non-ferrous products.

13. Electrical and electronics industry.

(a) Manufacture and assembly of electrical and electro-mechanical products.

(b) Manufacturing of non-metallic products.

- (i) Manufacture of rubber products.
- (ii) Manufacture of glass, glass-fibre and glass-wool.
- (iii) Manufacture of plastic materials.
- (iv) Manufacture of tiles and ceramics.
- (v) Production of kaolin and vermiculite.
- (vi) Manufacture of bricks and brick products for commercial purposes.

<p>14. Extraction of non-mineral products.</p> <ul style="list-style-type: none"> (a) Extraction of sand, murrum and clay of at least 5m³ per day. (b) Stone extraction and quarrying of more than 5m³per day. <p>15. General. Tobacco processing and storage</p>		
<p>Projects under Schedule 5 of the Act which require Environmental Compliance Audits:</p> <p>1. Exploration and power generation, transmission and distribution infrastructure.</p> <ul style="list-style-type: none"> (a) Hydro-power generation facilities including dams with an installed capacity of more than 1 megawatts. (b) Facilities or infrastructure for nuclear reaction. <p>2. Wood industries. Pulp and paper mills.</p> <p>3. Tanning and leather industry.</p> <ul style="list-style-type: none"> (a) Establishment and expansion of hides and skins processing facilities (tanneries). (b) Manufacture of leather and leather products. <p>4. Chemical industry.</p> <ul style="list-style-type: none"> (a) Manufacture formulation or re-packaging of industrial chemicals. (b) Manufacture, formulation or re-packaging of agro-chemicals. (c) Manufacture, formulation or re-packaging of public health chemicals and products. (d) Manufacture, formulation or re-packaging of pharmaceutical products. (e) Battery manufacture and re-cycling. <p>5. Metallurgy.</p> <ul style="list-style-type: none"> (a) Manufacture of aluminum, iron, steel and related products. (b) Electroplating. <p>6. Electrical and electronics industry. Manufacture of electrical and electro-mechanical products.</p>	3	2,000,000

7. Mining industry and mineral processing.

- (a) Mineral exploration.
- (b) Mining of metal and non-metal minerals.
- (c) Processing of minerals, including smelting and refining of ores.

8. Extraction of non-mineral products.

- (a) Extraction of sand, murmur and clay of at least 5m³ per day.
- (b) Stone extraction and quarrying of more than 5m³ per day.

9. Petroleum operations,

(1) Upstream—

- (a) Geophysical and geo-technical surveys for seismic activities.
- (b) Exploration, including drilling, construction, installation and operation of drilling rigs and related facilities.
- (c) Field development and production activities, including—
 - (i) construction of onshore drilling pads.
 - (ii) development of drilling construction, installation; and
 - (iii) operation of onshore drilling rigs and their facilities.
 - (iv) construction, installation and operation of central processing facilities.
 - (v) construction, installation and operation of in-field
 - (vi) pipelines and flow-lines.
 - (vii) construction, installation and operation of fixed platforms and mobile platforms.
 - (iv) construction of facilities, including storage facilities, central processing facilities and, pipelines.
 - (v) construction, installation and operation of accommodation and materials bases, including extension of camps.
 - (vi) offshore platforms for petroleum and natural gas.
 - (vii) construction and installation of water abstraction facilities.

<p>(viii) decommissioning of petroleum facilities and activities.</p> <p>(ix) any other facility or activity for exploration, development, production, transportation, storage and cessation of activities or decommissioning of facilities.</p> <p>(2) Midstream—</p> <p>(a) Construction of petroleum refinery, conversion plants and other petroleum processing plants.</p> <p>(b) Storage facilities for petroleum and petroleum products.</p> <p>(c) Construction and installation of facilities, including pipelines, storage facilities and camps.</p> <p>(d) Transmission of chemicals, petrochemicals and petroleum in bulk.</p> <p>(e) Decommissioning of midstream facilities and operations.</p> <p>(3) Downstream—</p> <p>(a) Construction or major modification of installations or</p> <p>(b) Facilities of the petroleum supply chain including—</p> <p>(i) petroleum product depots.</p> <p>(ii) Fuel filling stations and fuel service stations.</p> <p>(iii) Facilities for refilling and storage of liquefied petroleum and natural gas.</p> <p>(c) Petrochemical plants; including asphalt plants.</p> <p>(d) Transmission of petrochemicals and petroleum products.</p> <p>(e) Construction of other facilities for the transportation, processing, supply, storage, distribution, wholesale, retail sale and sale to industrial consumers of petroleum products and related activities.</p> <p>(f) Decommissioning of installations and facilities used in the petroleum supply chain.</p>		
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<p>10. Waste management facilities.</p> <ul style="list-style-type: none"> (a) Transportation of hazardous waste. (b) Hazardous waste storage and treatment facilities. (c) Construction and operation of waste management facilities, including— <ul style="list-style-type: none"> (i) Landfills. (ii) incineration plants. (iii) recovery/re-cycling plants. (vi) Sewage treatment plants. (d) Facilities for the disposal of asbestos. (e) Storage or disposal of nuclear and radioactive waste. <p>11. Projects located in or near environmentally sensitive areas referred to in Schedule 7 of the Act.</p>		
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Cross References

Access to Information Act, 2005, Act 6 of 2005.

Constitution of the Republic of Uganda, 1995.

National Environment (Conduct and Certification of Environmental Practitioners) Regulations 2003, S.I. 85 of 2003.

National Environment Act 2019, Act 5 of 2019.

The National Environment (Environmental and Social Assessment) Regulations, 2020.

HON. SAM CHEPTORIS,
Minister responsible for Water and Environment.