

LAW

1370 ON SUBSTANCES THAT DEplete THE OZONE LAYER

CHAPTER I
GENERAL PROVISIONS

Article 1. Subject Regulated by the Law

This Law shall regulate restrictions on production, import, export and transit of Ozone Depleting Substances in the Republic of Armenia (RA) and the relationship of Armenia in the scope of those restrictions with countries that has ratified relevant international treaties concluded within the framework of the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer.

Article 2. Legislation on Substances that Deplete the Ozone Layer

Restrictions on production, import, export and transit of Ozone Depleting Substances (ODS) in the Republic of Armenia and the relations regarding them shall be regulated by Customs Code of the Republic of Armenia, the Law on the Protection of Atmospheric Air of the Republic of Armenia, international treaties, this Law and other legal acts.

If standards of the international treaties ratified by the Republic of Armenia are other than those of this Law the preference shall be given to the international ones.

Article 3. Definitions

As used in this Law-

- (1) “*Ozone Layer*” means a layer of atmospheric ozone found in the Earth's upper atmosphere.
- (2) “*Ozone Depleting Substances*” mean chemicals, whether separate or in a mixture, that have or may have an adverse effect on the Ozone Layer and in per unit weight of which the quantity of ozone depleting separate substances prevails 1 percent.
- (3) “*Party*” means a country that has ratified the relevant treaties concluded within the framework of the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer.

(4) **”Non-Party”** means any country that has not ratified the relevant treaties concluded within the framework of the Vienna Convention “For the Protection of the Ozone Layer” and the Montreal Amendment “On Substances that Deplete the Ozone Layer”.

(5) **“Global quota”** means an import quota that specifies the permitted quantity of annual imports of Ozone Depleting Substances (ODS) into the Republic of Armenia.

(6) **“Import Quota”** means specific amount of Ozone Depleting Substance(s) that can be annually imported into the country by each importer.

(7) **“Shipment permit”** means a document issued to the applicant authorizing the import/export/transit of Ozone Depleting Substances (ODS) to the extent such transaction is consistent with the requirements given in this Law.

(8) **”Applicant”** means a natural or legal person that has submitted to an authorized government body an application for shipment permit to carry out a transaction on the import/export/transit of Ozone Depleting Substances (ODS).

(9) **”Application”** means a written request for permission to carry out a transaction on the import/export/transit of Ozone Depleting Substances (ODS) including data on the applicant, names and quantities of the Ozone Depleting Substances to be imported/exported/transited by the applicant, transaction period, importing/exporting/transit countries.

CHAPTER II STATE REGULATION IN THE SECTOR OF ODS USE

Article 4. Authorities of the RA Government

The authorities of the RA Government in the sector of ODS use shall be as follows:

- 1) approval of ODS list;
- 2) establishment of Global quota for ODS import;
- 3) approval of Import quota establishment procedure for ODS import;
- 4) approval of shipment permit form and its issuing procedure;
- 5) adoption of sublegislative acts on ODS import, export and transit;
- 6) provision of policy pursuing in the sector of ODS use

Article 5. Authorities of the Authorized Government Body

The authorities of the Authorized Government Body in ODS import/export/transit sector shall be as follows:

- 1) development of legal acts on ODS import, export and transit;
- 2) recording of ODS quantities;

- 3) establishment of Import quota for ODS;
- 4) issuing ODS shipment permits based on the applications submitted previously.

CHAPTER III

PRINCIPLES AND PROCEDURE APPLIED TO THE USE OF OZONE DEPLETING SUBSTANCES

Article 6. Ban on the Use of Ozone Depleting Substances

In the Republic of Armenia the following shall be banned:

- 1) ODS Production;
- 2) ODS import from and export to Non-Parties, as well as ODS transit through the territory of Armenia if the importing or exporting countries are Non-Parties.

Article 7. Principles and Procedure Applied to Global Quota Establishment for ODS Import

1. Global quota for ODS import into the territory of Armenia shall be established annually and shall not prevail the quota provided for Armenia by international treaties.
2. Global quota for ODS import shall be established before the exhaustion of the quota provided for Armenia by international treaties.
3. No later than 30 June (including) of the preceding year the RA Government shall establish annual Global quota for ODS import based on the previous proposal made by the Authorized Government Body.

Article 8. Procedure Applied to ODS Import Quota Establishment

1. In case an application for the import of more than one ozone depleting substances has been submitted the permitted quantities established for separate substances shall be identified within one Import quota.

2. Basing on the Import quota established for ODS the Authorized Government Body shall provide the applicant with a shipment permit the form and issuing procedure of which will be approved by the RA Government.

The application for ODS import shall be rejected subject to Section 2 of Article 6 of this Law and in case the Import quota issued to the importer under this Law has been exhausted or permit date expired.

3. During the year the applicant may in a single or multiple mode import ODS into the territory of Armenia in quantities not prevailing those established by Import quota provided he gives the Authorized Government Body prior notice in writing including data on each import date

and imported ODS quantities. Otherwise the importer shall be subject to civil penalty in accordance with the RA law.

4. The applicant provided with a shipment permit shall until 25 February of the following year submit a report to the Authorized Government Body on the usage of ODS Import quota.

5. While issuing an ODS shipment permit national taxes shall be charged in accordance with the procedure and amount established by the RA Law “On National Taxes”.

The ODS shipment permit shall be issued to the applicant provided the receipt for national taxes is available.

Article 9. ODS Import, Export and Transit

1. Customs authorities shall allow ODS import, export and transit given the shipment permit, provided on the basis of shipment permit form and its issuing procedure approved by the RA Government, is available.

2. Customs authorities shall provide the Authorized Government Body with information on ODS import, export and transit within a month after the completion of the transaction. The information shall include:

- 1) data on ODS import/export/transit;
- 2) quantities of ODS imported/exported/transited and the transaction period;
- 3) names of importing and exporting countries.

CHAPTER IV ODS RECORDING

Article 10. Procedure Applied to ODS Recording

1. The objects of recording shall be:

- 1) Global quota for ODS import for separate substances;
- 2) applications for carrying out a transaction on ODS import/export/transit;
- 3) ODS Import quotas and their quantities remained for separate substances;
- 4) shipment permits for ODS import, export and transit;
- 5) annual reports on the use of ODS Import quota.

2. ODS quantities and related documentation provided in Points 1-5 in Section 1 of this Article shall be recorded by the Authorized Government Body while documentation identified in Point 4 shall be also recorded by Customs Authorities in compliance with the procedure established by the RA Government.

CHAPTER V
FINAL PROVISIONS

Article 11. Non-compliance Penalty

Any person who violates the requirements stated in this Law shall be subject to a civil penalty in compliance with the procedure established by the RA law.

Article 12. Entry into Force

This Law shall come into effect starting from the tenth day following its official promulgation.

PRESIDENT

OF THE REPUBLIC OF ARMENIA

Yerevan

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