



REPUBLIC OF VANUATU

OZONE LAYER PROTECTION ACT NO. 22 OF 2019

Ozone Layer Protection Regulation Order No. 20 of 2020

In exercise of the powers conferred on me by subsection 41(1) and paragraphs 41(2)(e) and (h) of the Ozone Layer Protection Act No. 22 of 2019, I, the Honourable BRUNO LENGKON, Minister of Climate Change Adaptation, Geohazards, Meteorology and Energy, make the following Order.

1 Definitions

In this Regulation, unless the contrary intention appears:

Act means the Ozone Layer Protection Act No. 22 of 2019.

2 Consumption reduction schedule

For the purposes of section 19 of the Act, the total amount of HCFCs that may be imported in the calendar year in column 1 of the table in Schedule 1 is the corresponding annual quota in column 2 of that table in Schedule 1.

3 Prescribed fees

- (1) The prescribed application fees for controlled substances and manufactured products are set out in Schedule 2.
- (2) Fees, costs and expenses payable under this Regulation are recoverable as a civil debt owing to the Government, if the service to which they relate has been provided.
- (3) Fees, costs and expenses paid under this Regulation are not refundable.

4 Penalty notice

- (1) For the purposes of section 35 of the Act, the prescribed amount in respect of an offence committed under a provision of the Act or Regulation is set out in Schedule 3.

- (2) If a person served does not wish to have the matter determined by a Court, he or she must pay, within 21 days after being served with the penalty notice, the amount of penalty prescribed under this Regulation.

5 Commencement

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

Made at Port Vila this 28 day of February, 2020.



Honourable **BRUNO LENGKON**
Minister of Climate Change Adaptation,
Geo-hazards, Meteorology and Energy



SCHEDULE 1
CONSUMPTION REDUCTION SCHEDULE

Year	Annual quota (metric tonnes)
2019	2
2020	2
2021	1.5
2022	1
2023	0.5
2024 and any subsequent year	0

SCHEDULE 2
 APPLICATION FEES FOR CONTROLLED SUBSTANCES AND MANUFACTURED
 PRODUCTS

SCHEDULE 2
APPLICATION FEES FOR CONTROLLED SUBSTANCES
AND MANUFACTURED PRODUCTS

Item No.	Item	Fee
1	Application for an import permit that includes the import of methyl bromide for a quarantine application or a pre-shipment application	VT 30,000 plus 1,000 per kilogram or part thereof of controlled substance
2	Application for an import permit that includes the import of HCFCs	VT 30,000 plus VT 1,000 per kilogram or part thereof of controlled substance
3	Application for an import permit that includes the import of HFCs	VT 1,000 plus VT 1,000 per kilogram or part thereof of controlled substance
4	Application for an import permit that includes the import of less than 10 manufactured products	VT 1,000

SCHEDULE 2
 APPLICATION FEES FOR CONTROLLED SUBSTANCES AND MANUFACTURED
 PRODUCTS

	where the controlled substance is a HFC	
5	Application for an import permit that includes the import of 10 to 49 manufactured products where the controlled substance is a HFC	VT 5,000
6	Application for an import permit that includes the import of 50 or more manufactured products where the controlled substance is a HFC	VT 10,000
7	Application for an import permit that includes the import of manufactured products necessary for the protection of human life or human health	VT 30,000
8	Application for an import permit that includes the import of any other controlled substances or manufactured products prescribed by the Regulations	VT 30,000
9	Application for a sales permit	VT 20,000
10	Application to renew a sales permit	VT 10,000
11	Application for an export permit	VT 1,000
12	Application for a licence to handle controlled substances	VT 10,000
13	Application to renew a licence to handle controlled substances	VT 5,000
14	Application for a trainee licence to handle controlled substances	VT 3,000
15	Application to renew a trainee licence to handle controlled substances	VT 2,000

**SCHEDULE 3
PENALTY NOTICES**

Provisions of the Act or Regulation	Prescribed amount for an offence by an individual	Prescribed amount for an offence by a body corporate
Section 8 - importation of 5 kilograms or less of controlled substances	VT 1,500,000	VT 3,000,000
Section 8 - importation of 6 to 15 kilograms of controlled substances	VT 2,000,000	VT 4,000,000
Section 8 - importation of 16 or more kilograms of controlled substances	VT 2,500,000	VT 5,000,000
Section 8 - importation of manufactured products	VT 1,500,000 plus VT 1,000 per kilogram or part thereof of controlled substance	VT 3,000,000 plus VT 1,000 per kilogram or part thereof of controlled substance
Section 10 - export of controlled substances	VT 1,500,000	VT 3,000,000
Section 10 - export of manufactured products	VT 1,500,000	VT 3,000,000
Section 11 - manufacture of controlled substances	VT 2,500,000	VT 5,000,000
Section 11 - manufacture of manufactured products	VT 2,500,000	VT 5,000,000
Section 12 - sale of controlled substances	VT 1,500,000	VT 3,000,000

SCHEDULE 3
PENALTY NOTICES

Section 12 - sale of manufactured products	VT 1,500,000	VT 3,000,000
Paragraph 34(1)(a) - handle controlled substances without a licence to handle controlled substances or trainee licence to handle controlled substances	VT 1,500,000	n/a
Paragraph 34(1)(a) - refuse or fail to comply with a public notice issued by the Director under section 33 of the Act	VT 2,500,000	VT 5,000,000
Paragraph 34(1)(a) - act in contravention of any requirement in a code of practice or standard prescribed under the Act or Regulations	VT 500,000	VT 1,000,000
Paragraph 34(1)(a) - act in contravention of any requirement or prohibition under the Act for which no other penalty is prescribed in this table	VT 1,500,000	VT 3,000,000
Paragraph 34(1)(b) - employ or otherwise engage a person, other than the holder of a licence to handle controlled substances or trainee licence to handle	VT 500,000	VT 1,000,000

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PENALTY NOTICES

controlled substances		
Paragraph 34(1)(b) - aid or abet any person in contravening any requirement or prohibition under this Act or Regulations for which no other penalty is prescribed in this table	VT 500,000	VT 1,000,000
Paragraph 34(1)(c) - conspire with any person do any act in contravention of any requirement or prohibition under this Act or Regulations for which no other penalty is prescribed in this table	VT 1,500,000	VT 3,000,000
Paragraph 34(2)(a) - fail to comply with a permit or licence granted under Part 3 of the Act	VT 500,000	VT 1,000,000
Paragraph 34(2)(b) - fail to comply with a notice given by the Director under Part 5 of the Act	VT 2,500,000	VT 5,000,000
Subsection 34(3) - in the course of handling controlled substances, wilfully or negligently permits any controlled substance to be emitted into the atmosphere	VT 600,000	VT 1,200,000
Paragraph 34(4)(a) - hinder or obstruct an	VT 125,000	VT 250,000

SCHEDULE 3
PENALTY NOTICES

authorised officer in performing his or her duties or in exercising a power under the Act or Regulations		
Paragraph 34(4)(b) - induce or incite any other person to hinder or obstruct an authorised officer in performing his or her duties or in exercising a power under the Act or Regulations	VT 125,000	VT 250,000
Paragraph 34(4)(c) - falsely represent that he or she is an authorised officer, or otherwise impersonating an authorised officer	VT 125,000	VT 250,000
Paragraph 34(4)(d) - provide false or misleading information	VT 250,000	VT 500,000
Subsection 37(2) - refuse or fail to comply with a written request under section 37 of the Act	VT 125,000	VT 250,000