STATUTORY INSTRUMENT

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THE PROTECTION OF THE OZONE LAYER AND SUBSTANCES COVERED IN THE MONTREAL PROTOCOL REGULATIONS, 2025

THE ENVIRONMENT PROTECTION AGENCY ACT, 2022

(ACT No. 15 of 2022)

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Reduction in or exemption from duty.

22. The Agency may recommend to the Minister on an annual basis, the reduction in or exemption from duty on certain products or equipment that do not contain a controlled substance.

Monitoring and enforcement.

23. (1) The Agency shall, in collaboration with the Custom Department of the National Revenue Authority and any other relevant enforcement agencies, be responsible to effectively monitor the import and export of substances covered by these Regulations and for that purpose, establish desks or monitoring mechanisms in such places it may think necessary.

MADE *this day of February, 2025*

MR JIWOH EMMANUEL ABDULAI
Minister of the Environment and Climate Change

FREETOWN,
SIERRA LEONE.

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(ACT No. 15 of 2022)

THE PROTECTION OF THE OZONE LAYER AND SUBSTANCES COVERED IN THE MONTREAL PROTOCOL REGULATIONS, 2025

Short title

In exercise of the powers conferred on the Minister under section 77 of the Environment Protection Agency Act of 2022, the Minister, after consultation with the Board, hereby makes the following Regulations -

PART I–PRELIMINARY

Interpretation.

1. In these Regulations unless the context otherwise requires-

"Act" means the Environment Protection Agency Act, 2022 (Act No. 15 of 2022);

"Agency" means the Environment Protection Agency established under section 2 (1) of the Environment Protection Agency Act, 2022 (Act No. 15 of 2022);

"Authorised officer" means a person authorised by the Agency to exercise a power specified in the Act, or these regulations;

"chlorofluorocarbons" means a fully halogenited chlorofluorocarbon each molecule of which contains one, two or three carbonations in the catergories set out in the Fourth Schcdule of the Act;

"controlled substance" means a controlled substance set out in the fourth schedule to the Act and any addition that may from time to time be made thereto and includes chlorofluorocarbons, halon, carbon tetrachloride, 1,1,1, trichloroethane, methyl bromide, hydrochlorofluorocarbons, hydrofluorocarbons and other fully halogenated substances whether virgin, recovered, recycled or reclaimed;

"critical use" means the use of methyl bromide that conforms to Decision IX/6 set out in Report of the Ninth Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer, published by the Ozone Secretariat, United Nations Environment Programme;

"halon" means an abominated chemical related to a chlorofluorocarbon, used in firefighting and having a very high ozone depleting potentials set out in colum III of the Fourth Schedule including their isomers;

"hydrochlorofluorocarbon" means is a compound consisting of hydrogen, bromine, fluorine, and carbon;

"hydrofluorocarbon" means sythetic greenhouse gases that is used in air cordintioning, refregiration and other applications;

"Montreal Protocol" means a treaty agreed on 16 September, 1987 designed to reduce the production and consumption of ozone depleting substances in order to reduce their abundance in the atmosphere, and thereby protect the earth's fragile ozone layer.

PART II - PURPOSE AND APPLICATION OF THE REGULATIONS

Purpose.

2. The purpose of these regulations is to-

(a) prevent release into the atmosphere of substances that result in depletion of the stratospheric ozone layer and minimize global warming;and

(b) lay down provisions governingthe productions, import, export, placing on the market use, recovery, recycling, reclamation and destruction.

(i) ozone-depleting susstances;

(ii) products and equiptment containing substances that may result in depleting of the strtopheric ozone layer and global warning;

Application.

3. (1) These regulations shall apply to -

(a) substances including their isomers whether existing alone or in a mixture, that are set out in the Fourth Schedule to the Act, and those that may be added thereto from time to time; and

(b) products containing or designed to contain those substances.

(2) These regulations shall not apply to equipment or products which have been exempted, by acquiring a permit from the Agency for critical use.

PART III - PROHIBITION AND REQUIREMENT ON PRODUCTS AND EQUIPMENT.

Prohibition of halons or halon fire extinguishers.

4. (1) A person shall not import, sell, distribute, install or otherwise deal with halons or halon fire extinguishers.

(2) A person shall not import, sell, distribute, or otherwise deal with hydrofluorocarbon-based fire suppression, foams manufacturing, aerosols and solvent-based chemical products after January, 2026.

(3) A person who contravenes sub-regulations (1) and (2) commits an offence and is liable upon conviction to pay a fine not less than NLe 50,000 to the Agency within 30 days of the importation, for the removal and destruction of the halons or halon fire extinguishers, or to a minimum of two years imprisonment.

Prohibition of motor vehicle using controlled air or refrigeration.

5. (1) A person shall not import a motor vehicle that has an air conditioning or refrigeration unit containing a controlled substance.

(2) A person who contravenes sub-regulation (1) commits an conditioning offence and is liable upon conviction to pay a fine not less than NLe 50,000 to the Agency within 30 days of the importation, for the removal and destruction of the air conditioning or refrigeration unit containing a controlled substance or to a minimum of two years imprisonment.

Prohibition of aerosol product containing controlled substance.

6. (1) A person shall not import an aerosol product containing controlled substance except with a permit from the Agency.

(2) Sub-regulation (1) shall not apply to medical aerosols andaerosols for critical exemption use.

(3) A person who contravenes sub-regulations (1) and (2) commits an offence and is liable upon conviction to pay a fine not less than NLe 25,000 to the Agency within 30 days of the importation, for the removal and destruction of the aerosol product containing a controlled substance.

Prohibition of equipment containing or designated to use controlled substance.

7. (1) A person shall not import a refrigerator, air-conditioner, freezer, cold room machine, and ice-making machine containing or designated to use a controlled substance except with a permit from the Agency.

(2) A person who contravenes sub-regulations (1) commits an offence and is liable upon conviction to pay a fine not less than NLe 25,000 to the Agency within 30 days of the importation, for the removal and destruction of the refrigerator, air-conditioner, freezer, cold room machine, and ice-making machine or other equipment containing or designated to use a controlled substance.

Prohibition of hydro chlorofluoro carbon based equipment.

8. (1) A person shall not, after two years from the commencement of these regulations, use hydro chlorofluorocarbon-based equipment, including refrigeration air conditioning equipment containing or designed to use hydro chlorofluorocarbon refrigerants with high global warming potential in domestic refrigeration or commercial standalone refrigeration units.

(2) A person who contravenes sub-regulation (1) commits an offence and is liable, upon conviction to a fine of not less than NLe.10,000 or to a term of imprisonment of not less than 12 months or to both such fine and imprisonment.

Prohibition of importation of high global warming potential hydrofluorocarbon refrigerants.

9. (1) A person shall not, import into Sierra Leone refrigerants R23.

(2) A person who contravenes sub-regulation (1) commits an offence and is liable, upon conviction to a fine of not less than NLe. 10,000 or to a term of imprisonment of not less than 12 months or to both such fine and imprisonment.

Prohibition of R134a in mobile air conditioning.

10. (1) A person shall not, import or use R134a in mobile air-conditioning without a permit obtained from the Agency.

(2) Subject to sub-regulation (1), other globally acceptable natural refrigerants may be used in mobile air-conditioning.

(3) A person who contravenes sub-regulation (1) commits an offence and is liable, upon conviction to a fine of not less than NLe. 10,000 or to a term of imprisonment of not less than 12 months or to both such fine and imprisonment.

Prohibition of controlled substance in foam and other products.

11. (1) A manufacturer of foam and other products shall -

(a) not use a controlled substance in the process of manufacturing foam and other products without a permit obtained from the Agency

(b) provide the Agency with information on chemicals used in the manufacturing process.

(2) A person who contravenes sub-regulation (1) commits an offence and is liable, upon conviction to a fine of not less than NLe. 10,000 or to a term of imprisonment of not less than 12 months or to both such fine and imprisonment.

Prohibition of hydro chlorofluoro-carbon in manufacture of fire suppression agents, aerosolsand solvents.

12. (1) A person shall not use hydro chlorofluorocarbon chemicals in the manufacture of fire suppression agents, aerosols and solvents.

(2) A person who contravenes sub-regulation (1) commits an offence and is liable, upon conviction to a fine of not less than NLe. 10,000 or to a term of imprisonment of not less than 12 months or to both such fine and imprisonment.

Adherence to ECOWAS minimum energy performance standards.

13. (1) A person shall not import refrigeration or air conditioning equipment into Sierra Leone unless it meets the Economic Community of West African States minimum energy performance standards.

(2) A person who contravenes sub-regulation (1) commits an offence and is liable, upon conviction to a fine of not less than NLe. 10,000 or to a term of imprisonment of not less than 12 months or to both such fine and imprisonment.

Adequate in-house sized recovery equipment required.

14. (1) A person shall not, operate a commercial or industrial refrigeration or air conditioning unit unless in an adequately sized in-house recovery equipment to minimise the purchase of hydro chlorofluorocarbon refrigerants.

(2) A person who contravenes sub-regulation (1) commits an offence and is liable, upon conviction to a fine of not less than NLe. 10,000 or to a term of imprisonment of not less than 12 months or to both such fine and imprisonment.

Registration certificate required to operate a refrigeration or air conditioning service workshop.

15. (1) A person shall not operate a refrigeration or air conditioning service workshop unless he is registered with and has a registration certificate obtained from the Agency.

(2) A registration certificate obtained from the Agency under sub- regulation (1), shall -

(a) be based on such categorisation or classification of refrigeration or air conditioning service workshop as the Agency may deem appropriate;

(b) certify that the applicant has acquired the necessary qualification and training on ozone depletion, recovering, recycling and retrofitting technologies.

(3) An application to operate a refrigeration or air conditioning service workshop under sub-regulation (1), shall be submitted with the names of all refrigeration and air-conditioning technicians to be employed in the service workshop which may, from time to time, be updated.

(4) A person who contravenes sub-regulation (1) commits an offence and is liable, upon conviction to a fine of not less than NLe. 10,000 or to a term of imprisonment of not less than 12 months or to both such fine and imprisonment.

Ozone and climate friendly label required.

16. (1) A person shall not-

(a) import or manufacture a refrigeration or air conditioning equipment or product;

(b) import an equipment or product that contains a controlled substance, unless a label is affixed on the equipment or product indicating that the equipment or product is "ozone and climate friendly".

(2) A person who -

(a) contravenes sub-regulation (1); or

(b) affixes a false or misleading label to conceal the true nature and content of the equipment or product, commits an offence and is liable, upon conviction to a fine of not less than NLe. 10,000 or to a term of imprisonment of not less than 12 months or to both such fine and imprisonment.

Seizure and destruction.

17. (1) The Agency or an authorised officer shall have the power to seize or otherwise deal with equipment or product that is imported, manufactured, sold, distributed, installed in contravention of these Regulations.

(2) An equipment or product that is seized under sub-regulation (1) shall be forfeited and subsequently destroyed, and the burden including cost for the destruction of such equipment or product shall be borne by the defaulter.

(3) An equipment or product that is sold and the cost of removing and disposing of the equipment or product, as well as customs and excise charges may be deducted from the proceeds of the sale, and the balance of the proceed of sale to the defaulter.

PART IV - CUSTOMS, CODING SYSTEM AND PERMIT.

National Revenue Authority's coding system.

18. The National Revenue Authority shall ensure that its custom coding system is modified to allow for the monitoring of substances and products.

Annual report.

19. (1) A person who imports, manufactures, uses, produces or deals with a controlled substance shall submit an annual report to the Agency on the import, manufacture, sale, distribution, installation of the controlled substance or product.

(2) A person who contravenes sub-regulation (1) commits an offence and is liable, upon conviction to a fine of not less than NLe. 10,000 or to a term of imprisonment of not less than 12 months or to both such fine and imprisonment.

Import quota.

20. (1) The Agency shall adopt and apply a quota system for the importation and exportation of a substances or product containing controlled substances.

(2) A person who intends to import a controlled substance shall apply to the Agency for an import quota.

(3) The Agency shall grant a quota under sub-regulation (1), to a qualified importer in accordance with import baseline data for Sierra Leone as stipulated in the Montreal Protocol and its amendments.

(4) A person who imports more than the quota allocated to him by the Agency in a particular import in contravention of sub-regulation (1), commits an offence and is liable, on conviction to a fine of not less than Le 10,000, or to a term of imprisonment of not less one year, or to both such fine and imprisonment.

Permit to import controlled substance required.

21. (1) A person shall not import a controlled substance unless he obtains a permit from the Agency.

(2) A person shall not import into Sierra Leone a refrigeration system or equipment unless he obtains permit from the Agency and shall provide all necessary documentation to the Agency prior to shipment of a refrigeration system or equipment.

(3) An application for a permit under sub-regulation (1) shall be as specified in Form A of the Fifth Schedule to the Act.

(4) The Agency may grant a permit subject to such terms and conditions and the quota system as may be considered necessary to protect the environment.