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THE ENVIRONMENTAL MANAGEMENT AND  
CO-ORDINATION (**CONTROLLED SUBSTANCES**)  
REGULATIONS, 2020

ARRANGEMENT OF REGULATIONS

PART 1-PRELIMINARY

- 1- Citation
- 2- Interpretation.

PART II-CLASSIFICATION AND CONTROL MEASURES

- 3- Classification of Controlled Substances
- 4- Licensing of Controlled Substances
- 5- Restriction, Reduction and ban of Controlled Substances
- 6-Packaging, Restriction, Reduction and ban of Controlled Substances.
- 7-Labeling of Controlled Substances.
- 8-Material Safety Data Sheet
- 9-Advertisement of Controlled Substances
- 10-Technicians and servicing companies
- 11-Recover, Retrofit, Reuse, Recycle and or Disposal of Controlled Substance.

PART III- LICENSING, PERMIT AND QUOTA PROVISIONS

- 12- Manufacturing of Controlled Substances.
- 13- Application for Export.
- 14- Importation of Controlled Substances
- 15- Application for Controlled Substances in transit.
- 16-Quota allocation of imports
- 16- Application for permit to import or export.
- 17- Acknowledgement of application.
- 18- Communication of decision and issue of license.
- 19- Validity and renewal of license.

- 20- Condition of license.
  - 21-Prohibition on Trading
  - 22-License not transferable.
  - 23-Revocation or suspension of license.
  - 24-Variation of license.
- 

- 25- Exemptions.
- 26- Sub-standard Imports
- 27- Illegal importation and Handling
- 28- Refrigeration and Air Conditioning equipment

#### **PART IV-MONITORING PROVISIONS**

- 29- Role of the Authority
  - 30- Obligation of licensee.
  - 31- Submission of Report by Licensee.
  - 32- Maintenance of a Register
  - 33- Testing and inspection analyzer and or equipment
- 

#### **PART V-MISCELLENEOUS PROVISIONS**

- 34- Publication of Controlled Substances and of persons holding permits.
  - 35- General penalty for offences.
  - 36- Public access to records.
  - 37- Transitional Provision.
- 

**Second Schedule (Form 2)- Application for a License to Practice as a RAC  
Equipment Technician and or Company**

**Second Schedule (Form 3)- Notification to Recover, Retrofit, Reuse, Recycle and  
or Dispose of a Controlled Substance and/or Equipment Containing Controlled  
Substance**

**Second Schedule (Form 4)- Notification to Decommission any Equipment or  
Product Containing Controlled Substances**

Second Schedule (Form 5)- Application for License to Produce Controlled Substances.

Second Schedule (Form 6)- Application for License to Export Controlled Substances and/or equipment containing controlled substance

Second Schedule (Form 7)- Application for License to Import Controlled Substances / Application for License to Import Controlled Substances for Quarantine and Pre-shipment Uses (QPS) and/or equipment containing controlled substance

Second Schedule (Form 8)- Application for License to Import Equipment Containing Controlled Substances

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Second Schedule (Form 9)-Application to Transport Controlled Substances through Kenya

Second Schedule (Form 10)-Application for Permit to Import/Export Controlled Substances.

Second Schedule (Form 11)-License to Produce / Import / Export Controlled Substances.

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Second Schedule (Form 12)-Permit to Import/Export Controlled Substances

Second Schedule (Form 13)- Application for Variation of License or the Conditions of the License.

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Second Schedule (Form 14)- Certificate of Variation of License or the Conditions of the License

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Second Schedule (Form 15)- Alternatives to Controlled Substances that are Ozone and Climate Friendly and Equipment or Product Containing Such Alternatives to the Controlled Substances

Third Schedule (Form A)-Material Safety Data Sheet

Third Schedule (Form B)-Leak Detectors.

Third Schedule (Form C)-Checklist to identify and segregate components containing controlled substances.

Third Schedule (Form D)-Register of License Application Received

Third Schedule (Form E)-Register of License Issued.

**Third Schedule (Form F)-Register of Permits Issued.**

**Third Schedule (Form G)-Register of Controlled Substances Imported, Exported or Disposed and their Quantities.**

**Third Schedule (Form F)-Register of Returns made by Licensees.**

**Fourth Schedule (Form A)-Declaration by the Recipient/Buyer of Controlled Substances.**

**Fourth Schedule (Form B)- Record of Quantities of Controlled Ozone Depleting Substances Recovered, Disposed or Exported for Disposal**

**Fifth Schedule-Report on the Importation/Exportation of Controlled Substances.**

**Sixth Schedule- Fees**

**THE ENVIRONMENTAL MANAGEMENT AND  
CO-ORDINATION ACT, 1999  
(No.8 of 1999)**

In EXERCISE of the powers conferred by sections 56 and 147 of the Environmental Management and Coordination Act, No. 8 of 1999, the Cabinet Secretary for Environment and Forestry makes the following Regulations:

**THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION (CONTROLLED  
SUBSTANCES) REGULATIONS, 2020.**

	<b>PART I: PRELIMINARY PROVISIONS</b>
<b>Citation.</b>	1. (1) These Regulations may be cited as the Environmental Management and Co-ordination (Controlled Substances) Regulations, 2020.
<b>Scope and Objective</b>	(2) These Regulations shall apply to the management including storage, handling, production, packaging, import, export, transit, use, and disposal of controlled substances and equipment containing controlled substances.
<b>Interpretations</b>	2. In these Regulations, unless the context otherwise requires:
	“Authority” means the National Environment Management Authority established under section 7 of Environmental Management and Co-ordination Act, 1999;
	“Cabinet Secretary” means the Cabinet Secretary at that time in charge of Ministry of Environment;
	“CAS Number” is a unique and specific numeric identifier that can contain up to 10 digits, divided by hyphens into three parts, designated to only one substance regardless of how many other ways the substance can be described.
	“Chlorofluorocarbon” (“CFC”) means a substance listed in the First Schedule of these Regulations
	‘Competent Authority’ means an Authority on matters relating to Controlled Ozone Depleting Substances designated by an importing or exporting country;
	‘Consumption’ means production plus imports minus exports of Controlled Ozone Depleting Substances;
	‘Controlled Ozone Depleting Substances’ means a substance as set out in Annex A, Annex B, Annex C, Annex E or Annex F in the First schedule to these Regulations;

	<p>“Critical use” means with respect to the use of a controlled Ozone Depleting Substance or of a product that contains a Controlled Ozone Depleting Substance, a use that is necessary for health and safety or is critical for the good functioning of society, encompassing its cultural and intellectual aspects; and no alternatives are available</p>
	<p>“Disposal” means the collection, transportation, storage, processing, recycling and or disposal, and confirmation by the recipient of disposal or destruction facility.</p>
	<p>“Essential use” means, with respect to the use of a Controlled Ozone Depleting Substance or of a product that contains a Controlled Ozone Depleting Substance, a use for which there are no technically or economically feasible alternatives or substitutes that are acceptable from the standpoint of the environment, safety and of health.</p>
	<p>“HS Code” stands for Harmonised Systems Code and is a six-digit description and coding system developed and maintained by the World Customs Organization for classification of goods in international trade and is used by customs authorities worldwide for identifying traded products, including chemicals.</p>
	<p>“Hydrobromofluorocarbon” (“HBFC”) means a substance listed in First Schedule of these Regulations</p>
	<p>“Hydrochlorofluorocarbon” (“HCFC”) means a substance listed in First Schedule of these Regulations</p>
	<p>“Hydroflouorocarbons” (HFCs) means a substance listed in Annex F of these Regulations</p>
	<p>“Quarantine and Pre-Shipment Uses” (QPS)”</p> <p>“Quarantine” with respect to methyl bromide means treatments to prevent the introduction, establishment and/or spread of quarantine pests (including diseases), or to ensure their official control.</p> <p>“Pre-shipment Uses” means those treatments applied directly preceding and in relation to export, to meet the phytosanitary or sanitary requirements of the importing country or existing phytosanitary or sanitary requirements of the exporting country</p>
	<p>‘Material Safety Data Sheet’ includes written instructions given by a manufacturer on how to use, handle, store, transport, or dispose Controlled Ozone Depleting</p>

	Substances;
	“Ozone Depleting Substance” means a substance that depletes the ozone layer as listed in the First Schedule, of these Regulations, whether existing alone or in a mixture
	‘Ozone Secretariat’ means the Secretariat for the 1985 Vienna Convention on the Protection of the Ozone Layer and the 1987 Montreal Protocol and its amendments on Substances that Deplete the Ozone layer;
	“Phase-out (banning) schedules” means to discontinue the production and import of ozone-depleting substances consistent with the schedules developed under the Montreal Protocol specifically Annex A and B substances which are primarily chlorofluorocarbons (CFCs) and Annex C substances are hydrochlorofluorocarbons (HCFCs) and hydrobromofluorocarbons (HBFCs).
	“Phase-down (reduction) schedules” means to cut down or decrease the production and import of hydrofluorocarbons (HFCs) consistent with the schedules developed under The Kigali amendment to the Montreal Protocol to phase down HFCs.
	‘Prior Informed Consent’ means such consent as may be given by the Competent Authority before the importation or exportation of a Controlled Ozone Depleting Substance and equipment that contain Ozone Depleting Substance???
	‘Production’ means amount of Controlled Ozone Depleting Substances produced minus the amount destroyed by approved technologies and minus the amount entirely used as feedstock in the manufacture of other chemicals and does not include recycled and reused amounts;
	‘Products’ means products containing Ozone Depleting Substances as listed in Annex D
	‘RAC Equipment’ refers to refrigeration and air conditioning (RAC) equipment that use ozone depleting substances, particularly HCFCs and non-ozone depleting alternatives such as HFCs.
	“Refrigerant Gas Analyzer or Identifier” means equipment used to determine refrigerant type and purity in refrigerant

	storage cylinders or directly in vehicle or other air conditioning systems.
	'Secretariat to the Multilateral Fund' means the Secretariat for the Multilateral Fund for the Implementation of the Montreal Protocol as established in 1990.
	<b>PART II-CLASSIFICATION AND CONTROL MEASURES</b>
<b>Classification</b>	<p>3 (1) The Authority may in consultation with lead agencies classify and list the controlled substances and equipment in accordance with the First Schedule, of these Regulations</p> <p>(2) The list under the first schedule of this Regulation shall be divided into seven categories as follows-</p> <p>(a) Category I of the list shall consist of halogenated chlorofluorochemicals with ozone depleting substances of less than 0.1 to 10 as under annex A and B.</p> <p>(b) Category II of the list shall consist of partially halogenated fluorochemicals with ozone depleting substances of less than 0.12 and defined as transitional substances under annex C Group I.</p> <p>(c) Category III of the list shall consist of hydrobromofluorocarbons with ozone depleting substance estimated to vary from 0.1 to 1.00 under annex C Group II; and</p> <p>(d) Category IV of the list shall consist of bromochloromethane with ozone depleting substances under annex C Group III.</p> <p>(e) Category V of the list shall consist of equipment containing controlled substances under annex D.</p> <p>(f) Category VI of the list shall consist of halogenated</p>

	<p>bromochemicals with ozone depleting substances under annex E.</p> <p>(g) Category VII of the list shall consist of hydrofluorocarbons under Annex F</p> <p>(3) The Authority may in consultation with relevant lead agencies review the list referred in sub-regulation 3 (1) and 3 (2).</p> <p>(4) The Cabinet Secretary may on the advice of the Authority gazette the list of Controlled Ozone Depleting Substances referred in sub-regulation 3(2).</p>
Licensing requirement	<p>4(1) No person shall produce, import, export any Controlled Substance listed in Annex A, Annex B, Annex C, Annex E and Annex F of the First Schedule without a license issued by the Authority.</p> <p>(2) No person shall produce, import, export any equipment listed in Annex D of the First Schedule containing or designed to use any Controlled Substance including for essential use without a license issued by the Authority.</p>
Restriction, Reduction and ban.	<p>5 (1) The Cabinet Secretary may, on the advice of the Authority in consultation with the relevant lead agencies, ban or restrict the production or consumption of Controlled Substances by order in the gazette.</p> <p>(2) The Cabinet Secretary shall by a gazette notice make amendments or review of HCFC phase-out schedule and halogenated fluorocarbons (HFCs) phase-down schedule from time to time based on amendments of the Montreal Protocol.</p> <p>(3) The Authority shall maintain a register of restricted and banned Controlled Substances.</p>
Packaging, Storage and	<p>6. No person shall store, sell, or consign for transport a Controlled Substance unless-</p>

<p>Transport</p>	<p>(a) the Controlled Substance is in an impervious container that conforms to the Kenya and/or international Standards; and</p> <p>(b) the container is sufficiently strong to prevent leakage arising from the ordinary risks of handling and transportation.</p>
<p>Labeling</p>	<p>7. (1) No person shall deal in, import, export, transport or store any Controlled Substance without an eligible and a visible label on the container.</p> <p>(2) Every label on a Controlled Substance container shall contain;</p> <p>(a) the chemical name, chemical formula, trade name, American Society of Heating, Refrigerating and Air Conditioning Engineers Inc. (ASHRAE) and Harmonized System Code (HS Code) listing of the Controlled Substance or equipment;</p> <p>(b) the name and address of the manufacturer of the Controlled Substance or equipment;</p> <p>(c) the name of the country of origin of the Controlled Substance or equipment;</p> <p>(d) the words 'Controlled Substances -Not ozone and/or climate friendly';</p> <p>(e) a symbol indicating that the substance or equipment is harmful to the ozone layer; in a Schedule</p> <p>(f) the name of the seller and address of the premises on which it is sold if supplied on sale, other than whole sale; and</p> <p>(g) the name and address of supplier if supplied otherwise than on sale.</p> <p>(h) the information on the label must be written in conspicuous, legible, durable, and easy to understand language</p>

Material Safety Data Sheet	<p>8. (1) No person shall store, distribute, transport or otherwise handle a Controlled Substance unless accompanied by Material Safety Data Sheet in the prescribed format provided under <b>the Third Schedule</b>.</p> <p>(2) Any person producing or importing a Controlled Substance shall at the time of production, packaging or importation, ensure that the Material Safety Data Sheet accompanies the produced, packaged or imported Controlled Substance.</p>
Advertisement	<p>9. Any person who advertises any Controlled Substances and or equipment containing controlled substances and/or not climate friendly shall ensure that the advertisement carries the words -‘Warning: contains chemicals, materials or substances that deplete or have potential to deplete the stratospheric ozone layer’ or harm the climate in both English and Kiswahili languages.</p>
Technicians and servicing companies	<p>10. (1) No person shall repair, maintain, replace and or retrofit RAC equipment unless registered and licensed or certified by the Authority upon payment of the prescribed fee.</p> <p>(2) A person or firm wishing to apply for registration as a technician or service company by the Authority for carrying out repair, maintenance, replacement and or retrofitting RAC equipment shall:</p> <ul style="list-style-type: none"> <li>(a) Apply for registration using <b>form 1 under in the Second Schedule</b>.</li> <li>(b) Apply for a license to practice using <b>form 2 in the Second Schedule</b></li> <li>(c) Possess the necessary training requirements and certification from a recognized institution - a technician certificate/diploma in refrigeration and air conditioning course</li> <li>(d) Must have attended a short training on ozone and climate friendly alternatives to Ozone Depleting Substances</li> </ul>

	<p>(e) Undertake continuous professional development courses specific to the licensed activity - refrigeration and or air conditioning.</p> <p>(f) Must wear the correct personal protective equipment, possess appropriate work equipment and leak detectors as provided for <b>in the Third Schedule</b>.</p> <p>(3) The Authority shall recognize specialization certificate from recognized institution in:</p> <p>(a) Domestic appliances,</p> <p>(b) High pressure refrigerant (HCFC-22) equipment, residential air conditioners and heat pumps, commercial air conditioning and refrigeration and industrial air conditioning and refrigeration</p> <p>(c) Low pressure refrigerant (HCFC-123) or (CFC 11) equipment (chillers)</p> <p>(4) All technicians engaged in maintenance, servicing, recovery and disposal of Controlled Substance or equipment containing such substance shall be registered by the Authority.</p> <p>(5) Technicians and servicing companies shall adhere to the code of conduct and professional practice as developed by the Authority</p> <p>(6) The Authority may deregister any technician who intentionally vents the Controlled Substance or contravenes any provision of these Regulations.</p>
<p>Recovery, Retrofit, Reuse, Recycling and or disposal</p>	<p>11 (1) Any person wishing to recover, retrofit, reuse, recycle and or dispose of a Controlled Substance, equipment and or product containing such substance shall;</p> <p>(a) notify the Authority using form 3 in the second schedule.</p> <p>(b) engage a qualified refrigeration technician duly registered and licensed or certified by the Authority in accordance to Regulation 10 of these Regulations.</p> <p>(c) be expected to follow guidelines and standard operating procedures on safety, capture, storage, prevention of gases release issued by the Authority or any other relevant lead agency.</p> <p>(d) label retrofitted units using appropriate procedures and</p>

	<p>labels.</p> <p>(e) apply/follow good practices during repair and maintenance of the refrigeration and air-conditioning equipment as applicable to these Regulations.</p> <p>(f) dispose of and/or export to the country of origin for disposal in accordance with the provisions of Environmental Management and Co-ordination (Waste Management) Regulations, 2006.</p> <p>(2) No person shall dispose of any equipment containing a controlled substance without prior notification to the Authority and that such substances have been recovered to the satisfaction of the Authority.</p> <p>(3) Any person intending to decommission any equipment or product containing Controlled Substances shall;</p> <p>(a) notify the Authority using <b>form 4 in the second schedule</b>.</p> <p>(b) use the checklist in <b>the third schedule</b> to identify and segregate components containing controlled substances</p> <p>(c) comply with prescribed guidelines issued by the Authority.</p> <p>(4) The disposal and or destruction of the controlled substances and the equipment or its component shall be done in consultation with the relevant national and international agencies including the Ozone Secretariat.</p>
	<p>PART III-PRODUCTION, IMPORTATION AND EXPORTATION</p>
<p>License to produce</p>	<p>12. (1) No person shall produce a Controlled Substance unless the person has a valid license issued by the Authority.</p> <p>(2) An application for a license to produce or manufacture a Controlled Substance shall be made to the Authority in <b>Form 5 set out in the Second Schedule</b> of these Regulations and shall be accompanied by the prescribed fee.</p> <p>(3) Upon the receipt of duly filled application Form, the Authority shall review the application within twenty one (21) days.</p> <p>(4) Where the Authority is satisfied with the application,</p>

	<p>the Authority shall issue a license with conditions.</p> <p>(5) Where the Authority rejects the application, it shall communicate its decision with reasons.</p> <p>(6) The license produce or manufacture issued under this Regulation shall be in the prescribed <b>Form 11 in the Second Schedule</b>.</p>
<p>License to Export</p>	<p>13. (1) No person shall export a Controlled Substance unless such person has a valid license issued by the Authority.</p> <p>(2) An application to export a Controlled Substance shall be made to the Authority in the <b>prescribed Form 6 in the Second Schedule</b> to these Regulations and shall be accompanied by-</p> <p>(a) a duly filled Prior Informed Consent Form issued by the competent Authority of the importing country; and</p> <p>(b) the prescribed fee.</p> <p>(3) A license to export issued under these Regulations shall be in the <b>prescribed Form 11 in the Second Schedule</b></p>
<p>License to Import</p>	<p>14. (1) No person shall import into Kenya a Controlled Substance or equipment containing such substance without a valid license issued by the Authority.</p> <p>(2) The application shall be in the prescribed Form and the applicant shall indicate the purpose for which the Controlled Substance is required.</p> <p>(3) An application to import a Controlled Substance shall be made to the Authority in the prescribed <b>Form 7 in the Second Schedule</b> to these Regulations and shall be accompanied by the prescribed fee</p> <p>(4) An application to import an equipment or product containing such substance shall be made to the Authority in the prescribed <b>Form 8 in the Second Schedule</b> to these Regulations and shall be accompanied by the prescribed fee</p>

	<p>(5) The Authority shall assign quantities of Controlled Substances to be imported by applicants based on the total quota allocation to Kenya annually.</p> <p>(6) Upon the application for a license under this Regulation, the Authority may grant the license with conditions on the license or reject the application with reasons for that decision.</p> <p>(7) Any person licensed to import controlled substance and any equipment containing such substance shall produce the license to the custom officials at the port of entry or exit.</p> <p>(8) An application for a license and or permit to import a Controlled Substance in Annex E under this Regulation shall strictly be for quarantine and pre-shipment uses (QPS) shall be in the prescribed <b>Form 7 in the Second Schedule</b> and shall be accompanied by the prescribed fee.</p> <p>(9) A license to import under this Regulation shall be in the prescribed <b>Form 11 in the Second Schedule</b>.</p> <p>(10) An application to import controlled Substances in the subsequent year shall be submitted to the Authority latest by 15<sup>th</sup> December of the current year.</p> <p>(12) The import license issued shall be valid for one calendar year</p> <p>(11) A person issued with an import license shall keep a full and accurate record of such importation.</p>
Application for consent to transit	<p>15(1) No person shall transit any controlled substances destined for another country through the territory of Kenya without a valid consent for such movement issued by the Authority including the prescribed tracking document for transboundary movement of controlled substance in the prescribed <b>Form 9 of the Second Schedule</b> and any other documents prescribed by the competent Customs Authority.</p> <p>(2)An application for the consent to transport through Kenya a Controlled Ozone Depleting Substance shall be accompanied by- the prescribed deposit bond which shall be refundable.</p>
Permit to import or	16. (1) Where a person licensed to import or export any

export	<p>Controlled Substance wishes to import or export the Controlled Substance in different quantities and at different times, the person shall make an application for a permit for every importation or exportation that is to be made.</p> <p>(2) An application for a permit to import or export a Controlled Substance in different quantities shall be in <b>Form 10</b> in the Second Schedule to these Regulations and shall be accompanied by the prescribed fee.</p> <p>(3) Any person issued with a permit to import controlled substance and any equipment or product containing such substance shall produce the permit to the custom officials at the port of entry or exit.</p> <p>(4) The Authority in liaison with custom officials at the port of entry or exit shall verify that the Controlled Substance and equipment or product containing such substance permitted to be imported or exported is in accordance with the conditions set out in the license and permit.</p>
Acknowledgement and processing of application	<p>17. (1) Upon the receipt of any application under these Regulations, the Authority shall screen the application for completeness and shall acknowledge receipt of the application within seven days.</p> <p>(2) Where the application is not complete, the Authority shall inform the applicant and shall request the applicant to furnish the Authority with additional information.</p> <p>(3) The Authority where necessary may consult the relevant lead agencies in determining the application and where the Authority is satisfied that the applicant meets the requirements set out, the Authority shall approve the application.</p> <p>(4) Where the application does not meet the requirements set out, the Authority shall reject the application.</p> <p>(5) A permit to import or export a controlled substance shall be in <b>Form 12 set</b> out in Second Schedule.</p>
Communication of	18. The Authority shall communicate its decision to the

decision	applicant, in writing, within twenty one (21) days of receipt of the application and shall state the reasons for such decision where the application has been rejected.
Validity and renewal of license	<p>19. (1) A license issued under these Regulations, shall be valid for a period of one year from the date of issuance.</p> <p>(2) a license issued under regulation 19 (1) above may be renewed upon</p> <p>(a) submission of an accurate report on:</p> <p>(i) importation and or exportation</p> <p>(ii) produced quantities of the previous year importation if applicable</p> <p>(b) compliance with the provisions of this regulations</p>
Condition of License and Permit	20. The Authority may impose any conditions upon the license and permit it deems necessary for the compliance to these Regulations.
Prohibition on Trading	21. No entity shall trade with a party that has not ratified the Montreal Protocol and its subsequent amendments
Transfer of License and Permit	22. A license or permit issued under these regulations shall relate only to the specific activity for which it was issued and shall not be transferable.
Revocation or suspension of license or permit	<p>23. The Authority may suspend or revoke a license or permit where;</p> <p>(a) the licensee or permit holder has contravened any of the conditions set out in the license.</p> <p>(b) the licensee or permit holder has contravened any provisions of the Act and/or these Regulations.</p> <p>(c) the licensee or permit holder has provided information that is false, incorrect and intended to mislead.</p> <p>(d) the Authority considers it in the interest of the</p>

	environment or in the public interest to do so.
Variation of License	<p>24.(1) The Authority may vary a license or the conditions of the license either upon the application of the licensee or on its own motion where new information is available to the Authority or to the licensee and the Authority is of the opinion that the information may affect the scope of the license or the conditions imposed on the license.</p> <p>(2) The licensee shall apply for variation in <b>Form 13</b> of the Second Schedule accompanied by the prescribed fee</p> <p>(3) Subject to sub-regulation 24 (2) above, if the Authority is satisfied of the need for the variation, a certificate of variation as prescribed in <b>Form 14</b> of the Second schedule... shall be issued</p>
Exemptions	<p>25.(1) These Regulations shall not apply to Controlled Substances or equipment containing controlled substances for critical uses listed in <b>Form 15</b> of the Second Schedule.</p> <p>(2) These Regulations shall not apply to Controlled Substances or equipment containing controlled substances for critical uses</p> <p>(2) The Cabinet Secretary shall on the advice of the Authority, in consultation with the relevant lead agencies Order in the Gazette that a Controlled Substance or equipment or product for critical uses, and alternatives of controlled substance that deplete the ozone layer be exempt from the provisions of these Regulations.</p>

<p>Sub-standard Imports.</p>	<p>26. (1) Where an imported Controlled Substance or equipment containing such substance does not meet the specifications of the license or the permit, the Authority shall require the licensee or the permit holder to-</p> <ul style="list-style-type: none"> <li>(a) return the Controlled Substance or equipment containing such substance to the country of origin at the cost of the licensee or the permit holder; or</li> <li>(b) pay for the cost of disposal of the Controlled Substance or equipment containing such substance as may be prescribed by the Authority</li> </ul> <p>(2) The Authority shall revoke the license or the permit of any person in contravention of a license or permit under subsection (1).</p>
<p>Illegal importation and Handling.</p>	<p>27 (1) Any person who imports a Controlled Substance or equipment or product containing such substance in the <b>First Schedule</b> without a valid license issued by the Authority shall be required to pay for the cost of disposal of the Controlled Substance as shall be prescribed by the Authority.</p> <p>(2) Any person who imports any banned Ozone Depleting Substance or an equipment or product containing any such substance shall be required by the Authority to:-</p> <ul style="list-style-type: none"> <li>(a) return the banned Ozone Depleting Substance or the equipment to the country of origin at his cost; or</li> <li>(b) pay for the cost of disposal of the banned Ozone Depleting Substance or the equipment as may be prescribed by the Authority.</li> </ul> <p>(3) No person either by himself or any other person or enterprise shall import, store, stock, exhibit for sell, handle, distribute, transport, use, maintain, provide services of the banned controlled substances</p>
<p>Refrigeration and Air Conditioning (RAC) Equipment</p>	<p>28 (1) No person shall import, transit or export equipment containing controlled substance without a permit from the Authority upon payment of the prescribed fee</p> <p>(2) No person shall import RAC equipment dependent on HCFC as from 1<sup>st</sup> January 2021</p>

	PART- IV MONITORING PROVISIONS
Role of the Authority	<p>29. (1) Shall operate as the national ozone unit within the framework of Montreal Protocol to undertake coordination activities including but not limited to;</p> <ul style="list-style-type: none"> <li>(a) executing financial mechanism of Multilateral Fund Secretariat</li> <li>(b) awareness creation,</li> <li>(c) training of stakeholders</li> <li>(d) representing Kenya in negotiation and related meetings of Montreal Protocol and Vienna Convention</li> <li>(f) develop legal instruments to implement Montreal Protocol obligations</li> <li>(f) any other duties</li> </ul> <p>(1) The Authority shall in consultation with the relevant lead agencies, monitor the activities of the licensees to-</p> <ul style="list-style-type: none"> <li>(a) determine effects of the Controlled Substances on human health and environment;</li> <li>(b) ensure that the licensee comply with the license conditions and</li> <li>(c) to ensure that the licensees comply with the provisions of these Regulations.</li> </ul> <p>(2) In carrying out its monitoring role the Authority shall be responsible for-</p> <ul style="list-style-type: none"> <li>(a) determining quantities of Controlled Substances and equipment containing such substances due for disposal</li> <li>(b) periodic reporting to the Ozone Secretariat and the Multilateral Fund Secretariat on the produced, imported, exported or consumed Controlled Substances;</li> <li>(c) receiving returns from licensees; and</li> <li>(d) any other matters that the Authority may deem necessary for the effective implementation of these Regulations.</li> </ul>
Obligation of Licensee	<p>30. (1) Any licensee who imports or produces any Controlled Substances or equipment or product containing such substances shall ensure that all persons who receive or procure such substances sign a declaration Form prescribed</p>

	<p>in the Fourth Schedule of these Regulations.</p> <p>(2) Any licensee who supplies, sells or distributes any Controlled Substances or equipment containing such substances shall keep a record of the declaration forms and submit the record to the Authority biannually or as may be prescribed by the Authority.</p> <p>(3) Any licensee who has facility to recover or dispose of any ozone depleting substance shall maintain a record of quantities of Controlled Substances recovered, disposed or exported for disposal in the prescribed Form in the Fourth Schedule.</p> <p>(4) Any person who sells or supplies or uses a Controlled Substance or equipment or product for a purpose other than the purpose declared in the declaration Form prescribed in the Fourth Schedule commits an offence.</p>
<p>Submission of reports by Licensee</p>	<p>31. (1) Every person licensed under these regulations shall keep a full and accurate record of information relating to the license, activities undertaken under the license and conditions imposed under the license and submit reports in the format prescribed in <b>Form</b> of the Fifth Schedule to the Authority after every six months or as may be prescribed by the Authority.</p> <p>(2) Every person who produces, imports, exports or sells any Controlled Substance shall maintain records and file reports in the format prescribed in <b>Form</b> of Fifth Schedule to the Authority after every 3 months or as may be prescribed by the Authority</p> <p>(3) Every person stocking or purchasing Controlled Substance for use in activities specified shall maintain records and file reports in the format prescribed in <b>Form</b> of the Fifth Schedule to the Authority after every 6 months or as may be prescribed by the Authority</p> <p>(4) Any person who provides false or misleading information on any matter in these regulations or neglects to keep records in accordance with these Regulations, commits an offence</p>
<p>Maintenance of a Register</p>	<p>32. (1) The Authority shall establish and maintain a register in the manner prescribed in the <b>Third Schedule</b> to these Regulations.</p>

	<p>(2) The register shall contain-</p> <p>(a) information on every application received;</p> <p>(b) information on every decision documented;</p> <p>(c) information on every license/permit issued;</p> <p>(d) a record of Controlled Substances imported, exported, disposed of or in use in the country clearly indicating the chemical name, chemical formulae, HS Code listing, CAS number, UN number and their quantities</p> <p>(f) a record of returns made by licensees; and</p> <p>(g) any other information that the Authority may deem necessary to preserve.</p>
Testing and inspection analyzer and or equipment	33 (1) The Authority shall use the refrigerant identifier to test and analyze any controlled substance that is imported, on transit and/or stocked in premises
	<b>PART V-MISCELLANEOUS PROVISIONS</b>
Publication of Controlled Substances and of persons holding licenses/permits	<p>34. (1) The Authority shall on or before 31<sup>st</sup> December of every year, publish a list of Controlled Substances in the Kenya Gazette. This list shall consist of-</p> <p>(a) Controlled Substances that were imported in the year, together with their quantities;</p> <p>(b) Controlled Substances that were exported in the year and their quantities;</p> <p>(c) all persons or firms holding licenses to import and export Controlled Substances and their annual permitted quota allocations of the Controlled Substances.</p> <p>(2) The Authority shall on or before 31<sup>st</sup> December of every year, publish in the Kenya Gazette a list of Controlled Substances and their annual quota allowed for use in Kenya in the subsequent year</p>
General penalty for offences	<p>35. (1) Any person who contravenes any provision of these Regulations commits an offence and is liable on conviction to a fine not less than two million Kenya Shillings and not more than Four million Kenya Shillings or to imprisonment for a term not less than eighteen months and not more than twenty four months or to both such fine and imprisonment.</p> <p>(2) In addition to any sentence that the Court may impose</p>

	<p>on a person convicted under sub-regulation 35 (1), the Court shall direct that the person</p> <ul style="list-style-type: none"> <li>(a) returns the Controlled Substance or equipment containing such substance in Schedule 1 to the country of origin at his own cost; and or</li> <li>(b) pay for the cost of disposal of the Controlled Substance or equipment containing such substance as may be prescribed by the Authority</li> <li>(c) Provide proof of notification from the Environmental, Custom or Relevant Agency confirming receipt of shipment by the exporting company in the country of origin.</li> </ul> <p>(3) It is an offence to vent and refill any controlled Substance</p>
Public access to records	36. Any person may on application to the Authority have access to any records submitted to the Authority under these Regulations other than the declared confidential business information at no cost
Transitional Provision	37. Any person who is producing, importing, exporting or transporting through Kenya a Controlled Substance shall within two months of the commencement of these Regulations, comply with the provisions of these Regulations.

FIRST SCHEDULE (r.4)

CLASSIFICATION OF SUBSTANCES

**Annex A: Controlled Ozone Depleting Substances**

<b>Group</b>	<b>Substance</b>	<b>Ozone Depleting Potential (ODP)*</b>	<b>HS Code</b>	<b>Trade Name</b>
<i>Group I</i>				
Trichlorofluoromethane (CFC1 <sub>3</sub> )	CFC-11	1.0		
Dichlorodifluoromethane (CF <sub>2</sub> Cl <sub>2</sub> )	CFC-12	1.0		
1,1,2-trichloro-1,2,2-trifluoroethane (C <sub>2</sub> F <sub>3</sub> Cl <sub>3</sub> )	CFC-113	0.8		
1,2-dichlorotetrafluoroethane (C <sub>2</sub> F <sub>4</sub> Cl <sub>2</sub> )	CFC-114	1.0		

Chloropentafluoroethane (C <sub>2</sub> F <sub>5</sub> Cl)	CFC-115	0.6		
<i>Group II</i>				
Bromochlorodifluoromethane (CF <sub>2</sub> BrCl)	Halon 1211	3.0		
Bromotrifluoromethane (CF <sub>3</sub> Br)	Halon 1301	10.0		
Dibromotetrafluoroethane (C <sub>2</sub> F <sub>4</sub> Br <sub>2</sub> )	Halon 2402	6.0		

\* These ozone depleting potentials are estimates based on existing knowledge and will be reviewed and revised periodically.

#### **Annex B: Controlled Ozone Depleting Substances**

<b>Group</b>	<b>Substance</b>	<b>Ozone Depleting Potential (ODP)*</b>	<b>HS Code</b>	<b>Trade Name</b>
<b>GROUP 1</b>				
Chlorotrifluoromethane (CF <sub>3</sub> Cl)	CFC-13	1.0		
Pentachlorofluoroethane (C <sub>2</sub> FCl <sub>5</sub> )	CFC-111	1.0		
Tetrachlorodifluoroethane (C <sub>2</sub> F <sub>2</sub> Cl <sub>4</sub> )	CFC-112	1.0		
Heptachlorofluoropropane (C <sub>3</sub> FCl <sub>7</sub> )	CFC-211	1.0		
Hexachlorodifluoropropane (C <sub>3</sub> F <sub>2</sub> Cl <sub>6</sub> )	CFC-212	1.0		
Pentachlorotrifluoropropane (C <sub>3</sub> F <sub>3</sub> Cl <sub>5</sub> )	CFC-213	1.0		
Tetrachlorotetrafluoropropane	CFC-214	1.0		

(C <sub>3</sub> F <sub>4</sub> Cl <sub>4</sub> )				
Trichloropentafluoropropane (C <sub>3</sub> F <sub>5</sub> Cl <sub>3</sub> )	CFC-215	1.0		
Dichlorohexafluoropropane (C <sub>2</sub> F <sub>6</sub> Cl <sub>2</sub> )	CFC-216	1.0		
Chloroheptafluoropropane (C <sub>3</sub> F <sub>7</sub> Cl)	CFC-217	1.0		

**Annex B: Controlled Ozone Depleting Substances**

*continued*

<b>Group</b>	<b>Substance</b>	<b>Ozone Depleting Potential (ODP)*</b>	<b>HS Code</b>	<b>Trade Name</b>
<b>GROUP II</b>				
Tetrachloromethane (CCl <sub>4</sub> )	Carbon tetrachloride	1.1		
<b>GROUP III</b>				
Trichloroethane (C <sub>2</sub> H <sub>3</sub> Cl <sub>3</sub> ) **	Methyl chloroform  (1, 1, 1-trichloroethane)*	0.1		
** This formula does not refer to 1,1,2-trichloroethane				

\* These ozone depleting potentials are estimates based on existing knowledge and will be reviewed and revised periodically.

### Annex C: Controlled Ozone Depleting Substances

#### GROUP I

Partially halogenated fluorochemicals (40 compounds including HCFC-21, HCFC-22, HCFC-123, HCFC-124, HCFC-141b, and HCFC-142) all with ODPs of less than 0.12, are defined as transitional substances.

<i>Group I</i>	<i>Controlled Ozone Depleting Substance</i>	<i>Number of isomers</i>	<i>Ozone-Depleting Potential (ODP) *</i>	<b>HS Code</b>	<b>Trade Name</b>
CHFC <sub>12</sub>	HCFC-21**	1	0.04		
CHF <sub>2</sub> Cl	HCFC-22**	1	0.055		
CH <sub>2</sub> FCl	HCFC-31	1	0.02		
C <sub>2</sub> HFCl <sub>4</sub>	HCFC-121	2	0.01-0.04		
C <sub>2</sub> HF <sub>2</sub> Cl <sub>3</sub>	HCFC-122	3	0.02-0.08		
C <sub>2</sub> HF <sub>3</sub> Cl <sub>2</sub>	HCFC-123	3	0.02-0.06		
CHCl <sub>2</sub> CF <sub>3</sub>	HCFC-123**	-	0.02		
C <sub>2</sub> HF <sub>4</sub> Cl	HCFC-124	2	0.02-0.04		

CHFC1CF <sub>3</sub>	HCFC-124**	-	0.022		
C <sub>2</sub> H <sub>2</sub> FCl <sub>3</sub>	HCFC-131	3	0.007-0.05		
C <sub>2</sub> H <sub>2</sub> F <sub>2</sub> Cl <sub>2</sub>	HCFC-132	4	0.008-0.05		
C <sub>2</sub> H <sub>2</sub> F <sub>3</sub> Cl	HCFC-133	3	0.02-0.06		
C <sub>2</sub> H <sub>3</sub> FCl <sub>2</sub>	HCFC-141	3	0.005-0.07		
CH <sub>3</sub> CFCl <sub>2</sub>	HCFC-141b**	-	0.11		
C <sub>2</sub> H <sub>3</sub> F <sub>2</sub> Cl	HCFC-142	3	0.008-0.07		
CH <sub>3</sub> CF <sub>2</sub> Cl	HCFC- 142b**	-	0.065		
C <sub>2</sub> H <sub>4</sub> FCl	HCFC-151	2	0.003- 0.005		
C <sub>3</sub> HFCl <sub>6</sub>	HCFC-221	5	0.015-0.07		
C <sub>3</sub> HF <sub>2</sub> Cl <sub>5</sub>	HCFC-222	9	0.01-0.09		
C <sub>3</sub> HF <sub>3</sub> Cl <sub>4</sub>	HCFC-223	12	0.01-0.08		
C <sub>3</sub> HF <sub>4</sub> Cl <sub>3</sub>	HCFC-224	12	0.01-0.09		
C <sub>3</sub> HF <sub>5</sub> Cl <sub>2</sub>	HCFC-225	9	0.02-0.07		
CF <sub>3</sub> CF <sub>2</sub> CH Cl <sub>2</sub>	HCFC-225ca**	-	0.025		
CF <sub>2</sub> ClCF <sub>2</sub> C HClF	HCFC-225 cb**	-	0.033		
C <sub>3</sub> HF <sub>6</sub> Cl	HCFC-226	5	0.02-0.10		
C <sub>3</sub> H <sub>2</sub> FCl <sub>5</sub>	HCFC-231	9	0.05-0.09		
C <sub>3</sub> H <sub>2</sub> F <sub>2</sub> Cl <sub>4</sub>	HCFC-232	16	0.008-0.10		
C <sub>3</sub> H <sub>2</sub> F <sub>3</sub> Cl <sub>3</sub>	HCFC-233	18	0.007-0.23		
C <sub>3</sub> H <sub>2</sub> F <sub>4</sub> Cl <sub>2</sub>	HCFC-234	16	0.01-0.28		
C <sub>3</sub> H <sub>2</sub> F <sub>5</sub> Cl	HCFC-235	9	0.03-0.52		
C <sub>3</sub> H <sub>3</sub> FCl <sub>4</sub>	HCFC-241	12	0.004-0.09		
C <sub>3</sub> H <sub>3</sub> F <sub>2</sub> Cl <sub>3</sub>	HCFC- 242	18	0.005-0.13		

C <sub>3</sub> H <sub>3</sub> F <sub>3</sub> Cl <sub>2</sub>	HCFC-243	18	0.007-0.12		
C <sub>3</sub> H <sub>3</sub> F <sub>4</sub> Cl	HCFC-244	12	0.009-0.14		
C <sub>3</sub> H <sub>4</sub> FCl <sub>3</sub>	HCFC-251	12	0.001-0.01		
C <sub>3</sub> H <sub>4</sub> F <sub>2</sub> Cl <sub>2</sub>	HCFC-252	16	0.005-0.04		
C <sub>3</sub> H <sub>4</sub> F <sub>3</sub> Cl	HCFC-253	12	0.003-0.03		
C <sub>3</sub> H <sub>5</sub> FCl <sub>2</sub>	HCFC-261	9	0.002-0.02		
C <sub>3</sub> H <sub>5</sub> F <sub>2</sub> Cl	HCFC-262	9	0.002-0.02		
C <sub>3</sub> H <sub>6</sub> FCl	HCFC-271	5	0.001-0.03		

\* These ozone depleting potentials are estimates based on existing knowledge and will be reviewed and revised periodically.

#### GROUP II

Hydrobromofluorocarbons (34 compounds with ODPs estimated to vary from around 0.1 up to 1.00)

<i>Group II</i>	<i>Controlled Ozone Depleting Substances</i>	<i>Number of isomers</i>	<i>Ozone Depleting Potential (ODP)*</i>	<b>HS Code</b>	<b>Trade Name</b>
CHFBr <sub>2</sub>		1	1.00		
CHF <sub>2</sub> Br	(HBFC-22B1)	1	0.74		
CH <sub>2</sub> FBr		1	0.73		
C <sub>2</sub> HFBr <sub>4</sub>		2	0.3-0.8		
C <sub>2</sub> HF <sub>2</sub> Br <sub>3</sub>		3	0.5-1.8		
C <sub>2</sub> HF <sub>3</sub> Br <sub>2</sub>		3	0.4-1.6		
C <sub>2</sub> HF <sub>4</sub> Br		2	0.7-1.2		
C <sub>2</sub> H <sub>2</sub> FBr <sub>3</sub>		3	0.1-1.1		
C <sub>2</sub> H <sub>2</sub> F <sub>2</sub> Br <sub>2</sub>		4	0.2-1.5		

$C_2H_2F_3Br$		3	0.7-1.6		
$C_2H_3FBr_2$		3	0.1-1.7		
$C_2H_3F_2Br$		3	0.2-1.1		
$C_2H_4FBr$		2	0.07-0.1		
$C_3HFBr_6$		5	0.3-1.5		
$C_3HF_2Br_5$		9	0.2-1.9		
$C_3HF_3Br_4$		12	0.3-1.8		
$C_3HF_4Br_3$		12	0.5-2.2		
$C_3HF_5Br_2$		9	0.9-2.0		
$C_3HF_6Br$		5	0.7-3.3		
$C_3H_2FBr_5$		9	0.1-1.9		
$C_3H_2F_2Br_4$		16	0.2-2.1		
$C_3H_2F_3Br_3$		18	0.2-5.6		
$C_3H_2F_4Br_2$		16	0.3-7.5		
$C_3H_2F_5Br$		8	0.9-1.4		
$C_3H_3FBr_4$		12	0.08-1.9		
$C_3H_3F_2Br_3$		18	0.1-3.1		
$C_3H_3F_3Br_2$		18	0.1-2.5		
$C_3H_3F_4Br$		12	0.3-4.4		
$C_3H_4FBr_3$		12	0.03-0.3		
$C_3H_4F_2Br_2$		16	0.1-1.0		
$C_3H_4F_3Br$		12	0.07-0.8		
$C_3H_5FBr_2$		9	0.04-0.4		
$C_3H_5F_2Br$		9	0.07-0.8		
$C_3H_6FBr$		5	0.02-0.7		

### GROUP III

<b><i>Controlled Ozone Depleting Substances</i></b>		<b><i>Number of isomers</i></b>	<b><i>Ozone Depleting Potential (ODP)*</i></b>	<b><i>HS Code</i></b>	<b><i>Trade Name</i></b>
CH <sub>2</sub> BrCl	bromochloromethane	1	0.12		

\* Where a range of ODPs is indicated, the highest value in that range shall be used for the purposes of these Regulations. The ODPs as a single value has been determined from calculations based on laboratory measurements. Those listed as a range are based on estimates and are less certain. The range pertains to an isomeric group. The upper value is the estimate of the ODP of the isomer with the highest ODP, and the lower value is the estimate of the ODP of the isomer with the lowest ODP.

\*\* Identifies the most commercially viable substances with ODP values listed against them to be used for the purposes of these Regulations.

### ANNEX D\*

#### EQUIPMENTS\*\*CONTAINING CONTROLLED SUBSTANCES SPECIFIED IN ANNEX A

##### Equipment\*\*

- 1 Automobile and truck air conditioning units (whether incorporated in vehicles or not)
- 2 Domestic and commercial refrigeration and air conditioning/heat pump equipment\*\*\*

E.g. Refrigerators

Freezers

Dehumidifiers

Water coolers

Ice machines

### Air conditioning and heat pump units

- 3 Aerosol equipment, except medical aerosols
- 4 Portable fire extinguisher
- 5 Insulation boards, panels and pipe covers
- 6 Pre-polymers

\* This annex was adopted by the Third Meeting of the Parties in Nairobi, 21st June 1991 as required by paragraph 3 of Article 4 of the Protocol.

\*\* Though not when transported in consignment of personal or household effects or in similar non-commercial situations normally exempted from customs attention.

\*\*\* When containing Controlled Substances in annex A as a refrigerant and /or in insulating material of the equipment.

### ANNEX F: Controlled Substances

<b>Group</b>	<b>Substances</b>	<b>100- Year Global Warming Potential</b>
<b>Group I</b>		
CHF <sub>2</sub> CHF <sub>2</sub>	HFC-134	1,100
CH <sub>2</sub> FCF <sub>3</sub>	HFC-134a	1,430
CH <sub>2</sub> FCHF <sub>2</sub>	HFC-143	353
CHF <sub>2</sub> CH <sub>2</sub> CF <sub>3</sub>	HFC-245fa	1,030
CF <sub>3</sub> CH <sub>2</sub> CF <sub>2</sub> CH <sub>3</sub>	HFC-365mfc	794
CF <sub>3</sub> CHFCF <sub>3</sub>	HFC-227ea	3220
CH <sub>2</sub> FCF <sub>2</sub> CF <sub>3</sub>	HFC-236cb	1,340
CHF <sub>2</sub> CHFCF <sub>3</sub>	HFC-236ea	1,370

$\text{CF}_3\text{CH}_2\text{CF}_3$	HFC-236fa	9,810
$\text{CF}_2\text{FCF}_2\text{CHF}_2$	HFC-245ca	693
$\text{CF}_3\text{CHFCHFCF}_2\text{CF}_3$	HFC-43-10mee	1,640
$\text{CH}_2\text{F}_2$	HFC-32	675
$\text{CHF}_2\text{CF}_3$	HFC-125	3,500
$\text{CH}_3\text{CF}_3$	HFC-143a	4,470
$\text{CH}_3\text{F}$	HFC-41	92
$\text{CH}_2\text{FCH}_2\text{F}$	HFC-152	53
$\text{CH}_3\text{CHF}_2$	HFC-152a	124
<b>Group II</b>		
$\text{CHF}_3$	HFC-23	14,800

**SECOND SCHEDULE**

**FORM 1**

**(r. 10 (10),(2))**

**REGISTRATION AS A RAC TECHNICIAN OR SERVICE COMPANY**

FORM 2

(r. 10 (1),(2))

APPLICATION FOR A LICENCE TO PRACTICE AS A RAC EQUIPMENT  
TECHNICIAN AND OR COMPANY

FORM 3

(r. 11 (1),(2))

**NOTIFICATION TO THE AUTHORITY TO RECOVER, RETROFIT, REUSE, RECYCLE  
AND OR DISPOSE OF A CONTROLLED SUBSTANCE, EQUIPMENT AND OR AN  
EQUIPMENT**

FORM 4

(r. 11 (3))

NOTIFICATION OF DECOMMISSION ANY EQUIPMENT OR PRODUCT  
CONTAINING CONTROLLED SUBSTANCES

FORM 5

THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION ACT

(No.8 of 1999)

Application Reference No:.....

(r.12 (2))

APPLICATION FOR LICENCE TO PRODUCE CONTROLLED SUBSTANCES

Name of Applicant:

.....  
.....

Person Authorized to act on behalf of the Applicant: (Name and Title)

.....  
.....

Contact Person (Name and Title)

.....  
.....

National Identification Card/Passport No:

.....

Contact Person's Physical and Postal Address: Residential)

.....  
.....

Company Name:

.....

Physical Address:

.....

Postal Address

.....  
.....

Main Business Activity:

.....

Tell/Fax/E-Mail Contacts: .....

.....

Registration Certificate No.....

PIN Number: .....

hereby applies for a license to produce the following types of Controlled Substances.

*Types of Controlled Substances*  
*Kgs)*

*Quantity to be produced (in*

1.....  
.....

2.....  
.....

3.....  
.....

4.....  
.....

5.....  
.....

I declare that the information provided in this application is correct and accurate, and that the applicant undertakes to produce the Controlled Substance in compliance with the provisions of these Regulations.

Date.....20.....

Name.....

Signature.....

Witness.....

Address.....

Occupation.....

**OFFICIAL USE ONLY:**

Date:

Received.....

Amount  
paid.....

Receipt  
No.....  
.....

Signature.....  
.....

Official  
Stamp.....  
.....

Accepted/Rejected

Reason(s) for  
rejection.....  
.....  
.....

Complaint against decision should be addressed to the tribunal and submitted  
not later than  
.....

Date.....  
.....

*(Name and Signature of dully authorized officer)*

FORM 6

THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION ACT

(No. 8 of 1999)

Application reference No.....

[r.13 (2)]

APPLICATION FOR LICENCE TO EXPORT CONTROLLED SUBSTANCES

Name of Applicant:

.....

Person Authorized to act on behalf of Applicant (Name and Title).....

.....

.....

Contact Person (Name and Title).....

.....

.....

National Identification Card/Passport

No:.....

Contacts: Person's Physical and Postal Address (Business):.....

Contacts: Person's Physical and Postal Address (Residential):.....

Company Name.....

Physical Address: .....

Postal Address: .....

Main Business Activity: .....

Tel/Fax/Email Contacts: .....

Registration Certificate No: .....

PIN.....

hereby applies for a license to export the following types of Controlled Substances.

	<i>Type of Controlled Substances</i>	<i>Quantity (Kgs)</i>	<i>Country of Export</i>	<i>Name and Address of Importer</i>
1				
2				
3				
4				
5				
6				
7				
8				
9				

Export data for previous year-----

	<i>Type of Controlled Substances</i>	<i>Quantity (Kgs)</i>	<i>Country of Export</i>	<i>Export Entry Number</i>	<i>Name and Address of Importer</i>
1					
2					
3					
4					
5					
6					
7					
8					
9					

I declare that the information provided in this application is correct and accurate, and that the applicant undertakes to export the Controlled Substance in compliance with the provisions of these Regulations.

Date .....20.....

Name .....Signature.....

Witness .....

Address .....

Occupation .....

**OFFICIAL USE ONLY**

Prior Informed Consent Received: YES/NO

Date Received.....

PIN.....

Amount Paid.....

Receipt No.....

Signature.....

Official Stamp.....

Accepted/Rejected

Reason(s) for rejection:

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

FORM 7

THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION ACT

(No.8 of 1999)

Application Reference No:.....

(r.14(3),(8))

APPLICATION FOR LICENCE TO IMPORT CONTROLLED SUBSTANCES /  
APPLICATION FOR LICENCE TO IMPORT CONTROLLED SUBSTANCES FOR  
QUARANTINE AND PRESHIPMENT USES (QPS)

Name Applicant.....

Person Authorized to act on behalf of Applicant (Name and  
Title).....

.....  
.....

National Identification Card/Passport  
No.....

Contacts: Physical And Postal Address  
(Business):.....

.....  
.....

Contacts: Physical and Postal Address (Residential)

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

Company Name.....

Physical Address.....

Main Business Activity.....

Tel/Fax/Email Contacts.....

Registration Certificate No.....

PIN.....

hereby applies for a license to import the following Controlled Substances.

	<i>Type of Controlled Substances</i>	<i>Quantity to be Imported(Kgs)</i>	<i>Amount Approved</i>	<i>Country of Origin</i>	<i>Name and Address of Licensee</i>
1					
2					
3					
4					
5					
6					
7					

I declare that the information provided in this application is correct and accurate, and that the applicant undertakes to export the Controlled Substance in compliance with the provisions of these Regulations.

Date: .....20.....

Name: .....Signature.....

Witness: .....

Address: .....

Occupation: .....

**OFFICIAL USE ONLY**

Date Received: .....

Amount Paid: .....

Receipt No.: .....

Prior Informed Consent (PIC) Issued: Yes/No

PIC Number: .....

Date of Issue: .....

Signature: .....

Official Stamp: .....

Approved Amount

	<i>Type of Controlled Substances</i>	<i>Quantity to be Imported(Kgs)</i>	<i>Amount Approved</i>	<i>Country of Origin</i>	<i>Name and Address of Licensee</i>
1					
2					
3					
4					
5					
6					
7					

Accepted/Rejected:

Reason(s) for  
rejection:.....  
.....  
.....

FORM 8

(r.14(4))

APPLICATION FOR LICENCE TO IMPORT EQUIPMENT CONTAINING  
CONTROLLED SUBSTANCES

FORM 9

THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION ACT

(No. 8 of 1999)

Application Form No:.....

(r.15 (1))

APPLICATION FOR CONSENT TO TRANSIT CONTROLLED SUBSTANCES  
THROUGH KENYA.

1. Exporter Registration No.....  
Name: .....  
Address.....  
Contact Person.....  
Telephone .....Fax.....  
Email.....
2. Importer Registration No.....  
Name.....  
Address.....  
Contact Person.....  
Telephone.....Fax.....  
Email.....
3. Classification and qualities of Controlled Substances to be transported

	Class	Qualities in Kgs/Litres
1		

2		
3		
4		
5		

4. Intended period of time for transport:

Expected entry date.....

Expected exit date .....

5. Description of packaging type(s)

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

6 Intended carrier(s) Registration No.

Name.....

Address.....

Contact Person.....

Telephone.....Fax.....

Means of transport.....

7 Written Prior Informed Consent (PIC) from relevant Competent Authority of country of import:

Has consent given? YES\_ /NO\_

If yes, attach copy of the PIC

I/WE.....hereby confirms that the above information and particulars is true and correct.

Signature and Stamp.....

Date.....

FORM 10

THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION ACT

(No.8 of 1999)

Application Ref. No:.....

(r.16 (2))

APPLICATION FOR PERMIT TO IMPORT/EXPORT CONTROLLED SUBSTANCES

Name of Applicant.....

License Number..... Control Period.....

Quantity licensed to be Imported.....

Person Authorized to act on behalf of Applicant (Name and Title):.....

.....

Contact Person (Name and Title):.....

National Identification Card/Passport Number.....

Contact Person's Physical and Postal Address (Residential):.....

Company Name: .....

Physical Address: .....

Postal Address: .....

Main Business Activity: .....

Telephone/Fax/E-Mail Contacts: .....

Registration Certificate Number: .....

Personal Identification Number (PIN):  
.....

hereby applies for a permit to import the following Controlled Ozone Depleting Substances.

<i>Class/Type of Controlled Substance</i>	<i>Trade Name</i>	<i>Quantity(Kgs) to be imported/exported</i>	<i>Balance of quantity to be imported/exported</i>	<i>Country of origin/destination</i>	<i>Name and address of importer/exporter</i>

I declare that the information provided in this application is correct and accurate, and that the applicant undertakes to export the Controlled Ozone Depleting Substance in compliance with the provisions of these Regulations.

Date: .....20.....

Name: .....Signature.....

Witness: .....

Address: .....

Occupation: .....

**OFFICIAL USE ONLY**

Date Received: .....

Amount Paid: .....

Receipt No: .....

Signature: .....

Official Stamp: .....

Accepted/Rejected:

Reason(s) for rejection:.....

.....

FORM 11

THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION ACT

(No.8 of 1999)

(r.12(6),

(r.13(3), (r.14(9)

LICENCE TO PRODUCE / **IMPORT** / **EXPORT** CONTROLLED SUBSTANCES

.....is hereby licensed to produce / **import** / **export** the following Controlled Substance(s) for the period running from ..... to .....

List of Controlled Substances:

<i>Type of Controlled Substances</i>	<i>Quantity to be Produced / Imported / Exported (Kgs)</i>

Conditions attached to this license:

1. ....
2. ....
3. ....
4. ....

Date:.....

.....

*DIRECTOR GENERAL*  
*NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY*

---

SEAL

FORM 12

THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION ACT

(No.8 of 1999)

(r17 (5))

PERMIT TO IMPORT/ EXPORT CONTROLLED SUBSTANCES

.....is hereby permitted to import  
the following shipment of Controlled Substance(s):

<i>License No.</i>	<i>Type of Controlled Ozone Depleting Substances</i>	<i>Trade name</i>	<i>Approved/license quantity (kgs)</i>	<i>Quantity previously imported / exported</i>	<i>Quantity to be imported / exported</i>	<i>Balance quantity to be imported / exported</i>	<i>Country of origin/ destination</i>	<i>Name and address of importer / exporter</i>

Conditions attached to this license:

1. ....
2. ....
3. ....
4. ....

Date:.....

.....

*DIRECTOR GENERAL*

*NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY*

.....

SEAL

FORM 13

(r24 (2))

APPLICATION FOR VARIATION OF LICENSE OR THE CONDITIONS OF THE  
LICENSE

FORM 14

(r24 (3))

CERTIFICATE OF VARIATION OF LICENSE OR THE CONDITIONS OF THE  
LICENSE

FORM 15

(r25 (1))

**ALTERNATIVES TO CONTROLLED SUBSTANCES THAT ARE OZONE AND  
CLIMATE FRIENDLY AND EQUIPMENT OR PRODUCT CONTAINING SUCH  
ALTERNATIVES TO THE CONTROLLED SUBSTANCES**

## THIRD SCHEDULE

### FORM A

(r. 8)

#### MATERIAL SAFETY DATA SHEET

A Material Safety Data Sheet (MSDS) or Safety Data Sheet (SDS) should contain the following items:

1. Identification;
2. Hazard identification;
3. Composition / information of ingredients;
4. First-aid measures;
5. Fire-fighting measures;
6. Accidental release measures;
7. Handling and storage;
8. Exposure controls / personal protection;
9. Physical and chemical properties;
10. Stability and reactivity;
11. Toxicological information;
12. Ecological information;
13. Disposal considerations;
14. Transport information;
15. Regulatory information;
16. Other information.

FORM B

(r. 10 (2))

LEAK DETECTORS

FORM C

(r. 11 (3))

**CHECKLIST TO IDENTIFY AND SEGREGATE COMPONENTS CONTAINING  
CONTROLLED SUBSTANCES**











FOURTH SCHEDULE

FORM A

THE ENVIRONMENTAL MANAGEMENT AND COORDINATION ACT  
(No. 8 of 1999)

(r. 30 (1))

Declaration No.....

DECLARATION BY THE RECIPIENT/BUYER OF CONTROLLED  
SUBSTANCE(S)

Information concerning the vendor/supplier:

Name of vender/supplier:

.....

PIN Number: .....Telephone:

.....

License Number:

.....

Address:

.....

Information concerning the Buyer/Recipient

Contact person (Name and Title):

.....

.....

.....

National Identification Card/Passport Number:

.....

Contact person's physical and postal address: (Residential)

.....

.....

.....

Company Name:

.....

Physical Address:

.....

Postal Address:

.....

Main business activity:

.....

Telephone/Fax/E-mail contacts:

.....

Registration Certificate Number:

.....

PIN:

.....

Type of Controlled Ozone Depleting Substance	Quantity (Kgs)	Trade Name	Purpose

I undertake not to sell or otherwise supply any of the quantity of the Controlled Substances received to any person who has not signed a declaration in this format.

I also undertake to use all of the Controlled Substances received for the purpose set out in the declaration but not for any other purpose.

I declare that the information provided in this declaration is correct to the best of my knowledge and belief.

Designation: ..... Signature: .....

Company: ..... Address:  
.....

Occupation:  
.....

Witness: ..... Signature:  
.....

Official use only:

Date Received: .....

Amount paid: .....

Receipt No. ....

Licence No. ....

Signature: .....

Official stamp: .....



FOURTH SCHEDULE

**FORM C**

(r. 30 (3))

RECORD OF QUANTITIES OF CONTROLLED SUBSTANCES RECOVERED,  
DISPOSED OR EXPORTED FOR DISPOSAL

FIFTH SCHEDULE

THE ENVIRONMENTAL MANAGEMENT AND COORDINATION ACT

(No. 8 of 1999)

(r. 31 (1) (2),(3))

**REPORT ON THE IMPORTATION/EXPORTATION / SALE /STOCKING /  
STORAGE / PURCHASE OF CONTROLLED SUBSTANCES**

Name of License:

.....

Application Number:

.....

Name of Licensing Officer:

.....

Contact Person (Name and Title)

.....

National Identification Card/Passport Number:

.....

Contact Person's Physical and Postal Address:

.....

.....

.....

Company Name:

.....

Physical Address:

.....

Postal Address:

.....

Main Business Activity:

.....

Telephone/Fax/E-mail Contacts:

.....

Registration Certificate Number:

.....

Personal Identification Number:

.....

..... Hereby submits a report on the importation/exportation of the following Controlled Substances

<i>Class/Type of Controlled Substance</i>	<i>Trade Name</i>	<i>Quantity (Kgs) Licenced to be imported / exported</i>	<i>Date of import / export</i>	<i>Quantity imported / exported</i>	<i>Balance to be imported / exported</i>	<i>Country of origin/ destination</i>	<i>Name and address of importer / exporter</i>

Use(s) of the Controlled Substance imported/exported:

- (a) .....
- (b) .....
- (c) .....
- (d) .....

Date of clearance:

.....

I declare that the information provided in this report is correct and accurate to the best of my knowledge and belief.

.....

.....

Date

Name

Signature

Designation:

.....

Company:

.....

Address:

.....

Occupation:

.....

**Official Use Only**

Date Received:

.....

Amount paid: .....

Receipt Number: .....

Signature: .....

Official stamp: .....

SIXTH SCHEDULE

ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION ACT

(No. 8 of 1999)

(r 9(2), 10 (2), 11(3), 12(2)(b), 13(2), 30)

FEES

The fees chargeable under these Regulations shall be as specified hereunder and shall be non-refundable except as indicated.

(a) Application for a license to produce Controlled Substances.....Kshs.  
100,000

(b) Application for a license to export or import Controlled Substance;

200,000 kg and above.....Kshs. 30,000

100,000 kg - 199,000 kg.....Kshs. 20,000

1 kg - 99,000 kg.....Kshs. 10,000

(c) Application for a permit to export or import a Controlled Substance;

200,000 kg and above.....Kshs. 3,000

100,000 kg - 199,000 kg.....Kshs. 2,000

1 kg - 99,000 kg.....Kshs. 1,000

(d) Application for license to import Refrigeration and Air Conditioning equipment that are Energy efficient and dependent on non-Controlled Substance.....**Zero rated**

(e) Application for Controlled Substances and Equipment dependent on Controlled Substance;

Deposit bond (refundable)-, insurance and freight value (CIF)

- (f) Application to export a Controlled Substance..... Kshs. 7,500
- (g) Application for registration as a Refrigeration and Air Conditioning practitioner;  
Technician..... Ksh 3000;  
Corporate Companies ..... Ksh 30,000
- (h) Application for annual license as a Refrigeration and Air Conditioning practitioner  
Technician..... Ksh 2000  
Corporate Companies ..... Ksh 15,000
- (i) Application for (one-off) Importation of Refrigeration and Air Conditioning equipment dependent on Controlled Substances- Ksh 6000