



Implementation and enforcement of the Montreal Protocol in India (including in relation to unauthorized production and consumption)

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Regulatory Framework for implementation of Montreal Protocol Ozone Depleting Substances (Regulation and Control) Rules 2000 and its Amendments

LICENSING SYSTEM

Import and export of controlled substances (including feedstock application) are subject to license issued by the Directorate General of Foreign Trade (DGFT) based on recommendations from the Ozone Cell, MoEF&CC.

REGISTRATION

Mandatory Registration of enterprises producing, consuming, importing, exporting (including feedstock application) under ODS Rules. Conditions w.r.t reporting of data, control of emission, are imposed in the registration certificate

QUOTA SYSTEM

Quota system for the production of HCFC-22 for non-feedstock application for the domestic producers in line with the accelerated phase-out Schedule of the Montreal Protocol

MONITORING FRAMEWORK

*Quarterly and Annual reporting of data by the enterprises
Reporting of bill of entry by importing enterprises before the substances used for any processing*



Framework for data collection, compilation and reporting

Data Collection

- **Import and Export Data** - Directorate General of Commercial Intelligence and Statistics, Ministry of Commerce and Industry and Customs
- **Production Data** – Producers as per provisions of the ODS (Regulation and Control) Rules 2000 and its amendments

Data Compilation

- Reconciliation of import and export data with:
 - Licenses issued by the Directorate General of Foreign Trade (DGFT)
 - Recommendations issued by the Ozone Cell for import/export license
 - Transaction wise details checked in case of mismatch or where wrong ITC HS codes are used
 - Quota order – in case of production data



Framework for data collection, compilation and reporting (Contd)

Data Compilation (Contd)

- MIS system in place for online data reporting and compilation

Data Reporting

- Both A-7 and CPPR data reviewed by Standing Committee on Monitoring (SCM) – Chaired by ex-officio, Chairman, Central Pollution Control Board.
- SCM has representatives from all line Ministries/departments associated with data on controlled substances
 - Directorate General of Foreign Trade
 - Directorate General of Commercial Intelligence and Statistics
 - Ministry of Agriculture and Farmer Welfare
 - Ministry of Chemicals & Fertilizers
 - Ministry of Micro, Small and Medium Enterprises,
 - Department for Promotion of Industry and Internal Trade,
 - Institute of Pesticide Formulation Technology,
 - National Institute of Pharmaceutical Education and Research,
 - CSIR – Indian Institute of Chemical Technology



Controlling Unauthorized Production , Consumption and Trade

Enforcement Capacity Building

- Periodic hands-on training of customs and enforcement officials on the following:
 - Controlled substances and their properties
 - Compliance obligations under the Montreal Protocol
 - Provisions of ODS (Regulation and Control) Rules
 - Processes and procedure for import and export of controlled substances including the IPIc mechanism
 - Identification of substances including use of refrigerant identifiers

Strengthening Enforcement System for:

- Unauthorized trade of ODSs (false labelling, mis-declaration including concealment)
- Frameworks for documentation and inspection
- IT tool for coordination on import/export data on controlled substances amongst ports and border points.



Controlling unauthorized Production , Consumption and Trade

Provisions as per ODS (Regulation and Control) Rules

- Production data verified through audited statements
- Framework for registration of enterprise for feedstock use of ODS includes detailed process verification including certifying through an accredited national laboratory
- Sale of controlled substances by producers only to registered enterprises/users

Enforcement of Penal Provisions

- ODS(Regulation and Control) Rules and its amendments and the Environment Protection Act
- Customs Act including those relating to seizure and confiscation and imposition of penalties
- The Foreign Trade (Development and Regulation) Act, 1992



Way Forward

- Process initiated for developing ITC(HS) codes for each of HFCs to facilitate data collection, compilation and reporting as per Montreal Protocol requirements.
- Strengthen synergies among Ozone Cell, MoEFCC, DGFT, DGCIS, customs for effective management of data on controlled substances.
- Develop a framework for tracking, reconciling and monitoring top-down and bottom-up data on controlled substances in close cooperation with DGFT, DGCIS, customs and line Ministries associated with controlled substances.
- Updating of guide/handbook for combatting unauthorized trade w.r.t controlled substances from time to time considering experiences on handling unauthorized trade.



THANK YOU