



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FINANCE
BUREAU OF CUSTOMS
MANILA 1099

October 14, 2004

CUSTOMS MEMORANDUM ORDER

NO. 29-2004

TO: All Collectors of Customs
All Examiners/Appraisers
All CHS/ESS Personnel
All Others Concerned

SUBJECT: Guidelines in the Application and Use of Refrigerant Identifier/
Analyzer in Testing Suspicious Shipments of Ozone Depleting
Substances (ODS) and its Alternatives and ODS Using/
Containing Products and Equipment

I. OBJECTIVES :

1. To define the procedures and responsibilities in the application and use of Refrigerant Identifier/Analyzer in the monitoring and control of importation of ODS and ODS alternatives as well as in using ODS containing product/equipment.
2. To comply with the Bureau's commitment in the scheduled phase out of ozone depleting substances as mandated by the Montreal Protocol.

II. DEFINITION OF TERMS:

For the purpose of this memorandum the definition of the following terms should be as follows:

1. The MONTREAL PROTOCOL on substances that deplete the Ozone Layer is an agreement among 129 countries, including the Philippines, which limits the production, application and use of the most common ozone depleting substances like CFC's and provides for the phase-out of those chemicals; the protocol to the Vienna Convention, signed in 1987, which commits Parties to take concrete measures to protect the ozone layer by freezing, reducing and phasing-out the production and consumption of controlled substances.
2. OZONE DEPLETION is the process by which stratospheric ozone molecules are destroyed by man-made chemicals leading to a reduction in its concentration.
3. OZONE DEPLETING SUBSTANCES (ODS) refers to those substances that significantly deplete or otherwise the ozone layer in a manner that is likely to result in adverse effects on human health and environment such as but not limited to chlorofluorocarbons, halons and the like. ODS are chemical substances that have the potential to react with ozone molecules in the stratosphere, any substance which is controlled under the Montreal Protocol and its amendments. ODS include CFCs, HCFCs, Halons, carbon tetrachloride, methyl chloroform, hydro-bromofluorocarbons, bromochloromethane and methyl bromide.

4. ODS-BASED PRODUCT/EQUIPMENT – product or equipment which contains ODS, including equipment whose continuous functioning relies on the use of ODS.
5. OZONE DEPLETION POTENTIAL (ODP) – a measure of substance's ability to destroy stratospheric ozone, based on its atmospheric lifetime, stability, reactivity and content of elements that can attack ozone, such as chlorine and bromine. All ODPs are based on the reference measure of 1 for CFC-11.
6. Refrigerant 134A (TETRAFLUOROETHANE) is colorless, non-flammable gas atmospheric pressure with a slight ethereal odor supplied in low pressure steel cylinders. It is an alternative chemical for ozone depleting substances especially for CFC 12 (dichlorodifluoromethane) which is an ozone depleting substance (ODS) and regulated by the DENR-EMB pursuant to R.A. 6969 and our commitment to the Montreal Protocol.
7. CFC 12 (DICHLORODIFLUOROMETHANE) is a colorless liquid, or at atmospheric pressure non-flammable, non-corrosive gas with a slight ethereal odor supplied in low pressure steel cylinders. There is a significant demand for CFC 11 and a small demand for R-502. The demand for CFC 12 and R-502 is for servicing of refrigerators and air-conditioning systems.

III. OPERATIONAL PROVISIONS

1. Refrigerant Identifier/Analyzer, which was donated by the UNEP through the DENR to the BOC (EPU-IEG) can identify four (4) chemicals, namely: R-12, R-22, R-134A and Hydrocarbon.
2. A Refrigerant Identifier shall be issued to each and every Collection District by means of a Memorandum Receipt by the Chief, EPU-IEG. It will be under the custody of the District Commander, ESS and will be operated by the EPU-IEG operatives assigned in the area.
3. Importation of ODS and ODS alternatives are usually selected by ACOS as either *Yellow*, where only document examination is required, or *Red*, in which case both documents and physical examination is required.
4. Importation of ODS and ODS Alternatives are released from BOC only upon presentation of a Pre-Shipment Importation Clearance (PSIC) issued by the Philippine Ozone Desk, Environmental Management Bureau, DENR to accredited and registered importers (CMC 75-2003).
5. A copy of Pre-Shipment Importation Clearance is forwarded to the EPU-IEG, personally delivered by POD-EMB-DENR representative.
6. The Chief, EPU-IEG validates the importer's copy of the PSIC presented by the Customs broker/importer upon verification.
7. The Customs Broker and/or importer's representative affixes his/her signature on the BOC Copy of the PSIC.

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8. In case of a suspicious shipment, an Alert/Hold Order may be requested. During the spot-checking and/or examination, random testing may be conducted using the Refrigerant Identifier. If found positive, the COOIII assigned shall immediately make a report and recommend the issuance of a Warrant of Seizure and Detention against the shipment, copy furnished the EPU-IEG.
9. During the examination of Selected Red shipments, random testing may be applied with the use of the Refrigerant/Identifier by the EPU-IEG operatives. If found positive, the COOIII shall immediately make a report and recommend issuance of a Warrant of Seizure and Detention, copy furnished the EPU-IEG.
10. In case of Selected Yellow Shipments, after evaluation of the Import Clearance and other supporting documents. The COOIII, in case of doubt, may request for the spot-checking of the shipment and subject it to testing with the use of the Refrigerant Identifier by EPU-IEG operatives.
11. The results of the testing through the use of the Refrigerant Identifier shall be signed by the EPU-IEG operatives, COOIII, CIIS/ESS agent assigned at the area and the Customs Broker/Importer representatives present during the examination/testing of the shipment.

IV. REPEALING CLAUSE:

This Order supersedes all others previous orders, memoranda or circulars issued which are in conflict or in contrast with this Order or any provision thereof shall be deemed amended or modified accordingly.

V. EFFECTIVITY

This order shall take effect immediately upon signing hereof.


GEORGE M. JEREOS
Commissioner