

METHYL BROMIDE MANAGEMENT REGULATIONS

Promulgated and Effective on May 21, 2003

Article 1 These Regulations are adopted pursuant to the provisions of Article 30, Paragraph 2 of the Air Pollution Control Act (hereinafter referred to as the "Act").

Article 2 Definitions of terms used in these Regulations:

1. "Methyl Bromide (CH₃Br)" refers to a substance that has been listed as the controlled substance in Annex E of the Montreal Protocol and that have been publicly announced by the central competent authority, whether existing alone or in a mixture.
2. "Quarantine" refers to a control measure conducted by the government in order to prevent introduction, increase and distribution of quarantine pests.
3. "Pre-Shipment Treatment " refers to conduct direct fumigation within 21 days prior to loading and shipping of goods for export in order to match plant quarantine or health regulations of import or export countries.
4. "User" refers to those who use methyl bromide on quarantine, pre-shipment or academic research.
5. "Importer" refers to an entity that import and sell methyl bromide

Article 3 Production of methyl bromide shall not be conducted without permission of the central competent authority.

Article 4 The importing and exporting of methyl bromide is limited to states or regions that act in accordance with the terms set by the Montreal Protocol and have been approved and publicly announced by the central competent authority.

The central competent authority, in consultation with the relevant authorities, shall revise and publicly announce the states or regions mentioned in the previous paragraph.

Article 5 Importer and user shall submit the following documents to the central competent authority to apply import permit and usage permit according to the demand quantity of the second half of the very year and the first half of next year before the end of every February and August respectively:

1. Application form (as per Appendix 1),
2. Registration documents of importer/exporter qualifications,
3. Relevant registration documents of user approved by the competent authority whereas governmental authorities as users shall not be subject to this regulation, and
4. Certificate document of purpose of usage of methyl bromide.

The certificate document of purpose of usage of methyl bromide provided in the preceding item (iv) refers to the following documents:

1. Quarantine regulations of import country and fumigation certificate,

2. Request document of importer and fumigation certificate,
3. Certificate documents of quarantine and pre-shipment treatment granted by the competent authorities of animal/plant quarantine or epidemic prevention and therapy.

If any application documents are not in compliance with regulations, the central competent authority shall order the applicant to take corrective actions within the specified time frame. An application that is not complete or corrected within the specified time frame will be rejected. In case the application is approved after investigation, document of import permit and usage permit shall be granted.

Article 6 The effective period of document of import permit and usage permit of methyl bromide is six months. User who continues to use beyond expiration date shall apply to the central competent authority for a permit extension within one to two months prior to the expiration date whereas application for extension shall not exceed once.

Article 7 Importer with document of import permit of methyl bromide granted by the central competent authority shall apply for an import license.

Article 8 Transfer of methyl bromide shall not be conducted without permission of the central competent authority.

The applicant shall apply to the central competent authority for transfer permit according to attached format and content (as per Appendix 2).

If any application documents are not in compliance with regulations, the central competent authority shall order the applicant to take corrective actions within the specified time frame. An application that is not complete or corrected within the specified time frame will be rejected. In case the application is approved after investigation, document of transfer permit and usage permit shall be granted.

Article 9 The usage of methyl bromide shall be limited on quarantine, pre-shipment treatment or academic research.

Article 10 Importer and user shall report to the central competent authority before the end of every February and August according to the attached form and content (as per Appendix 3).

If any application documents are not in compliance with regulations, the central competent authority shall order the applicant to take corrective actions within the specified time frame.

Article 11 Under one of the following circumstances, the application for import and use of methyl bromide with the central competent authority shall be permitted and shall not be subject to the regulations of Article 6 and Article 10.

1. Where the emergency quarantine of pests occurs;
2. Where the academic research is necessary; and
3. Others recognized by the central competent authority.

Article 12 In case the applicant applies for permit of methyl bromide with false documents, the central competent authority shall impose a fine pursuant Paragraph 1 of Article 59 of this Act and shall reject its permit.

Article 13 In case of violation of Paragraph 1 of Article 8 or Article 9, the central competent authority shall impose a fine pursuant to Paragraph 1 of Article 59 of this Act and cancel its permits of import, usage and transfer, if necessary.

Article 14 Those who violate regulations stipulated in Article 3 or Paragraph 1 of Article 10 shall be punished in accordance with Paragraph 1 of Article 59 of this Act.

 Those who violate regulations stipulated in Paragraph 1 of Article 4 or Article 7 shall be punished in accordance with Paragraph 2 or Paragraph 3 of Article 59 of this Act.

Article 15 These Regulations shall be enforced from the date of promulgation.