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Act 1124



REPUBLIC OF GHANA

THE ONE THOUSAND ONE HUNDRED AND TWENTY-FOURTH

ACT

OF THE PARLIAMENT OF THE REPUBLIC OF GHANA
ENTITLED

ENVIRONMENTAL PROTECTION ACT, 2025

AN ACT to amend and consolidate laws relating to environmental protection; establish the Environmental Protection Authority to regulate and protect the environment, provide for pesticide control and regulation; provide for the control, management and disposal of hazardous waste and electrical and electronic waste; provide for the co-ordination of climate change responses and for related matters.

DATE OF ASSENT: *6th January, 2025.*

PASSED by Parliament and assented to by the President:

PART ONE – ENVIRONMENTAL PROTECTION

Environmental Protection Authority

Establishment of the Authority

1. (1) There is established by this Act, the Environmental Protection Authority as a body corporate.

(2) The Authority may, for the performance of the functions of the Authority, acquire and hold property, dispose of property and enter into a contract or any other related transaction.

(3) Where there is a hindrance to the acquisition of land, the land may be acquired for the Authority under the Land Act, 2020 (Act 1036) and the cost shall be borne by the Authority.

Object of the Authority

2. The object of the Authority is to

- (a) regulate,
- (b) protect,
- (c) co-ordinate, and
- (d) exercise general oversight over

all matters relating to climate change and the environment.

Functions of the Authority

3. (1) The Authority shall ensure the achievement of the object of the Authority under section 2.

(2) Without limiting subsection (1), the Authority shall,

- (a) in relation to policy advisory and support, advise and support the Minister on the formulation of policies on the environment and in particular, make recommendations for the protection of the environment;
- (b) in relation to oversight, compliance and enforcement
 - (i) ensure compliance over the enforcement of provisions on environmental protection in existing enactments;
 - (ii) issue notices in the form of orders, directives, procedures or warnings to ensure compliance with the provisions of this Act;
 - (iii) ensure compliance with the laid down environmental assessment procedures in the planning and implementation of policies, plans, programmes and projects, including compliance in respect of existing projects;

- (iv) ensure that releases and discharges of harmful substances from any activity into the environment shall not exceed standards prescribed by the Authority;
 - (v) conduct investigations, in collaboration with other relevant stakeholders, into environmental issues and ensure the enforcement of environmental laws; and
 - (vi) initiate and conduct the prosecution of environment related offences pursuant to an authorisation by the Attorney-General under clause (4) of article 88 of the Constitution;
- (c) in relation to permitting, licensing and certification
- (i) issue environmental permits for undertakings to control the volume, types, constituents and effects of waste discharges, emissions, deposits, noise or any other source of pollution and of substances which are hazardous or potentially dangerous to the quality of the environment or human health;
 - (ii) issue permits and licences for activities relating to the control and management of pesticides and industrial and consumer chemicals and hazardous waste;
 - (iii) certify environmental management practitioners and service providers;
 - (iv) register pesticides and pesticides products and industrial chemicals;
- (d) in relation to co-ordination and collaboration
- (i) collaborate with the National Development Planning Commission to integrate environmental management practices into national development planning;
 - (ii) collaborate with Ministries, Departments and Agencies, international bodies and any other body for the purposes of this Act;
 - (iii) be the National Designated Authority to co-ordinate activities of relevant bodies for the purposes of

- controlling environmental pollution including oil or harmful noxious substances pollution preparedness, response and control;
- (iv) collaborate with relevant bodies for the purposes of controlling the generation, treatment, storage, transportation and disposal of hazardous and industrial waste;
 - (v) provide technical support to stakeholders in implementing climate resilient and low carbon measures at all levels;
 - (vi) collaborate with relevant institutions to develop a comprehensive national database on the environment for environmental protection;
 - (vii) collaborate with relevant institutions to develop plans, programmes and strategic initiatives aimed at protecting and mitigating threats to biodiversity;
- (e) in relation to environmental quality standards and monitoring in consultation with relevant stakeholders,
- (i) prescribe environmental quality standards and guidelines relating to the pollution of air, water, land and any other form of environmental pollution in consultation with relevant stakeholders; and
 - (ii) carry out environmental quality monitoring to develop a database for policy formulation and implementation;
- (f) in relation to information and publicity
- (i) promote research and carry out studies, surveys and analyses and disseminate information on findings for the improvement and protection of the environment;
 - (ii) create awareness on environmental issues; and
 - (iii) publish periodic reports on the state of the environment; and
- (g) in relation to promotion and implementation, promote the adoption of new environmentally sound technologies including cleaner production approaches, resource

efficiency, extended producer responsibility and circular economy.

(3) The Authority shall perform any other functions conferred on the Authority under this Act or any other Act.

Governance of the Authority

Governing body of the Authority

4. (1) The governing body of the Authority is a Board consisting of
- (a) a chairperson who is an expert in environmental matters;
 - (b) the Chief Executive Officer;
 - (c) one representative each not below the rank of a Director, nominated by the respective Minister from
 - (i) Ministry responsible for Environment;
 - (ii) Ministry responsible for Local Government;
 - (iii) Ministry responsible for Finance;
 - (iv) Ministry responsible for Health;
 - (v) Ministry responsible for Education; and
 - (vi) Ministry responsible for Energy;
 - (d) one representative each not below the rank of a Director or equivalent rank from
 - (i) Council for Scientific and Industrial Research, nominated by the Director-General;
 - (ii) Ghana Standards Authority, nominated by the Director-General; and
 - (iii) National Development Planning Commission, nominated by the Director-General;
 - (e) one representative of the Association of Ghana Industries nominated by the President of the Association of Ghana Industries; and
 - (f) two other persons nominated by the President, one of whom is a woman.
- (2) The chairperson and other members of the Board shall be appointed by the President, in accordance with article 70 of the Constitution.

(3) The President shall, in making the appointments under paragraph (f) of subsection (1), have regard to the knowledge, expertise and experience of the persons in matters relating to the environment.

Functions of the Board

5. The Board shall

- (a) exercise general oversight responsibility for the strategic direction of the Authority; and
- (b) ensure the effective and efficient performance of the functions of the Authority.

Tenure of office of members of the Board

6. (1) A member of the Board, except the Chief Executive Officer and a member specified under paragraphs (c) to (e) of subsection (1) of section 4, shall hold office for a period of four years and is eligible for re-appointment for another term only.

(2) A member may resign from office in writing addressed to the President through the Minister.

(3) A member of the Board other than the Chief Executive Officer, who is absent from three consecutive meetings of the Board without sufficient cause ceases to be a member of the Board.

(4) The President may by letter addressed to a member revoke the appointment of that member.

(5) Where a member of the Board is, for a sufficient reason, unable to act as a member, the Minister shall determine whether the inability of the member to act would result in the declaration of a vacancy.

(6) Where there is a vacancy

- (a) under subsection (2), (3), (4) or subsection (2) of section 8,
- (b) as a result of a declaration under subsection (5), or
- (c) by reason of the death of a member,

the Minister shall notify the President of the vacancy and the President shall subject to subsection (2) of section 4 appoint another person to fill the vacancy in accordance with this Act.

(7) A person appointed as a member of the Board by virtue of subsection (6) shall hold office for the unexpired term.

Meetings of the Board

7. (1) The Board shall meet at least once every three months for the conduct of business at a time and place determined by the chairperson.

(2) The chairperson shall, at the request in writing of not less than one-third of the membership of the Board, convene an extraordinary meeting of the Board at a time and place determined by the chairperson.

(3) The quorum for a meeting of the Board is seven members.

(4) The chairperson shall preside at meetings of the Board and in the absence of the chairperson, a member of the Board elected by the members present from among their number shall preside.

(5) Matters before the Board shall be decided by a majority of the members present and voting and in the event of equality of votes, the person presiding shall have a casting vote.

(6) The Board may co-opt a person to attend a meeting of the Board but that person shall not vote on a matter for decision at the meeting.

(7) The proceedings of the Board shall not be invalidated by reason of a vacancy among the members or a defect in the appointment or qualification of a member.

(8) Subject to this section, the Board may determine the procedure for the meetings of the Board.

Disclosure of interest

8. (1) A member of the Board who has an interest in a matter for consideration

(a) shall disclose in writing the nature of that interest and the disclosure shall form part of the record of the consideration of the matter; and

(b) is disqualified from being present at or participating in the deliberations of the Board in respect of that matter.

(2) A member ceases to be a member of the Board if that member has an interest in a matter before the Board and

(a) fails to disclose that interest; or

(b) is present at or participates in the deliberations of the Board in respect of that matter.

(3) Without limiting any further cause of action that may be instituted against the member, the Board shall recover any benefit

derived by a member who contravenes subsection (1) in addition to the revocation of the appointment of the member.

Establishment of committees

9. (1) The Board may establish committees consisting of members of the Board or non-members or both to perform a function of the Board.

(2) A committee composed of members and non-members of the Board shall be chaired by a member of the Board.

(3) The Board shall develop guidelines on the operations of the committees with respect to membership, qualification, functions and operational procedures.

(4) Section 8 applies to members of committees of the Board.

Allowances

10. Members of the Board and members of a committee of the Board shall be paid allowances approved by the Minister responsible for Finance.

Ministerial directives

11. The Minister may, in the public interest, give directives of a general nature regarding matters of policy to the Board and the Board shall comply.

Establishment of the Coordinating Committee

12. (1) Without limiting subsection (1) of section 9, the Board shall establish the Coordinating Committee.

(2) For the purposes of chemicals management, the Coordinating Committee membership shall consist of

- (a) chairperson;
- (b) one representative each of the following not below the rank of a Director nominated by the respective Minister from the
 - (i) Ministry responsible for Environment;
 - (ii) Ministry responsible for Trade;
 - (iii) Ministry responsible for Information;
 - (iv) Ministry responsible for Local Government; and
 - (v) Ministry responsible for Finance;

- (c) one representative each not below the rank of a Director or equivalent rank of the following:
- (i) the Authority nominated by the Chief Executive Officer;
 - (ii) Occupational and Environmental Health Unit of the Ghana Health Service nominated by the Director General;
 - (iii) Minerals Commission nominated by the Chief Executive Officer;
 - (iv) Water Research Institute nominated by the Director-General of the Council for Scientific and Industrial Research;
 - (v) Energy Commission nominated by the Executive Secretary;
 - (vi) Ghana Ports and Harbours Authority nominated by the Director-General; and
 - (vii) Customs Division of the Ghana Revenue Authority nominated by the Commissioner-General; and
- (d) the Director, Legal, of the Authority.

(3) The members of the Coordinating Committee shall be appointed by the Board.

(4) The Director responsible for Chemicals Management at the Authority is the Secretary to the Coordinating Committee.

(5) The department of the Authority responsible for the control and management of chemicals shall serve as the Secretariat of the Coordinating Committee.

Functions of the Coordinating Committee

13. The Coordinating Committee shall perform the following functions:

- (a) deliberate on the agenda of Conference of Parties of conventions including Basel, Rotterdam, Stockholm, Minamata, and other related conventions and frameworks on chemicals and waste for purposes of developing relevant national contributions prior to conferences;

- (b) review action plans of specific related conventions, treaties, protocols, agreements and frameworks on the environment and identify opportunities for synergies and provide guidance for joint programming;
- (c) ensure timely implementation and reporting of decisions of Conference of Parties;
- (d) identify and make recommendations for capacity development of related national institutions and personnel;
- (e) provide guidance for the mainstreaming of the sound management of chemicals into national development plans; and
- (f) provide a framework for data collection, standardisation and harmonisation to inform policy and programmes.

Technical committees

14. (1) There is established by this Act, the following technical committees:

- (a) Hazardous Waste Committee;
- (b) Pesticides Management Fund Committee; and
- (c) National Committee for Ozone Depleting Substances.

(2) The Chief Executive Officer shall appoint the members of the technical committees.

(3) A member of a technical committee shall hold office for a term of two years and is eligible for re-appointment for another term only.

(4) A matter before a technical committee shall be decided by consensus.

(5) The quorum for a meeting of a technical committee is two-thirds of the members of the technical committee.

(6) The chairperson of a technical committee shall preside at meetings of that technical committee and in the absence of the chairperson, a member of that technical committee elected by the members present from among their number shall preside.

(7) A technical committee shall determine the procedure for the meetings of the technical committee.

(8) Sections 8 and 10 on disclosure of interest and allowances respectively shall apply to a member of a technical committee.

(9) The Board may establish any other technical committee that the Board may determine to perform a function under this Act.

Functions of technical committees

15. (1) The Hazardous Waste Committee shall monitor the use of hazardous chemicals by collecting information on the importation, exportation, manufacture, distribution, sale, use and disposal of chemicals.

(2) The Pesticides Management Fund Committee shall manage the Pesticide Management Fund and approve the annual workplan of activities.

(3) The National Committee for Ozone Depleting Substances shall approve workplans for the National Ozone Unit in the implementation of project activities.

Technical Review Committee

16. (1) There is established by this Act, a Technical Review Committee comprising an expert each from

- (a) the relevant Departments of the Authority;
- (b) the relevant Ministries, Departments and Agencies;
- (c) the relevant Metropolitan, Municipal and District Assemblies;
- (d) the private sector;
- (e) academia;
- (f) research institutions; and
- (g) any other relevant institution.

(2) The Chief Executive Officer shall appoint the members of the Technical Review Committee.

(3) The Technical Review Committee shall perform functions prescribed in relevant Regulations under this Act.

(4) A member of a Technical Review Committee shall hold office for a term of two years and is eligible for re-appointment for another term only.

(5) A matter before the Technical Review Committee shall be decided by consensus.

(6) The quorum for a meeting of the Technical Review Committee is two-thirds of the members of the Technical Review Committee.

(7) The chairperson of a Technical Review Committee shall preside at meetings of that Technical Review Committee and in the absence of the chairperson, a member of the Technical Review Committee elected by the members present from among their number shall preside.

(8) The Authority shall determine the procedure for the meetings of the Technical Review Committee.

(9) Sections 8 and 10 on disclosure of interest and allowances respectively shall apply to a member of the Technical Review Committee.

Administrative Provisions

Divisions, directorates and departments of the Authority

17. The Authority may establish divisions, directorates and departments of the Authority as determined by the Board for the efficient and effective performance of the functions of the Authority.

Offices of the Authority

18. (1) The Authority may establish offices in the regions, districts and any other areas determined by the Board.

(2) An office established by the Authority shall perform the functions determined by the Authority.

Appointment of Chief Executive Officer

19. (1) The President shall, in accordance with article 195 of the Constitution, appoint a Chief Executive Officer for the Authority.

(2) A person is qualified for appointment as a Chief Executive Officer if that person

(a) has the relevant qualifications and expertise in matters related to the functions of the Authority; and

(b) is a person of proven integrity.

(3) The Chief Executive Officer shall hold office on the terms and conditions specified in the letter of appointment.

Functions of the Chief Executive Officer

20. (1) The Chief Executive Officer

(a) is responsible for the day-to-day administration of the affairs of the Authority;

(b) is responsible for implementing the decisions of the Board;

(c) is answerable to the Board in the performance of functions under this Part; and

(d) shall perform any other function determined by the Board.

(2) The Chief Executive Officer may, in writing, delegate a function to an officer of the Authority not below the rank of a head of a division, directorate or department of the Authority but shall not be relieved of the ultimate responsibility for the performance of the delegated function.

Secretary to the Board

21. (1) The Authority shall designate the Director of the Legal Department as Secretary to the Board.

(2) The Secretary shall, subject to the directives of the Board,

(a) advise the Board on the legal implications of the decisions of the Board;

(b) ensure that the business of the Board is arranged;

(c) ensure that the minutes of the meetings and decisions of the Board are kept in the form required by the Board; and

(d) perform any other function that the Board or the Chief Executive Officer may direct.

Appointment of other staff

22. (1) The President shall, in accordance with article 195 of the Constitution, appoint other staff of the Authority that are necessary for the efficient and effective performance of the functions of the Authority.

(2) Other public officers may be seconded to the Authority or may otherwise give assistance to the Authority.

(3) The Authority may engage the services of experts and consultants on the recommendation of the Board.

Financial Provisions

Internal Audit Unit

23. (1) The Authority shall have an Internal Audit Unit in accordance with section 83 of the Public Financial Management Act, 2016 (Act 921).

(2) The Internal Audit Unit shall be headed by a Director who shall be appointed in accordance with the Internal Audit Agency Act, 2003 (Act 658).

(3) The Internal Auditor is responsible for the internal audit of the Authority.

(4) The Internal Auditor shall, subject to subsections (3) and (4) of section 16 of the Internal Audit Agency Act, 2003 (Act 658), at intervals of three months

- (a) prepare and submit to the Board, a report on the internal audit carried out during the period of three months immediately preceding the preparation of the report; and
- (b) make recommendations in each report with respect to matters which appear to the Internal Auditor as necessary for the conduct of the affairs of the Authority.

(5) The Internal Auditor shall, in accordance with subsection (4) of section 16 of the Internal Audit Agency Act, 2003 (Act 658), submit a copy of each report prepared under this section to the Chief Executive Officer and the chairperson of the Board.

Funds of the Authority

24. The funds of the Authority include

- (a) moneys payable to the Authority under any other enactment;
- (b) administrative penalties payable under this Act;
- (c) loans, donations and grants;
- (d) moneys accruing to the Authority from investments;
- (e) environmental protection levies; and
- (f) any other internally generated funds.

Bank account of the Authority

25. Moneys for the Authority shall be paid into a bank account opened for that purpose with the approval of the Controller and Accountant-General.

Expenditure of the Authority

26. The Authority shall in the performance of the functions of the Authority under this Act or any other enactment, generate sufficient funds to meet the expenditure of the Authority, including

- (a) the remuneration of employees;
- (b) allowances of employees, members of the Board and committees of the Board;

- (c) compensation;
- (d) goods and services; and
- (e) capital expenditure.

Accounts and audit

27. (1) The Authority shall keep books, records and returns of account and other documents relevant to the accounts in the form approved by the Auditor-General.

(2) The Board shall submit the accounts of the Authority to the Auditor-General for audit not later than two months after the end of the financial year in accordance with the Public Financial Management Act, 2016 (Act 921).

(3) The Auditor-General shall, within six months after the end of the immediately preceding financial year, audit the accounts of the Authority and forward a copy each of the audit report to the Minister and the Board.

(4) The financial year of the Authority is the same as the financial year of the Government.

Annual report and other reports

28. (1) The Board shall, within thirty days after the receipt of the audit report, submit an annual report to the Minister covering the activities and operations of the Authority for the year to which the annual report relates.

(2) The annual report shall include the report of the Auditor-General.

(3) The Minister shall, within thirty days after the receipt of the annual report, submit the report to Parliament with a statement that the Minister considers necessary.

(4) The Board shall submit to the Minister any other report which the Minister may require in writing.

Enforcement and Control

Environmental assessment

29. (1) The Authority may, by notice in writing, require an entity responsible for an undertaking which in the opinion of the Authority

has, or is likely to have an adverse effect on the environment, to conduct an environmental assessment and submit, within the period specified in the notice, an environmental assessment report.

(2) Where the Authority is satisfied with an environmental assessment report, the Authority shall issue an environmental permit to the person concerned.

- (3) The Authority may renew an environmental permit based on
- (a) the environmental inspection and audit report;
 - (b) the environmental monitoring report; or
 - (c) any other environmental reports which the Authority may require.

(4) Where the Authority issues a notice or permit under subsection (1), the Authority shall inform the entity, organ or the department of Government that has responsibility for the issue of a licence, a permit, an approval or a consent in connection with a matter affecting the environment that the notice or permit has been issued.

(5) The entity, organ or department of Government referred to in subsection (4) shall not grant the licence, permit, approval or consent without the approval in writing of the Authority after compliance with the notice.

(6) An environmental assessment shall be conducted in accordance with Regulations, guidelines and procedures provided for under this Act.

(7) A person who fails to comply with a notice issued under subsection (1), is liable to pay to the Authority an administrative penalty specified in the Thirteenth Schedule.

Relocation, displacement and compensation

30. Where the environmental assessment report indicates that the land to be used for the proposed undertaking will

- (a) have an impact on property and livelihood of people,
- (b) result in the relocation of people,
- (c) result in the displacement of people, or
- (d) restrict the land use,

the proponent shall prepare a compensation plan or compensation policy framework in accordance with guidelines issued by the Authority.

Certification of environmental management practitioners

31. (1) The Authority shall certify environmental management practitioners to provide environmental management services.

(2) The Authority shall maintain a register of individual experts or firms of experts certified by the Authority to provide environmental management services.

(3) The Authority shall publish the register annually

(a) on the website of the Authority; and

(b) in the *Environmental Bulletin* established under section 167.

Environmental monitoring

32. The Authority shall monitor an undertaking to ensure that all environmental management systems and strategies are in place and work efficiently to

(a) manage and minimise the impact the undertaking has on the environment; and

(b) ensure compliance with

(i) relevant enactments;

(ii) standards developed by the Authority and the standards specified in the First Schedule;

(iii) commitments in the environmental assessment; and

(iv) conditions in the environmental permit.

Environmental inspection and audit

33. (1) The Authority shall carry out an environmental inspection or audit of an undertaking to

(a) ensure

(i) compliance with the environmental requirements;

(ii) compliance with the permit conditions and commitments;

(iii) the effectiveness of environmental management systems;

(b) verify data that has been submitted to the Authority; and

(c) determine any non-compliance with paragraph (a) that requires immediate remedial action.

(2) Despite subsection (1), the Authority may request for an audit to be carried out in respect of an undertaking in accordance with the Regulations.

(3) An environmental protection inspector appointed under this Act may enter a facility to ensure compliance with the conditions for an environmental permit and a commitment made in the environmental assessment.

(4) For purposes of subsection (3), “facility” includes land and premises.

Environmental performance and public disclosure system

34. The Authority shall establish an environmental performance and public disclosure system to rate an undertaking in accordance with guidelines issued by the Authority.

Enforcement

35. (1) The Authority shall issue a notice, directive or warning for

- (a) the purpose of non-compliance with
 - (i) an environmental permit;
 - (ii) a pollution abatement notice;
 - (iii) a pesticide registration and licence; or
 - (iv) a hazardous chemical and waste permit;
- (b) the control of noise; and
- (c) other non-compliance actions.

(2) Where the Authority considers that the activity of an undertaking poses a threat to

- (a) the environment, or
- (b) public health

the Authority shall serve on the person responsible for the undertaking, an enforcement notice requiring that person to take the steps stipulated by the Authority to prevent or stop the activity.

(3) The enforcement notice issued under subsection (2) shall specify

- (a) the offending activity;
- (b) the steps required to be taken;
- (c) the time within which the steps shall be taken; and
- (d) the immediate cessation, where necessary, of the offending activity.

(4) A person who fails to comply with an enforcement notice issued under subsection (2) shall pay to the Authority an administrative penalty as specified in the Thirteenth Schedule.

(5) A person who fails to pay an administrative penalty under subclause (4) commits an offence and is liable on summary conviction to a fine not less than five thousand five hundred penalty units and not more than fifteen thousand penalty units or to a term of imprisonment of not less than five years and not more than ten years or to both.

(6) Where a person fails to pay an administrative penalty imposed under subsection (4), the Authority may recover the administrative penalty as a civil debt.

(7) A person who fails to comply with an enforcement notice imposed under this section commits an offence and is liable on summary conviction to a fine of not less than seven thousand penalty units and not more than fifteen thousand penalty units or to a term of imprisonment of not less than five years and not more than ten years or to both.

Powers of the Minister

36. (1) Where a person to whom a notice is served under subsection (1) or (2) of section 35 fails to comply with the directives contained in the notice within the stipulated time or a further period that the Authority may grant, the Minister may, without prejudice to a prosecution under subsection (7) of section 35, take appropriate steps to ensure compliance with the notice.

(2) For purposes of subsection (1), a police officer, an officer of the Authority or a public officer authorised by the Minister may use reasonable force to ensure compliance with the enforcement notice.

(3) A person who hinders or obstructs any other person in the performance of functions under this section commits an offence and is liable on summary conviction to a fine of not less than one thousand penalty units and not more than five thousand penalty units or to a term of imprisonment of not less than one year and not more than two years or to both.

(4) The amount of money reasonably incurred by the Minister or an institution to prevent or stop the offending activity may be recovered as a civil debt from the person responsible unless a Court otherwise determines.

Request for information

37. (1) The Chief Executive Officer or an officer of the Authority authorised by the Chief Executive Officer may request

(a) in writing from a person, or
(b) a person to attend at a time and place specified in writing to give information which the Chief Executive Officer considers reasonably necessary for the purposes of this Act.

(2) A person who

(a) without reasonable excuse

(i) fails to provide information requested under paragraph (a) of subsection (1); or

(ii) refuses or fails to attend as requested under paragraph (b) of subsection (1),

(b) provides false information or information which that person does not have a reason to believe is true, or

(c) obstructs a public officer in the lawful performance of a function under this Act,

commits an offence and is liable on summary conviction to a fine of not less than five hundred penalty units and not more than one thousand penalty units or to a term of imprisonment of not less than one year and not more than two years or to both.

(3) Where a body of persons is convicted of an offence under this Act or the Regulations,

(a) in the case of a body corporate, every director or officer of that body corporate shall be deemed to have committed that offence; or

(b) in the case of a partnership, every partner or officer of the partnership shall be deemed to have committed that offence.

(4) A person shall not be convicted of an offence by virtue of subsection (3) if it is established that the offence was committed without the knowledge or connivance of that person and that due care and diligence was exercised to prevent the commission of the offence having regard to the circumstances.

National Environment Fund

Establishment of the National Environment Fund

38. There is established by this Act, the National Environment Fund.

Object of the National Environment Fund

39. The object of the National Environment Fund is to support the regulation of the environment in all forms with the view to ensure

- (a) the efficient and effective management and protection of the environment of the country;
- (b) that emerging environmental issues are addressed to achieve sustainable development;
- (c) human resource development;
- (d) a prompt response to environmental emergencies;
- (e) the promotion of research and awareness creation on environmental issues; and
- (f) any other purpose that is ancillary to the object of the Fund determined by the Board in consultation with the Minister.

Sources of money for the National Environment Fund

40. The sources of money for the National Environment Fund are

- (a) grants and donations;
- (b) fifteen percent of the plastic levy payable under the Customs and Excise (Duties and other Taxes) Act, 1996 (Act 512);
- (c) five per cent of any amount of money remaining to the credit of the Authority after having made provision for the expenditure under section 26 in a financial year;
- (d) income from investment of moneys of the National Environment Fund; and
- (e) moneys approved by Parliament.

Bank account of the National Environment Fund

41. Moneys for the National Environment Fund shall be paid into a bank account opened for that purpose by the Board with the approval of the Controller and Accountant-General.

Management of the National Environment Fund

42. (1) The National Environment Fund shall be administered by the Board.

(2) The Board shall, for the purposes of administering the National Environment Fund,

- (a) formulate policies to generate money for the Fund;
- (b) determine the allocations to be made towards the object of the Fund; and
- (c) determine the annual targets of the Fund.

(3) The Board may invest a part of the National Environment Fund that the Board considers appropriate in Government securities or in a manner approved by the Minister in consultation with the Minister responsible for Finance.

(4) Payments issued from the National Environment Fund shall be signed by the

- (a) chairperson of the Board;
- (b) the Chief Executive Officer; and
- (c) one other member of the Board.

(5) Sections 27 and 28 on accounts and audit, and annual report and other reports apply to the Fund.

*Miscellaneous Provisions***Regulations**

43. The Minister may, in consultation with the Board, by legislative instrument, make Regulations for

- (a) standards and codes of practice relating to the protection, development and rehabilitation of the environment;
- (b) the category of undertakings in respect of which an environmental assessment is required by the Authority;
- (c) the type, quantity, conditions or concentration of substances that may be released into the environment;
- (d) the manufacture, formulation, repackaging, importation, transportation, use, collection, storage, recycling, recovery or disposal of substances which may be hazardous to the environment;

- (e) the protection of any particular species of fauna and flora;
- (f) the improvement of quality of the environment;
- (g) matters for which permits are required under this Part;
- (h) management of environmental issues relating to mining in forest reserves and other environmentally sensitive areas;
- (i) management of environmental issues in the petroleum sector;
- (j) certification of environmental management practitioners;
- (k) management of the ozone layer;
- (l) matters relating to biodiversity;
- (m) resource efficiency and cleaner production;
- (n) urban and peri-urban trees;
- (o) environmental services;
- (p) the control of mercury on the environment and human health;
- (q) strategic environmental assessment;
- (r) oil pollution preparedness, response and co-operation;
- (s) the amendment of administrative penalties specified in the Thirteenth Schedule;
- (t) regulate the removal of urban tree cover;
- (u) the establishment and efficient management of a reclamation financial security scheme for the mining industry; and
- (v) giving effect generally to this Part.

Interpretation

44. In this Part, unless the context otherwise requires,

“circular economy” means an economy that uses a systems-focused approach and involves industrial processes and economic activities that

- (a) are restorative or regenerative by design;
- (b) enables resources used in the industrial processes and economic activities to maintain the highest value for as long as possible; and
- (c) aims for the elimination of waste through the superior design of materials, products, and systems including business models;

“cleaner production” means the continuous application of an integrated preventive environmental strategy to processes, products and services to increase overall efficiency and reduce risks to humans and the environment;

“cleaner production approach” means the techniques and strategies for the creative process of identifying new options in cleaner production and applying cleaner technology such as raw material substitution, technology change, process optimisation, housekeeping and inventory, product design, on-site recycling and reuse and lifecycle thinking;

“distribute” means to supply commercially, to transport, store or sell;

“electronic waste” means discarded electrical or electronic equipment or device such as all sub-assemblies, subcomponents and consumables which are part of the equipment or device at the time the equipment or device is discarded;

“environmental audit” means

(a) an evaluation to identify environmental compliance and environmental management system implementation gaps, and related corrective actions; or

(b) an assessment of the extent to which an organisation observes practices which minimise harm to the environment;

“environmental practitioners” mean persons engaged in the provision of professional environmental services including consultancy, engineering, materials management, arboriculture, environmental assessment, environmental sciences and product design;

“environmental protection levies” mean fees and charges charged by the Authority;

“environmental services” mean a heterogeneous set of producers of goods and services aimed at the protection of the environment;

- “extended producer responsibility” means the producer is liable for the entire life cycle of the products the producer introduces on the market, from the design of the product to the end of the life cycle of the product up to the waste collection and recycling of the waste;
- “Fund” means the National Environment Fund established under section 38;
- “general oversight” means actions taken to supervise and monitor
- (a) a public or private sector organisation, and
 - (b) a policy, plan, programme, project or activity of a public or private sector organisation
- to ensure compliance with an applicable environmental policy, law, regulation and standard;
- “hazardous wastes” mean wastes that
- (a) belong to any category contained in the Sixth Schedule unless they do not possess any of the characteristics contained in the Eighth Schedule; or
 - (b) for the purposes of transboundary movement, do not belong to any category contained in the Sixth Schedule;
- “National Oil Spill Contingency Plan” means the national plan for preparedness and response to oil pollution incidents, including the organisational relationship of various bodies involved, prepared by the Authority pursuant to section 3 of this Act;
- “other waste” means
- (a) wastes collected from households or residues arising from the incineration of household wastes and classified under the Sixth Schedule as categories of wastes requiring special consideration; or
 - (b) wastes that have any of the constituents specified in Part B of the Sixth Schedule;
- “ozone layer” means the layer of the atmospheric ozone and the planetary boundary as defined in the Vienna Convention for the Protection of the Ozone Layer;

- “person responsible” includes, in relation to an undertaking, enterprise, a construction or development, a person at whose order or on whose behalf the undertaking, enterprise, construction or development is being done or will be done;
- “premises” includes a building, land, ship, vessel, vehicle, aircraft, caravan, other than a building or place used exclusively as a dwelling house;
- “relevant bodies” include a regulator, a proponent and a consultant;
- “resource efficiency” means the management of raw materials, energy and water along the value chain in order to minimise waste and detrimental impacts on the ecosystems throughout the entire life cycle of production;
- “service provider” means a person that provides services to another person including a regulator, a consultant, an environmental service provider, a manufacturer, a health practitioner, a transporter and a retailer in environmental goods and the hospitality industry;
- “sustainable development” means meeting human development goals while sustaining the ability of natural systems to provide the natural resources and ecosystem services on which the economy and society depend; and
- “urban tree cover” includes a home tree or shrub that is planted or naturally occurring and located in a built-up area including a home, an open space, a green belt or an area that provides an ecosystem service for a population or settlement of five thousand people and above.

PART TWO – PESTICIDES CONTROL AND MANAGEMENT

Pesticides Technical Committee

Establishment of the Pesticides Technical Committee

45. (1) Without limiting subsection (1) of section 9, the Board shall establish a Pesticides Technical Committee.

- (2) The Pesticides Technical Committee consists of
- (a) the chairperson;
 - (b) one representative of the Ministry of Transport not below the rank of a Director nominated by the Minister responsible for Transport;
 - (c) one representative of the Ghana Cocoa Board not below the rank of a Principal Research Officer, with expertise in pesticides, nominated by the Chief Executive Officer of the Ghana Cocoa Board;
 - (d) the Director of the Plant Protection and Regulatory Services Directorate of the Ministry of Food and Agriculture;
 - (e) the head of the Poison Control Centre of the Public Health Division of the Ghana Health Service;
 - (f) one representative of the Ghana Standards Authority not below the rank of a Principal Scientific Officer, with expertise in pesticides or a related field, nominated by the Director-General of the Ghana Standards Authority;
 - (g) one representative of the laboratory of the Customs Division of the Ghana Revenue Authority not below the rank of a Principal Collector, nominated by the Commissioner-General of the Ghana Revenue Authority;
 - (h) one representative of the Association of Ghana Industries, with knowledge and expertise in the pesticide industry, nominated by the Association of Ghana Industries;
 - (i) one representative of the Ghana National Association of Farmers and Fishermen, nominated by the President of the Ghana National Association of Farmers and Fishermen;

- (j) one representative of the Centre for Scientific and Industrial Research not below the rank of a Principal Scientific Officer, with knowledge in pesticides or a related field, nominated by the Director-General of the Centre for Scientific and Industrial Research;
- (k) one representative of the Food and Drugs Authority not below the rank of a Director nominated by the Chief Executive Officer of the Food and Drugs Authority; and
- (l) two representatives of the Authority not below the rank of a Principal Programme Officer, with knowledge in pesticide management, one of whom is the Director responsible for Chemicals Management, nominated by the Chief Executive Officer of the Authority.

(3) One of the representatives of the Authority specified in paragraph (l) of subsection (2) shall serve as Secretary to the Pesticides Technical Committee.

(4) The Department of the Authority responsible for the control and management of chemicals shall serve as the Secretariat of the Pesticides Technical Committee.

Functions of the Pesticides Technical Committee

46. The Pesticides Technical Committee shall

- (a) review evaluation reports submitted to the Committee by the Authority and make a recommendation to the Board for approval;
- (b) recommend the review of the classification of pesticides as general use, restricted use or banned use where necessary; and
- (c) perform any other function that the Board may assign.

Registration of Pesticides

Requirement for registration of pesticide

47. (1) A person shall not manufacture, formulate, repack, import, export, transport, store, distribute, label, advertise, sell or use a pesticide unless the pesticide has been registered by the Authority in accordance with this Part.

(2) Despite subsection (1), the Authority may authorise the manufacture, formulation, importation and use of an unregistered pesticide if the

(a) pesticide is

- (i) meant for efficacy trials, experimental or research purposes only;
- (ii) for use in the event of a national emergency; or
- (iii) in direct transit through the Republic and the Board is satisfied that the pesticide is permitted to enter the country of destination; or

(b) Minister by legislative instrument so prescribes.

(3) A person who, except as provided in subsection (2), manufactures, formulates, repackages, imports, exports, transports, stores, distributes, labels, advertises, sells or uses a pesticide which has not been registered commits an offence and is liable on summary conviction to a fine of not less than five thousand penalty units and not more than ten thousand penalty units or to a term of imprisonment of not less than one year and not more than two years or to both, and in the case of a continuing offence, to an additional fine of not more than twenty-five penalty units in respect of each day during which the offence continues.

(4) Despite subsection (1), the Authority may authorise the manufacture of an unregistered pesticide for export purposes only, if

- (a) the pesticide is to be manufactured in accordance with enactments relating to safety in line with both national and international requirements;
- (b) the pesticide is to be manufactured in accordance with specifications provided by the importer; or
- (c) the specifications satisfy the requirements applicable for the purpose in the country to which it is to be exported.

(5) A product manufactured under subsection (4) shall not be used or placed on the market in the country.

(6) Where a product manufactured under subsection (4) is found on the market in the country, the Authority shall order the person responsible for the product to recall the product from the market within the period specified in the order at the personal cost of that person.

(7) A person who contravenes subsection (5) is liable to pay to the Authority the administrative penalty specified in the Thirteenth Schedule.

(8) In determining whether or not to approve the registration of a pesticide and the classification of a registered pesticide, the Authority shall require the applicant to submit the relevant technical information or data as may be prescribed by the Authority including

- (a) the characteristics of the pesticide formulation, such as the acute dermal, oral or inhalation toxicity;
- (b) the persistence, mobility and susceptibility to biological concentration of the pesticide;
- (c) the experience gained from the use of the pesticide, such as the likelihood of the misuse of the pesticide and any safety record which is contrary to available laboratory toxicological information;
- (d) the hazards of the patterns of use of the pesticide, such as granular soil applications, ultra-low volume or dust aerial applications or air blast sprayer applications;
- (e) the extent of the intended use of the pesticide;
- (f) the supporting data and any other technical information that the Authority may request from the applicant or a public institution;
- (g) evidence that the pesticide meets the specification declared by the applicant; and
- (h) any other matter relevant to the control and management of the pesticides.

Application for registration of pesticide

48. (1) A person who seeks to register a pesticide under section 47, shall apply to the Authority in the form set out in the Second Schedule.

- (2) The application shall be accompanied with
- (a) samples of the pesticide product;
 - (b) samples of the technical grade of the active ingredient of the pesticide;
 - (c) samples of the laboratory standard of the active ingredient of the pesticide;

- (d) any other sample or information that may be required by the Authority; and
- (e) the prescribed fee.

(3) An applicant who is not resident in Ghana shall appoint an agent permanently resident in Ghana to whom a notice or correspondence may be communicated.

(4) An application under subsection (1) may be withdrawn at any time by the applicant before registration, but the withdrawal shall not entitle the applicant to

- (a) a refund of the application fees; and
- (b) the sample submitted.

Determination of completeness of application

49. (1) The Authority shall, on receipt of an application for registration of a pesticide,

- (a) within five days, acknowledge, in writing, the receipt of the application; and
- (b) within ten days, determine if the application is complete and communicate the decision to the applicant.

(2) Where the Authority determines that an application is not complete, the Authority shall request the applicant to submit the additional relevant information.

(3) The Authority shall not approve a pesticide where an applicant fails to submit the additional relevant information as required under subsection (2).

Consideration of application

50. (1) Where the Authority determines that an application is complete, the Authority shall

- (a) evaluate the application; and
- (b) within sixty days forward the evaluation report to the Pesticides Technical Committee for consideration.

(2) The Pesticides Technical Committee shall, within sixty days after the date of receipt of the evaluation report, consider the evaluation report and make a recommendation to the Authority.

(3) The Authority shall, in taking a decision on the application, have regard to the requirements specified in subsection (8) of section 47 and section 54.

(4) The Authority may, after consideration of an application for the registration of a pesticide,

- (a) grant approval for the registration of the pesticide;
- (b) grant provisional approval for clearance of the pesticide pending registration of the pesticide; or
- (c) refuse to register the pesticide.

(5) The Authority shall inform the applicant within ten days after taking the decision on the application.

Classification of pesticides

51. (1) The Authority shall, for the purposes of registration of a pesticide, classify a pesticide as being

- (a) for general use;
- (b) for restricted use or suspended use; or
- (c) a banned pesticide.

(2) For the purpose of paragraph (b) of subsection (1), “a pesticide classified as being for restricted use” means a pesticide that is allowed for use only on selected crops, surfaces or targets by a licensed pesticide applicator and is required to be sold by a dealer licensed to handle a restricted pesticide.

Provisional approval

52. (1) A pesticide that is being introduced to the market for the first time shall have a provisional approval.

(2) The Authority may determine an application for the registration of a pesticide referred to in subsection (1) if

- (a) the provisional approval has expired; and
- (b) the applicant meets all the necessary requirements for registration under section 47.

(3) A provisional approval is subject to the conditions specified in writing by the Authority.

(4) The Authority shall cancel a provisional approval if the application for the registration of the pesticide is refused.

Duration of provisional approval

53. A provisional approval for a pesticide is valid for a period of not more than one year.

Approval of registration of pesticides

54. The Authority may approve the registration of a pesticide subject to the conditions as determined by the Authority and shall only register a pesticide if the Authority is satisfied that

- (a) all relevant information specified in the Second Schedule has been provided by the applicant;
- (b) the pesticide is effective for the intended use;
- (c) the pesticide has been tested for efficacy and phytotoxicity under local conditions;
- (d) the pesticide does not present a toxicological risk to people, animals, crops or the environment;
- (e) the declared concentration of the active substance has been verified by the Authority or any other laboratory prescribed by the Authority;
- (f) the experience gained from the use of the pesticide including the likelihood of the misuse of the pesticide and any safety record is not contrary to available laboratory toxicological information;
- (g) the method and the mode of application of the pesticide have been specified;
- (h) the supporting data and any other technical information that the Authority may request from the applicant or a public institution are provided; and
- (i) any other information relevant to the control and management of the pesticide has been provided by the applicant.

Certificate of registration

55. (1) Where a pesticide is registered, the Authority shall issue a certificate of registration.

(2) The certificate issued under subsection (1) shall not be transferred without the approval of the Authority.

(3) A person who contravenes subsection (2) commits an offence and is liable on summary conviction to a fine of not less than one thousand penalty units and not more than two thousand penalty units.

Refusal of registration of pesticide

56. (1) The Authority may refuse to register a pesticide if the pesticide fails to meet the requirement in section 47.

(2) Where the Authority refuses to register a pesticide, the Authority shall, within fourteen days after the decision, inform the applicant in writing stating the reasons for the refusal.

Duration and renewal of registration of pesticide

57. (1) The registration of a pesticide remains valid for a period of three years from the date of registration.

(2) Where the Authority is satisfied that a registered pesticide remains safe and effective for use in the Republic, the Authority may renew the registration for a further period of three years at a time.

(3) The application for renewal shall be made

(a) at least three months before the end of the duration of the registration of the pesticide; and

(b) in the form set out in the Third Schedule.

(4) The renewal of the registration of a pesticide is subject to

(a) the submission of the information, analysis or samples which the Authority may require; and

(b) any other conditions that the Authority may determine.

(5) A person who contravenes subsection (3) is liable to pay to the Authority the administrative penalty specified in the Thirteenth Schedule.

Re-registration of pesticide

58. (1) The Authority shall cause the re-registration of a registered pesticide twelve years after an initial registration in accordance with the requirements of sections 47 and 54 and any other requirement that the Authority may determine.

(2) For the purposes of subsection (1), "re-registration" means starting the registration process again.

Expiration of registration

59. (1) Where the registration of a pesticide expires but the shelf life of the pesticide has not expired, the person who is required to register the pesticide under this Act shall renew the registration within thirty days before the date of expiry of the shelf life of the pesticide.

(2) A person who contravenes subsection (1) is liable to pay to the Authority the administrative penalty specified in the Thirteenth Schedule.

(3) The Authority shall cause the removal of the pesticide referred to in subsection (1) from the market at the expense of that person.

Non-disclosure of confidential information

60. (1) An applicant may designate information provided to the Authority in accordance with this Part and the Regulations made under this Part as confidential information.

(2) For the purposes of subsection (1), the applicant shall provide the Authority with the justification for the designation.

(3) Where the Authority takes a decision that information designated as confidential information by an applicant is not confidential, the Authority shall inform the applicant in writing, stating the reasons for the decision.

(4) If an applicant withdraws an application for registration due to a decision of the Authority under subsection (3), the Authority shall keep as confidential the information designated by the applicant as confidential.

(5) The Authority and the employees of the Authority shall not use confidential information for a purpose that is not authorised by this Part or the Regulations.

(6) Despite subsection (5), where there is a national emergency that threatens public health and the environment, the Authority and employees of the Authority may use confidential information in the interest of public safety upon notice to the applicant.

Power of Authority to amend, suspend or ban pesticides

61. The Authority may, if satisfied that a registered pesticide under the existing conditions of registration or provisional approval is not

effective, or may cause hazard to human beings, animals, crops or the environment

- (a) inform the holder of the registration in writing; and
- (b) take any of the following decisions by publication in the *Environmental Bulletin*:
 - (i) amend the classification of the pesticide;
 - (ii) suspend the pesticide;
 - (iii) ban the pesticide;
 - (iv) cancel the registration of the pesticide; or
 - (v) cancel the provisional approval at any time after the registration or during the period of a provisional approval.

Withdrawal of pesticides

62. (1) The Authority may cause the withdrawal of a pesticide from the Republic if the

- (a) registration of the pesticide is suspended, cancelled or banned;
 - (b) continued use of the pesticides will cause unacceptable risk of harm to human beings, crops, animals or the environment; or
 - (c) shelf life of the pesticide has expired.
- (2) For purposes of subsection (1),
- (a) “unacceptable risk of harm” means harm that cannot be reversed or mitigated; and
 - (b) “shelf life” includes
 - (i) the expiry date of the pesticide; and
 - (ii) the date when the effectiveness of the pesticide and the concentration levels of a pesticide are reduced.

Register of pesticides

63. (1) The Authority shall establish and maintain a register of pesticides in which the Authority shall record the names and particulars of

- (a) registered pesticides;

- (b) banned pesticides;
- (c) suspended pesticides; and
- (d) any other classification that the Authority may decide.

(2) The contents of the register of pesticides shall be updated every six months by the Authority.

Licensing of Pesticide Dealers

Requirement for licence

- 64.** (1) A person shall not
- (a) manufacture,
 - (b) formulate,
 - (c) repackage,
 - (d) import,
 - (e) export,
 - (f) transport,
 - (g) store,
 - (h) advertise,
 - (i) distribute,
 - (j) sell,
 - (k) commercially apply, or
 - (l) dispose of

a pesticide except in accordance with a licence issued under this Part.

(2) For purposes of subsection (1), to “commercially apply” a pesticide means the application of a pesticide, other than a residential application of a pesticide, to exterminate, control or repel pests or diseases for the purpose of trade or gain.

(3) Despite subsection (2), a residential application of a pesticide for profit is considered as a commercial activity.

(4) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of not less than five thousand penalty units and not more than ten thousand penalty units or to a term of imprisonment of not less than one year and not more than two years or to both, and in the case of a continuing offence, to an

additional fine of not more than twenty-five penalty units in respect of each day during which the offence continues.

Application for licence

65. (1) A person who seeks to
- (a) manufacture,
 - (b) formulate,
 - (c) repackage,
 - (d) import,
 - (e) export,
 - (f) transport,
 - (g) store,
 - (h) advertise,
 - (i) distribute,
 - (j) sell,
 - (k) commercially apply or
 - (l) dispose of
- a pesticide shall apply to the Authority for a licence as set out in the Fourth Schedule.
- (2) The application for a licence shall be accompanied with
- (a) the prescribed fee;
 - (b) any other information that may be required by the Authority; and
 - (c) where applicable, an environmental permit issued in accordance with the Environmental Assessment Regulations, 1999 (L.I. 1652).
- (3) Despite subsection (2), a person who makes an application for a licence to
- (a) manufacture,
 - (b) formulate,
 - (c) repackage,
 - (d) transport,
 - (e) store,
 - (f) sell,
 - (g) commercially apply, or
 - (h) dispose of

a pesticide shall show evidence of completion of a competence-based training in pesticides management organised by the Authority or any other body authorised by the Authority.

Grant of licence

66. (1) Where the application meets the requirements in subsections (2) and (3) of section 65, the Authority may grant a licence to a person to

- (a) manufacture,
- (b) formulate,
- (c) repackage,
- (d) import,
- (e) export,
- (f) transport,
- (g) store,
- (h) advertise,
- (i) distribute,
- (j) sell,
- (k) commercially apply, or
- (l) dispose of

a pesticide within fourteen days after taking the decision to grant the licence.

(2) A licence granted under this Part is subject to the conditions specified in writing by the Authority.

(3) The Authority may grant a licence only for the retail of a pesticide classified as being for general use in accordance with the prescribed requirements.

(4) Where a person sells a pesticide referred to in subsection (3), the person shall ensure that the pesticide is in

- (a) a rigid package that is properly sealed;
- (b) a sealed flexible package including a sealed foil-lined pack;
- (c) a sealed barrier-lined pack; or
- (d) any other package authorised by the Authority.

Refusal to issue a licence

67. (1) The Authority may refuse to issue a licence if an applicant

- (a) fails to meet the requirements in subsections (2) and (3) of section 65; or

(b) falsifies any part of the information in the application.

(2) Where the Authority refuses to issue a licence, the Authority shall, within fourteen days after the decision, inform the applicant in writing of the refusal and the reasons for the refusal.

Validity of licence

68. A licence granted under section 66 is valid for one year.

Renewal of licence

69. (1) A licence granted under section 66 is subject to renewal at the end of the period of validity indicated in the licence.

(2) A person who wishes to renew a licence granted, shall submit an application for renewal to the Authority not later than thirty days before the licence expires.

(3) The procedure for the renewal of a licence is the same as that for the grant of the original licence and is subject to the payment of the prescribed renewal fee.

(4) A person who fails to renew a licence granted or whose application for renewal is refused by the Authority, shall cease to carry out an activity specified in subsection (1) of section 65.

(5) A person who contravenes subsection (4) is liable to pay to the Authority the administrative penalty specified in the Thirteenth Schedule.

Non-transferability of licence

70. (1) A person granted a licence under this Part shall not transfer that licence to another person without the approval of the Authority in writing.

(2) A person who contravenes subsection (1) is liable to pay to the Authority the administrative penalty specified in the Thirteenth Schedule.

Suspension or cancellation of licence

71. (1) The Authority may

(a) suspend a licence if the Authority has reasonable grounds to believe that the licensee has failed or refused to comply with this Part, Regulations made under this Part or any other conditions for the licence;

- (b) cancel a licence if the cancellation appears necessary to prevent or remove a hazard to human beings, crops, animals or the environment.
- (2) The Authority shall not suspend a licence under subsection (1) unless the Authority has
 - (a) given the licensee at least fourteen days written notice of the decision to suspend the license and specified in the notice the nature of the defect, omission or breach; and
 - (b) requested the licensee to remedy the defect, omission or breach within the period specified in the written notice.
- (3) Where the licensee fails to take the necessary action to remedy the defect, omission or breach the Authority may cancel the licence.
- (4) The suspension or cancellation of a licence is effective from the day that the applicant receives the decision from the Authority in writing.

Export permit

72. (1) A person licensed to export a pesticide under section 66 shall apply, in writing, as set out in Form One of the Fifth Schedule, to the Authority for an export permit before the exportation of the pesticide.
- (2) An application for an export permit shall be accompanied with
 - (a) an export licence;
 - (b) the prescribed fee; and
 - (c) any other information that the Authority may determine.
 - (3) The Authority shall, within five days after the date of receipt of the application, consider the application and take a decision on the application.
 - (4) Where the Authority approves the application, the Authority shall, within five days
 - (a) inform the applicant, in writing, of the decision; and
 - (b) issue the applicant with an export permit indicating the conditions determined by the Authority.
 - (5) Where the Authority refuses to approve the application, the Authority shall within five days communicate to the applicant in writing, the reason for the refusal.

Import permit

73. (1) A person licensed to import a pesticide under section 66 shall apply, in writing, as set out in Form Two of the Fifth Schedule, to the Authority for an import permit before the importation of the pesticide.

(2) An application for an import permit shall be accompanied with

(a) an import licence;

(b) the prescribed fee; and

(c) any other information that the Authority may determine.

(3) The Authority shall, within five days after the date of receipt of the application, consider the application and take a decision on the application.

(4) Where the Authority approves the application, the Authority shall, within five days

(a) inform the applicant, in writing, of the decision; and

(b) issue the applicant with an import permit on the conditions determined by the Authority.

(5) Where the Authority refuses to approve the application, the Authority shall, within five days, communicate the reason for the refusal.

(6) A person who has been granted an import permit under paragraph (b) of subsection (4) shall not sell the pesticide imported to a person who has not been licensed by the Authority to deal in pesticides.

(7) A person who contravenes subsection (6) commits an offence and is liable on summary conviction to a fine of not less than five thousand penalty units and not more than ten thousand penalty units or to a term of imprisonment of not less than two years and not more than four years or to both.

Appeal against decision of the Authority

74. (1) A person dissatisfied with a decision of the Authority may appeal to the Minister.

(2) The Minister shall determine the matter within thirty days after the receipt of a written notification of the appeal.

(3) A person who applies to register a pesticide or a licensee may seek redress in the High Court if dissatisfied with

(a) the failure of the Minister to determine the matter within the thirty days; or

(b) the decision of the Minister.

Pesticides Management Fund

Establishment of the Pesticides Management Fund

75. There is established by this Act, the Pesticides Management Fund.

Object of the Pesticides Management Fund

76. (1) The object of the Pesticides Management Fund is to improve the control and management of pesticides in the country.

(2) To achieve the object under subsection (1), moneys from the Pesticides Management Fund shall be applied

(a) to support the management of the Pesticides Quality Control Laboratory of the Authority established under section 96;

(b) to monitor and conduct surveillance on the quality of pesticides on the market;

(c) to conduct post-registration and licencing, monitoring and surveillance;

(d) to manage obsolete pesticides and empty containers;

(e) for capacity building for dealers and the Authority;

(f) for public education on health and environmental safety in relation to pesticides;

(g) for research, studies and investigation relating to the environmental and health aspects of pesticides; and

(h) for any other purpose determined by the Pesticides Fund Management Committee in furtherance of the object of the Fund.

Sources of moneys for the Pesticides Management Fund

77. The sources of moneys for the Fund are

(a) a zero point three per cent of the free on board value of all pesticides imported into the country and paid at the time of application for an export permit or an import permit;

- (b) a zero point three per cent of the value of production per annum of all pesticides manufactured in the country and paid at the time of placement on the market;
- (c) donations, grants and gifts; and
- (d) moneys approved by Parliament for the Fund.

Establishment of the Pesticides Management Fund Committee

78. (1) There is established by this Act, the Pesticides Management Fund Committee.

- (2) The Pesticides Management Fund Committee consists of
 - (a) two representatives of the Authority, nominated by the Chief Executive Officer of the Authority;
 - (b) two representatives of a registered pesticide dealers association, nominated by the association;
 - (c) one representative of the Customs Division of the Ghana Revenue Authority not below the rank of a Principal Collector, nominated by the Commissioner-General of the Ghana Revenue Authority;
 - (d) one representative of the Controller and Accountant-General nominated by the Controller and Accountant-General; and
 - (e) one representative of the Office of the Attorney-General and Ministry of Justice not below the rank of a Principal State Attorney, nominated by the Attorney-General and Minister for Justice.

(3) A representative of the Authority shall be the chairperson of the Committee.

(4) The President shall, in accordance with article 195 of the Constitution, appoint the members of the Pesticides Management Fund Committee.

(5) Section 8 applies to a member of the Pesticides Management Fund Committee.

Functions of the Pesticides Management Fund Committee

79. The Pesticides Management Fund Committee is responsible for the management of the Pesticides Management Fund.

Tenure of office of members of the Pesticides Management Fund Committee

80. (1) A member of the Pesticides Management Fund Committee shall hold office for a period of four years and is eligible for re-appointment for another term only.

(2) A member may resign from the Pesticides Management Fund Committee in writing addressed to the President through the Minister.

(3) A member of the Pesticides Management Fund Committee who is absent from three consecutive meetings without sufficient cause ceases to be a member of the Committee.

(4) The President may by letter addressed to a member, revoke the appointment of that member.

(5) Where a member of the Pesticides Management Fund Committee is, for a sufficient reason, unable to act as a member, the Minister shall determine whether the inability of the member to act would result in the declaration of a vacancy.

(6) Where there is a vacancy

(a) under subsection (2), (3) or (4);

(b) as a result of a declaration under subsection (5); or

(c) by reason of the death of a member

the Minister shall notify the President of the vacancy and the President shall, subject to subsection (2) of section 78 appoint another person to fill the vacancy in accordance with this Act.

Meetings of the Pesticides Management Fund Committee

81. (1) The Pesticides Management Fund Committee shall meet at least once every three months for the conduct of business at a time and place determined by the chairperson.

(2) The chairperson shall, at the request in writing of not less than one-third of the membership of the Committee, convene an extraordinary meeting of the Committee at a time and place determined by the chairperson.

(3) The quorum for a meeting of the Committee is five members.

(4) The chairperson shall preside at meetings and in the absence of the chairperson, a member of the Committee elected by the members present from among their number shall preside.

(5) Matters before the Pesticides Management Fund Committee shall be decided by a majority of the members present and voting and in the event of an equality of votes, the person presiding shall have a casting vote.

(6) The proceedings of the Committee shall not be invalidated by reason of a vacancy among the members or a defect in the appointment or qualification of a member.

(7) Subject to this section, the Pesticides Management Fund Committee may determine the procedure for the meetings of the Committee.

Allowances of the Pesticides Management Fund Committee

82. Members of the Pesticides Management Fund Committee shall be paid the allowances determined by the Minister in consultation with the Minister responsible for Finance.

Bank account for the Pesticides Management Fund

83. Moneys for the Pesticides Management Fund shall be paid into a bank account opened for that purpose by the Pesticides Management Fund Committee with the approval of the Controller and Accountant-General.

Disbursement from the Pesticides Management Fund

84. (1) The Committee shall make recommendations for disbursements from the Pesticides Management Fund.

(2) Payments made from the Pesticides Management Fund shall be signed by the Chief Executive Officer and the chairperson of the Pesticides Management Fund Committee.

(3) Sections 27 and 28 on accounts and audit, and annual report and other reports apply to the Pesticides Management Fund.

General Provisions on Pesticides

Safeguards for workers and users of pesticides

85. (1) A person shall not use or require an employee to use a pesticide in a manner that is inconsistent with this Part or Regulations made under this Part.

(2) A person shall read or cause to be read the instructions on the label of a pesticide before using the pesticide.

(3) A person in possession of or who deals in a pesticide shall inform any other person who uses a pesticide of the dangers involved in the misuse of the pesticides.

(4) Where Regulations made under this Part require that a pesticide be applied by or under the supervision of a person authorised by the Authority, that person shall not apply that pesticide unless authorised or supervised.

(5) A person shall not require or permit an employee to handle or use a pesticide in the course of employment without providing and requiring the employee to use the protective facilities and clothing which will ensure safe handling or safe use of the pesticide.

(6) Where protective facilities and clothing are required as a condition for a licence, an employer whose employee uses or handles pesticides to which the licence relates shall provide and require the use of the facilities and clothing.

(7) A person who owns, operates or is in charge of premises used for the manufacture, formulation, packaging or storage of pesticides shall ensure that

- (a) a person who works on the premises wears adequate protective clothing;
- (b) the premises is well-equipped with a first-aid facility to cater for accidental poisoning; and
- (c) the general health of a person who works on the premises is adequately catered for.

(8) A person shall not harvest or offer for sale a foodstuff on which pesticides have been used except in compliance with the pre-harvest interval and the withholding period as indicated on the label of the pesticide.

- (9) A person who commercially applies a pesticide shall
- (a) not permit any other person to enter the affected area until the prescribed interval between the application of the pesticide and the safe period of entry after application of the pesticide has been observed;
 - (b) display a notice, warning any other person from entering the affected area; and
 - (c) give notice, in writing, to a person likely to be exposed to the pesticide.

(10) A person shall dispose of an obsolete pesticide only with prior approval from the Authority.

(11) A person who contravenes this section is liable to pay to the Authority the administrative penalty specified in the Thirteenth Schedule.

Pesticide residue

86. (1) The Authority shall set a maximum permissible concentration for pesticide residue in food and animal feed to be known as a Maximum Residue Limit for a pesticide.

(2) In setting a Maximum Residue Limit for a pesticide, the Authority may

- (a) establish the National Maximum Residue Limit for the pesticide; or
- (b) in the absence of a National Maximum Residue Limit, adopt the latest residue limits for agricultural crops and related commodities specified by the Food and Agriculture Organisation-World Health Organisation- Codex Alimentarius Commission as an Interim National Maximum Residue Limit.

(3) The Authority may register a pesticide for use on food or animal feed only when

- (a) the pesticide has met the National Maximum Residue Limit or the Interim Maximum Residue Limit for the pesticide; and

(b) the residue for that pesticide meets the Maximum Residue Limit when the pesticide is applied in accordance with the approved label of the pesticide.

(4) The Authority may in collaboration with relevant stakeholders establish a pesticide residue monitoring programme to

(a) ensure that the residue limit set under subsection (1) is complied with; and

(b) generate relevant data for the periodic review of the residue limit set under subsection (1).

(5) The Authority may exempt a pesticide from the requirements for the Interim Maximum Residue Limit if the pesticide is generally regarded as safe for use by the Authority.

Training in pesticide management

87. (1) The Authority shall periodically conduct training programmes in the handling and management of pesticides for dealers in pesticides and persons in the pesticides industry.

(2) An applicant who applies for a licence in accordance with section 65 shall undertake and pass the training course in pesticide management before being granted the licence.

(3) A person who is granted a licence in accordance with section 66 shall undertake the training course in pesticide management every two years.

(4) The Authority or an institution accredited by the Authority shall provide the training.

(5) The Authority shall

(a) determine the content of the training; and

(b) issue a certificate of competence to a participant on completion of the training.

General regulatory power

88. The Authority may restrict or prohibit the use of a registered pesticide in a designated area during a specified period of time.

Conformity to registered pesticides

89. (1) A person shall not alter a registered pesticide so as to change the formulation, composition or usage of the pesticide or alter the pesticide in any other manner.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of not less than five thousand penalty units and not more than ten thousand penalty units or to a term of imprisonment of not less than five years and not more than ten years or to both.

(3) A person shall not sell a registered pesticide that is imported into the country or manufactured in the country if due to

- (a) the expiration of the shelf life,
- (b) a fault in manufacture, or
- (c) an accident or any other cause

the pesticide does not meet the conditions of the registration or of the provisional approval or approval.

(4) A person who contravenes subsection (3) is liable to pay to the Authority the administrative penalty specified in the Thirteenth Schedule.

Counterfeit pesticide

90. (1) A person shall not distribute, sell, formulate, export or import a counterfeit pesticide into the country.

(2) For purposes of subsection (1), “counterfeit” means the manufacture, formulation, production or making of a product, label or package that is

- (a) identical or substantially indistinguishable from that which is authorised under this Act; and
- (b) likely to mislead, deceive or be passed off as being a genuine product, label or package of the registrant of that particular product.

(3) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of not less than five thousand penalty units and not more than ten thousand penalty units or

to a term of imprisonment of not less than five years and not more than ten years or to both.

Advertisement of registered pesticide

91. (1) A person shall not advertise a registered or provisionally approved pesticide unless the advertisement has been vetted and approved by the Authority.

(2) A person who contravenes subsection (1) is liable to pay to the Authority the administrative penalty specified in the Thirteenth Schedule.

(3) A person shall not advertise a registered or provisionally approved pesticide in a manner which

- (a) is false;
- (b) is misleading or inconsistent with the information supplied to the Authority at the time of the application; or
- (c) omits warnings prescribed by the Authority.

(4) A person who contravenes subsection (3) commits an offence and is liable on summary conviction to a fine of not less than five thousand penalty units and not more than ten thousand penalty units or to a term of imprisonment of not less than five years and not more than ten years or to both, and in the case of a continuing offence, to an additional fine of not more than ten penalty units in respect of each day during which the offence continues.

Container, label and packaging of pesticide

92. (1) The Authority shall approve

- (a) a container,
- (b) a label, and
- (c) the manner of packaging

for a pesticide as specified in guidelines issued by the Authority.

(2) Where a container, label or packaging is approved by the Authority for a registered or provisionally approved pesticide, a person shall manufacture, formulate, repackage, import, export, transport, store, advertise, distribute, label, sell or use the registered pesticide in accordance with the approved container, label or packaging approved by the Authority.

(3) A person shall not alter an approved container, label or packaging of a registered pesticide so as to misrepresent the nature of the registered pesticide.

(4) A person who

(a) contravenes subsection (2) is liable to pay to the Authority the administrative penalty specified in the Thirteenth Schedule; or

(b) contravenes subsection (3) commits an offence and is liable on summary conviction to a fine of not less than five thousand penalty units and not more than ten thousand penalty units or to a term of imprisonment of not less than five years and not more than ten years or to both.

Pre and post registration sampling and analysis

93. (1) The Authority shall conduct a test of the sample submitted by the applicant to confirm the information submitted for registration of the pesticide.

(2) The Authority shall conduct monitoring and surveillance after registration of a pesticide for the purpose of collecting samples for analyses to confirm the claim made by the applicant on the composition of the pesticide at the time of registration.

Records and reporting

94. (1) A person who manufactures, formulates, repackages, imports, exports, transports, stores, distributes, applies, sells, or disposes of a pesticide shall make a record of the quantities of pesticides manufactured, formulated, repackaged, imported, exported, transported, stored, distributed, applied, sold or disposed of by that person.

(2) The record made under subsection (1) shall be

(a) maintained for ten years from the time the record is made; and

(b) made available to the Authority at the request of the Authority at the time and in the manner required by the Authority.

Location for storage, sale and distribution of pesticide

95. A person who constructs or rents premises for storage, sale and distribution of pesticides, shall do so in accordance with the Environmental Assessment Regulations, 1999 (L.I. 1652) and the Pesticides Licensing Guidelines developed by the Authority.

Pesticides Quality Control Laboratory

96. (1) The Authority shall establish a laboratory known as the Pesticides Quality Control Laboratory.

(2) The Pesticides Quality Control Laboratory shall perform functions related to the quality of pesticides regulated under this Part.

(3) Without limiting subsection (2), the Pesticides Quality Control Laboratory shall

- (a) analyse pesticide formulated products;
- (b) analyse pesticide active ingredients;
- (c) conduct research and training; and
- (d) perform any other function in relation to the Laboratory as determined by the Authority.

(4) The Authority shall issue guidelines to provide for

- (a) the procedure for the submission to the Pesticides Quality Control Laboratory of samples of pesticides and related substances;
- (b) provisions for analysis or tests; and
- (c) the forms of the report of the Pesticides Quality Control Laboratory; and
- (d) any other matters that are necessary or expedient to enable the Pesticides Quality Control Laboratory to perform the functions of the Pesticides Quality Control Laboratory.

(5) The Minister may appoint a certified laboratory or a qualified person in the relevant field to authenticate the analytical results in case of a dispute regarding analytical results.

(6) The Authority may use the services of a certified laboratory for the testing of pesticides and related products regulated by the Authority.

*Miscellaneous Provisions***Offences and penalties**

97. (1) A person who

(a) negligently makes a false record, or

(b) submits a false or a misleading statement to the Authority

commits an offence and is liable on summary conviction to a fine of not less than five thousand penalty units and not more than ten thousand penalty units or to a term of imprisonment of not less than five years and not more than ten years or to both, and in the case of a continuing offence, to an additional fine of not more than ten penalty units in respect of each day during which the offence continues.

(2) A person who discloses, otherwise than as provided by this Part, any proprietary information acquired by that person in the performance of a function under this Part commits an offence and is liable on summary conviction to a fine of not less than five thousand penalty units and not more than ten thousand penalty units or to a term of imprisonment of not less than five years and not more than ten years or to both.

Failure or refusal to maintain and submit records

98. A person who fails or refuses to maintain or submit the contents of records to be maintained by the Authority is liable to pay to the Authority the administrative penalty specified in the Thirteenth Schedule.

Plea in relation to manufacturing, formulation, importation and sale of pesticide

99. It is not a defence for a person charged with the manufacturing, formulation, importation or sale of a pesticide contrary to section 47 to plead that

(a) at the time of the sale there was a reasonable belief that the pesticide was registered or did not differ in any way from the purported contents of the container; or

(b) the pesticide otherwise did not fail to meet the requirements of this Part.

Forfeiture

100. Where a person is convicted of an offence under this Part or Regulations made under this Part, the Court may, in addition to any other penalty imposed, order that

- (a) the equipment, pesticide or appliance used in the commission of the offence be forfeited to the Republic; and
- (b) a licence issued under this Part be suspended for the period directed by the Court or be cancelled.

Regulations

101. The Minister may, in consultation with the Board, by legislative instrument, make Regulations

- (a) for the manufacture, importation, exportation, distribution and sale, commercial application, sampling and labeling of a pesticide;
- (b) for the reporting of a pesticide accident or incident to a designated person or office and the procedure for the reporting;
- (c) for the procedure for the storage, transportation and disposal of a pesticide which is considered likely to cause injury to human health, vegetables, crops, livestock, wildlife or beneficial organisms or which is likely to pollute the environment;
- (d) for the form and content of a pesticide label;
- (e) for the method of packaging of a registered pesticide;
- (f) for packaging of pesticide;
- (g) for the disposal of pesticide containers;
- (h) for the advertisement of a pesticide;
- (i) for the purpose for, and the manner in which a pesticide may be used;
- (j) for the licensing of premises of pesticide dealers;
- (k) for the practices, including re-entry period, pre-harvest intervals, for the harvest of crops and the slaughter and milking of animals following exposure to a pesticide;
- (l) for the application of a pesticide that is to be applied under the supervision of an authorised person and the provision for the authorisation;

- (m) for the analysis of a pesticide;
- (n) for the equipment and clothing to be used or worn while handling a pesticide;
- (o) for the disposal of a pesticide;
- (p) for the records to be maintained by a person who manufactures, formulates, repackages, imports, exports, transports, stores, distributes, labels, advertises, sells or uses a pesticide;
- (q) for the aerial application of a pesticide;
- (r) for a pesticide applicator licence;
- (s) for the exemption of the importation of certain specified categories and quantities of pesticides from the requirement of a licence;
- (t) for the registration of pesticides;
- (u) for setting up a Maximum Residue Limit for a pesticide; and
- (v) generally, for giving effect to this Part.

Interpretation

102. In this Part, unless the context otherwise requires,

- “advertisement” means the promotion of the sale and use of pesticides by print or electronic media, signs, displays, gifts, demonstration or word of mouth;
- “banned pesticide” means a pesticide for which registered use has been prohibited by the Authority or for which registration has not been granted by the Authority for health or environmental reasons;
- “biocide” means any chemical substance or microorganism intended to destroy, deter, render harmless, or exert a controlling effect on any harmful organism;
- “dealer” means a person who imports, exports, manufactures, distributes, advertises or sells a pesticide;
- “defoliant” means a substance or mixture of substances which when applied to a plant causes the leaves or foliage to drop from the plant with or without abscission;

“desiccant” means a substance or a mixture of substances which when applied to a plant, accelerates the drying of the tissue of the plant;

“distribute” means to supply commercially, to transport, to store or to sell;

“formulation” means the combination of various ingredients designed to render a product useful and effective for the purpose claimed, or the form of pesticide as purchased by users;

“label” includes a writing, printing or an illustration made on, attached to, included in, belonging to or accompanying a pesticide or the container of a pesticide;

“manufacture” in relation to a pesticide means

(a) to prepare, compound, make the active or other ingredients; or

(b) to add substances, mix, formulate, package or re-package, label or otherwise treat the active ingredient with a view to the sale of the pesticide, but does not include the carrying on of a bona fide research or experiment relating to a pesticide or the doing of an act or a thing that forms part of or is incidental to that research or experiment;

“national emergency” means an event of phytosanitary, veterinary and sanitary emergencies such as an unforeseen pest invasion or an unexpected emergence of a disease vector;

“obsolete pesticide” means a pesticide that can no longer be used for the intended purpose of the pesticide and may be in the nature of

(a) an outdated technical pesticide or formulation;

(b) a pesticide that has been withdrawn through a ban;

(c) a deteriorated pesticide;

(d) an unwanted pesticide even though the pesticide is usable;

(e) an unidentified pesticide;

- (f) a pesticide contaminated with other substances;
- (g) pesticide waste generated in fire events or other accidents;
- (h) material strongly contaminated with a pesticide; and
- (i) waste from the production or formulation of pesticides;

“pest” means an insect, a rodent, bird, fish, mollusc, nematode, fungus, weed, micro-organism, virus or any other kind of plant or animal life that is injurious to human or animal health, crops, stored produce, processed foods, wood, cloths, fabrics or any other inanimate objects;

“pesticide” means

- (a) a substance or mixture of substances intended for preventing, destroying, repelling or reducing the destructive effects of a pest;
- (b) a substance or mixture of substances intended for use as a plant regulator, defoliant, desiccant or wood preservative; or
- (c) a biocide in the nature of a germicide, antiseptic, disinfectant, insecticide, rodenticide, vermicide or detergent;

“pesticide applicator” means a person who applies a pesticide for the purpose of controlling a pest or a disease using a certified application machinery or any other equipment that is capable of dispensing the pesticide to the intended target;

“plant regulator” means a substance or mixture of substances which, when applied to ornamental plants and food crops or to the produce of food crops, causes, through physiological action, the acceleration or retardation of the rate of growth or otherwise alters the behaviour of those plants or their produce, but does not include substances intended for use

- as plant nutrients, trace elements, nutritional chemicals, plant inoculants or soil amelioration;
- “pre-harvest interval” means the interval between the application of pesticides and the harvest;
- “prior informed consent procedure” means the international operation procedure for exchanging, receiving and handling notification information by the Authority on restricted, suspended and banned pesticides for reasons of human health and the environment;
- “regional capital” means the administrative capital of a Region;
- “registered pesticide dealers’ association” means a registered association of pesticide dealers including Croplife Ghana, Pesticide Importers Association, Ghana Agricultural Input Dealers’ Association and Pest and Vector Control Association of Ghana;
- “safe use” means the use of a pesticide in accordance with the instructions on the product label;
- “sell” includes to offer for sale and to provide a pesticide as part of a service of pest control although the pesticide is described as free or included in the service;
- “suspended use” means a pesticide that is prohibited for use in the country or that has the registered use withdrawn within a specified period of time; and
- “unreasonable adverse effect on human health and the environment” means an effect which is injurious to human, animal or plant life or which renders the environment unsafe for human, animal or plant life.

PART THREE – HAZARDOUS WASTES AND OTHER WASTES*Control and Management of Hazardous Wastes and Other Wastes***Prohibited acts**

103. (1) For the purpose of this Part, hazardous wastes and other wastes are wastes specified in the Sixth Schedule unless the wastes do not possess any of the characteristics specified in the Eighth Schedule.

(2) A person shall not, except as otherwise provided in this Part,

(a) import or cause hazardous wastes or other wastes to be imported into the country;

(b) export or cause hazardous wastes or other wastes to be exported out of the country;

(c) transport or cause to be transported hazardous wastes or other wastes that have been imported into the country or that are in transboundary movement through the country; or

(d) sell, purchase or deal in hazardous wastes or other wastes.

(3) A person who contravenes paragraph (b), (c) or (d) of subsection (2) commits an offence and is liable on summary conviction

(a) to a fine of not less than two thousand five hundred penalty units and not more than sixty thousand penalty units or to a term of imprisonment of not less than one year and not more than ten years or to both; and

(b) for the cost of cleaning up any contamination caused by the hazardous waste or other waste and any other mitigating action required to deal with the effect of the waste.

(4) A person shall not deposit hazardous wastes or other wastes on any land in the country or in the territorial waters of the country.

(5) A person who contravenes paragraph (a) of subsection (2) or subsection (4) commits an offence and is liable on summary conviction to a fine of the cedi equivalent of not less than one million United States dollars and not more than two million United States dollars or to a term of imprisonment of not less than ten years and not more than twenty years or to both and shall in addition

(a) re-export the waste; and

(b) pay for the cost of cleaning up any contamination caused by the hazardous waste or other waste and any other

mitigating action required to deal with the effect of the waste.

(6) A vehicle, vessel, aircraft, container or carrier used to unlawfully transport hazardous wastes or other wastes into, from or across the country shall be seized by the Authority and confiscated to the State on the orders of a court.

Importation of hazardous wastes and other wastes

104. (1) The Authority may consent to a proposal to import in accordance with Article 6 of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, and issue an import permit for the importation of hazardous wastes or other wastes, specified in the Sixth Schedule, into the country if

- (a) the State that desires to export the waste is
 - (i) a party to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal; and
 - (ii) not listed on Annex VII of the Basel Convention;
- (b) a notification has been received for a transboundary movement of the hazardous wastes or other wastes in accordance with Article 6 of the Basel Convention and the notification contains the information specified in the Seventh Schedule or any other information that may be required by the Authority;
- (c) the labelling, packaging and transportation identified in the notification conforms to the requirements of recognised international rules, standards and practices;
- (d) the specified approved site or facility for the disposal or recycling of the hazardous wastes or other wastes and can manage the wastes in an environmentally sound manner;
- (e) the importer and disposer guarantee in a contract with the exporter that the hazardous wastes or other wastes will be managed in an environmentally sound manner;
- (f) the importer and disposer have informed the exporter, the competent authority of the State of export and the Authority

of the receipt of the hazardous wastes or other wastes and of the completion of disposal as specified in the notice;

- (g) the importer and the disposer have a valid licence to deal with the categories of hazardous wastes or other wastes proposed for importation;
- (h) the generator, exporter, importer, disposer or carrier has an appropriate insurance cover or any other adequate financial guarantee; and
- (i) the importer or an agent acting on behalf of the importer is resident in Ghana or in the case of a corporation, has a permanent place of business in Ghana.

(2) An import permit issued under subsection (1) for the multiple importation of hazardous wastes or other wastes may, subject to the written consent of the States concerned, be granted to the same disposer for a maximum period of one year, if

- (a) the hazardous wastes or other wastes have the same physical and chemical characteristics;
- (b) the hazardous wastes or other wastes are shipped regularly through the same customs office of exit of the exporting country and the same customs office of entry of the importing country;
- (c) in the case of transit, the hazardous wastes or other wastes are imported through the same customs office of entry and exit of the State of transit; and
- (d) the States concerned agree to issue a similar permit.

(3) The importer shall, on receipt of each shipment of the hazardous wastes or other wastes, inform the Authority and provide the details of the hazardous wastes or other wastes as specified in the notification document.

(4) The Authority may, at any time after issuing an import permit for the importation of the hazardous wastes or other wastes, revoke the import permit if the Authority has reason to believe that the hazardous wastes or other wastes will not be managed in an environmentally sound manner.

Exportation of hazardous wastes and other wastes

105. (1) The Authority may consent to an export in accordance with Article 6 of the Basel Convention and shall issue an export permit to a person for the exportation of hazardous wastes or other wastes where

- (a) the Republic does not have the technical capacity, a suitable disposal site and other necessary facility for the disposal of the hazardous wastes or other wastes in an environmentally sound manner;
- (b) the exporter has formally applied for the transboundary movement of the hazardous wastes or other wastes and has provided the Authority with the information requested in the notification document as set out in the Ninth Schedule including details on labelling in relation to the hazardous wastes or other wastes that are intended to be exported;
- (c) an adequate contract exists between the exporter and the disposer specifying an environmentally sound management of the hazardous wastes or other wastes to be exported;
- (d) the packaging, labelling and transportation of the hazardous wastes or other wastes are in conformity with recognised international rules, standards and practices;
- (e) the exporter has received the written consent of the competent authority of the other States concerned; and
- (f) there is no reason to believe that the hazardous wastes or other wastes in question will not be managed in an environmentally sound manner.

(2) Where a transit State does not have a policy on the grant of a written consent or has waived the requirement of a written consent in the case of transiting the hazardous wastes or other wastes through that State

- (a) the Authority or generator shall make a request to the transit State to transport the hazardous wastes or other wastes through that State; and
- (b) the transit State shall be presumed to have given consent for the hazardous wastes or other wastes to be exported through that State subject to any conditions imposed and objections raised by that State within sixty days of receipt of the request.

(3) Where the Authority grants an export permit under subsection (1) for the multiple export of hazardous wastes or other wastes, the export permit shall, subject to the written consent of the States concerned, be valid for a maximum period of one year, if

- (a) the hazardous wastes or other wastes have the same physical and chemical characteristics;
- (b) the hazardous wastes or other wastes are shipped regularly to the same disposer through the same customs office of exit of the exporting country and the same customs office of entry of the importing country;
- (c) in the case of transit, the hazardous wastes or other wastes is exported through the same customs office of entry and exit of the State or States of transit; and
- (d) the importing State and transit State concerned agree to grant a similar permit.

(4) A person shall not export hazardous wastes or other wastes from the Republic to any State which

- (a) has imposed a ban on the import of hazardous wastes and other wastes and has given notice of the ban to the Republic or the Secretariat of the Basel Convention;
- (b) does not have the capacity to dispose of the hazardous wastes or other wastes in an environmentally sound manner; or
- (c) is not a party to the Basel Convention unless that State is a party to a bilateral, multilateral or regional agreement or arrangement to which the Republic is a party as defined in Article 11 of the Basel Convention.

(5) The Authority shall not grant an export permit for the exportation of hazardous wastes or other wastes from the Republic to a State specified in subsection (4).

(6) A person who contravenes subsection (4) commits an offence and is liable on summary conviction to a fine of not less than two thousand five hundred penalty units and not more than five thousand penalty units or to a term of imprisonment of not less than one year and not more than ten years or to both.

Notification procedure for transboundary movements

106. (1) A transboundary movement of hazardous wastes or other wastes is subject to the following:

(a) the person in charge of the transboundary movement shall sign a movement document as set out in the Tenth Schedule which shall accompany the hazardous wastes or other wastes; and

(b) the hazardous wastes or other wastes shall be covered by insurance, a bond or other guarantee.

(2) The Authority shall give notice or request the exporter to give notice in writing to the competent authority of the State of import concerned, in a language acceptable to the competent authority of that State.

(3) The notification shall contain detailed information as required by Annex VA of the Basel Convention.

(4) Where the States concerned consent to a transboundary movement of hazardous wastes or other wastes and the agreement cannot be completed in accordance with the terms of the contract, the Authority shall require the exporter to re-export the hazardous wastes or other wastes if alternative arrangements cannot be made for the disposal of the hazardous wastes or other wastes in an environmentally sound manner

(a) within ninety days from the time that the competent authority of the State of import informed the Authority or the generator and the Secretariat of the Basel Convention; or

(b) at any other period that the parties concerned may agree.

Transit of hazardous wastes or other wastes

107. (1) A person shall not transit hazardous wastes or other wastes through the Republic except with the written consent of the Authority.

(2) The Authority may refuse to give consent for the transit of the hazardous wastes or other wastes but shall give reasons for the refusal.

(3) The competent authority of the State of export of a proposed movement of hazardous wastes or other wastes through the Republic

shall, not less than three months before the export, give notice to the Authority of the movement of the hazardous wastes or other wastes.

(4) The notice shall be in the English language and include details of

- (a) the final destination of the hazardous wastes or other wastes;
- (b) a timetable specifying the expected dates of transit through the Republic;
- (c) proof that the exporter, carrier and disposer are authorised to carry out the operations in question in relation to the hazardous wastes or other wastes at the designated site or facility for the disposal of the hazardous wastes or other wastes;
- (d) information specifying emergency procedures in case of accidents; and
- (e) information related to insurance in respect of the management and disposal of the hazardous wastes or other wastes.

(5) The labelling and packaging of the hazardous wastes or other wastes shall conform to international standards.

(6) The Authority shall

- (a) acknowledge receipt of a notice given under subsection (3);
or
- (b) request for additional information where necessary from the competent authority.

(7) Where the Authority is satisfied with a notice given under subsection (3), the Authority shall take a decision in respect of the notice within six days after the receipt of the notice and inform the exporter or the competent authority of the State of export of the decision.

(8) The decision of the Authority under subsection (7) may include specific conditions relating to the transport of the hazardous wastes or other wastes through the Republic.

(9) In the case of movement of hazardous wastes or other wastes by land through the Republic, the Customs Division of the Ghana Revenue Authority shall ensure that

- (a) the container is sealed at the port of entry; and
- (b) the seal is intact at the point of exit.

Liability for contravention

108. (1) A person who contravenes section 107 is liable to pay to the Authority the administrative penalty specified in the Thirteenth Schedule and shall in addition re-export the hazardous wastes or other wastes to the State of export or the Authority shall re-export the wastes at the expense of that person.

(2) Where re-export of the hazardous wastes or other wastes is impracticable or the wastes cannot be attributed to a particular person, the Minister and the competent authority of the other States concerned, shall ensure that the wastes are disposed of in an environmentally sound manner and in accordance with the provisions of this Part.

(3) Where there is an illegal traffic as a result of the conduct of an importer, carrier or disposer, the importer, carrier or disposer shall, in addition to the penalty imposed on that importer, carrier or disposer

- (a) ensure that the hazardous wastes or other wastes are disposed of in an environmentally sound manner; and
- (b) pay the appropriate sum determined by the Authority for the purpose of ensuring the environmentally sound disposal of the imported hazardous waste or other wastes.

Burning of hazardous wastes or other wastes in the open

109. (1) A person shall not burn or cause the burning of hazardous wastes or other wastes in the open.

(2) A person who contravenes subsection (1) is liable to pay to the Authority the administrative penalty specified in the Thirteenth Schedule.

Sealing

110. (1) Where the Authority has reason to believe that an area, site, facility or premises is being used for the disposal of hazardous wastes or other wastes without approval, the Authority may

- (a) order the sealing up of the area, site, facility or premises; and
- (b) publish the order in the *Gazette* or in two daily newspapers of nationwide circulation.

(2) A person who without the approval or authorisation of the Authority enters the area, site, facility or premises sealed by the order of the Authority, commits an offence and is liable on summary conviction

to a fine of not less than five thousand penalty units and not more than fifteen thousand penalty units or to a term of imprisonment of not less than two years and not more than five years or to both.

(3) The Authority may, after sealing up an area, site, facility or premises, order that any hazardous wastes or other wastes found in the area be destroyed or disposed of in an environmentally sound manner.

(4) The sealing up of an area, site, facility or premises shall be for the period that the Authority may direct.

(5) A person aggrieved by the order of the Authority may apply to the Minister within ten days after the order for a review of the decision of the Authority.

(6) The Minister may, after considering the application revoke the order or take an appropriate decision.

Assisting persons to escape

111. A person who, knowing that another person has committed an offence under this Part, assists that other person to avoid arrest or prosecution commits an offence and is liable on summary conviction to a fine of not less than two thousand penalty units and not more than sixty thousand penalty units or to a term of imprisonment of not less than one year and not more than ten years or to both.

Power of search, seizure and arrest

112. (1) A law enforcement officer may

- (a) enter and search any land, premises or facility and seize any substance suspected to be hazardous wastes or other wastes found on that land, premises or facility; and
- (b) arrest a person on whose land, premises or facility a substance suspected to be hazardous wastes or other wastes are found.

(2) A person who is in possession of hazardous wastes or other wastes is for the purpose of this Part the importer of the hazardous wastes or other wastes and is liable to the penalty specified under subsection (5)

of section 103, unless that person satisfies the court that that person did not have knowledge of the hazardous wastes or other wastes on the land, premises or facility.

Sample for testing

113. A law enforcement officer shall take for testing, a sample of any substance suspected to be hazardous wastes or other wastes which comes into the possession of the officer in the course of the performance of the functions of the officer to determine the components of the substance in accordance with the prescribed procedures for sampling.

Exclusion of diplomatic immunity

114. The immunity from prosecution conferred on a person by article 31 of the Diplomatic Relations Act, 1962 (Act 148) does not extend to a crime committed under this Part by that person.

Management of hazardous wastes and other wastes

115. (1) A person involved in the management of hazardous wastes or other wastes shall obtain an environmental permit in accordance with the Environmental Assessment Regulations, 1999 (L.I. 1652).

(2) The Authority shall ensure that hazardous wastes or other wastes are not mixed with non-hazardous wastes or other wastes unless the generator, collector, storer, transporter or disposer proves that the mixing of the waste is environmentally sound.

(3) The Authority shall not allow hazardous wastes or other wastes to be transported from the site of generation unless

- (a) the packaging and containers for the transport of the hazardous wastes or other wastes are labelled in a clearly visible form; and
- (b) the transportation is accompanied by the respective movement document.

Database of written authorisation

116. The Authority shall maintain a database of written authorisation granted by the Authority under this Part.

Insurance cover

117. A person who
- (a) generates,
 - (b) collects,
 - (c) stores,
 - (d) transports, or
 - (e) disposes of

hazardous wastes or other wastes shall maintain an adequate insurance cover in respect of the management of the hazardous wastes or other wastes.

Register of hazardous wastes and other wastes

118. (1) A holder of a permit issued under this Part shall maintain a register to record

- (a) the quantity, type, quality and origin of hazardous wastes or other wastes generated, collected, stored, transported, recovered or disposed of by the holder of the permit; and
- (b) submit to the Authority each year information related to the preceding year.

(2) The Authority shall inspect the register at least once in every three months.

Control and Management of Polychlorinated Biphenyls

Polychlorinated biphenyls

119. (1) The provisions on the control and management of hazardous wastes and other wastes as provided under sections 103 to 118 apply to polychlorinated biphenyls with the necessary modification.

(2) A person shall not import polychlorinated biphenyls into the country.

(3) A person who contravenes subsection (2) commits an offence and is liable on summary conviction to a fine of not less than ten thousand penalty units and not more than sixty thousand penalty units or to a term of imprisonment of not less than five years and not more than ten years or to both, and in addition the person shall re-export the polychlorinated biphenyls.

Phase out period

120. (1) The phase-out date for polychlorinated biphenyls that remain in use in an equipment including a transformer, a capacitor or other receptacles containing liquid stocks is the year 2025.

(2) The Authority shall ensure that a holder of equipment containing polychlorinated biphenyls

- (a) takes inventory and provides storage facilities for the polychlorinated biphenyls during the phase out period; and
- (b) keeps and updates the inventory until the end of the phase out period in the year 2025.

Classification of polychlorinated biphenyls waste

121. Polychlorinated biphenyls waste shall be classified in accordance with the Eleventh Schedule.

Miscellaneous Provisions

Regulations

122. The Minister may, in consultation with the Authority, by legislative instrument, make Regulations for

- (a) the application procedure for permits issued under this Part;
- (b) the classification, control and management of waste;
- (c) the disposal of hazardous wastes or other wastes;
- (d) matters relating to polychlorinated biphenyls;
- (e) the management of bio-medical waste; and
- (f) the effective implementation of this Part.

Interpretation

123. In this Part, unless the context otherwise requires,

- “after-care of disposal site” means the after-care of a site which is still in operation or no longer in operation;
- “analysis” means the extraction, purification, separation, identification, quantification and reporting of polychlorinated biphenyls concentrations in the matrix of interest;
- “approved site or facility” means a site or facility authorised or permitted by the Authority for the disposal of hazardous wastes or other wastes;

“area” means any land, marine area or air space within which the Republic exercises administrative and regulatory responsibility, as regards the protection of human health or the environment;

“Basel Convention” means the Basel Convention on the Control of Transboundary Movement of Hazardous Wastes and their Disposal adopted on March 22, 1989 and entered into force on 5th May, 1992;

“carrier” means a person who transports hazardous wastes and other wastes by means of conveyance including a truck, a taxi auto, a bus, an airplane, a train, or a ship;

“collection” includes the environmentally sound mixing, bulking and sorting of wastes and interim storage at an approved site or facility for hazardous wastes and other wastes and waste generated in small quantities within the country;

“commercial building” means an enclosed structure that is used for the sale of goods and the provision of services and is open to the public including a mall, a restaurant, a school, hotel, an office and a government building;

“disposer” means a person to whom hazardous wastes or other wastes are shipped and who carries out the disposal of the wastes;

“energy recovery” means the use of combustible waste as a means of generating energy through direct incineration with or without other waste but with recovery of the heat;

“environmentally sound disposal” means disposal in a manner which will protect human health and the environment against the adverse effects of the hazardous wastes and other wastes;

“environmentally sound management” means taking practicable steps to ensure that hazardous wastes or other wastes are managed in a manner which will protect human health and the environment against the adverse effects which may result from the wastes;

- “environmentally sound manner” means in a manner which meets specified standards and will protect human health and the environment against the adverse effects that may result from hazardous wastes and other wastes;
- “exporter” means a person under the jurisdiction of the State of export who arranges for hazardous wastes or other wastes to be exported;
- “facility” means a site, building, structure, installation equipment, pipe or pipeline, well, pit, pond, lagoon, ditch, landfill, storage container, motor, vehicle, rolling stock or aircraft in which an act prohibited by this Act occurs but does not include a vessel;
- “generator” means a person
- (a) whose activity produces hazardous wastes or other wastes; or
 - (b) who is in possession or control of hazardous wastes or other wastes;
- “hazardous wastes” means waste that
- (a) belongs to a category contained in the Sixth Schedule unless the waste does not possess any of the characteristics contained in the Eighth Schedule; or
 - (b) for the purposes of transboundary movement, does not belong to any category contained in the Sixth Schedule;
- “illegal traffic” means an unauthorised transboundary movement of hazardous wastes or other wastes;
- “import” means an entry into the national territory other than entry for transit;
- “importer” means a person who, in the ordinary course of business
- (a) imports electronic equipment into the country; or
 - (b) arranges for hazardous waste or other wastes to be imported into the country;
- “law enforcement officer” includes
- (a) an officer of the Ghana Police Service;
 - (b) an officer of the Customs Division of the Ghana Revenue Authority;

- (c) a member of the Ghana Armed Forces; or
- (d) a designated officer or an inspector of
 - (i) the Authority;
 - (ii) the Port Health Authority of the Ghana Health Service;
 - (iii) the Atomic Energy Commission; or
 - (iv) any other institution authorised in writing by the Minister to have the same powers, authority and privileges of a police officer;

“management” means the collection, transport, treatment and disposal of hazardous wastes and other wastes and the after-care of a disposal site;

“open burning” means the burning of any material if the resultant combustion products are emitted directly to the atmosphere without passing through a stack, dust or chimney;

“other wastes” means

- (a) wastes collected from households or residues arising from the incineration of household wastes and classified under the Sixth Schedule as categories of wastes requiring special consideration; or
- (b) wastes that have any of the constituents specified in Part B of the Sixth Schedule;

“person” for purposes of liability includes

- (a) an owner or operator of a vessel or facility used to carry out an act identified in this Part as a prohibited act; or
- (b) a person who by a contract, an agreement or other means indulges in an act identified in this Part as a prohibited act;

“polychlorinated biphenyls” means a discarded material that contains polychlorinated biphenyls or have been contaminated with polychlorinated biphenyls, that are without any safe commercial, industrial, agricultural or economic usage;

“polychlorinated biphenyls equipment” means any equipment that contains fifty ppm polychlorinated biphenyls;

“polychlorinated biphenyls waste” means

- (a) contaminated solvent or water;
- (b) used oil and waste oil;
- (c) sludge and slurry;
- (d) dredged spoils;
- (e) contaminated soil or sediment;
- (f) a by-product;
- (g) a scrap;
- (h) ballast and capacitor; or
- (i) any other material contaminated with polychlorinated biphenyls as a result of a spill, decommissioning or any other demolition activity;

“vessel” means a watercraft or any other artificial contrivance which is used or is capable of being used as a means of transportation on water; and

“waste” means a substance or an object, which is

- (a) disposed of;
- (b) intended to be disposed of; or
- (c) required to be disposed of.

PART FOUR – ELECTRICAL AND ELECTRONIC WASTE*Advance Eco Levy for Electrical and Electronic Equipment***Advance Eco Levy for electrical and electronic equipment**

124. (1) A person who manufactures electrical or electronic equipment in the country or imports new or used electrical or electronic equipment into the country shall

- (a) register with the Authority;
- (b) obtain a permit from the Authority to import the new or used electrical or electronic equipment, in the case of an importer; and
- (c) pay the prescribed advance eco levy to the Authority on items specified in the Twelfth Schedule.

(2) Despite paragraph (c) of subsection (1), a person who manufactures electrical or electronic equipment for the purpose of export only shall not pay the advance eco levy to the Authority.

(3) Despite subsection (1), the Authority may grant a permit to a person to import used electrical or electronic equipment for the purpose of recycling without paying an advanced eco levy.

(4) Despite subsection (1), a person shall not import used equipment listed under regulations (1) to (3) of the Energy Efficiency (Prohibition of Manufacture, Sale or Importation of Incandescent Filament Lamp, Used Refrigerator, Used Refrigerator-Freezer, Used Freezer and Used Air-Conditioner) Regulations, 2008 (L.I. 1932).

(5) A person who contravenes subsection (1) is liable to pay to the Authority the administrative penalty specified in the Thirteenth Schedule.

Importation of waste electrical and electronic equipment

125. (1) The Authority may, in accordance with Article 6 of the Basel Convention, consent to a proposal to import and issue an import permit for the importation of waste electrical or electronic equipment into the country if

- (a) the State that desires to export the waste electrical or electronic equipment is
 - (i) a Party to the Basel Convention on the Control of Transboundary Movements of Hazardous Waste and their Disposal;

- (ii) not listed on Annex VII of the Basel Convention;
and
- (iii) located within the continent of Africa;
- (b) a notification has been received for a transboundary movement of the waste electrical or electronic equipment in accordance with Article 6 of the Basel Convention and the request contains the information required by Annex V of the Basel Convention;
- (c) the labelling, packaging and transportation identified in the notification conforms to the requirements of recognised international rules, standards and practices;
- (d) the specified approved site or facility for the disposal or recycling of the waste electrical or electronic equipment will be managed in an environmentally sound manner;
- (e) the importer and disposer guarantee in a contract with the exporter that the waste electrical or electronic equipment will be managed in an environmentally sound manner;
- (f) the importer and disposer have informed the exporter, the competent authority of the State of export and the Authority of the receipt of the waste electrical and electronic equipment and of the completion of disposal as specified in the notice;
- (g) the importer and the disposer have a valid licence to deal with the categories of waste electrical and electronic equipment proposed for importation;
- (h) the generator, exporter, importer, disposer or carrier has an appropriate insurance cover or any other adequate financial guarantee; and
- (i) the importer or an agent acting on behalf of the importer is resident in Ghana or has a permanent place of business in Ghana.

(2) An import permit issued under subsection (1) for the multiple importation of waste electrical or electronic equipment may, subject to the written consent of the States concerned, be granted to the same disposer for a maximum period of one year, if

- (a) the waste electrical or electronic equipment has the same physical and chemical characteristics;

- (b) the waste electrical or electronic equipment is shipped regularly through the same customs office of exit of the exporting country and the same customs office of entry of the importing country;
- (c) in the case of transit, the waste electrical or electronic equipment is imported through the same customs port of entry and exit of the State of transit; and
- (d) the States concerned agree to the issue of a similar permit.

(3) The importer shall, on receipt of each shipment of the waste electrical and electronic equipment, inform the Authority and provide the details of the waste electrical or electronic equipment as specified in the notification documents.

(4) The Authority may, at any time after issuing an import permit for the importation of the waste electrical or electronic equipment, revoke the import permit if the Authority has reason to believe that the waste electrical or electronic equipment is not likely to be managed in an environmentally sound manner.

Exportation of waste electrical and electronic equipment

126. (1) The Authority may consent to an export in accordance with Article 6 of the Basel Convention and issue an export permit to a person for the exportation of waste electrical or electronic equipment only where

- (a) the Republic does not have the technical capacity, a suitable disposal site and other necessary facilities for the disposal of the waste electrical or electronic equipment in an environmentally sound manner;
- (b) the exporter has formally applied for the transboundary movement of the waste electrical and electronic equipment and has provided the Authority with the information requested in the notification document as set out in the Ninth Schedule including details on labelling in relation to the waste electrical or electronic equipment that is intended to be exported;
- (c) an adequate contract exists between the exporter and the disposer specifying an environmentally sound management of the waste electrical or electronic equipment to be exported;

- (d) the packaging, labelling and transportation of the waste electrical or electronic equipment are in conformity with recognised international rules, standards and practices;
- (e) the exporter has received the written consent of the competent authority of the other States concerned; and
- (f) there is no reason to believe that the waste electrical or electronic equipment in question is not likely to be managed in an environmentally sound manner.

(2) Where a transit State does not have a policy on the grant of a written consent or has waived the requirement of a written consent in the case of transiting the waste electrical or electronic equipment through that State

- (a) the Authority or generator shall make a request to the transit State to transport the waste electrical and electronic equipment through that State; and
- (b) the transit State shall be presumed to have given consent for the waste electrical or electronic equipment to be exported through that State subject to any conditions imposed and objections raised by that State within sixty days after acknowledgement of receipt of the request.

(3) Where the Authority grants an export permit under subsection (1) for the multiple export of waste electrical or electronic equipment, the export permit shall, subject to the written consent of the States concerned, be valid for a maximum period of one year, if

- (a) the waste electrical or electronic equipment has the same physical and chemical characteristic;
- (b) the waste electrical or electronic equipment is shipped regularly to the same disposer through the same customs office of exit of the exporting country and the same customs office of entry of the importing country;
- (c) in the case of transit, the waste electrical or electronic equipment is exported through the same customs office of entry and exit of the State or States of transit; and
- (d) the State of import and transit concerned agree to grant a similar permit.

(4) A person shall not export waste electrical or electronic equipment from the Republic to any State which

- (a) has imposed a ban on the import of waste electrical or electronic equipment and has given notice of the ban to the Republic or the Secretariat of the Basel Convention;
- (b) does not have the capacity to dispose of the waste electrical or electronic equipment in an environmentally sound manner; or
- (c) is not a party to the Basel Convention unless that State is a party to a bilateral, multilateral or regional agreement or arrangement to which the Republic is a party as defined in Article 11 of the Basel Convention.

(5) The Authority shall not grant an export permit for the exportation of waste electrical or electronic equipment from the Republic to a State specified in subsection (4).

(6) A person who contravenes subsection (4) or (5) commits an offence and is liable on summary conviction to a fine of not less than two thousand five hundred penalty units and not more than five thousand penalty units or to a term of imprisonment of not less than one year and not more than ten years or to both.

Requirements for wholesalers, distributors and retailers

127. (1) A retailer, distributor or wholesaler of electrical or electronic equipment shall retain a copy of the receipt of payment made by the manufacturer or importer of electrical or electronic equipment manufactured in the country or imported into the country which is in the custody of or sold by the retailer, distributor or wholesaler.

(2) A retailer, distributor or wholesaler who is a manufacturer of electrical or electronic equipment shall register with the Authority the particulars of electronic equipment manufactured or assembled in the country.

(3) Where the retailer, distributor or wholesaler is not the manufacturer of the electrical or electronic equipment made in or assembled in the country, the wholesaler, distributor or retailer of the

electrical or electronic equipment shall register with the Authority the particulars of the

- (a) manufacturer of the electrical or electronic equipment; and
- (b) electrical or electronic equipment received from the manufacturer.

Electrical and Electronic Waste Management Fund

Establishment of the Electrical and Electronic Waste Management Fund

128. There is established by this Act, an Electrical and Electronic Waste Management Fund.

Objects of the Electrical and Electronic Waste Management Fund

129. (1) The objects of the Electrical and Electronic Waste Management Fund are to

- (a) provide financial resources for the management of electrical and electronic waste; and
- (b) reduce the adverse impact of electrical and electronic waste on human health and the environment.

(2) To achieve the objects of the Electrical and Electronic Waste Management Fund, moneys from the Fund shall be used

- (a) to support the construction, expansion, operation and maintenance of electrical and electronic waste recycling centres and treatment plants;
- (b) to support research into methods of electrical and electronic waste preservation, prevention and control;
- (c) to support research into electrical and electronic waste treatment and recycling;
- (d) for publication of reports;
- (e) for education of the public on the safe disposal of electrical and electronic waste and the negative effects of electronic waste;
- (f) to offer incentives for the collection, transportation and disposal of electrical and electronic waste;
- (g) for monitoring, compliance and enforcement;
- (h) for capacity building of key trade associations and manufacturers of electrical and electronic equipment;

- (i) for the collection, safe disposal and recycling of electrical and electronic waste;
- (j) for matters related to hazardous wastes and other wastes; and
- (k) for any other matter necessary to achieve the objects of the Fund.

Sources of moneys for the Electrical and Electronic Waste Management Fund

130. The sources of moneys for the Electrical and Electronic Waste Management Fund include

- (a) moneys approved by Parliament;
- (b) the advance eco levy collected in respect of items specified in the Twelfth Schedule;
- (c) grants, donations, gifts and other voluntary contributions; and
- (d) any other moneys that become lawfully payable and vested in the Electrical and Electronic Waste Management Fund.

Bank account for the Electrical and Electronic Waste Management Fund

131. (1) Moneys for the Electrical and Electronic Waste Management Fund shall be paid into a bank account opened for that purpose by the Board with the approval of the Controller and Accountant-General.

(2) Moneys received in respect of the Electrical and Electronic Waste Management Fund shall be paid directly into the bank account opened pursuant to subsection (1).

Management Board for the Electrical and Electronic Waste Management Fund

132. (1) There is established by this Act a Board for the Electrical and Electronic Waste Management Fund consisting of

- (a) a chairperson;
- (b) one representative from the Ministry responsible for the Environment not below the rank of a Director nominated by the Minister;
- (c) one representative from the Ministry responsible for Sanitation not below the rank of a Director nominated by the Minister responsible for Sanitation;

- (d) one representative of the Authority not below the rank of a Director nominated by the Chief Executive Officer of the Authority; and
- (e) the Fund Administrator.

(2) The Minister in appointing the chairman and members of the Board under subsection (1) shall have regard to the integrity, knowledge, expertise and experience in e-waste and other matters relevant to the functions of the Fund.

(3) The Board shall

- (a) exercise general oversight responsibility for the strategic direction of the Fund; and
- (b) develop guidelines for disbursement of Funds under paragraphs (a), (b), (e), (f) and (g) of section 135.

Appointment of Administrator

133. (1) The President shall, in accordance with article 195 of the Constitution, appoint an Administrator to manage the Electrical and Electronic Waste Management Fund.

(2) The Administrator shall hold office on the terms and conditions specified in the letter of appointment.

Functions of the Administrator

134. The Administrator

- (a) is responsible for the management of the Electrical and Electronic Waste Management Fund; and
- (b) shall ensure that moneys paid into the Electrical and Electronic Waste Management Fund are disbursed within thirty days after the moneys are lodged into the bank account of the Electrical and Electronic Waste Management Fund.

Disbursement from the Electrical and Electronic Waste Management Fund

135. The moneys from the Fund shall be disbursed as follows:

- (a) twenty per cent of the funds shall be allocated to support the collection of electrical and electronic waste by collection centres;

- (b) forty per cent of the funds shall be allocated to support the construction, expansion, operation and management of electrical and electronic waste recycling centres, treatment plants and other related facilities;
- (c) twenty per cent of the funds shall be allocated to the Authority for activities in furtherance of this Part;
- (d) ten percent of the funds shall be allocated to the Ministry responsible for Environment for purposes of strengthening and conducting policies on e-waste;
- (e) five per cent of the funds shall be allocated to support research and development in public awareness creation, education and sensitisation at the national, regional, district and community level;
- (f) three and a half per cent of the funds shall be used for monitoring activities in furtherance of this Part;
- (g) one percent of the funds shall be allocated to support capacity building of key trade associations and manufacturers of electrical and electronic equipment; and
- (h) zero point five per cent for the administrative expenses of the Fund.

Accounts and audit

136. (1) The Administrator shall keep books, records, returns and other documents in the form approved by the Auditor-General.

(2) The Administrator shall submit the accounts of the Fund to the Auditor-General for audit within three months after the end of the financial year.

(3) The Auditor-General shall, in addition to the annual audit, conduct a technical audit on a selective basis.

(4) The Auditor-General shall, within six months after the end of the immediately preceding financial year, audit the accounts and forward a copy each of the audit report to the Minister and the Administrator.

Annual report and other reports

137. (1) The Administrator shall, within thirty days after the receipt of the audit report, submit an annual report to the Minister covering the activities and operations of the Fund for the year to which the annual report relates.

(2) The report shall include

- (a) the audited accounts of the Fund and the Auditor-General's report on the accounts of the Fund; and
- (b) any other information that the Minister considers necessary.

(3) The Minister shall, within thirty days after the receipt of the annual report submit the report to Parliament with a statement that the Minister considers necessary.

(4) The Administrator shall submit to the Minister any other report which the Minister may require in writing.

Electrical and Electronic Waste Recycling Plants

Establishment of recycling facilities

138. The Authority may promote the establishment of electrical and electronic waste recycling plants and related facilities in the country.

Obligation of taking back

139. A manufacturer, distributor or wholesaler of electrical or electronic equipment shall take back used or discarded electrical or electronic equipment manufactured or sold by the manufacturer, distributor or wholesaler for the purpose of recycling and disposal.

Obligation of recycling and disposal facilities

140. A person who is responsible for the recycling and disposal of a used or discarded electrical or electronic equipment shall ensure that the disposal is carried out in an environmentally sound manner.

Enforcement notice

141. (1) Where the Authority has reasonable grounds for suspecting that any of the requirements of this Part have not been complied with, the Authority shall serve an enforcement notice on the defaulting person.

(2) The enforcement notice shall

- (a) state the specified requirement of this Part which has been contravened; and
- (b) request the defaulting person to comply with the necessary requirements and provide evidence to the Authority that the requirements of this Part have been complied with within thirty days after the receipt of the notice.

(3) A person who fails to comply with an enforcement notice is liable to pay to the Authority the administrative penalty units specified in the Thirteenth Schedule.

Miscellaneous Provisions

Regulations

142. The Minister may, in consultation with the Authority, by legislative instrument, make Regulations for

- (a) the application procedures for permits issued under this Part;
- (b) the classification, control and management of waste;
- (c) the management of hazardous electrical and electronic waste and other wastes in order to protect human health and the environment; and
- (d) the effective implementation of this Part.

Interpretation

143. In this Part, unless the context otherwise requires,

- “collection centres” mean places for temporary storage of electronic waste before transportation to a treatment facility or for final disposal;
- “distributor” means a person who is a wholesaler or retailer of electronic goods with an annual turnover of not less than ten thousand Ghana Cedis;
- “electronic waste” means a discarded electrical or electronic equipment or device including all sub-assemblies, subcomponents and consumables which are part of the equipment or device at the time the equipment or device is discarded;

- “equipment” means electrical and electronic equipment that is dependent on electric currents or electromagnetic fields in order to work properly, including components that can be removed from equipment and can be tested for functionality and subsequently be directly reused or reused after repair or refurbishment;
- “industrial facility” means a facility including a factory, power generation or distribution station, sub-station, assembly plant, feed mill and any other building or structure used in general industrial assembly;
- “manufacturer” means a person who assembles or produces an electronic equipment in the Republic;
- “transit State” means a State other than the State of export or State of import through which hazardous wastes and other wastes are planned or take place;
- “used equipment” means an electrical and electronic equipment that is directly reused for the purpose for which it was originally intended or presented for sale, or transported across borders for the purpose of being put back to direct reuse or sold to an end consumer for such reuse and is considered waste if
- (a) the equipment is intended for disposal or recycling instead of being transported with the intent of reuse or the use of the equipment is uncertain;
 - (b) the equipment is not complete, the essential parts are missing and the equipment cannot perform the essential key functions;
 - (c) the equipment shows a defect that materially affects the functionality of the equipment and fails relevant functionality tests;
 - (d) the equipment shows physical damage that impairs the functionality or safety of the equipment, as defined in relevant standards, and cannot be repaired at reasonable cost;

- (e) the protection against damage during transport, loading and unloading operations is inappropriate, for example the packaging or stacking of the load is insufficient;
- (f) the appearance is particularly worn or damaged, thus reducing the marketability of the item;
- (g) the equipment has among the constituent parts hazardous components that are required to be disposed of or are prohibited to be exported or prohibited for use;
- (h) there is no regular market for the equipment;
- (i) the equipment is intended for disassembly to gain spare parts; or
- (j) the price paid for the items is significantly lower, that is, a value approaching zero United States dollar than would be expected from a fully functional equipment intended for reuse;

“waste” means a substance or an object, which is

- (a) disposed of;
- (b) intended to be disposed of; or
- (c) required to be disposed of; and

“waste electrical and electronic equipment” means an electrical or electronic equipment that is waste, including all components, sub-assemblies and consumables which are part of the equipment at the time the equipment becomes waste.

PART FIVE – CLIMATE CHANGE

General Provisions on Climate Change

Mainstream climate change responses

- 144.** The Authority shall collaborate with relevant stakeholders to
- (a) formulate climate change responses; and
 - (b) mainstream climate change responses into national, sectoral and district plans to insulate the economy, ecology and communities from the long-term adverse impact of climate change.

Adaptive capacity to the impacts of climate change

- 145.** The Authority shall
- (a) support the formulation of adaptation plans to enhance the resilience and adaptive capacity of human and ecological systems to the impacts of climate change;
 - (b) coordinate with the following to establish and operationalise effective and enhanced data systems for planning and implementing adaptation efforts:
 - (i) relevant Ministries, Departments and Agencies;
 - (ii) District Assemblies;
 - (iii) private sector organisations;
 - (iv) civil society organisations;
 - (v) National Development Planning Commission;
 - and
 - (vi) academia; and
 - (c) mainstream climate change disaster risk reduction into strategies and institute measures for loss and damage due to climate change impacts.

Low-emission development measures

- 146.** The Authority shall collaborate with relevant
- (a) international, national and local institutions to support the low-emission development measures and minimise the impact arising from the implementation of mitigation policies and programmes in the country or internationally; and
 - (b) institutions to promote local action to reduce short-lived climate pollutants in the oil and gas, agricultural, refrigeration

and air-conditioning sectors to address climate change and air pollution.

Implementation of climate change measures

147. The Authority shall, for the effective implementation of climate change measures

- (a) facilitate technical activities of all stakeholders involved in climate change activities to enhance capacity development through public awareness, effective participation and behavioural changes;
- (b) foster national dialogues on climate actions;
- (c) identify and promote climate technologies, green practices, and implement capacity building needs in all production and consumption;
- (d) facilitate approaches and uptakes of technologies that support climate resilient and low emission development;
- (e) collaborate with national and international bodies to develop and transfer technologies in line with national development and climate strategies; and
- (f) provide technical support to the Ministry responsible for Finance to mobilise financial and other resources for climate change response.

Climate change mechanisms

148. The Authority shall serve as the designated national authority for carbon market and non-market approaches, voluntary carbon market and domestic carbon pricing instruments.

International climate change reporting

149. The Authority shall co-ordinate the preparation, review and communication of international climate change reports required of a Party to

- (a) the United Nations Framework Convention on Climate Change, and
- (b) the subsidiary agreements, protocols, accords or treaties to the United Nations Framework Convention on Climate Change.

Ghana Carbon Registry

Establishment of the Ghana Carbon Registry

- 150.** (1) There is established by this Act, the Ghana Carbon Registry.
- (2) The Ghana Carbon Registry shall be a digital platform which
- (a) serves as a database for carbon market project activities within and outside the country;
 - (b) tracks the transfer and use of internationally transferred mitigation outcomes;
 - (c) facilitates the listing and registration of mitigation activities and voluntary carbon market projects;
 - (d) provides a record of all internationally transferred mitigation outcome activities and internationally transferred mitigation outcomes issued; and
 - (e) hosts and provides public access to all information and activities related to internationally transferred mitigation outcomes.

Carbon Market Committee

Establishment of the Carbon Market Committee

- 151.** (1) There is established by this Act, the Carbon Market Committee.
- (2) The Carbon Market Committee consists of
- (a) the chairperson;
 - (b) one representative of the Ministry not below the rank of a Director nominated by the Minister;
 - (c) the Chief Executive Officer of the Authority or a representative of the Chief Executive Officer not below the rank of a Director;
 - (d) the Executive Secretary of the Energy Commission or a representative of the Executive Secretary not below the rank of a Director;
 - (e) the Director responsible for climate finance at the Ministry responsible for Finance;

- (f) the Director responsible for Renewable Energy and Energy Transition at the Ministry responsible for Energy;
- (g) the Chief Executive Officer of the Forestry Commission or a representative of the Chief Executive Officer not below the rank of a Director;
- (h) the President of the Association of Ghana Industries; and
- (i) three other persons from civil society or academia with relevant expertise in the subject matter, nominated by the Chief Executive Officer.

(3) The Chief Executive Officer shall appoint the members of the Carbon Market Committee.

(4) A member of the Carbon Market Committee, other than the chairperson and a member appointed under paragraphs (b), (c), (d), (e), (f), (g) and (h) of subsection (2), shall hold office for a term of two years and is eligible for re-appointment for another term only.

(5) A matter before the Carbon Market Committee shall be decided by consensus.

(6) The quorum for a meeting of the Carbon Market Committee is five members.

(7) The chairperson of the Carbon Market Committee shall preside at meetings of the Carbon Market Committee and in the absence of the chairperson, a member of the Carbon Market Committee elected by the members present from among their number shall preside.

(8) Subject to this section, the Carbon Market Committee shall determine the procedure for the meetings of the Carbon Market Committee.

(9) Sections 8 and 10 on disclosure of interest and allowances respectively apply to a member of the Carbon Market Committee.

(10) The unit of the Authority responsible for climate change shall serve as the Secretariat of the Carbon Market Committee.

Functions of the Carbon Market Committee

152. The Carbon Market Committee shall approve procedures for the following:

- (a) mitigation activities and associated technologies which are eligible under paragraph 1 of Article 6 of the Paris Agreement.

- (b) mitigation projects eligible for the voluntary carbon market;
- (c) the activities that the country intends to host under the mechanism specified under paragraph 4 of Article 6 of the Paris Agreement;
- (d) the use of an existing approved methodology under an international crediting standard and the national modalities for the approval of new baseline and monitoring methodologies;
- (e) recognition of recommended independent assessment entities accredited under an international crediting standard and the national modalities for the accreditation of an independent assessment entity;
- (f) making recommendations for a mitigation activity developer preparing a mitigation activity which aims to generate internationally transferred mitigation outcomes;
- (g) making recommendations for the issue of internationally transferred mitigation outcomes to an eligible mitigation activity following a positive examination of the verification report on the mitigation activity;
- (h) making recommendations on the nationally determined contributions related baseline parameters which are to be incorporated into the design of a mitigation activity; and
- (i) making recommendations for individual small-scale mitigation activities as a candidate for a programmatic activity.

Mitigation Fund

Establishment of the Mitigation Fund

153. There is established by this Act, the Mitigation Fund.

Objects of the Mitigation Fund

154. The objects of the Mitigation Fund are to

- (a) provide financial support to implement a bilateral cooperative approach for the creation of authorised internationally transferred mitigation outcomes;

- (b) provide funds to invest in the generation of additional mitigation benefits in the country to increase the mitigation outcomes of the country;
- (c) finance the implementation of mitigation activities to raise mitigation ambition in the country;
- (d) leverage scale-up investments into new and additional mitigation activities that would otherwise not be implemented; and
- (e) support the operations of the carbon market committee.

Sources of moneys for the Mitigation Fund

155. (1) The sources of moneys for the Mitigation Fund is the Corresponding Adjustment Fee payable to the Authority by a mitigation activity developer or an acquiring participating Party.

(2) For purposes of this section, “Corresponding Adjustment Fee” means the cost applied to a mitigation activity implemented in the country to create internationally transferred mitigation outcomes on the Ghana Carbon Registry or any other registry under an international crediting standard to compensate for the opportunity and marginal costs associated with transfers and reporting of internationally transferred mitigation outcomes.

Bank account of the Mitigation Fund

156. Moneys for the Mitigation Fund shall be paid into a bank account opened for that purpose by the Board with the approval of the Controller and Accountant-General.

Management of the Mitigation Fund

157. (1) There is established by this Act the Mitigation Fund Committee, which shall manage the Mitigation Fund.

- (2) The Mitigation Fund Committee consists of
 - (a) the national focal person for the United Nations Framework Convention on Climate Change;
 - (b) one representative each from the following:
 - (i) the Ministry not below the rank of a Director, nominated by the Minister;

- (ii) the Ministry responsible for Finance not below the rank of a Director, nominated by the Minister responsible for Finance; and
 - (iii) the Association of Ghana Industries, nominated by the President of the Association of Ghana Industries; and
- (c) the head of the unit of the Authority responsible for climate change.

(3) The President shall, in accordance with article 195 of the Constitution, appoint the members of the Mitigation Fund Committee.

(4) The Chief Executive Officer shall appoint a chairperson from among the members of the Mitigation Fund Committee.

Disbursement from the Mitigation Fund

158. (1) The moneys for the Mitigation Fund shall be disbursed to achieve the objects of the Fund.

(2) The Committee shall make recommendations for disbursements from the Mitigation Fund.

(3) Sections 27 and 28 on accounts and audit, and annual report and other reports apply to the Mitigation Fund.

Miscellaneous Provisions

Regulations

159. The Minister may, in consultation with the Authority, by legislative instrument, make Regulations

- (a) for the preparation of climate resilience and low carbon development strategies;
- (b) for the international carbon market, non-market approaches and voluntary carbon market;
- (c) to address climate change adaptation in the country;
- (d) for climate technologies and green practices in production and consumption to support climate resilient and low emission development;
- (e) for the operations of the Ghana Carbon Registry;
- (f) for carbon rights and ownership; and

- (g) generally, for the effective and efficient implementation of this Part.

Interpretation

160. For the purposes of this Part, unless the context otherwise requires,

- “acquiring participating party” means a party or country, and a non-state actor including a company or business entity, operating within the jurisdiction of the acquiring participating Party, or mandated acquiring participating Party, on its own, intending to obtain an internationally transferred mitigation outcome from a mitigation activity generated in the transferring country;
- “Carbon Pricing Instrument” means a fiscal instrument that captures the external costs of greenhouse gas emissions by placing a price on the emissions for instruments including carbon tax, emission trading schemes and carbon crediting mechanisms;
- “climate strategies” mean responses to climate change with the aim of reducing and stabilising the levels of heat-trapping greenhouse gases in the atmosphere and adapting to the climate change already in the pipeline;
- “climate technologies” mean technologies, innovative products and services that specifically aim at reducing greenhouse gas emissions or addressing the impacts of global warming;
- “cooperative approach” means the arrangements outlined in a bilateral agreement as agreed to and adopted by the country and another Paris Agreement Party under paragraph 2 of Article 6 of the Paris Agreement;
- “District Assembly” includes a Metropolitan and a Municipal Assembly;
- “Energy Commission” means the Commission established under section 1 of the Energy Commission Act, 1997 (Act 541);
- “Forestry Commission” means the Forestry Commission established under section 1 of the Forestry Commission Act, 1999 (Act 571);

- “Ghana Carbon Registry” means the registry for greenhouse gases as established under section 150;
- “green practices” mean activities or practices which aim to reduce environmental impact of climate change and greenhouse gas emissions;
- “greenhouse gas” means carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, sulphur hexafluoride and nitrogen trifluoride;
- “indigenous technology” means the tools, techniques, crafts, and systems developed by indigenous communities to help secure the heritage of the indigenous communities and navigate the challenges of climate change;
- “international carbon market” means a carbon crediting scheme which is governed by the Paris Agreement and the voluntary carbon programme;
- “international crediting standard” means an internationally recognised set of certification rules and requirements to enable validation and verification of mitigation outcomes generated by an activity, including the Clean Development Mechanism, the Gold Standard, Verra, ISO-14064, ART and TREES or any other standard that the parties agree on as an applicable standard;
- “internationally transferred mitigation outcome” means a real, additional and verified reduction in greenhouse gas emissions or removal of greenhouse gas from the atmosphere, measured in tCO₂eq and representing one tCO₂eq per methodologies approved under the Paris Agreement Rules and generated by a specific mitigation activity from the year 2021 onwards;
- “Letter of Authorisation” means a document issued by the Ministry responsible for Environment to cover internationally transferred mitigation outcomes from each eligible mitigation activity before registration on the Ghana Carbon Registry or the registry of a recognised independent crediting scheme using the information in the mitigation activity design

- document and the validation report of an independent entity and approved by the Carbon Market Committee;
- “mitigation activity” means a project or programme that is implemented to generate a mitigation outcome;
- “mitigation activity developer” means a legally established entity which seeks to create credits from the establishment and implementation of a greenhouse gas emission reduction or removal activity;
- “mitigation ambition” means the main goal, aim or objective associated with the reduction or removal of greenhouse gas emissions from the atmosphere;
- “Mitigation Fund” means the fund established under section 153 of the Act;”
- “mitigation outcome” means quantified greenhouse gas emission reductions achieved by the implementation of a mitigation activity;
- “nationally determined contribution” means a document prepared, communicated and maintained by a Party to the Paris Agreement in line with Article 2 of the Paris Agreement and Decision Four of the Third Meeting of the Conference of Parties Serving as the Meeting Parties to the Paris Agreement;
- “nationally determined contribution-related baseline parameter” means the metrics and methodologies used to prepare the nationally determined contributions scenarios;
- “non-market approach” means an avenue that involves the use of policy or plans to change behaviour leading to building resilience against climate change;
- “Paris Agreement” means the agreement adopted by the parties to the United Nations Framework Convention on Climate Change at the twenty-first meeting of the parties to the United Nations Framework Convention on Climate Change in Paris and reflected in Decision One of the Twenty-First Meeting of Conference of Parties to the United Nations Framework Convention on Climate Change;
- “positive examination” means the determination by the country or a participating acquiring party that the internationally transferred mitigation outcomes generated have been

verified and considered compliant with the sustainable development requirements for each mitigation activity;

“programmatic activity” means a set of coordinated activities or a policy implemented by an entity to achieve greenhouse gas emission reduction or removal;

“tCO₂eq” means an amount of carbon dioxide emission measured in metric tonnes which would cause the same integrated radiative forcing or temperature change, over a given time horizon, as an emitted amount of a greenhouse gas or a mixture of greenhouse gases;

“United Nations Framework Convention on Climate Change” means the parent treaty of the 1997 Kyoto Protocol and the Paris Agreement;

“verification report” means a written report prepared and issued by a verifier in respect of a verification conducted, in accordance with the requirements of the Paris Agreement Rules or the rules of an international crediting standard;

“voluntary carbon market” means a market where private actors voluntarily buy and sell carbon credits that represent certified removals or reductions of greenhouse gases in the atmosphere.

PART SIX – GENERAL PROVISIONS

Enforcement

Guiding principles for enforcement of Act

161. For the purpose of ensuring compliance with this Act, the Authority, a public officer and any other person concerned shall be guided by the following principles:

- (a) common but differentiated responsibility;
- (b) intergenerational equity;
- (c) the precautionary principle;
- (d) the polluter pays principle; and
- (e) sustainable development.

Inspector

162. (1) The Chief Executive Officer, in consultation with the Board, may for the purposes of this Act, designate an officer as an environment protection inspector.

(2) An inspector

- (a) may at a reasonable time enter any premises for the purpose of ensuring compliance with this or any other enactment that pertains to the protection of the environment; and
- (b) shall, if required to do so by the person in charge of the premises, produce the requisite authority.

Powers of an inspector

163. (1) An inspector who has reasonable cause to believe that an offence has been committed under this Act or Regulations made under this Act may, without a warrant and in collaboration with relevant Agencies

- (a) enter and search premises, other than premises used exclusively as a place of residence, in which the inspector believes on reasonable grounds that the offence has been committed;
- (b) stop and search a vehicle which the inspector believes is being used in the commission of the offence;

- (c) seize the equipment, machinery or chemical which the inspector believes on reasonable grounds is being used in the commission of the offence; and
 - (d) in collaboration with the police, arrest a person who the inspector believes on reasonable grounds has committed the offence.
- (2) Where an inspector believes that a premises used exclusively as a place of residence is being used to commit an offence under this Act, the inspector may only enter the premises or any part of the premises
 - (a) with the consent of the occupier of the premises; or
 - (b) with a warrant issued by a court of competent jurisdiction.
- (3) An inspector shall produce evidence of authority before the inspector enters and searches any premises and in any other case, produce the evidence of authority on request.
- (4) Subject to this section, an inspector appointed by the Authority may, for the purposes of enforcing this Act and any Regulations made under this Act, at all reasonable times and in collaboration with the relevant institution or with a warrant from a court of competent jurisdiction
 - (a) enter any premises or any other place in the country to determine whether the provisions of this Act are being complied with;
 - (b) examine any activity which the inspector reasonably considers to be detrimental to
 - (i) the environment, or
 - (ii) public health;
 - (c) take or remove a sample of any substance or article for purposes of test or analysis in terms of this Act upon notifying the owner or occupier of the land, premises, vessel, vehicle or other place of the sample taken or removed;
 - (d) seize any article or equipment, detain a vessel or shut down a plant, or any other thing which is reasonably believed to have been used in the commission of an offence under this Act; and

(e) require to inspect, examine or make copies of any permit, licence, records or other documents issued or required to be kept or exhibited in terms of this Act or any other enactment.

(5) The inspector shall give a written receipt for an item seized pursuant to subsection (1), and the reasons for the seizure shall be stated in the receipt.

(6) A person arrested under paragraph (d) of subsection (1) shall be taken before a Court within forty-eight hours.

(7) An owner or occupier of a place intended to be entered by an inspector shall at all reasonable times provide the facilities required by the inspector for entering the premises to exercise the powers of the inspector under subsection (4).

(8) An inspector may, where the inspector considers it necessary to act immediately for the protection of the environment

(a) close down any premises for a period not exceeding three weeks, where an activity which pollutes the environment is carried out, contrary to the provisions of this Act or standards issued in accordance with this Act; and

(b) serve an order in writing, on the owner, user or occupier of any premises requiring that owner, user or occupier to take the measures specified in the order for the prevention of harm to the environment and public health.

(9) For the purposes of subsection (8), an inspector shall act in consultation with a Director of the Authority.

Obstruction of an inspector

164. A person who

(a) obstructs an inspector who performs a function under section 162, or

(b) fails to comply with a lawful enquiry or requirement made in accordance with section 163

commits an offence and is liable on summary conviction to a fine of not less than five hundred penalty units and not more than one thousand penalty units or to a term of imprisonment of not less than three months and not more than six months or to both.

Collaboration with National Development Planning Commission and District Assemblies

165. (1) Where the District Assembly considers undertaking a rezoning of an existing planning scheme, the District Assembly shall consult the Authority and provide the purpose for the rezoning.

(2) Where the Authority determines that a rezoning decision may result in a significant environmental impact, the Authority

- (a) may refuse the rezoning; or
- (b) shall collaborate with the District Assembly to recommend measures to mitigate the expected impact.

(3) The Authority shall collaborate with the National Development Planning Commission to integrate environmental protection measures into national development planning.

Role of the Customs Division of the Ghana Revenue Authority

166. An officer of the Customs Division of the Ghana Revenue Authority shall

- (a) assist in the enforcement of this Act; and
- (b) prevent the importation of a chemical, hazardous waste or electrical and electronic waste where the importation is contrary to this Act and Regulations made under this Act.

Miscellaneous Provisions

Environmental Bulletin

167. (1) There is established by this Act, an official bulletin known as the *Environmental Bulletin*.

(2) The Authority shall

- (a) keep and maintain the *Environmental Bulletin* in an accurate form as determined by the Board; and
- (b) ensure the accessibility of the *Environmental Bulletin*.

(3) The *Environmental Bulletin* shall also be maintained as a secured electronic database.

(4) The Authority shall publish annually in the *Environmental Bulletin* and on the website of the Authority

- (a) registered pesticides and the classification of registered pesticides;
- (b) provisionally authorised pesticides;
- (c) suspended or banned pesticides;
- (d) amendments made to the classification of pesticides;
- (e) banned industrial and consumer chemicals;
- (f) permitted undertakings; and
- (g) any other relevant information determined by the Authority.

Guidelines and standards

168. (1) The Authority shall develop guidelines and standards for the implementation of this Act.

(2) The Authority may publish guidelines and standards on the website of the Authority.

Delegation

169. The Minister may delegate the functions of the Minister under Parts Three and Four to the Authority.

Interpretation

170. In this Act, unless the context otherwise requires,

“Authority” means the Environmental Protection Authority established under subsection (1) of section 1;

“Board” means the governing body provided for under subsection (1) of section 4;

“common but differentiated responsibility principle” means all States are responsible for addressing global environmental destruction but not all States are equally responsible for the environmental destruction;

“Court” means court of competent jurisdiction;

“District Assembly” includes a Municipal Assembly and a Metropolitan Assembly;

“extended producer responsibility” means a producer is responsible for the entire life cycle of the products that the producer

introduces on the market, from the design of the product to the end of the life cycle of the product up to the waste collection and recycling of the waste;

“formulation” means the combination of various ingredients designed to render the product useful and effective for the purpose claimed, or the form of pesticide as purchased by users;

“inspector” includes

- (a) a law enforcement officer referred to in sections 112 and 113;
- (b) an officer of the Customs Division of the Ghana Revenue Authority referred to in section 166; and
- (c) an environment protection inspector appointed under section 162;

“intergenerational equity” means meeting the needs of the present generation without compromising the ability of future generations to meet the needs of the future generations;

“Minister” means the Minister responsible for the Environment;

“polluter pays principle” means a polluter bears all the costs incurred in the prevention or control of damage caused by any pollution originated by the polluter;

“precautionary principle” means where there are threats of damage to the environment, whether serious or irreversible, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation;

“premises” include a building, land, ship, vessel, vehicle, aircraft, caravan, other than a building or place used exclusively as a dwelling-house;

“sustainable development” means meeting human development goals while sustaining the ability of natural systems to provide the natural resources and ecosystem services on which the economy and society depend; and

“undertaking” means a policy, plan, programme or project including an enterprise, an activity, a scheme of development,

a construction, a structure, a building, a work, an investment, and any modification, extension, abandonment, demolition, rehabilitation or decommissioning, the implementation of which may have a significant impact on human health and the environment.

Repeals and savings

171. (1) The following enactments are repealed:

- (a) Environmental Protection Agency Act, 1994 (Act 490); and
- (b) Hazardous and Electronic Waste Control and Management Act, 2016 (Act 917).

(2) Despite the repeal of the enactments under subsection (1), any Regulations, Rules, bye-laws, notices, orders, directions, appointments or any other act lawfully made or done under the repealed enactments **and in force immediately before the coming into force of this Act shall be considered to have been made or done under this Act and shall continue to have effect until reviewed, cancelled or terminated.**

(3) This Act shall not affect the enactments repealed in the operation to offences committed, penalties imposed or proceedings commenced before the coming into force of this Act.

(4) An existing register maintained pursuant to the enactments repealed shall continue in force until reviewed or cancelled.

Transitional provisions

172. (1) The rights, assets and liabilities accrued in respect of the properties vested in the Environmental Protection Agency established under the Environmental Protection Agency Act, 1994 (Act 490) immediately before the coming into force of this Act and the persons employed by the Environmental Protection Agency shall be transferred to the Environmental Protection Authority established under this Act and accordingly proceedings taken by or against the Environmental Protection Agency may be continued by or against the Environmental Protection Authority.

(2) A person in the employment of the Environmental Protection Agency established under the Environmental Protection Agency Act, 1994 (Act 490) immediately before the coming into force of this Act shall, on the coming into force of this Act, be deemed to have been duly employed by the Environmental Protection Authority established under this Act on terms and conditions which are not less favourable in aggregate to the terms and conditions attached to the post held by the person before the coming into force of this Act.

(3) A contract subsisting between the Environmental Protection Agency established under the Environmental Protection Agency Act, 1994 (Act 490) and any other person and in effect immediately before the coming into force of this Act shall subsist between the Environmental Protection Authority established under this Act and that other person.

FIRST SCHEDULE

(section 32(b)(ii))

STANDARDS

1. Ghana Standards or Environmental Protection-Requirements for Effluent Discharge (GS 1212),
2. Ghana Standards or Environment and Health Protection -Requirements for Ambient Air Quality and Point Source/Stack Emissions (GS 1236)
3. Ghana Standard for Health Protection - Requirements for Ambient Noise Control (GS 1222)
4. Ghana Standard for Environment and Health Protection -Requirements for Motor Vehicle Emissions (GS 1219)

SECOND SCHEDULE
(sections 48(1) and 54(a))

APPLICATION FORM FOR REGISTRATION OF PESTICIDE

ENVIRONMENTAL PROTECTION AUTHORITY FORM A		Page A									
		<i>For official use only</i>		Application date							
<table border="1"> <tr> <td>Receipt</td> <td>Decision</td> </tr> <tr> <td>Ref <input type="text"/></td> <td>Decision <input type="text"/></td> </tr> <tr> <td>Date <input type="text"/></td> <td>Registration no. <input type="text"/></td> </tr> <tr> <td></td> <td>Date <input type="text"/></td> </tr> </table>		Receipt	Decision	Ref <input type="text"/>	Decision <input type="text"/>	Date <input type="text"/>	Registration no. <input type="text"/>		Date <input type="text"/>	Environmental Protection Authority P. O. BOX M 326, Accra Tel: 233 (0302) 664697 8 / 662465 Email: info@epa.gov.gh	
		Receipt	Decision								
Ref <input type="text"/>	Decision <input type="text"/>										
Date <input type="text"/>	Registration no. <input type="text"/>										
	Date <input type="text"/>										
The applicant certifies the exactness of information provided in this dossier (forms and annexes) and commits himself/herself to notify any change on conditions on which registration has been given		Provisional clearance									
		Full registration									
APPLICANT		Renewal of registration									
		Extended use									
1 - Identification		Completion modification									
		Transfer of registration property									
Name / corporate name <input type="text"/>		Name, seal and signature									
Address <input type="text"/>											
Tel <input type="text"/> Fax <input type="text"/> E-mail <input type="text"/>											
PRODUCT											
2 - Designation											
Commercial name <input type="text"/>											
Function of the product <input type="text"/>											
Type of formulation <input type="text"/>		GCPF code <input type="text"/>									
3 - Composition											
Analysis report											
Complete composition in sealed envelope											
Active ingredient <input type="text"/>		Manufacturer <input type="text"/>									
		A.I. grade <input type="text"/>									
4 - Origin											
Formulation manufacturer <input type="text"/>		Certificates of origin									

5 - Uses	
Active ingredient manufacturer	
Trademark owner	
Technical leaflet	
6 - Registrations	
Other registrations (countries)	Registration certificates
Previous registration number	
Mode of action	
Directions for use	
Contraindications	
Crop	Target organism
Rate	Stage of treatment or pre-harvest interval

Environmental Protection Authority **Form A**
Ghana

Page B

FORMULATION FEATURES					
7 - Physical and chemical properties					
Appearance			Shelf life		
Storage stability			Bulk density		
Density			Flash point		
Flammability					
<i>Other properties (in case)</i>					
pH of 1% aqueous dilution			Oxidizing properties		
Wettability			Water content		
Foam persistence			Viscosity		
Suspension ability			Fineness		
Emulsion stability					
8 - Toxicology					Safety data sheet
FAC/WHO class					
	Oral LD50	Dermal LD50	Inhalation LC50	Skin irritation	Eye irritation
RAT				RABBIT	
9 - Emergency measures in cases of accident and fire					
Potential health effects					
First aid measures					
Antidotes					
Fire fighting measures					
10 - Labeling					Label pattern

Risk phrases	
Safety phrases	
Pictograms	
11 – Packaging	
	Packaging specifications
Type of packaging and overpackaging	
Capacity	
Packaging disposal	

Environmental Protection Authority **Form A**
Ghana

Use one page per trial

Page C

TRIAL		Year			Efficacy
12 – Site					Phytotoxicity
Unit					Residues
Site					
Address of the person					
In charge of the site	Tel	Fax	E-mail		
Soil class					
Type of climate					
13 – Object					Active ingredient
Tested product	Manufacturer				Grade
Reference product	Manufacturer				
Plant material	Variety				
Agricultural practices					
Target organism			Strain/race		
14 – Layout					Protocol
Layout					
Elementary plot					
Control plot					
15 – Treatments					
Stage or timing of treatments	Frequency	Rate	Directions for use		
Particular conditions					
16 - Observations and results					Report
					Stade - époque
Variable					

Conclusion		
	Stade - époque	
Variable		
Conclusion		
	Stade - époque	
Variable		
Conclusion		
17 - Assessment of the trial		

Environmental Protection Authority **Form A**
Ghana

Use one page per active ingredient

Page D

ACTIVE INGREDIENT FEATURES									
18 – Designation									
Common name			Chemical family						
Chemical name									
Structural formula									
19 - Physical and chemical properties									
Appearance			Photolysis				Density at 20°C		
Vapor pressure			Hydrolysis			n-octanol/water partition coefficient			
Solubility in water			Melting / decomposition / boiling point						
Volatility			Absorption spectrum						
20 – Purity									
Maximal purity									
21 – Toxicology									
Oral LD50 (mg/kg)			Dermal LD50 (mg/kg)		Inhalation LC50 (mg/l)		ADI		Summary
RAT			RABBIT			Skin irritation		Eye irritation	
Sensitisation (guinea pig)			Reproduction (RAT)						
Subchronic toxicity			Chronic toxicity		Carcinogenicity		Neurotoxicity		Teratogenicity
RAT			Genotoxicity (RAT)			Genotoxicity (UNICELLULAR)			
Metabolism (RAT)			Other tests						
22 - Residues in the plant									
Metabolism									
Behaviour of residues									
Crop	MRL codex	MRL	Country		MRL	Country		MRL proposed	

23 – Ecotoxicology							Summary
Birds		LD50		NOEL		LC50	Reproduction
Fishes		LC50		NOEL		BCF	Reproduction
Water fleas		IC50		NOEL			
Algae		IC50		NOEL			
Bees		LD50ing		LD50con			
Earthworms		LC50					
Soil microorganisms							Other tests
24 - Behaviour in environment							Summary
Behaviour and ways of degradation					DT50		PEC _{swLT}
Soil							
Mobility					Adsorption		
Linked residues							
Behaviour and ways of degradation					DT50		PEC _{swLT}
Water							Other tests

Presentation of the Experimental Report

The presentation of the experimentation report is standardised. The following plan defines the minimum content of the report, that should not be composed of more than 10 pages (annexes excluded).

SUMMARY (ENGLISH)

A summary of 15 - 20 lines presents the object of the trial, its layout, the treatments, the observations and results, and the assessment of the trial. The summary has to be written in English.

SITE - UNIT OF EXPERIMENTATION

- Identification of the experimentation unit and of the responsible of the trial;
- Description of the site of the trial (soil, climate, surrounding plots,).

OBJECT

- type of the trial (efficacy, phytotoxicity, residues);
- year when the trial ends up;
- product (name, formulation type, manufacturer, reference product,);
- plant material (crop, variety, age, stage, agricultural practices,);
- target organism (name, strain or race,).

LAYOUT

- description of the trial layout;
- description of the elementary plots;
- description of the control plots.

TREATMENTS

- previous crop;
- treatments (stage or timing of treatments, frequency, rate);
- use of the pesticides (directions for use, equipment);
- quantity (volume of liquid, bait number,);
- meteorological conditions during the trial;
- crop management (other treatments, practices, fertilizers,);
- particular conditions (other pests,).

OBSERVATIONS

- variables (yield, quality of the harvest, undestroyed pest population,);
- sampling (method, frequency,);
- grading of the observations.

RESULTS - DATA ANALYSIS

- data analysis (statistical method);
- measuring criteria (significance, comparison,);
- interpretation and discussion according to the type of trial;
- other effects (phytotoxicity, ecotoxicity, residues,).

ASSESSMENT OF THE TRIAL

- validity of the trial;
- main points.

THIRD SCHEDULE

(section 57(3)(b))

APPLICATION FORM FOR RENEWAL OF REGISTRATION OF PESTICIDE

Page A

<p>ENVIRONMENTAL PROTECTION AUTHORITY FORM AR</p> <p><i>For official use only</i></p> <p>Receipt Decision</p> <p>Date <input style="width: 40px;" type="text"/> Registration no <input style="width: 150px;" type="text"/></p>		<p>Application date <input style="width: 80%; height: 20px;" type="text"/></p>
		<p>Environmental Protection Authority P. O. BOX M 326, Accra Tel: 233 (0302) 664697-8 / 662465 Email: info@epa.gov.gh</p>
		<p>Type of application.</p> <p>Renewal of full registration <input type="checkbox"/></p> <p>Renewal of provisional clearance <input type="checkbox"/></p>
APPLICANT INFORMATION		
1 - Identification		
Name /corporate <input style="width: 90%;" type="text"/>		Tel <input style="width: 50%;" type="text"/>
Name of contact <input style="width: 90%;" type="text"/>		
Mailing Address <input style="width: 95%;" type="text"/>	Tel. <input style="width: 100px;" type="text"/>	Fax. <input style="width: 100px;" type="text"/>
	E-mail <input style="width: 150px;" type="text"/>	
PRODUCT INFORMATION		
2 - Designation		
Commercial name <input style="width: 90%;" type="text"/>	GCPF code <input style="width: 50%;" type="text"/>	
Function of the product <input style="width: 60%;" type="text"/>	Type of formulation <input style="width: 100px;" type="text"/>	
3 - Composition		
Active ingredient <input style="width: 95%;" type="text"/>		Manufacturer(Name and address) <input style="width: 95%;" type="text"/>
4 - Origin		

Name and address of formulation manufacturer				
Name and address of local distributor				
5 - Uses				
Intended use of product	Target organism	Application Rate	Stage of treatment	Pre harvest interval(crops)
Directions for use				
6 - Registrations		Previous registration number		
Other registrations (countries)				Registration certificates
http://www.epa.gov.gh				

Environmental Protection Authority Form AR

Page B

FORMULATION FEATURES	
7- Information on the pesticides formulation in terms of the following :	
Storage stability	
Shelf life	
Suspension ability	
Emulsion stability	
WHO Toxicity Class	
Potential health effects	
First aid measures	
Any other information on the formulation of product including any changes observed during the period of registration	
8 - Label information	
Risk phrases	
Safety phrases	

Pictograms	
Proposed changes on the label including justification for the changes (attach copy of current label)	
9 – Packaging	
Type of packaging and bulk packaging	
Capacity (litres/kg/grams)	

Environmental Protection Authority Form AR
Ghana

In addition to the above, the following information must be submitted as appendix to this application (please tick to indicate that the relevant information is attached) Page C

Submission of satisfactory report of "Pesticides Management Plan" indicating among others the under listed items. Please attach report and provide summary of report in space provided. Tick where report is attached.		Tick (v)
Product stewardship Activities conducted for the period of registration/provisional clearance.		
Training programmes conducted. Please indicate subject matter, venue and target group.		
Records of pesticides manufactured, formulated, repackaged, imported, exported, distributed or sold and management of empty containers (records should state name of product, quantities, type of product, active ingredient, packaging specification, date imported, date of manufacture and expiry)		
Reports of adverse effects, formulation deviation or any undesirable effect caused by this pesticide during use or in storage.		
State previous registration number and date of issue (please attach copy of previous Certificate of		

Act 1124

Environmental Protection Act, 2025

Registration/provisional Clearance permit)		
Changes in application and pattern of use of the pesticide (attach supporting information)		
Changes in the formulation efficacy and chemical stability of product		
Confirmation of the validity of the estimate made at the time of registration, of residue levels in crops, animals and the environment		
Any new findings on the toxicity of the product		
Changes in status of registration in countries where previously registered		
Submission of technical grade standard of active ingredient as required by		

<p>conditions attached to the registration certificate/provisional clearance permit. This must accompany the completed form.</p>		
<p>Chemical composition of the pesticide (Attach report of certificate of analysis of the formulation)</p>		
<p>Any other information, samples or tests, undertaken during period of use of product.</p>		
<p>I certify that the information in this application is complete and correct, that I have complied with all conditions of my pesticide registration and that I am familiar with Part II of the Environmental Protection Agency Act, 1994 (Act 490) and Regulations under the Act.</p> <p>Date:</p> <p style="text-align: right;">Signature and stamp of applicant or authorised agent</p> <p>Note:</p> <p>A fee of..... must accompany this application. If space in this form is not sufficient, the information required may be appended to the application. The Authority may ask applicants to provide additional information.</p>		

FOURTH SCHEDULE
(section 65(1))

APPLICATION FORM FOR LICENCE OF PESTICIDE

Page A

**APPLICATION FORM FOR LICENCE
OF PESTICIDE**

**ENVIRONMENTAL
PROTECTION AUTHORITY**
P. O. BOX M326, ACCRA

OFFICIAL USE ONLY	
RECEIPT	
REF	DATE
DECISION	DATE



1. Indicate the activity for which you are applying to be licensed (please tick)

- Formulation Manufacture Importation Warehouse Registration
- Distribution Transportation Retail Commercial Application

SECTION A BACKGROUND INFORMATION

2. (Full legal name of applicant , company / business)

3. Present occupation

4. full postal address

	TEL	FAX
E-MAIL		

5. Full name, postal address and physical location of business to be licensed

--

Page B

6. Evidence of registration of business (yes/no) attach registration certificate if any

7. Certificate of competence in pesticide handling (yes/no) attach copy

8. Employee information (please attach copies of relevant certificates)

Name	Postal address	Age	Qualification

SECTION B (IMPORTERS, DISTRIBUTORS, RETAILERS)

- 9. Category of pesticide you propose to deal in general use restricted use all
- 10. Is storage facility available? (yes/no). Please indicate size.....
- 11. Type and size of retail facility.....
- 12. Type of display facility at storage/retail premise.....
- 13. Method and place of final disposal of obsolete pesticides (please elaborate)

SECTION C (COMMERCIAL APPLICATORS, PEST CONTROLLERS)

- 14. Numbers and type of pesticide application equipment.....
- 15. Have you had any professional training in pest control?(yes/No). if yes provide evidence of the training.
- 16. Presence of personal protective equipment (PPE) (yes/no), if yes provide list and type of PPE in item 19.
- 17. Method of storage of pesticides and unused chemicals.....
- 18. Method of disposal of used pesticide containers and excess chemicals.....
- 19. Safety measures (PPEs) in place including security options (to be completed by all applicants)

- 20. Types of pesticides to be formulated/repackaged or manufactured.....
- 21. Production capacity per annum (please indicate unit processes).....

Environmental Protection Act, 2025

Act 1124

22. Type and sources of raw materials.....

23. Type of packaging of products.....

24. Type and quantities of waste generated (solid, liquid and gases).....

25. Describe waste management practices.....

26. Evidence of eia/emp (yes/no) attach copy of certificate.....

Individual, partnership, corporate or agency acknowledgement:

I,..... hereby

(Name of owner, partner, designated corporate officer or agency representative)

declare that I am the(check appropriate box) owner, partner, designated corporate officer

agency representative and that the information provided on this form is true to the best of my knowledge and shall provide any additional information that shall come to my notice in the course of processing this application.

.....
Title

.....
Signature

.....
Date

Note: A fee of must accompany this application.

If the space provided on this form is not sufficient, additional information required may be provided on a separate document and attached. The Authority may request applicants to provide additional information.

FIFTH SCHEDULE

sections 72(1) and 73(1))

FORM ONE – APPLICATION FOR EXPORT PERMIT

(section 72(1))



**CHEMICALS CONTROL AND MANAGEMENT CENTRE (CCMC)
PESTICIDE EXPORTATION APPLICATION FORM (PIAF)
FOR REGISTERED/ UNREGISTERED/PROVISIONALLY CLEARED PESTICIDES**

1	Name and address of applicant		Contact person/Phone/email	
2	Purpose (Please tick)		Exporter license No.:	
	a Efficacy trial <input type="checkbox"/>	b Transit <input type="checkbox"/>	c Experimental/ research <input type="checkbox"/>	d National emergency <input type="checkbox"/>
				e Legislative instrument <input type="checkbox"/>
				f Sale <input type="checkbox"/>
	g Formulation <input type="checkbox"/>	h repackaging <input type="checkbox"/>	i Export <input type="checkbox"/>	j Self <input type="checkbox"/>
3	Product name and ai	Formulation and concentration	Product type eg insecticide	Product registration/PCL number/registration expiry date
	I			
	ii			
	iii			
4	Name of manufacturer /formulator(s)		Estimated quantity to be imported/exported (l, kg)	
			Estimated date of arrival/departure	
5	Suppliers name and address (if applicable), and source of import		Package size (l, kg)	Total cost
	Declaration	I certify that the above information is complete and correct	Designation	Date
6	Signature and official stamp		Date	
8	Attachments (Application will not be processed without the appropriate attachments)	Category	Please indicate as attached by ticking	
	i. Safety data sheet	a,b,c,d,e,f,j		

ii.	Trial protocol or completed GAP	a,c	
iii.	Letter of consent from supplier	a,b,c,d,e,f	
iv.	Certificate of origin	a,b,c,d,e,f,j	
v.	Technical leaflet	a,b,c,d,e	
vi.	Product label (approved or sample)	a,c,d,e,f,j	
vii.	Registration status from source of import	b,f	
viii.	Copy of registration/PCI certificate	f,j	
ix.	Purpose of research	c	
x.	Status of product at country of destination	b,i	
xi.	Evidence of request for export of product	b	
xii.	Import permit from country of import	b	
xiii.	Copy of relevant portion of LI	c	
xiv.	Certificate of analysis	f	

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1	Decision	Approved <input type="checkbox"/>	Refused <input type="checkbox"/>
2	Reason for refusal (If any)		
3	Signature of officer and date of approval		

INSTRUCTIONS FOR COMPLETING THE FORM

1. Only businesses duly licensed by the Authority with valid Import license shall be allowed to import pesticide products.
2. This application should be made prior to the importation of the product, at least two months.
3. This application may be submitted electronically to: ccmc@epa.gov.gh
4. Two copies of the original application must be submitted to the Authority
5. Application must be signed by the holder of import license or any authorised representative
6. Products imported into the country without prior application and approval would be confiscated/returned or penalty would be imposed on applicant
7. Application would be processed within a period of five working days where applicable
8. A fee would be charged for the processing and permit
9. Where application to import is done on behalf of a licensed importer, a letter of authorisation must accompany the completed form.
10. For restricted use pesticides, you may provide list of distribution outlets
11. Certificate of analysis from recognised laboratory must be submitted for each batch imported prior to arrival of products.

NOTE: A copy of the approved import permit must be attached to the electronic modules on Ministries, Departments and Agencies during application for clearance on the UNIPASS.

FORM TWO – APPLICATION FOR IMPORT PERMIT

(section 73(1))



CHEMICALS CONTROL AND MANAGEMENT CENTRE (CCMC)
PESTICIDE PRE-IMPORTATION APPLICATION FORM (PIAF)
FOR REGISTERED/ UNREGISTERED/PROVISIONALLY CLEARED PESTICIDES

1	Name and address of applicant		Contact person/Phone/email	
2	Purpose (Please tick)		Importer license No.:	
	a. Efficacy trial <input type="checkbox"/> b. Transit <input type="checkbox"/> c. Experimental/ research <input type="checkbox"/>		d. National emergency <input type="checkbox"/> e. Legislative instrument <input type="checkbox"/> f. Sale <input type="checkbox"/>	
	g. Formulation <input type="checkbox"/> h. repackaging <input type="checkbox"/>		i. Export <input type="checkbox"/> j. Self <input type="checkbox"/>	
3	Product name and ai	Formulation and concentration	Product type eg insecticide	Product registration/PCL number/registration expiry date
	i			
	ii			
	iii			
4	Name of manufacturer /formulator(s)		Estimated quantity to be imported/exported (l, kg)	Estimated date of arrival/departure
5	Suppliers name and address (if applicable), and source of import		Package size (l, kg)	Total cost
	Declaration	I certify that the above information is complete and correct	Designation	Date
6	Signature and official stamp		Date	
8	Attachments (Application will not be processed without the appropriate attachments)	Category	Please indicate as attached by ticking	
xv.	Safety data sheet	a,b,c,d,e,f,j		
xvi.	Trial protocol or completed GAP	a,c		
xvii.	Letter of consent from supplier	a,b,c,d,e,f		
xviii.	Certificate of origin	a,b,c,d,e,f,j		
xix.	Technical leaflet	a,b,c,d,e		

xx.	Product label (approved or sample)	a,c,d,e,f,j	
xxi.	Registration status from source of import	b,f	
xxii.	Copy of registration/PCI certificate	f,j	
xxiii.	Purpose of research	C	
xxiv.	Status of product at country of destination	b, i	
xxv.	Evidence of request for export of product	B	
xxvi.	Import permit from country of import	B	
xxvii.	Copy of relevant portion of LI	E	
xxviii.	Certificate of analysis	F	

FOR OFFICIAL USE ONLY

1	Decision	Approved <input type="checkbox"/>	Refused <input type="checkbox"/>
2	Reason for refusal (If any)		
3	Signature of officer and date of approval		

INSTRUCTIONS FOR COMPLETING THE FORM

1. Only businesses duly licensed by the Authority with valid Import license shall be allowed to import pesticide products.
2. This application should be made prior to the importation of the product, at least two months.
3. This application may be submitted electronically to: ccmc@epa.gov.gh
4. Two copies of the original application must be submitted to the Authority
5. Application must be signed by the holder of import license or any authorized representative
6. Products imported into the country without prior application and approval would be confiscated/returned or penalty would be imposed on applicant
7. Application would be processed within a period of five working days where applicable
8. A fee would be charged for the processing and permit
9. Where application to import is done on behalf of a licensed importer, a letter of authorisation must accompany the completed form.
10. For restricted use pesticides, you may provide list of distribution outlets
11. Certificate of analysis from recognized laboratory must be submitted for each batch imported prior to arrival of products.

NOTE: A copy of the approved import permit must be attached to the electronic modules on Ministries, Departments and Agencies during application for clearance on the UNIPASS.

SIXTH SCHEDULE

(sections 44, 103(1), 104(1) and 123)

LIST OF HAZARDOUS WASTES AND OTHER WASTES

CATEGORIES OF WASTES TO BE CONTROLLED

PART A -WASTE STREAMS

- Y1 Clinical waste from medical care in hospitals, medical centers and clinics**
- Y2 Wastes from the production and preparation of pharmaceutical products**
- Y3 Waste pharmaceuticals, drugs and medicines**
- Y4 Wastes from the production, formulation and the use of biocides and phytopharmaceuticals**
- Y5 Wastes from the manufacture, formulation and use of wood preserving chemicals**
- Y6 Waste from the production, formulation and use of organic solvents**
- Y7 Wastes from heat treatment and tempering operations containing cyanides**
- Y8 Waste mineral oil unfit for their originally intended use**
- Y9 Waste oil/water, hydrocarbons/water mixtures, emulsions**
- Y10 Waste substances and articles containing or contaminated with polychlorinated biphenyls (PCBs) and/or polychlorinated terphenyls (PCTs) and/or polybrominated biphenyls (PBBs)**
- Y11 Waste tarry residues arising from refining, distillation and any pyrolytic treatment**
- Y12 Wastes from production, formulation and use of inks, dyes, pigments, paints, lacquers, varnish**
- Y13 Waste from production, formulation and use of resins, latex, plasticizers, glues/adhesives**
- Y14 Waste chemical substances arising from research and development or teaching activities which are not identified and/or are new and whose effects on man and/or the environment are not know**
- Y15 Waste of an explosive nature not subject to other legislation**
- Y16 Waste from production, formulation and the use of photographic chemicals and processing materials**
- Y17 Waste resulting from surface treatment of metals and plastics**
- Y18 Residues arising from industrial waste disposal operations**

PART B - WASTES HAVING AS CONSTITUENTS:

- Y19 Metal carbonyls**
- Y20 Beryllium, beryllium compounds**
- Y21 Hexavalent chromium compounds**
- Y22 Copper compounds**
- Y23 Zinc compounds**
- Y24 Arsenic, arsenic compounds**
- Y25 Selenium, selenium compounds**
- Y26 Cadmium, cadmium compounds**

Y27	Antimony, antimony compounds
Y28	Tellurium, tellurium compounds
Y29	Mercury, mercury compounds
Y30	Thallium, thallium compounds
Y31	Lead, lead compounds
Y32	Inorganic fluorine compounds excluding calcium fluoride
Y33	Inorganic cyanides
Y34	Acidic solutions or acids in solid form
Y35	Basic solutions or bases in solid forms
Y36	Asbestos (dust and fibres)
Y37	Organic phosphorus compounds
Y38	Organic cyanides
Y39	Phenols, phenol compounds including chlorophenols
Y40	Ethers
Y41	Halogenated organic solvents
Y42	Organic solvents excluding halogenated solvents
Y43	Any congener of polychlorinated dibenzo-furan
Y44	Any congener of polychlorinated dibenzo-p-dioxin
Y45	Organohalogen compounds other than substances referred as in this Annex (e.g. Y39, Y41, Y42, Y43, Y44)

PART C - CATEGORIES OF WASTE REQUIRING SPECIAL CONSIDERATION

Y46 Wastes collected from households

Y47 Residues arising from the incineration of household waste

Plastic waste, including mixture of such waste, with the exception of the following;

- Plastic waste that is hazardous waste pursuant to paragraph 1 (a) of Article 1.
- Plastic waste listed below, provided it is destined for recycling in an environmentally sound manner and almost free from contamination and other types of waste.
- Plastic waste almost exclusively consisting of one non halogenated polymer, including but not limited to the following polymers:

Y48

- Polyethylene (PE)
- Polypropylene (PP)
- Polystyrene (PS)
- Acrylonitrile butadiene styrene (ABS)
- Polyethylene terephthalate (PET)
- Polycarbonates (PC)
- Polyethers

Plastic waste almost exclusively¹¹ consisting of one cured resin or condensation product, including but not limited to the following resins:

- Urea Formaldehyde resins
- Phenol formaldehyde resins
- Melamine formaldehyde resins
- Epoxy resins
- Alkyd resins

Plastic waste almost exclusively consisting of one of the following fluorinated polymers:¹²

- Perfluoroethylene/propylene [FEP]
- Perfluoroalkoxy alkanes:
- Tetrafluoroethylene/perfluoroalkyl vinyl ether [PFA]
- Tetrafluoroethylene/perfluoromethyl vinyl ether [MFA]
- Polyvinylidene fluoride [PVDF]
- Polyvinyl fluoride [PVF]

Mixtures of plastic waste, consisting of polyethylene (PE).

polypropylene (PP) and/or polyethylene terephthalate (PET), provided they are destined for separate recycling of each material and in an environmentally sound manner and almost free from contamination and other types of wastes

PART D**LIST A**

Wastes contained in this Annex are characterized as hazardous under Article 1, paragraph 1 (a), of this Convention, and their designation on this Annex does not preclude the use of Annex III to demonstrate that a waste is not hazardous.

A1 Metal and metal-bearing wastes

<p>A1010</p>	<p>Metal wastes and waste consisting of alloys of any of the following:</p> <ul style="list-style-type: none"> • Antimony • Arsenic • Beryllium • Cadmium • Lead • Mercury • Selenium • Tellurium • Thallium: <p>but excluding such wastes specifically listed on list B.</p>
<p>A1020</p>	<p>Waste having as constituents or contaminants, excluding metal waste in massive form, any of the following:</p> <ul style="list-style-type: none"> • Antimony; antimony compounds • Beryllium beryllium compounds • Cadmium, cadmium compounds • Lead, lead compounds • Selenium selenium compounds • Tellurium: tellurium compounds
<p>A1030</p>	<p>Wastes having as constituents or contaminants any of the following</p> <ul style="list-style-type: none"> • Arsenic arsenic compounds • Mercury: mercury compounds • Thallium thallium compounds
<p>A1040</p>	<p>Wastes having as constituents any of the following:</p> <ul style="list-style-type: none"> • Metal carbonyls • Hexavalent chromium compounds
<p>A1050</p>	<p>Galvanic sludges</p>
<p>A1060</p>	<p>Waste liquors from the pickling of metals</p>
<p>A1070</p>	<p>Leaching residues from zinc processing, dust and sludges such as jarosite, hematite etc.</p>

A1080	Waste zinc residues not included on list B, containing lead and cadmium in concentrations sufficient to exhibit Annex characteristics
A1090	Ashes from the incineration of insulated copper wire
A1100	Dusts and residues from gas cleaning systems of copper smelters
A1110	Spent electrolytic solutions from copper electrorefining and
A1120	Waste sludges, excluding anode slimes, from electrolyte purification systems in copper electrorefining and electrowinning operations
A1130	Spent etching solutions containing dissolved copper
A1140	Waste cupric chloride and copper cyanide catalysts
A1150	Precious metal ash from incineration of printed circuit boards not included on list B
A1160	Waste lead-acid batteries, whole or crushed
A1170	Unsorted waste batteries excluding mixtures of only list B batteries. Waste batteries not specified on list B containing Annex I constituents to an extent to render them hazardous
A1180	Waste electrical and electronic assemblies or scrap ¹⁸ containing components such as accumulators and other batteries included on list A, mercury-switches, glass from cathode-ray tubes and other activated glass and PCB-capacitors, or contaminated with Annex I constituents (e.g., cadmium, mercury, lead, polychlorinated biphenyl) to an extent that they possess any of the characteristics contained in Annex III (note the related entry on list B B1110)
A1190	Waste metal cables coated or insulated with plastics containing or contaminated with coal tar, PCB ²⁰ , lead, cadmium, other organohalogen compounds or other Annex I constituents to an extent that they exhibit Annex III characteristics.

A2. Wastes containing principally inorganic constituents, which may contain metals and organic materials

A2010	Glass waste from cathode-ray tubes and other activated glasses
A2020	Waste inorganic fluorine compounds in the form of liquids or sludges but excluding such wastes specified on list B
A2030	Waste catalysts but excluding such wastes specified on list B
A2040	Waste gypsum arising from chemical industry processes, when containing Annex I constituents to the extent that it exhibits an Annex III hazardous characteristic (note the related entry on list B B2080)
A2050	Waste asbestos (dusts and fibres)
A2060	Coal-fired power plant fly-ash containing Annex I substances in concentrations sufficient to exhibit Annex III characteristics (note the related entry on list B B2050)

A3 Wastes containing principally organic constituents, which may contain metals and inorganic materials

A3010	Waste from the production or processing of petroleum coke and bitumen
A3020	Waste mineral oils unfit for their originally intended use
A3030	Wastes that contain, consist of or are contaminated with leaded anti-knock compound sludges
A3040	Waste thermal (heat transfer) fluids
A3050	Wastes from production, formulation and use of resins, latex, plasticizers, glues/adhesives excluding such wastes specified on list B (note the related entry on list B B4020)
A3060	Waste nitrocellulose
A3070	Waste phenols, phenol compounds including chlorophenol in the form of liquids or sludges
A3080	Waste ethers not including those specified on list B
A3090	Waste leather dust, ash, sludges and flours when containing hexavalent chromium compounds or biocides (note the related entry on list B B3100)
A3100	Waste paring and other waste of leather or of composition leather not suitable for the manufacture of leather articles containing hexavalent chromium compounds or biocides (note the related entry on list B B3090)
A3110	Fellmongery wastes containing hexavalent chromium compounds or biocides or infectious substances (note the related entry on list B B3110)
A3120	Fluff - light fraction from shredding
A3130	Waste organic phosphorous compounds
A3140	Waste non-halogenated organic solvents but excluding such wastes specified on list B
A3150	Waste halogenated organic solvents
A3160	Waste halogenated or unhalogenated non-aqueous distillation residues arising from organic solvent recovery operations
A3170	Wastes arising from the production of aliphatic halogenated hydrocarbons (such as chloromethane, dichloro-ethane, vinyl chloride, vinylidene chloride, allyl chloride and epichlorhydrin)
A3180	Wastes, substances and articles containing, consisting of or contaminated with polychlorinated biphenyl (PCB), polychlorinated terphenyl (PCT), polychlorinated naphthalene (PCN) or polybrominated biphenyl (PBB), or any other polybrominated analogues of these compounds, at a concentration level of 50 mg/kg or more
A3190	Waste tarry residues (excluding asphalt cements) arising from refining, distillation and any pyrolytic treatment of organic materials
A3200	Bituminous material (asphalt waste) from road construction and maintenance, containing tar (note the related entry on list B, B2130)
A3210	Plastic waste, including mixtures of such waste, containing or contaminated with Annex I constituents, to an extent that it exhibits an Annex III characteristic (note the related entries Y48 in Annex II and on list B B3011).

A4 Wastes which may contain either inorganic or organic constituents

A4010	Wastes from the production, preparation and use of pharmaceutical products but excluding such wastes specified on list B
A4020	Clinical and related wastes; that is wastes arising from medical, nursing, dental, veterinary, or similar practices, and wastes generated in hospitals or other facilities during the investigation or treatment of patients, or research projects
A4030	Wastes from the production, formulation and use of biocides and phytopharmaceuticals, including waste pesticides and herbicides which are off-specification, outdated, or unfit for their originally intended use
A4040	Wastes from the manufacture, formulation and use of wood-preserving chemicals
A4050	Wastes that contain, consist of or are contaminated with any of the following: • Inorganic cyanides, excepting precious-metal-bearing residues in solid form containing traces of inorganic cyanides • Organic cyanides
A4060	Waste oils/water, hydrocarbons/water mixtures, emulsions
A4070	Wastes from the production, formulation and use of inks, dyes, pigments, paints, lacquers, varnish excluding any such waste specified on list B (note the related entry on list B B4010)
A4080	Wastes of an explosive nature (but excluding such wastes specified on list B)
A4090	Waste acidic or basic solutions, other than those specified in the corresponding entry on list B (note the related entry on list B B2120)
A4100	Wastes from industrial pollution control devices for cleaning of industrial off-gases but excluding such wastes specified on list B
A4110	Wastes that contain, consist of or are contaminated with any of the following: • Any congener of polychlorinated dibenzo-furan • Any congener of polychlorinated dibenzo-p-dioxin
A4120	Wastes that contain, consist of or are contaminated with peroxides
A4130	Waste packages and containers containing Annex I substances in concentrations sufficient to exhibit Annex III hazard characteristics
A4140	Waste consisting of or containing off specification or outdated chemicals corresponding to Annex I categories and exhibiting Annex III hazard characteristics
A4150	Waste chemical substances arising from research and development or teaching activities which are not identified and/or are new and whose effects on human health and/or the environment are not known
A4160	Spent activated carbon not included on list B (note the related entry on list B B2060)

SEVENTH SCHEDULE

(section 104 (1)(b))

INFORMATION TO BE PROVIDED ON NOTIFICATION

1. Reason for waste export;
2. Exporter of the waste;
3. Generator(s) of the waste and site of generation;
4. Disposer of the waste and actual site of disposal;
5. Intended carrier(s) of the waste or their agents, if known;
6. Country of export of the waste and competent authority;
7. Expected countries of transit and competent authority;
8. Country of import of the waste and competent authority;
9. General or single notification;
10. Projected date(s) of shipment(s) and period of time over which waste is to be exported and proposed itinerary (including point of entry and exit);
11. Means of transport envisaged (road, rail, sea, air, inland waters);
12. Information relating to insurance;
13. Designation and physical description of the waste including Y number and UN number and its composition 5/ and information on any special handling requirements including emergency provisions in case of accidents;
14. Type of packaging envisaged (for example bulk, drummed, tanker);
15. Estimated quantity in weight/volume;
16. Process by which the waste is generated;
17. For wastes listed in Annex I, classifications from Annex III: hazardous characteristic, H number, and UN class;
18. Method of disposal as per Annex IV;
19. Declaration by the generator and exporter that the information is correct;
20. Information transmitted (including technical description of the plant) to the exporter or generator from the disposer of the waste upon which the latter has based his assessment that there was no reason to believe that the wastes will not be managed in an environmentally sound manner in accordance with the laws and regulations of the country of import; and
21. Information concerning the contract between the exporter and disposer.

Notes

- (1) Full name and address, telephone, telex or telefax number and the name, address, telephone, telex or telefax number of the person to be contacted.
- (2) Full name and address, telephone, telex or telefax number.
- (3) In the case of a general notification covering several shipments, either the expected dates of each shipment or, if this is not known, the expected frequency of the shipments will be required.
- (4) Information to be provided on relevant insurance requirements and how they are met by exporter, carrier and disposer.
- (5) The nature and the concentration of the most hazardous components, in terms of toxicity and other dangers presented by the waste both in handling and in relation to the proposed disposal method.
- (6) In the case of a general notification covering several shipments, both the estimated total quantity and the estimated quantities for each individual shipment will be required.
- (7) Insofar as this is necessary to assess the hazard and determine the appropriateness of the proposed disposal operation.

INFORMATION TO BE PROVIDED ON THE MOVEMENT DOCUMENT

1. Exporter of the waste;
2. Generator(s) of the waste and site of generation;
3. Disposer of the waste and actual site of disposal;
4. Carrier(s) of the waste 1/ or his agent(s);
5. Subject of general or single notification;
6. The date the transboundary movement started and date(s) and signature on receipt by each person who takes charge of the waste;
7. Means of transport (road, rail, inland waterway, sea, air) including countries of export, transit and import, also point of entry and exit where these have been designated;
8. General description of the waste (physical state, proper UN shipping name and class, UN number, Y number and H number as applicable);
9. Information on special handling requirements including emergency provision in case of accidents;
10. Type and number of packages;
11. Quantity in weight/volume;
12. Declaration by the generator or exporter that the information is correct;

13. Declaration by the generator or exporter indicating no objection from the competent authorities of all States concerned which are Parties; and
14. Certification by disposer of receipt at designated disposal facility and indication of method of disposal and of the approximate date of disposal.

Notes

- (a) The information required on the movement document shall, where possible, be integrated in one document with the information required under transport rules. Where this is not possible the information should complement rather than duplicate that required under the transport rules. The movement document shall carry instructions as to who is to provide information and fill-out any form.
- (b) Full name and address, telephone, telex or telefax number and the name, address, telephone, telex or telefax number of the person to be contacted in case of emergency.

EIGHTH SCHEDULE*(sections 44, 103(1) and 123)***LIST OF HAZARDOUS CHARACTERISTICS**

UN Class	Codes	Characteristics
1	H1	Explosive An explosive substance or waste is a solid or liquid substance or waste (or mixture of substances or wastes) which is in itself capable by chemical reaction of producing gas at such a temperature and pressure and at such a speed as to cause damage to the surroundings.
3	H3	Flammable liquids The word "flammable" has the same meaning as "inflammable". Flammable liquids are liquids, or mixtures of liquids, or liquids containing solids in solutions or suspension (for example, paints, varnishes, lacquers, etc, but not including substances or wastes otherwise classified on account of their dangerous characteristics) which give off a flammable vapour at temperatures of not more than 60.5°C, closed-cup test, or not more than 65.6°C, open-cup test [Since the results of open-cup tests and closed-cup tests are not strictly comparable and even individual results by the same test are often variable, regulations varying from the above figures to make allowance for such differences would be within the spirit of this definition]
4.1	H4.1	Flammable solids Solids or waste solids, other than these classes as explosives, which under conditions encountered in transport are readily combustible, or may cause or contribute to fire through friction.
4.2	H4.2	Substances or wastes liable to spontaneous combustion Substances or wastes which are liable to spontaneous heating under normal conditions encountered in transport, or to heating up on up contact with air and being then liable to catch fire
4.3	H4.3	Substances or waste which, in contact with water emit flammable gases Substances or wastes which, by interactions with water, are liable to become spontaneously flammable or to give off flammable gases in dangerous quantities.
5.1	H5.1	Oxidizing Substances or wasters which, while in themselves not necessarily combustible, may, generally by yielding oxygen cause, or contribution to, the combustion of other materials.
5.2	H5.2	Organic Peroxides

		Organic substances or wastes which contain the bivalent-o-structure are thermally unstable substances which may undergo exothermic self- acceleration decomposition.
6.1	H6.1	Poisonous (Acute) Substances or waste liable either to cause death or serious injury or to harm human health if swallowed or inhaled or by skin contact.
6.2	H6.2	Infectious substances Substances or wastes containing viable micro-organism or their toxins which are known or suspected to cause disease in animals or humans.
8	H8	Corrosives Substances or wastes which by chemical action, will cause severe damage when in contact with living tissue, or, in the case of leakage, will materially damage, or even destroy, other goods or the means of transport, they may also cause other hazards.
9	H10	Liberation of toxic gases in contact with air or water Substances or wastes which, by interaction with air or water, are liable to give off toxic gases in dangerous quantities.
9	H11	Toxic (Delayed or chronic) Substances or waste which, if they are inhaled or ingested or if they penetrate the skin, may involve delayed or chronic effects, including carcinogenicity
9	H12	Ecotoxic Substances or waste which if released present or may present immediate or delayed adverse impacts to the environment by means of bioaccumulation and/or toxic effect upon biotic system.
9	H13	Capable, by any means, after disposal, of yielding another material, e.g. leachate, which possesses any of the characteristics listed above.

Tests

The potential hazards posed by certain types of wastes are not yet fully documented; tests to define quantitatively these hazards do not exist. Further research is necessary in order to develop means to characterise potential hazards posed to man and/or the environment by these wastes. Standardized tests have been derived with respect to pure substances and materials. Many countries have developed national tests which can be applied to materials listed in Annex I, in order to decide if these materials exhibit any of the characteristics listed in this Annex.

NINTH SCHEDULE

(sections 105(1)(b) and 126(1)(b))

NOTIFICATION DOCUMENT FOR TRANSBOUNDARY
MOVEMENT OR SHIPMENT OF WASTE

1. Exporter - notifier Registration No: Name: Address: Contact person: Tel: Fax: E-mail:	3. Notification No: Notification concerning A.(i) Individual shipment: <input type="checkbox"/> (ii) Multiple shipments: <input type="checkbox"/> B.(i) Disposal (1): <input type="checkbox"/> (ii) Recovery: <input type="checkbox"/> C. Pre-consented recovery facility (2;3) Yes <input type="checkbox"/> No <input type="checkbox"/>
2. Importer - consignee Registration No: Name: Address: Contact person: Tel: Fax: E-mail:	4. Total intended number of shipments: 5. Total intended quantity (4): Tonnes (Mg): m ³ : 6. Intended period of time for shipment(s) (4): First departure: Last departure:
8. Intended carrier(s) Registration No: Name(7): Address: Contact person: Tel: Fax: E-mail: Means of transport (5):	7. Packaging type(s) (5): Special handling requirements (6): Yes: <input type="checkbox"/> No: <input type="checkbox"/> 11. Disposal / recovery operation(s) (2) D-code / R-code (5): Technology employed (6): Reason for export (1,6):
9. Waste generator(s) - producer(s) (1;7,8) Registration No: Name: Address: Contact person: Tel: Fax: E-mail:	12. Designation and composition of the waste (6): 13. Physical characteristics (5): 14. Waste identification (fill in relevant codes) (i) Basel Annex VIII (or IX if applicable):

Site and process of generation (5)	(ii) OECD code (if different from (i)) (iii) EC list of wastes:	
10. Disposal facility (2): <input type="checkbox"/> or recovery facility (2): <input type="checkbox"/> Registration No: Name: Address: Contact person: Tel: E-mail: Actual site of disposal/recovery: Fax:	(iv) National code in country of export: (v) National code in country of import: (vi) Other (specify): (vii) Y-code: (viii) H-code (5): (ix) UN class (5): (x) UN Number: (xi) UN Shipping name: (xii) Customs code(s) (HS):	
15. (a) Countries/States concerned, (b) Code no. of competent authorities where applicable, (c) Specific points of exit or entry (border crossing or port)		
State of export - dispatch	State(s) of transit (entry and exit)	State of import - destination
(a)		
(b)		
(c)		
16. Customs offices of entry and/or exit and/or export (European Community):		
Entry:	Exit:	Export:
17. Exporter's - notifier's / generator's - producer's (1) declaration. I certify that the information is complete and correct to my best knowledge. I also certify that legally enforceable written contractual obligations have been entered into and that any applicable insurance or other financial guarantee is or shall be in force covering the transboundary movement.		
Exporter's - notifier's name: Date: Signature: Generator's - producer's name. Date: Signature:	18. Number of annexes attached	
FOR USE BY COMPETENT AUTHORITIES		
19. Acknowledgement from the relevant competent authority of countries of import - destination / transit (1) / export - dispatch (9): Country: Notification received on: Acknowledgement sent on: Name of competent authority: Stamp and/or signature:	20. Written consent (1,8) to the movement provided by the competent authority of (country): Consent given on: Consent valid from: until: Specific conditions: No: <input type="checkbox"/> If Yes, see block 21 (6): <input type="checkbox"/> Name of competent authority: Stamp and/or signature:	

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Environmental Protection Act, 2025

21. Specific conditions on consenting to the movement document or reasons for objecting

- (1) Required by the Basel Convention
- (2) In the case of an R12/R13 or D13/D15 operation, also attach corresponding information on any subsequent R12/R13 or D13/D15 facilities and on the subsequent R1/R11 or D1-D12 facility(ies) when required
- (3) To be completed for movements within the OECD area and only if B(i) applies
- (4) Attach details if multiple shipments
- (5) See list of abbreviations and codes on the next page
- (6) Attach details if necessary
- (7) Attach list if more than one
- (8) If required by national legislation
- (9) If applicable under the OECD Decision

List of abbreviations and codes used in the notification document

DISPOSAL OPERATIONS (block 11)	
D1	Deposit into or onto land, (e.g., landfill, etc.)
D2	Land treatment, (e.g., biodegradation of liquid or sludgy discards in soils, etc.)
D3	Deep injection, (e.g., injection of pumpable discards into wells, salt domes or naturally occurring repositories, etc.)
D4	Surface impoundment, (e.g., placement of liquid or sludge discards into pits, ponds or lagoons, etc.)
D5	Specially engineered landfill, (e.g., placement into lined discrete cells which are capped and isolated from one another and the environment, etc.)
D6	Release into a water body except seas/oceans
D7	Release into seas/oceans including sea-bed insertion
D8	Biological treatment not specified elsewhere in this list which results in final compounds or mixtures which are discarded by means of any of the operations in this list
D9	Physico-chemical treatment not specified elsewhere in this list which results in final compounds or mixtures which are discarded by means of any of the operations in this list (e.g., evaporation, drying, calcination, etc.)
D10	Incineration on land
D11	Incineration at sea
D12	Permanent storage, (e.g., emplacement of containers in a mine, etc.)
D13	Blending or mixing prior to submission to any of the operations in this list
D14	Repackaging prior to submission to any of the operations in this list
D15	Storage pending any of the operations in this list
RECOVERY OPERATIONS (block 11)	
R1	Use as a fuel (other than in direct incineration) or other means to generate energy (Basel/OECD) - Use principally as a fuel or other means to generate energy (EU)
R2	Solvent reclamation/regeneration
R3	Recycling/reclamation of organic substances which are not used as solvents
R4	Recycling/reclamation of metals and metal compounds
R5	Recycling/reclamation of other inorganic materials
R6	Regeneration of acids or bases
R7	Recovery of components used for pollution abatement
R8	Recovery of components from catalysts
R9	Used oil re-refining or other reuses of previously used oil
R10	Land treatment resulting in benefit to agriculture or ecological improvement
R11	Uses of residual materials obtained from any of the operations numbered R1-R10
R12	Exchange of wastes for submission to any of the operations numbered R1-R11
R13	Accumulation of material intended for any operation in this list

PACKAGING TYPES (block 7)	H-CODE AND UN CLASS (block 14)		
1. Drum 2. Wooden barrel 3. Jerrican 4. Box 5. Bag 6. Composite packaging 7. Pressure receptacle 8. Bulk 9. Other (specify)	UN Class	H-code	Characteristics
MEANS OF TRANSPORT (block 8) R = Road T = Train/rail S = Sea A = Air W = Inland waterways	1	H1	Explosive
PHYSICAL CHARACTERISTICS (block 13) 1. Powdery/powder 2. Solid 3. Viscous/paste 4. Sludgy 5. Liquid 6. Gaseous 7. Other (specify)	3	H3	Flammable liquids
	4.1	H4.1	Flammable solids
	4.2	H4.2	Substances or wastes liable to spontaneous combustion
	4.3	H4.3	Substances or wastes which, in contact with water, emit flammable gases
	5.1	H5.1	Oxidizing
	5.2	H5.2	Organic peroxides
	6.1	H6.1	Poisonous (acute)
	6.2	H6.2	Infectious substances
	8	H8	Corrosives
	9	H10	Liberation of toxic gases in contact with air or water
	9	H11	Toxic (delayed or chronic)
	9	H12	Ecotoxic
	9	H13	Capable, by any means, after disposal of yielding another material, e. g., leachate, which possesses any of the characteristics listed above

Further information, in particular related to waste identification (block 14), i.e. on Basel Annexes VIII and IX codes, OECD codes and Y-codes, can be found in a Guidance/Instruction Manual available from the OECD and the Secretariat of the Basel Convention.

TENTH SCHEDULE

(section 106(1)(a))

**MOVEMENT DOCUMENT FOR
TRANSBOUNDARY MOVEMENT OR
SHIPMENT OF WASTE**

1. Corresponding to notification No:		2. Serial/total number of shipments: <i>1</i>	
3. Exporter - notifier Registration No Name: Address: Contact person: Tel: Fax E-mail:		4. Importer - consignee Registration No Name: Address: Contact person: Tel: Fax E-mail:	
5. Actual quantity Tonnes (Mg): m ³ :		6. Actual date of shipment:	
7. Packaging Type(s) (1)		Number of packages:	
Special handling requirements: (2) Yes <input type="checkbox"/> No <input type="checkbox"/>			
8.(a) 1 st Carrier (3): Registration No. Name: Address: Tel: Fax: E-mail:		8.(b) 2 nd Carrier: Registration No. Name: Address: Tel: Fax: E-mail:	8.(c) Last Carrier: Registration No. Name: Address: Tel: Fax: E-mail:
----- To be completed by carrier's representative -----			
Means of transport (1): Date of transfer Signature:		Means of transport (1): Date of transfer Signature:	Means of transport (1): Date of transfer Signature:
9. Waste generator(s) - producer(s) (4,5,6): Registration No Name: Address:		12. Designation and composition of the waste (2):	

Contact person: Tel: _____ Fax: _____ E-mail: _____ Site of generation (2)	13. Physical characteristics (1): 14. Waste identification (fill in relevant codes) (i) Basel Annex VIII (or IX if applicable) (ii) OECD code (if different from (i)) (iii) EC list of wastes (iv) National code in country of export (v) National code in country of import (vi) Other (specify): (vii) Y-code: (viii) H-code (1): (ix) UN class (1): (x) UN Number: (xi) UN Shipping name: (xii) Customs code(s) (HS):
10. Disposal facility <input type="checkbox"/> or recovery facility <input type="checkbox"/> Registration No: Name: Address: Contact person: Tel: _____ Fax: _____ E-mail: _____ Actual site of disposal/recovery (2)	11. Disposal/recovery operation(s) D-code / R-code (1):
15. Exporter's - notifier's / generator's - producer's (4) declaration: I certify that the above information is complete and correct to my best knowledge. I also certify that legally enforceable written contractual obligations have been entered into, that any applicable insurance or other financial guarantee is in force covering the transboundary movement and that all necessary consents have been received from the competent authorities of the countries concerned. Name _____ Date _____ Signature _____	
16. For use by any person involved in the transboundary movement in case additional information is required	
17. Shipment received by importer - consignee (if not facility): Date _____ Name: _____ Signature _____	
TO BE COMPLETED BY DISPOSAL / RECOVERY FACILITY	
18. Shipment received at disposal facility <input type="checkbox"/> or recovery facility <input type="checkbox"/> Date of reception: Accepted: <input type="checkbox"/> Rejected*: <input type="checkbox"/> Quantity received Tonnes (Mg) m ³ *immediately contact competent authorities Approximate date of disposal/recovery: Disposal/recovery operation (1): Name:	19. I certify that the disposal/recovery of the waste described above has been completed. Name _____ Date _____ Signature and stamp _____

Date:	
Signature:	

- | | |
|--|--|
| <p>(1) See list of abbreviations and codes on the next page</p> <p>(2) Attach details if necessary</p> <p>(3) If more than 3 carriers, attach information as required in blocks 8 (a,b,c).</p> | <p>(4) Required by the Basel Convention</p> <p>(5) Attach list if more than one</p> <p>(6) If required by national legislation</p> |
|--|--|

FOR USE BY CUSTOMS OFFICES (if required by national legislation)			
<p>20. Country of export - dispatch or customs office of exit The waste described in this movement document left the</p> <p>Country on:</p> <p>Signature:</p> <p>Stamp:</p>	<p>21. Country of import - destination or customs office of entry The waste described in this movement document entered the</p> <p>Country on:</p> <p>Signature:</p> <p>Stamp:</p>		
22. Stamps of customs offices of transit countries			
Name of country:	Exit:	Name of country:	Exit:
Entry:		Entry:	
Name of country:	Exit:	Name of country:	Exit:
Entry:		Entry:	

List of Abbreviations and Codes Used in the Movement Document

DISPOSAL OPERATIONS (block 11)	RECOVERY OPERATIONS (block 11)
D1 Deposit into or onto land (e.g., landfill, etc.)	R1 Use as a fuel (other than in direct incineration) or other means to generate energy (Basel/OECD) - Use principally as a fuel or other means to generate energy (EU)
D2 Land treatment, (e.g., biodegradation of liquid or sludgy discards in soils, etc.)	R2 Solvent reclamation/regeneration
D3 Deep injection, (e.g., injection of pumpable discards into wells, salt domes or naturally occurring repositories, etc.)	R3 Recycling/reclamation of organic substances which are not used as solvents
D4 Surface impoundment, (e.g., placement of liquid or sludge discards into pits.	

ponds or lagoons, etc.)	R4	Recycling/reclamation of metals and metal compounds
D5 Specially engineered landfill, (e.g., placement into lined discrete cells which are capped and isolated from one another and the environment), etc.	R5	Recycling/reclamation of other inorganic materials
D6 Release into a water body except seas/oceans	R6	Regeneration of acids or bases
D7 Release into seas/oceans including sea-bed insertion	R7	Recovery of components used for pollution abatement
D8 Biological treatment not specified elsewhere in this list which results in final compounds or mixtures which are discarded by means of any of the operations in this list	R8	Recovery of components from catalysts
D9 Physico-chemical treatment not specified elsewhere in this list which results in final compounds or mixtures which are discarded by means of any of the operations in this list (e.g., evaporation, drying, calcination, etc.)	R9	Used of re-refining or other reuses of previously used oil
D10 Incineration on land	R10	Land treatment resulting in benefit to agriculture or ecological improvement
D11 Incineration at sea	R11	Uses of residual materials obtained from any of the operations numbered R1-R10
D12 Permanent storage, (e.g., emplacement of containers in a mine, etc.)	R12	Exchange of wastes for submission to any of the operations numbered R1-R11
D13 Blending or mixing prior to submission to any of the operations in this list	R13	Accumulation of material intended for any operation in this list
D14 Repackaging prior to submission to any of the operations in this list		
D15 Storage pending any of the operations in this list		
PACKAGING TYPES (block 7)	H-CODE AND UN CLASS (block 14)	
1. Drum	UN class	H-code Characteristics
2. Wooden barrel	1	H1 Explosive
3. Jerrycan	3	H3 Flammable liquids
4. Box	4.1	H4.1 Flammable solids
5. Bag	4.2	H4.2 Substances or wastes liable to spontaneous combustion
6. Composite packaging	4.3	H4.3 Substances or wastes which, in contact with water, emit flammable gases
7. Pressure receptacle	5.1	H5.1 Oxidizing
8. Bulk	5.2	H5.2 Organic peroxides
9. Other (specify)	6.1	H6.1 Poisonous (acute)
MEANS OF TRANSPORT (block 8)	6.2	H6.2 Infectious substances
R = Road A = Air	8	H8 Corrosives
T = Train/rail W = Inland waterways	9	H10 Liberation of toxic gases in contact with air or water
S = Sea	9	H11 Toxic (delayed or chronic)
PHYSICAL CHARACTERISTICS (block 13)	9	H12 Ecotoxic
1. Powdery / powder	9	H13 Capable, by any means, after disposal of yielding another material, e. g. leachate which possesses any of the characteristics listed above
2. Solid		
3. Viscous / paste (specify)		
4. Sludgy		
5. Liquid		
6. Gaseous		
7. Other		

Further information, in particular related to waste identification (block 14), that is, on Basel Annexes VIII and IX codes, OECD codes and Y-codes, can be found in a Guidance/Instruction Manual available from the OECD and the Secretariat of the Basel Convention.

ELEVENTH SCHEDULE

(section 121)

**CLASSIFICATION OF POLYCHLORINATED BIPHENYLS
WASTE FOR SEGREGATION**

PCB Oil	High chloride concentration
PCB contaminated mineral oil	Low chloride concentration
Water contaminated by PCB	Separation and absorption process
Solvent contaminated by PCB	Miscible
Porous material (PCB oil)	Decontamination process
Porous material (PCB contaminated mineral oil)	Decontamination process
Non porous material	Recycling of metallic parts

TWELFTH SCHEDULE*(sections 124(1)(c) and 130(b))***LIST OF ELECTRICAL AND ELECTRONIC EQUIPMENT FOR WHICH ADVANCE ECO LEVY IS APPLICABLE**

1	New pneumatic tyres, of rubber of a kind used on motor cars
2	New pneumatic tyres, of rubber of a kind used on buses or lorries
3	New pneumatic tyres, of rubber for aircraft
4	New pneumatic tyres, of rubber of a kind used on motorcycles
5	New pneumatic tyres, of rubber of a kind used on bicycles
6	New pneumatic tyres, of rubber.- Of a kind used on agricultural or forestry vehicles and machines
7	New pneumatic tyres, of rubber.- Of a kind used on construction, mining or industrial handling vehicles and machines
8	New pneumatic tyres, of rubber – Other
9	Retreaded tyres of rubber, of a kind used on motorcars
10	Retreaded tyres of rubber, of a kind used on buses or lorries
11	Retreaded tyres of rubber, of a kind used on aircraft
12	Retreaded tyres of rubber, nes
13	Used pneumatic tyres for retreading manufacture
14	Used pneumatic tyres - other, nes
15	Used tyres, interchangeable tyre treads and flaps, of rubber - other, nes
16	Air conditioning machines: Window or wall types, self-contained or split system : Presented (CKD) or unassembled for the assembling industry
17	Air conditioning machines: Window or wall types, self-contained or split system : Other
18	Air conditioning machines, with refrigerating unit and valve
19	Air conditioning machines, without refrigerating unit
20	Combined refrigerator-freezers, fitted with separate external doors : Presented completely knocked down (CKD) or unassembled for the assembling industry
21	Combined refrigerator-freezers, fitted with separate external doors : Other

22	Refrigerators, household type : Compression-type : Presented completely knocked down (CKD) or unassembled for the assembling industry
23	Refrigerators, household type : Compression-type : Other
24	Refrigerators, household type :Other : Presented completely knocked down (CKD) or unassembled for the assembling industry
25	Refrigerators, household type : not Compression-type : Other
26	Freezers of the chest type, not exceeding 800 l capacity : Presented completely knocked down (CKD) or unassembled for the assembling industry
27	Freezers of the chest type, not exceeding 800 l capacity : Other
28	Freezers of the upright type, not exceeding 900 l capacity : Presented completely knocked down (CKD) or unassembled for the assembling industry
29	Freezers of the upright type, not exceeding 900 l capacity : Other
30	Other furniture for storage and display, incorporating refrigerating or freezing equipment : Presented completely knocked down (CKD) or unassembled for the assembling industry
31	Other furniture for storage and display, incorporating refrigerating or freezing equipment : Other
32	Refrigerating or freezing equipment, nes; heat pumps
33	Parts for boring or sinking machinery of subheading 8430.41 or 8430.49.
34	Portable automatic data processing machines, <= 10 kg, consisting of at least a (cpu), a keyboard and a display :Presented completely knocked down (CKD) or unassembled for the assembling industry
35	Portable automatic data processing machines, <= 10 kg, consisting of at least a (cpu), a keyboard and a display :Other
36	Other automatic data processing machines : Comprising in the same housing at least a (CPU) and an I/O unit, whether or not combined : Presented completely knocked down (CKD) or unassembled for the assembling industry
37	Other automatic data processing machines : Comprising in the same housing at least a (CPU) and an I/O unit, whether or not combined : Other
38	Other, presented in the form of systems : Presented completely knocked down (CKD) or unassembled for the assembling industry

39	Other, presented in the form of systems : Other
40	Processing units other than those of subheadings 8471.41 and 8471.49: Presented completely knocked down (CKD) or unassembled for the assembling industry
41	Processing units other than those of subheadings 8471.41 and 8471.49; Other
42	Input or output units, whether or not containing storage units in the same housing : Presented completely knocked down (CKD) or unassembled for the assembling industry
43	Input or output units, whether or not containing storage units in the same housing : Other
44	Storage units : Presented completely knocked down (CKD) or unassembled for the assembling industry
45	Storage units : Other
46	Other units of automatic data processing machines : Presented completely knocked down (CKD) or unassembled for the assembling industry
47	Other units of automatic data processing machines : Other
48	Magnetic/optical readers;machines for transcribing data onto datamedia nes
49	Line telephone sets with cordless handsets
50	Telephones for cellular networks or for other wireless networks.
51	Telephone sets, incl. telephones for cellular/ wireless networks :Other
52	Base station
53	Machines for the reception,conversion and transmission of voice etc
54	Other apparatus for transmission or reception of voice, images or other data, including apparatus for communication in a wired or wireless network : Other
55	Reception apparatus for television : Not designed to incorporate a video display or screen : Presented completely knocked down (CKD) or unassembled for the assembling industry
56	Reception apparatus for television : Not designed to incorporate a video display or screen : Other
57	Reception apparatus for television : Other, colour : Presented completely knocked down (CKD) or unassembled for the assembling industry
58	Reception apparatus for television : Other, colour. Other
59	Reception apparatus for television : Other, monochrome : Presented completely knocked down (CKD) or unassembled for the assembling industry

60	Reception apparatus for television : Other, monochrome : Other
61	Colour cathode-ray television picture tubes (incl. video monitor)
62	Monochrome cathode-ray television picture tubes (incl. video monitor)
63	Television camera tubes; image converters/intensifiers; photo-cathodes
64	Data/graphic display tubes, colour, with a phosphor dot screen pitch < 0.4mm
65	Cathode-ray tubes nes
66	One-handed secateurs (shears) including poultry shears
67	Metal cutting shears, tinmen's snips & other metal or wire cutting shears
68	Wrenches, hand-operated, with nonadjustable jaws
69	Electronic Screwdrivers
70	Paper knives, letter openers, erasing knives, pencil sharpeners & blades
71	Safes, safe deposit lockers, cash deep/strong boxes & the like of base metal
72	Centrifugal pumps
73	Fans: table, roof etc. with a self-control electric motor of an output not exceeding 125W
74	Fans
75	Medical, surgical or laboratory sterilizers
76	Machinery for making hot drinks or for cooking or heating food, non-domestic
77	Cream separators
78	Clothes-dryers: centrifugal
79	Filtering or purifying machinery and apparatus for water
80	Filtering or purifying machinery & apparatus for beverages, excluding water
81	Dish washing machines of the HH type
82	Dish washing machines
83	Machines to fill/close/seal/etc. bottle/can/box/ bag/containers, machine for aerating beverages
84	Personal weighing machines, including baby scales; household scales
85	Scales for continuous weighing of goods on conveyors
86	Constant weight scales, including hopper scales
87	Weighing machinery having a maximum weighing capacity not exceeding 30 kg
88	Weighing machines having a maximum weighing capacity > 30 kg but <=5000 kg

89	Weighing machinery
90	Mechanical appliance (whether/not hand-operated) for projecting/dispersing/spraying liquids/powders
91	Trucks fitted with lifting or handling equipment, non-powered
92	Construction equipment, not self-propelled
93	Ploughs
94	Mowers: powered, lawn, with horizontal cutting device
95	Mowers: powered, lawn
96	Agriculture/horticulture/forestry bee-keeping machines including germination plant
97	Machines for the industrial preparation/manufacturing of food/drink excluding extraction/preparation of vegetable fat/oil
98	Machinery for finishing paper or paperboard
99	Book-binding machinery, including book-sewing machines
100	Cutting machines for paper pulp, paper or paperboard of all kinds
101	Machines which perform two or more of the functions of printing, copying
102	Machines for extruding, drawing, text or cutting m-m textile materials
103	Machines for weaving fabrics of a width not exceeding 30 cm
104	Machines for weaving fabrics of a width excluding 30 cm, shuttle type, power loom
105	Machines for weaving fabrics of a width exceeding 30 cm shuttle type
106	Machines for weaving fabrics of a width exceeding 30 cm shuttleless type
107	Circular knitting machines with cylinder diameter not exceeding 165 mm
108	Circular knitting machines with cylinder diameter exceeding 165 mm
109	Flat knitting machines; stitch-bonding machines
110	Machine for making gimped yarn/tulle/lace/embroidery/trimmings/braid/net/tufting
111	Automatic washing machines, of a dry linen capacity not exceeding 10 kg
112	Washing machines of a dry linen capacity ≤ 10 kg, with built-in dryer
113	Household/laundry-type washing machines of a dry linen capacity ≤ 10 kg
114	Household/laundry-type washing machines of a dry linen capacity exceeding 10kg
115	Dry-cleaning machines other than No. 84.50

116	Drying machines (other than No 84.50) each of a dry linen capacity not exceeding 10kg
117	Drying machines (other than No 84.50)
118	Household type sewing machines
119	Automatic sewing machines, other than book-sewing machines
120	Sewing machines, other than book-sewing machines
121	Machines-tools for removal of material operated by laser/light/photo beam process
122	Way-type unit head machines for removing metal
123	Drilling machines: numerically controlled for removing metal
124	Drilling machines: for removing metal
125	Boring-milling machines: numerically controlled for removing metal
126	Boring-milling machines for removing metal
127	Boring machines for removing metal
128	Milling machines: knee-type numerically controlled for removing metal
129	Milling machines: knee-type for removing metal
130	Milling machines: numerically controlled for removing metal
131	Milling machines for removing metal
132	Machine-tools for deburring, polishing, etc for fine metal other than holding 84.61
133	Sawing or cutting-off machines by removing metal
134	Bending, folding, straightening or flattening machines (including presses) numerical control for working metal
135	Bending/folding/straightening/flattening machines (including presses) for working metal
136	Shearing machines (including presses) other than combined punching/shearing machines numerical control for working metal
137	Shearing machines (including presses) other than combined punching/shearing machines for working metal
138	Punching/notching machines (including presses) including combined punch/shear machines numerical control for working metal
139	Punching/notching machines (including presses) including comb punch/shear machines for working metal

140	Hydraulic presses for working metal
141	Presses for working metal
142	Grinding/sanding or polishing machines for working wood/cork/bone/hard rubber etc.
143	Drills of all kinds for working in the hand, with self-contained electric
144	Saws for working in the hand, with self-contained electric motor
145	Tools for working in the hand with self-contained non-electric motor
146	Torches, hand-held, for soldering, brazing or welding
147	Typewriters and word-processing machines (excl. automatic data-process
148	Electronic calculators capable of operating without an external source of power
149	Electronic calculating machines, incorporating a printing device
150	Electronic calculating machines
151	Calculating machines
152	Cash registers
153	Postage franking machinery ticket-issuing machinery etc incorporating a calculating device,
154	Office machines
155	Parts & accessories of automatic data processing machines & units thereof
156	Concrete or mortar mixers
157	Automatic beverage vending machines with heat/cool
158	Automatic beverage vending machines,
159	Automatic vending machines (heat/cool) excluding beverage
160	Automatic vending machines
161	Machines for working rubber/plastics for the manufacturing of products from these materials
162	Evaporative air coolers
163	Taps, cocks, valves and similar appliances
164	DC motors, DC generators, of an output not exceeding 750 Watts
165	Generating sets, diesel/semi-diesel engines, of an output not exceeding 75 KVA
166	Static converters
167	Manganese dioxide primary cells and batteries
168	Mercuric oxide primary cells and batteries

169	Silver oxide primary cells and batteries
170	Lithium primary cells and batteries
171	Air-zinc primary cells and batteries
172	Primary cells & primary batteries
173	Parts of primary cells and primary batteries
174	Lead-acid electric accumulators of a kind used for starting piston engines
175	Lead-acid electric accumulators
176	Nickel-cadmium electric accumulators
177	Nickel-iron electric accumulators
178	Nickel-metal hydride accumulators (including separators)
179	Lithium-ion accumulators (including separators)
180	Electric accumulators
181	Vacuum cleaners, including dry cleaners and wet vacuum cleaners, with self-contained electric motor of power not exceeding 1500 W and having a dust bag or other receptacle capacity not exceeding 201
182	Vacuum cleaners, including dry cleaners and wet vacuum cleaners, with self-contained electric motor of power not exceeding 1500 W and having a dust bag or other receptacle capacity not exceeding 201 with others
183	Other Vacuum cleaners without self-contained electric motors
184	Domestic food grinders and mixers; fruit or vegetable juice extractors
185	Electro-mechanical domestic appliances, with self-contained electric motor
186	Shavers, with self-contained electric motor
187	Hair clippers, with self-contained electric motor
188	Lighting or visual signaling equipment
189	Portable electric lamp designed to function by their own source of energy
190	Electric soldering irons & guns
191	Electric brazing or soldering machines and apparatus
192	Electric machines/appliances for resistance welding of metal fully or partly automatic
193	Electric machines/appliances for resistance welding of metal

194	Electric machines & appliances for arc (including plasma arc) welding of metal fully/ partly automatic
195	Electric machines/appliances for arc (Including plasma arc) welding of metals
196	Electric/laser/ultrasonic machines etc for weld/cut /for hot spray of metals
197	Electric instantaneous or storage water heaters and immersion heaters
198	Electric space heating apparatus, having storage heating radiators
199	Electric space heating apparatus & electric soil heating apparatus
200	Electro-thermic hair dryers
201	Electro-thermic hair-dressing apparatus
202	Electro-thermic hand-drying apparatus
203	Electric smoothing irons
204	Microwave ovens
205	Ovens, cookers, cooking plates, boiling rings, grillers & roasters: electrical
206	Electro-thermic coffee or tea makers, domestic
207	Electro-thermic toasters, domestic
208	Electro-thermic appliances, domestic
209	Electric heating resistors
210	Microphones and stands
211	Single loudspeakers, mounted in the same enclosure
212	Multiple loudspeakers, mounted in the same enclosure
213	Loudspeakers
214	Headphones, earphones and combined microphone/speaker sets
215	Audio-frequency electric amplifiers
216	Electric sound amplifier sets
217	Sound recording or sound reproducing apparatus, operated by coins, ban
218	Turntables record-decks
219	Telephone answering machines
220	Sound recording or sound reproducing apparatus, using magnetic, optical
221	Sound recording or sound reproducing apparatus (excl. using magnetic)
222	Video recording or reproducing apparatus magnetic tape-type

223	Video recording or reproducing apparatus
224	Parts and accessories of apparatus of heading Numbers 85.19 to 85.21
225	Cards incorporating a magnetic stripe for the recording of sound
226	Magnetic media for the recording of sound or of other phenomena
227	Optical media for the recording of sound or of other phenomena, unrecorded
228	Optical media for the recording of sound or of other phenomena
229	Solid-state, non-volatile data storage devices for recording data
230	Cards incorporating one or more electronic integrated circuits smart cards
231	Semiconductor media, unrecorded, for the recording of sound or of others
232	Gramophone records and other media for the recording of sound or of others
233	Pulley tackle/hoists electrical (excluding skip hoists/hoists for raising vehicles)
234	Transmission apparatus for radio-broadcasting or television, not incorporating
235	Transmission apparatus for radio-broadcasting or television, incorporating
236	Television cameras, digital cameras and video camera recorders
237	Radio navigational aid apparatus
238	Pocket-size radio-cassette-players
239	Radio apparatus with sound recording/reproducing
240	Radio broad receiver capable of operating without an external source of power
241	Radio receiver not capable of operating without external source of power for motor vehicle combined
242	Radio receiver not capable of operating without external source of power for motor vehicles
243	Radio-broadcast receivers, for mains operation only, combined with sound recording or reproducing apparatus
244	Radio-broadcast receivers, for mains operation only, not combined with sound recording or reproduction but combined with clock
245	Radio-broadcast receivers, for mains operation only
246	Parts suitable for use solely/principally with the appliance of headings 85.25 to 85.28
247	Burglar or fire alarms and similar apparatus
248	Indicator panels incorporating liquid crystal device/light emitting diode
249	Electric sound or visual signaling apparatus

250	Electrical switches for a voltage not exceeding 1,000 volts
251	Boards, panels including numerical control panels, for a voltage ≤ 1000 V
252	Boards, panels, including numerical control panels, for a voltage $> 1,000$ V
253	Boards, panels, etc for goods of heading no. 85.37, not equipped with their appliance
254	Filament lamps, tungsten halogen
255	Filament lamps of a power not exceed 200 W & for a voltage exceeding 100 V
256	Filament lamps, excluding ultraviolet or infra-red lamps
257	Fluorescent lamps, hot cathode
258	Mercury or sodium vapour lamps
259	Discharge lamps, other than ultra-violet lamps
260	Arc-lamps
261	Ultra-violet or infra-red lamps
262	Electrical machines and apparatus, having individual functions
263	Vehicle body parts
264	Objective lenses for cameras, projectors/photographic enlargers/reducers
265	Binoculars
266	Cameras, single lens reflex, for roll film of a width not exceeding 35 mm
267	Slide projectors
268	Apparatus & equip for automatically developing photo (including cine) films
269	Stereoscopic microscopes
270	Lasers, other than laser diodes
271	Direction finding compasses
272	Surveying, hydrographic, oceanographic, meteorological/geophysical instrument
273	Balances of a sensitivity of 5 cg or better with or without weights
274	Micrometers, calipers and gauges
275	Electro-cardiographs
276	Magnetic resonance imaging apparatus
277	Scintigraphy apparatus
278	Electro-diagnostic apparatus
279	Ultra-violet or infra-red ray apparatus

280	Syringes, with or without needles
281	Tubular metal needles and needles for sutures
282	Needles, catheters, cannula and the like
283	Dental drill engines, whether or not combined on a single base with other equipment
284	Instruments and appliances, used in dental sciences
285	Ophthalmic instruments and appliances
286	Instruments and appliances used in medical or veterinary sciences
287	Mechano-therapy appliance; massage appliance; psychological aptitude-testing apparatus
288	Oxygen therapy, artificial respiration/other therapeutic respiration appliance
289	Orthopaedic or fracture appliances
290	Hearing aids, excluding parts and accessories
291	Pacemakers for stimulating heart muscles, excluding parts & accessories
292	Orthopedic & other appliances, worn, carried or implanted in the body
293	Computed tomography apparatus
294	X-rays apparatus, dental use
295	X-rays apparatus, medical/surgical/veterinary use
296	Apparatus based on the use of X-rays for other uses
297	Apparatus based on the use of alpha beta/gamma radiations, for medic use
298	Apparatus based on the use of alpha beta/gamma radiations, for other uses
299	X-ray tubes
300	Parts & accessories for appliance based on the use of X-rays or other radiations
301	Machines & appliances for testing the mechanical properties of metals
302	Machines & appliances for testing the mechanical properties of other materials
303	Thermometers, not combined with other instruments, liquid-filled
304	Thermometers, not combined with other instruments
305	Hydrometers, pyrometers, hygrometers & psychrometers, recording or not
306	Instruments & apparatus for measuring or checking the flow or level of liquids
307	Instruments and apparatus for measuring or checking pressure
308	Instruments & apparatus for measuring or check variables of liquid or gases
309	Gas or smoke analysis apparatus

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310	Chromatographs and electrophoresis instruments
311	Spectrometers, spectrophotometers & spectrographs using optical radiations
312	Instruments and apparatus using optical radiations (UV, visible, Infra-Red)
313	Instruments and apparatus for physical or chemical analysis
314	Gas supply, production and calibrating meters
315	Liquid supply, production and calibrating meters
316	Electricity supply, production and calibrating meters
317	Revolution counters, production counters taximeters, mileometers & the like
318	Speed indicators and tachometers; stroboscopes
319	Instruments & apparatus for measuring or detecting ionising radiations
320	Cathode-ray oscilloscopes and cathode ray oscillographs
321	Multimeters
322	Multimeters with recording device
323	Instruments and apparatus for measuring or checking voltage, current,
324	Instruments & apparatus, for measuring or checking voltage, current, etc without a record device
325	Instruments & apparatus, specially designed for telecommunications
326	Instruments for checking semiconductor wafers
327	Instruments and appliances for measuring or checking electrical quantities
328	Instruments & apparatus for measuring or checking electrical quantities
329	Machines for balancing mechanical parts
330	Test benches for measuring or checking instruments, appliances & machines
331	Optical instruments for checking semiconductor wafers
332	Optical instruments and appliances
333	Thermostats
334	Manostats
335	Hydraulic or pneumatic automatic regulating or controlling instruments & appliance
336	Automatic regulating or controlling instruments and apparatus
337	Wrist-watches with mechanical display, battery powered & with case of precious metal
338	Wrist-watches, battery/accumulator powered with mechanical display only

339	Clocks with watch movements, battery/accumulator powered, excluding clocks of 9104
340	Alarm clocks, battery, accumulator or mains powered
341	Wall clocks, battery, accumulator or mains powered
342	Clocks, battery, accumulator or mains powered
343	Time-registers; time-recorders
344	Keyboard instruments, excluding accordions, sound generated/amplified electrically
345	Musical instruments sound generated or amplified electrically
346	Decoy calls, musical instruments & mouth blown sound signaling instrument
347	Parts and accessories for the musical instruments
348	Dentists', barbers' or similar chairs and parts thereof
349	Furniture, metal
350	Chandeliers & other electric ceiling or wall lighting fittings
351	Electric table, desk, bedside or floor standing lamps
352	Lighting sets of a kind used for Christmas trees
353	Electric lamps and lighting fittings
354	Illuminated signs, illuminated nameplates and the like
355	Tricycles, scooters, pedal cars and similar wheeled toys; dolls' carriages
356	Electric trains, including tracks, signals and other accessories thereof
357	Video games of a kind used with a television receiver
358	Games, coin or disc-operated, other than bowling alley equipment
359	Video game consoles and machines (excl. operated by any means of payment)
360	Art funfair, game tab, pintab, sport tab casino game & auto bowl alley equipment
361	Festive, carnival or other entertainment article including conjuring tricks & jokes
362	Gymnasium or athletics articles and equipment
363	Articles & equipment for sports & outdoor games & swimming & paddling pools
364	Paint, distemper, varnish or similar brushes; paint pads and rollers
365	Lighters

THIRTEENTH SCHEDULE

(sections 29(7), 35(4), 43(s), 47(7), 57(5), 59(2), 69(5), 70(2), 85(11), 89(4), 91(2), 92(4)(a), 98, 108(1), 109(2), 124(5) and 141(3))

TABLE OF ADMINISTRATIVE PENALTIES

A person who fails
is liable to the administrative penalty corresponding to the requirement as specified in the
third column of the table

Column 1	Column 2	Column 3
Sections of Act creating contravention	Contravention	Administrative Penalty
29(7)	A person failing to conduct an environmental assessment and submit the report to the Authority within the time specified in the notice issued by the Authority.	Three times the cost of the environmental permit or licence fee.
35(4)	A person failing to comply with an enforcement notice issued under subsection (2).	One thousand penalty units for small scale undertakings and five thousand penalty units for large scale undertakings.
47(7)	A person using or placing a product manufactured under subsection (4) of section 47 on the market in the country	The Ghana Cedi equivalent of fifty thousand United States Dollars
57(5)	A person failing to submit an application for renewal of the registration of a pesticide at least three months before the end of the duration of the registration of the pesticide and in the Form set out in the Third Schedule.	One hundred penalty units
59(2)	A person failing to renew the registration of a pesticide whose registration has expired but the shelf life of the pesticide has not expired within thirty days before the date of expiry of the shelf life of the pesticide.	Five thousand penalty units
69(5)	A person failing to renew a licence granted or whose application for renewal is refused by the Authority continuing to carry out an activity under subsection (1) of section 65.	Three times the licence fee

70(2)	A person transferring a licence to another licence without approval of the Authority in writing.	Three times the licence fee
85(11)	A person using a pesticide in a manner that is inconsistent with the Act or Regulations.	Two hundred penalty units
89(4)	A person selling a registered pesticide that is imported or manufactured in the country where the pesticide fails to meet the conditions of registration or of provisional approval or approval due to the expiration of the shelf life, fault in manufacturing or an accident or any other cause	Two thousand penalty units
91(2)	A person advertising a registered or provisionally approved pesticide where the advertisement has not been vetted and approved by the Authority	Two thousand penalty units
92(4)(a)	A person failing to manufacture, formulate repackage, import, export, transport, store, advertise, distribute, label, sell or use the registered pesticide in accordance with the container, label or packaging approved by the Authority.	Five thousand penalty units
98	A person failing or refusing to maintain or submit the contents of records required to be maintained to the Authority.	Five hundred penalty units
108(1)	A person transiting hazardous wastes or other wastes through the Republic without the written consent of the Authority.	Fifteen thousand penalty units
109(2)	A person burning or causing the burning of hazardous wastes or other wastes in the open.	(a) Two thousand five hundred penalty units, in case of an individual; or (b) Ten thousand penalty units, in case of a body corporate.

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124(5)	A person manufacturing electrical or electronic equipment in the country or importing new or used electrical or electronic equipment into the country without registering with the Authority, obtaining a permit from the Authority and paying the prescribed advance eco levy on the items specified in the Twelfth Schedule.	Equivalent to twice the amount of the levy payable in respect of the electrical or electronic equipment.
141(3)	A person failing to comply with an enforcement notice served on that person by the Authority or any other appropriate body concerned with the management of electrical or electronic waste.	Five thousand penalty units.

Environmental Protection Act, 2025

Act 1124

Date of *Gazette* notification: 6th January, 2025.

