



JOINT ADMINISTRATIVE ORDER NO. 03
Series of 2006



JAN 16 2006

Subject: Enforcement of Regulation on the Implementation of the NCPP on Motor Vehicles under the Revised Chemical Control Order (CCO) for Ozone Depleting Substances (ODS) (DENR Administrative Order No. 2004-08, Series of 2004).

Pursuant to the provisions of Republic Act No. 6969 (Toxic Substances and Hazardous and Nuclear Waste Control Act of 1990); Republic Act No. 8749 (The Philippine Clean Air Act of 1999); Resolution No. 25 dated 10 March 1993 of the Senate of the Philippines ratifying the Montreal Protocol on Substances that Deplete the Ozone Layer and Resolution No. 86 dated March 19, 2001 of the Senate of the Philippines ratifying Copenhagen Amendments; the Chemical Control Order for Ozone Depleting Substances (ODS), DENR Administrative Order No. 2000-18 and DAO 2002-22 series of 2004; Memorandum of Agreement dated 29 April, 2003; and to strengthen the legal infrastructure to support the implementation of the Philippine National CFC Phase-out, the following Administrative Order is jointly issued to implement the Revised Chemical Control Order (DENR Administrative Order No. 2004-08, series of 2004).

Section 1 - Declaration of Policy

It is the policy of the state to regulate, control, restrict or prohibit the import, export, use, manufacture, distribution, processing, storage, possession and sale of Ozone-Depleting Substances to abate or minimize their risks and hazards to the stratospheric ozone, public health and the environment.

Section 2 - Coverage

This Joint Administrative Order covers roles and functions of the Department of Environment and Natural Resources- Environmental Management Bureau (DENR-EMB) and the Department of Transportation and Communication-Land Transportation Office (DOTC-LTO) in the implementation of the DAO 2004-08 known as the Revised Chemical Control Orders for Ozone Depleting Substances with particular emphasis on the pertinent provisions of sections 4, 5, 8, 11 and 12 thereof and in accordance with the Memorandum of Agreement dated 29 April 2003, particularly Sections I, III paragraph 1 and 2, and IV, thereof.

Section 3 - Definition of Terms

Unless inconsistent with the context or subject matter, the following terms are defined as follows:

Revised Chemical Control Order (CCO) for Ozone Depleting Substances (ODS) - known as DENR Administrative Order No. 2004-08 which mandates DENR to ban, limit and/ or regulate the use,



manufacture, import, export, transport, processing, possession or sale of ODS.

Chlorofluorocarbons (CFCs)- a family of chemicals that contain chlorine, fluorine and carbon used as refrigerants aerosol propellants, cleaning solvents and in the manufacture of foam.

DENR- the Department of Environment and Natural Resources

DOTC- the Department of Transportation and Communications

DOLE- the Department of Labor and Employment

EMB- Environmental Management Bureau

LTO- Land Transportation Office and its district offices

MAC- Mobile Air Conditioners used in motor vehicles

Montreal Protocol - the Protocol to the Vienna Convention signed in 1987 which commits Parties to take concrete measures to protect the ozone layer by freezing, reducing or ending production and consumption of controlled substances, as amended.

NCPP- National CFC Phase-out Plan

TESDA- Technical Education and Skills Development Authority

Back Conversion- the act of charging with CFC a system designed for and/or using non-CFC.

Section 4 - Prohibited Acts

Among the acts prohibited by the Revised Chemical Control Orders as enumerated in Section 11 thereof are back conversion and the use of CFC's in Mobile Air Conditioners (MACs) starting 2006 in motor vehicles manufactured and/or initially registered from 1999 onwards, and starting 2012 in all motor vehicles.

Section 5 - Implementation of Restriction

- 5.1 The DOTC-LTO shall be the lead agency that shall implement the restrictions provided for under Section 4 hereof; The DENR-EMB and the DOLE-TESDA shall render support to the DOTC-LTO in the manner herein provided.
- 5.2 In the implementation of the restrictions as herein stated, the DOTC-LTO shall exercise the following powers and functions:
 - a) Prohibit starting January 2006 the renewal of registration of all vehicles manufactured and or initially registered from January 1, 1999 onwards if their MAC contains CFC;
 - b) Inspect all motor vehicles on their Mobile Air Conditioning (MAC) Systems prior to registration, in accordance with the Manual for MAC System Inspection and Refrigerant Identification:

- c) Require all motor vehicles owners/operators applying for registration to specify in the Motor Vehicle Inspection Report (MVIR) form information on MAC systems and refrigerant types;
- d) Designate and maintain teams that will conduct random inspection of MACs in the different areas comprising its district offices and apprehend violators;
- e) Maintain records and data on refrigerant type of all motor vehicles inspected and provide such information to DENR-EMB as required.
- f) Update the DENR-EMB annually on the state of CFC usage in MACs;
- g) Conduct public awareness campaign in coordination with the DENR-EMB, explaining laws, rules and regulations, as well as policy statements on MAC systems;
- h) Organize trainings of MAC inspection teams in coordination with DENR-EMB. The training shall be conducted by DENR-EMB and DOLE-TESDA,
- i) Impose and collect all the allowable fines and penalties and recommend the filing of the necessary criminal actions against violators.

5.3 The DENR-EMB shall exercise the following responsibilities:

- a) Provide all technical assistance and the necessary equipment to the LTO in the enforcement of MAC inspection;
- b) Conduct public awareness campaign in cooperation with the LTO;
- c) Conduct and organize trainings for MAC inspection teams in cooperation with the LTO, and DOLE-TESDA
- d) Enlist the assistance of the LTO in the prosecution of criminal cases against violators. For this purpose, LTO may recommend the filing of necessary criminal actions against violators.
- e) Prepare and adopt a manual for MAC System Inspection and Refrigerant Identification.

5.4 The DOLE-TESDA, in coordination with DENR-EMB, shall conduct the training of the inspection teams organized by DOTC-LTO.

Section 6 - Inspection of Vehicles

- 6.1 All motor vehicles shall be subjected to inspection of their Mobile Air Conditioning Systems prior to registration.
- 6.2 Inspection of MACs shall be conducted only by personnel trained by DOLE-TESDA duly designated by DOTC-LTO
- 6.3 Inspection shall be conducted in accordance with the manual describing the procedures for determining the type of refrigerant in MAC systems and the manner and method of inspection.
- 6.4 Motor vehicles may be presented for inspection for MACs within a period of ninety (90) days prior to the scheduled date of registration.

Section 7 - Data Base Generation and Maintenance

- 7.1 The DOTC-LTO shall require motor vehicles owners/operators applying for registration to specify in the Motor Vehicle Inspection Report (MVIR) form information on MAC systems and refrigerant types.

- 7.2 The DOTC-LTO and its district offices shall keep and preserve the records and data of all motor vehicles inspected.
- 7.3 The DOTC-LTO shall include in the Motor Vehicle Registration Receipts (MVRR) information on MAC systems and refrigerant types and maintain a database of said information.
- 7.4 The DOTC-LTO shall annually update the DENR on the status of CFC- usage in MACs.

Section 8 - Information, Education and Communication

The DOTC-LTO, in coordination with DENR-EMB, shall conduct public awareness campaign by all available means, explaining laws, rules and regulations as well as policy statements on MAC system.

Section 9 - Fines and Penalties

Any person, natural or juridical, including government officials and employees who participate in the commission of any act which is violative of any provisions of this Administrative Order shall be administratively and/or criminally charged pursuant to the provisions of the Revised Chemical Control Order (DENR DAO 2004-08); Republic Act 6969; Republic ACT 8749 and other applicable laws, rules and regulations which are all reproduced herein by reference.

Motor vehicle owners apprehended by random inspection teams for the first time using CFC in their MAC shall be given appropriate warning and instruction to convert to non CFC. Subsequent apprehension shall make them liable for the fines and penalties provided for herein.

Section 10 - Construction

These Rules and Regulations shall be liberally construed to carry out the national policy to regulate, control, restrict or prohibit the import, export, use, manufacturing, distribution, processing, storage, possession and sale of ozone depleting substances to abate or minimize their risks and hazards to the stratospheric ozone public health and the environment.

Section 11 - Adoption of Manual

The Manual for MAC System Inspection and Refrigerant Identification prepared by the DENR-EMB is hereby adopted and made integral part of these Rules.

Section 12 - Separability Clause

If any provision of this Order is declared void or unconstitutional by a competent court, the other provisions herein shall continue to be in force and effective and shall not in any way be affected by the provision so declared void unconstitutional.



Section 13 - Repealing Clause

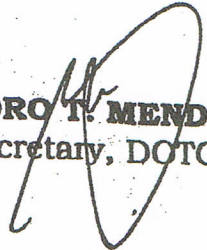
All Rules and Regulations or parts thereof inconsistent with this Joint Administrative Order are hereby revised, amended, modified and/or superseded as the case may be.

Section 14 - Amendments

The Joint Administrative Order may be amended and/or modified from time to time by the Department of Transportation and Communications and the Department of Environment and Natural Resources.

Section 15 - Effectivity

This Joint Administrative Order shall take effect fifteen (15) days after its publication in at least two- (2) newspaper of general circulation in the Philippines.


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