

MINISTRY OF COMMERCE AND INDUSTRY

MOCI/No.001/2019

REPUBLIC OF LIBERIA MINISTRY OF COMMERCE & INDUSTRY

ADMINISTRATIVE REGULATION

MCI/NO.001/2019

RESTRICTION ON EXPORTATION OF SCRAPS AND SCRAP RELATED ITEMS

ARTICLE 1.0: GENERAL RULE

WHEREAS, Part II, Executive Branch Generally; Chapter 10, General Provisions; Section 10.5 of Title 12 Liberia Code of Laws Revised (Executive Law); grants authority to the head of each ministry or independent agency in the Executive Branch, subject to the approval of the President, the power to prescribe regulations not inconsistent with the law of the operation of the ministry or agency, the accomplishment of its lawful functions;

WHEREAS, Chapter 29, Section 29.2(a) of the Executive Law mentioned supra, grants the Minister of Commerce and Industry the power to establish trade and commodity standards;

WHEREAS, the allowance of exportation of scraps and scrap related items is constantly undermining valuable installation of both public and private facilities through theft and vandalism;

REALIZING, the damaging effects caused by the exportation of scraps and scrap related items on the economy of the commercial sector and the entire economy;

REALIZING, the value earn benefits of industrialization and the need for the establishment of factory in which scraps and scrap related items can be utilized;

WHEREAS, the establishment of factory will be encouraged by government from investors both local and foreign so as to provide employment opportunities for residents and discourage or prevent destruction and vandalism of established installation of private and public facilities;

NOW THEREFORE, it is hereby issued an Administrative Regulations Restricting the Exportation of Scraps and Scrap related Items:



ARTICLE 2.0: PURPOSE AND SCOPE

2.1. To prevent and discourage the damaging effects caused by the exportation of scraps and scrap related items on the economy of the commercial sector and the entire economy.

2.2. To encourage value earn benefits of industrialization and the need for the establishment of factory in which scraps and scrap related items can be utilized.

ARTICLE 3.0: DEFINITIONS

3.1. Scrap is hereby defined as a discarded metal article for reprocessing.

3.2. Scrap related items consist of recyclable material left over from product manufacturing and consumption, such as parts of vehicles, buildings supplies etc.

3.3. Factory is herein referred to as steel-milling factory and or factory for the production of steel materials.

ARTICLE 4.0: RESTRICTION OF THE EXPORTATION OF SCRAPS AND SCRAP RELATED ITEMS

4.1. That effective as of the signing of this Administrative Regulation, no export permit shall be issued to allow the export of scraps and scrap related items.

4.2. There shall be imposition of fines on individual(s) and or entity (ies) in violation of this regulation equal twice the aggregate value of the subject scraps and or scrap related items attempted or discovered to be smuggled outside of Liberia.

4.3. The exportation of the following which include HMS1 and HMS2 is restricted.

4.4. Any irrigation pipes for use in agriculture; (b) any rail, switch component, spike, angle bar, tie plate or bolt of the type used in constructing railroads; (c) any copper wire, bar, rods or tubing, including copper wire or cable or coaxial cable of the type used by telecommunication service providers, whether wireless or wire, copper air conditioner, evaporator coil or condenser, aluminum copper radiators not attached to a motor vehicle or forming part of a motor vehicle or any combination thereof; and (d) beams, bridges and man-hole covers.

4.5. Export or request for export of any metal specified in section 4.4 above.

4.6. Exportation of scrap metal is prohibited without prior license and or clearance.

4.7. Subject to section 4.4, a person shall not export any specified scrap metal.



4.8. Unless he is an approved scrap metal exporter acting under the authority of an export license granted by the Minister of Commerce & Industry under the scrap metal regulation. (b) Except in accordance with the terms and conditions of the export license.

ARTICLE 5.0 Support and sustainability of local steel recycling industry in Liberia

For the purpose of protecting local manufacturing and investment in the metal recycling industry, the Government of Liberia is cognizant of the fact that individuals roam communities collecting, piling, storing and transporting metal scrap to buyers who in turn export. This leaves the country with less income in such transactions. As a control measure such individuals must:

5.1 be registered as scrap collector

5.2 be issued an identification card by the Liberian Scrap Dealers Association (LSDA) this include all scrap buyers

5.3 transport and merchandise exclusively those that are HMS1 and HMS2 to the local metal recycling plant

ARTICLE 6.0. Site location

The Bureau of Industry and Liberia Scrap Dealers Association (LSDA) are instructed to inspect and register all scrap yards across the country and submit a report to the Bureau of Industry, Ministry of Commerce and Industry.

ARTICLE 7.0. Inspections

All metal scrap yards must be inspected regularly by the LSDA to ensure that there are no contrabands being gathered for export as defined in the Administrative Regulation (MCI/01/NO.001/2019); contrabands are restricted and cannot be exported. Any dealer(s) engaging in such act will be violating the law and a penalty will be imposed by fines ranging from Five Thousand United States Dollars (5,000.00) to Fifteen Thousand United States Dollars (15,000.00) which shall be deposited into Government of Liberia Central Revenue Account.

ARTICLE 8.0 Transportation of scrap and time

In the same spirit of curtailing any illegal practices, any shipment from a metal scrap yard to a destination must be done in an organized manner. That is such consignment must be monitored by the scrap dealer association's inspectors to ensure that contrabands are not in the consignment. Except for purposes other than dealing in scrap metal, a person shall not transport scrap metal unless he holds an official clearance from the LSDA and permit from the Ministry of Commerce & Industry.

ARTICLE 9.0 Restriction on hours of dealing in scrap metal.

9.1 A person shall not deal in scrap metal except between the hours of 8:00am and 6:00pm.

9.2 A person who contravenes section (9.1) commits an offence.



ARTICLE 10.0 Restriction on dealing in scrap metal.

10.1 A person shall not deal in specified scrap metal with any person other than the one licensed.

10.2 A person who contravenes section 10.1 above commits an offence.

ARTICLE 11.0 The Bureau of Industry and the Liberia Scrap Dealers Association (LSDA) shipping requirements.

11.1 A licensee shall not ship any metal unless he has given to the LSDA a written request for shipment.

11.2 A person who contravenes paragraph 11.1 commits an offence.

ARTICLE 12.0 Restriction on dealing in scrap metal with minor and unidentified persons

12.1 A person shall not deal in scrap metal with any person under the age of eighteen years, whether that person is acting or purporting to act on his own behalf or on behalf of any other person, unless that person is accompanied by a parent, grandparent or guardian; or

12.2 A person shall not deal in scrap metal with any person under the age of eighteen years who does not satisfy him as to his identity.

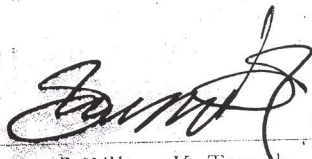
12.3 A person shall not deal in scrap metal with any person who is under the influence of any intoxicating liquor or drug, when the condition is visible.

ARTICLE 13.0

While it is true that Liberia ascribes to the free market system, it shall protect the metal recycling industry in such a way that it does not undermine existing plant. Therefore, in order to grant permit to any additional metal recycling plant, an assessment must be conducted to gather empirical evidence that such additional plant is feasible; meaning that there is proof that raw materials are sufficiently available for such additional plant. Such assessment shall be jointly conducted by the Bureau of Industry, Ministry of Commerce & Industry and the Liberia Scrap Metal Dealers Association.

ARTICLE 14.0: This Administrative Regulation takes effect beginning March 4th, 2019 and ending March 3rd, 2020; meaning that it comes into effect on March 4th, 2019.

Signed:



Prof. Wilson K. Tarpoh

Minister of Commerce and Industry