

Regulation (EC) No 1005/2009 of the European Parliament
and of the Council of 16 September 2009 on substances that
deplete the ozone layer (recast) (Text with EEA relevance)

CHAPTER IV

TRADE

Article 17

**Export of controlled substances or of products and
equipment containing or relying on controlled substances**

- 1 Exports of controlled substances or of products and equipment other than personal effects containing or relying on those substances, shall be prohibited.
- 2 The prohibition set out in paragraph 1 shall not apply to exports of:
 - a controlled substances to be used for essential laboratory and analytical uses referred to in Article 10;
 - b controlled substances to be used as feedstock;
 - c controlled substances to be used as process agents;
 - d products and equipment containing or relying on controlled substances produced in accordance with Article 10(7) or imported under point (h) or (i) of Article 15(2);
 - e recovered, recycled or reclaimed halons stored for critical uses referred to in Article 13(1) by undertakings authorised by the ^[F1]appropriate regulator] and products and equipment containing or relying on halon to satisfy critical uses;
 - f virgin or reclaimed hydrochlorofluorocarbons for uses other than destruction;
 - g until 31 December 2014, methyl bromide re-exported for quarantine and pre-shipment applications;
 - h metered dose inhalers manufactured with chlorofluorocarbon the use of which has been authorised on the basis of Article 3(1) of Regulation (EC) No 2037/2000.
- 3 By way of derogation from paragraph 1, the ^[F2]Secretary of State may,], authorise the export of products and equipment containing hydrochlorofluorocarbons where it is demonstrated that in view of the economic value and the expected remaining lifetime of the specific good, the prohibition of export would impose a disproportionate burden on the exporter. Such export requires prior notification by ^[F3]Secretary of State] to the importing country.
- 4 Exports referred to in paragraphs 2 and 3 shall be subject to licensing, with the exception of ^[F4]non-domestic goods] subsequent to transit through ^[F5]Great Britain], temporary storage, customs-warehousing or free zone procedure, ^[F6]in accordance with the applicable provisions of the Taxation (Cross-border Trade) Act 2018], provided that the ^[F7]export] takes place not later than 45 days after the import. That export licence shall be issued by the ^[F8]Environment Agency] to undertakings after verification of compliance with Article 20.

Changes to legislation: This version of this Regulation was derived from EUR-Lex on IP completion day (31 December 2020 11:00 p.m.). It has not been amended by the UK since then. Find out more about legislation originating from the EU as published on legislation.gov.uk. (See end of Document for details)

Textual Amendments

- F1** Words in Art. 17(2)(e) substituted (31.12.2020) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/583\)](#), regs. 1, **16(2)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in Art. 17(3) substituted (31.12.2020) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/583\)](#), regs. 1, **16(3)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in Art. 17(3) substituted (31.12.2020) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/583\)](#), regs. 1, **16(3)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in Art. 17(4) substituted (31.12.2020) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/583\)](#), regs. 1, **16(4)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in Art. 17(4) substituted (31.12.2020) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/583\)](#), regs. 1, **16(4)(b)** (as substituted by [S.I. 2020/1616](#), regs. 1(2), **2(10)**); 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in Art. 17(4) substituted (31.12.2020) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/583\)](#), regs. 1, **16(4)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F7** Word in Art. 17(4) substituted (31.12.2020) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/583\)](#), regs. 1, **16(4)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F8** Words in Art. 17(4) substituted (31.12.2020) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/583\)](#), regs. 1, **16(4)(e)**; 2020 c. 1, Sch. 5 para. 1(1)

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