

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 V

EMISSION CONTROL

Article 23

Leakages and emissions of controlled substances

1 Undertakings shall take all precautionary measures practicable to prevent and minimise any leakages and emissions of controlled substances.

2 Undertakings operating refrigeration, air conditioning or heat pump equipment, or fire protection systems, including their circuits, which contain controlled substances shall ensure that the stationary equipment or systems:

- a with a fluid charge of 3 kg or more of controlled substances are checked for leakage at least once every 12 months; this shall not apply to equipment with hermetically sealed systems, which are labelled as such and contain less than 6 kg of controlled substances;
- b with a fluid charge of 30 kg or more of controlled substances are checked for leakage at least once every 6 months;
- c with a fluid charge of 300 kg or more of controlled substances are checked for leakage at least once every 3 months;

and that any detected leakage is repaired as soon as possible and in any event within 14 days.

The equipment or system shall be checked for leakage within 1 month after a leak has been repaired to ensure that the repair has been effective.

3 Undertakings referred to in paragraph 2 shall maintain records on the quantity and type of controlled substances added and the quantity recovered during maintenance, servicing and final disposal of the equipment or system referred to in that paragraph. They shall also maintain records of other relevant information including the identification of the company or technician which performed the maintenance or servicing, as well as the dates and results of the leakage checks carried out. These records shall be made available on request to the [^{F1}appropriate regulator].

4 [^{F2}The appropriate authority] shall define the minimum qualification requirements for the personnel carrying out activities referred to in paragraph 2. In the light of an evaluation of these measures ^{F3}... and of technical and other relevant information, the [^{F4}appropriate authority may make regulations] regarding the harmonisation of those minimum qualification requirements.

^{F5}
...

5 Undertakings shall take all precautionary measures practicable to prevent and minimise any leakages and emissions of controlled substances used as feedstock and as process agents.

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)

6 Undertakings shall take all precautionary measures practicable to prevent and minimise any leakage and emissions of controlled substances inadvertently produced in the course of the manufacture of other chemicals.

7 The [^{F6}appropriate authority may, by regulations,] establish a list of technologies or practices to be used by undertakings to prevent and minimise any leakage and emissions of controlled substances.

F7
...

Textual Amendments

- F1** Words in Art. 23(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, **22(2)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in Art. 23(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, **22(3)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in Art. 23(4) omitted (31.12.2020) by virtue of [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/583\)](#), regs. 1, **22(3)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in Art. 23(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, **22(3)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in Art. 23(4) omitted (31.12.2020) by virtue of [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/583\)](#), regs. 1, **22(3)(b)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in Art. 23(7) 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, **22(4)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F7** Words in Art. 23(7) omitted (31.12.2020) by virtue of [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/583\)](#), regs. 1, **22(4)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

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