

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 I **U.K.**

GENERAL PROVISIONS

Article 1 **U.K.**

Subject matter

This Regulation lays down rules on the production, import, export, placing on the market, use, recovery, recycling, reclamation and destruction of substances that deplete the ozone layer, on the reporting of information related to those substances and on the import, export, placing on the market and use of products and equipment containing or relying on those substances.

Article 2 **U.K.**

Scope

This Regulation shall apply to controlled substances, to new substances and to products and equipment containing or relying on controlled substances.

Article 3 **U.K.**

Definitions

For the purposes of this Regulation:

1. ‘Protocol’ means the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer, as last amended and adjusted;
2. ‘Party’ means any party to the Protocol;
3. ‘State not party to the Protocol’ means, with respect to a particular controlled substance, any State or regional economic integration organisation that has not agreed to be bound by the provisions of the Protocol applicable to that substance;
- 3A. ^[F1]‘part of Great Britain’ means, as the case may be, England, Scotland or Wales;
- 3B. ‘Scotland’ is to be construed in accordance with section 126(1) and (2) of the Scotland Act 1998;
- 3C. ‘Wales’ is to be construed in accordance with section 158(1), (3) and (4) of the Government of Wales Act 2006;
- 3D. ‘appropriate authority’ means—
 - (a) in relation to England, the Secretary of State;

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- (b) in relation to Scotland, the Scottish Ministers;
 - (c) in relation to Wales, the Welsh Ministers;
- 3E. ‘appropriate regulator’—
- (a) in relation to England, means the Environment Agency;
 - (b) in relation to Scotland, is to be read in accordance with Article 3A;
 - (c) in relation to Wales, is to be read in accordance with Article 3B;]
4. ‘controlled substances’ means substances listed in Annex I, including their isomers, whether alone or in a mixture, and whether they are virgin, recovered, recycled or reclaimed;
5. ‘chlorofluorocarbons’ means the controlled substances listed in Group I of Annex I, including their isomers;
6. ‘halons’ means the controlled substances listed in Group III of Annex I, including their isomers;
7. ‘carbon tetrachloride’ means the controlled substance specified in Group IV of Annex I;
8. ‘methyl bromide’ means the controlled substance specified in Group VI of Annex I;
9. ‘hydrochlorofluorocarbons’ means the controlled substances listed in Group VIII of Annex I, including their isomers;
10. ‘new substances’ means substances listed in Annex II, whether alone or in a mixture, and whether they are virgin, recovered, recycled or reclaimed;
11. ‘feedstock’ means any controlled substance or new substance that undergoes chemical transformation in a process in which it is entirely converted from its original composition and whose emissions are insignificant;
12. ‘process agents’ means controlled substances used as chemical process agents in the applications listed in Annex III;
13. ‘producer’ means any natural or legal person producing controlled substances or new substances within [^{F2}any part of Great Britain];
14. ‘production’ means the amount of controlled substances or new substances produced, including the amount produced, intentionally or inadvertently, as a by-product unless that by-product is destroyed as part of the manufacturing process or following a documented procedure ensuring compliance with this Regulation ^{F3}... and national legislation on waste. No amount recovered, recycled or reclaimed shall be considered as ‘production’, nor shall any insignificant amount unavoidably incorporated in products in trace quantities or emitted during manufacturing;
15. ‘ozone-depleting potential’ or ‘ODP’ means the figure specified in Annexes I and II representing the potential effect of each controlled substance or new substance on the ozone layer;
16. ‘calculated level’ means a quantity determined by multiplying the quantity of each controlled substance by its ozone-depleting potential and by adding together, for each group of controlled substances in Annex I separately, the resulting figures;

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17. 'industrial rationalisation' means the transfer either between Parties or within [^{F4}any part of Great Britain] of all or a portion of the calculated level of production of one producer to another, for the purpose of optimising economic efficiency or responding to anticipated shortfalls in supply as a result of plant closures;
18. 'import' means the entry of substances, products and equipment covered by this Regulation into [^{F5}Great Britain];
19. 'export' means the exit from [^{F6}Great Britain of substances, products and equipment covered by this Regulation];
20. 'placing on the market' means the supplying or making available to third persons within [^{F7}any part of Great Britain] for payment or free of charge ^{F8}.... In respect of products and equipment being part of immovable property or part of means of transport this refers only to the supplying or making available within [^{F7}any part of Great Britain] for the first time;
21. 'use' means the utilisation of controlled substances or new substances in the production, maintenance or servicing, including refilling, of products and equipment or in other processes;
22. 'heat pump' means a device or installation that extracts heat at low temperatures from air, water or earth and supplies heat;
23. 'recovery' means the collection and the storage of controlled substances from products and equipment or containers during maintenance or servicing or before disposal;
24. 'recycling' means the reuse of a recovered controlled substance following a basic cleaning process;
25. 'reclamation' means the reprocessing of a recovered controlled substance in order to meet the equivalent performance of a virgin substance, taking into account its intended use;
- 25A. [^{F9}'third country' means a country other than the United Kingdom and for the purpose of Article 14 of this Regulation includes Northern Ireland;]
26. 'undertaking' means any natural or legal person which:
 - (a) produces, recovers, recycles, reclaims, uses or destroys controlled substances or new substances;
 - (b) imports such substances;
 - (c) exports such substances;
 - (d) places such substances on the market; or
 - (e) operates refrigeration, air conditioning or heat pump equipment, or fire protection systems, which contain controlled substances;
27. 'quarantine applications' means treatments to prevent the introduction, establishment or spread of quarantine pests (including diseases), or to ensure their official control, where:
 - official control is that performed by, or authorised by, a national plant, animal or environmental protection or health authority,

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- quarantine pests are pests of potential importance to the areas endangered thereby and not yet present there, or present but not widely distributed, and being officially controlled;
28. ‘pre-shipment applications’ means those non-quarantine applications applied no more than 21 days prior to export to meet the official requirements of the importing country or official requirements of the exporting country existing before 7 December 1995. Official requirements are those which are performed by, or authorised by, a national plant, animal, environmental, health or stored product authority;
29. ‘products and equipment relying on controlled substances’ means products and equipment which do not function without controlled substances, not including those products and equipment used for the production, processing, recovery, recycling, reclamation or destruction of controlled substances;
30. ‘virgin substances’ means substances which have not previously been used;
31. ‘products and equipment’ means all products and equipment except containers used for the transportation or storage of controlled substances.

Textual Amendments

- F1** Art. 3(3A)-(3E) inserted (31.12.2020) by The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/583), regs. 1, **4(2)** (as substituted by S.I. 2020/1616, regs. 1(2), **2(3)(a)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F2** Words in Art. 3(13) 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, **4(3)**; 2020 c. 1, **Sch. 5 para. 1(1)**
- F3** Words in Art. 3(14) 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, **4(4)**; 2020 c. 1, **Sch. 5 para. 1(1)**
- F4** Words in Art. 3(17) 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, **4(5)** (as amended by S.I. 2020/1616, regs. 1(2), **2(3)(b)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F5** Words in Art. 3(18) 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, **4(6)** (as substituted by S.I. 2020/1616, regs. 1(2), **2(3)(c)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F6** Words in Art. 3(19) 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, **4(6)** (as substituted by S.I. 2020/1616, regs. 1(2), **2(3)(c)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F7** Words in Art. 3(20) 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, **4(8)(a)** (as amended by S.I. 2020/1616, regs. 1(2), **2(3)(d)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F8** Words in Art. 3(20) 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, **4(8)(b)**; 2020 c. 1, **Sch. 5 para. 1(1)**
- F9** Art. 3(25A) inserted (31.12.2020) by The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/583), regs. 1, **4(9)** (as amended by S.I. 2020/1616, regs. 1(2), **2(3)(e)**); 2020 c. 1, **Sch. 5 para. 1(1)**

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[^{F10}Article 3A **U.K.**

Appropriate regulator: Scotland

1 The appropriate regulator in relation to Scotland is, subject to paragraph (2), the Scottish Environment Protection Agency.

2 The Scottish Ministers may direct that a person or body other than the Scottish Environment Protection Agency is the appropriate regulator in relation to cases of a particular description or in a particular case.

3 Before making a direction under paragraph (2), the Scottish Ministers must consult the Secretary of State.]

Textual Amendments

F10 Arts. 3A, 3B inserted (31.12.2020) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/583), regs. 1, 5; 2020 c. 1, Sch. 5 para. 1(1)

[^{F10}Article 3B **U.K.**

Appropriate regulator: Wales

1 The appropriate regulator in relation to Wales is, subject to paragraph (2), Natural Resources Body for Wales.

2 The Welsh Ministers may direct that a person or body other than Natural Resources Body for Wales is the appropriate regulator in relation to cases of a particular description or in a particular case.

3 Before making a direction under paragraph (2), the Welsh Ministers must consult the Secretary of State]

Textual Amendments

F10 Arts. 3A, 3B inserted (31.12.2020) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/583), regs. 1, 5; 2020 c. 1, Sch. 5 para. 1(1)

CHAPTER II **U.K.**

PROHIBITIONS

Article 4 **U.K.**

Production of controlled substances

The production of controlled substances shall be prohibited.

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Article 5 **U.K.**

Placing on the market and use of controlled substances

- 1 The placing on the market and the use of controlled substances shall be prohibited.
- 2 Controlled substances shall not be placed on the market in non-refillable containers, except for laboratory and analytical uses as referred to in Article 10 and Article 11(2).
- 3 This Article shall not apply to controlled substances in products and equipment.

Article 6 **U.K.**

Placing on the market of products and equipment containing or relying on controlled substances

- 1 The placing on the market of products and equipment containing or relying on controlled substances shall be prohibited, with the exception of products and equipment for which the use of the respective controlled substance is authorised in accordance with Article 10, Article 11(2) or Article 13 or has been authorised on the basis of Article 3(1) of Regulation (EC) No 2037/2000.
- 2 Except for uses referred to in Article 13(1), fire protection systems and fire extinguishers containing halons shall be prohibited and shall be decommissioned.

CHAPTER III **U.K.**

EXEMPTIONS AND DEROGATIONS

Article 7 **U.K.**

Production, placing on the market and use of controlled substances as feedstock

- 1 By way of derogation from Articles 4 and 5, controlled substances may be produced, placed on the market and used as feedstock.
- 2 Controlled substances produced or placed on the market as feedstock may only be used for that purpose. As of 1 July 2010, containers of such substances shall be labelled with a clear indication that the substance may only be used as feedstock. Where such substances are required to be labelled in accordance with Directive 67/548/EEC, Directive 1999/45/EC or Regulation (EC) No 1272/2008, such indication shall be included in the label referred to in those Directives or in the supplemental information part of the label as referred to in Article 25(3) of that Regulation.

The [^{F11}appropriate authority may, by regulations,] determine the form and content of the label to be used. ^{F12}...

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Textual Amendments

- F11** Words in Art. 7(2) 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, **6(2)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F12** Words in Art. 7(2) 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, **6(2)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 8 **U.K.**

Production, placing on the market and use of controlled substances as process agents

1 By way of derogation from Articles 4 and 5, controlled substances may be produced, placed on the market and used as process agents.

2 Controlled substances may only be used as process agents in installations existing on 1 September 1997, and where emissions are insignificant.

3 Controlled substances produced or placed on the market as process agents may only be used for that purpose. As of 1 July 2010, containers of such substances shall be labelled with a clear indication that those substances may only be used as process agents. Where such substances are required to be labelled in accordance with Directive 67/548/EEC, Directive 1999/45/EC or Regulation (EC) No 1272/2008, such indication shall be included in the label referred to in those Directives or in the supplemental information part of the label as referred to in Article 25(3) of that Regulation.

The ^{F13}appropriate authority may, by regulations,] determine the form and content of the label to be used. ^{F14}...

4 The ^{F15}appropriate authority] shall, if appropriate, ^{F16}... establish a list of undertakings in which the use of controlled substances as process agents shall be permitted, laying down maximum quantities that may be used for make-up or for consumption as process agents and emission levels for each of the undertakings concerned.

The ^{F17}... amount of controlled substances that may be used as process agents within ^{F18}any part of Great Britain shall not, when added to the amounts that may be used as process agents in the other parts of Great Britain, exceed a maximum amount of 130.4 metric tonnes per year].

The maximum amount of controlled substances that may be emitted from process agent uses within ^{F19}any part of Great Britain shall not, when added to the amounts that may be used as process agents in the other parts of Great Britain, exceed a maximum amount of 2.0 metric tonnes per year].

5 In the light of new information or technical developments or decisions taken by the Parties, the ^{F20}Secretary of State shall, by regulations], if appropriate:

- a amend Annex III;
- b amend the maximum amount of controlled substances that may be used as process agents or emitted from process agent uses as referred to in the second and third subparagraphs of paragraph 4.

F21
...

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Textual Amendments

- F13** Words in Art. 8(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, [7\(2\)\(a\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F14** Words in Art. 8(3) 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, [7\(2\)\(b\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F15** Words in Art. 8(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, [7\(3\)\(a\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F16** Words in Art. 8(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, [7\(3\)\(b\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F17** Word in Art. 8(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, [7\(4\)\(c\)\(i\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F18** Words in Art. 8(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, [7\(4\)\(b\)](#) (as amended by [S.I. 2020/1616](#), regs. 1(2), [2\(4\)\(a\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F19** Words in Art. 8(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, [7\(4\)\(c\)\(ii\)](#) (as amended by [S.I. 2020/1616](#), regs. 1(2), [2\(4\)\(b\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F20** Words in Art. 8(5) 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, [7\(5\)\(a\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F21** Words in Art. 8(5) 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, [7\(5\)\(b\)](#); 2020 c. 1, Sch. 5 para. 1(1)

Article 9 **U.K.**

Placing on the market of controlled substances for destruction or reclamation and of products and equipment containing or relying on controlled substances for destruction

By way of derogation from Articles 5 and 6, controlled substances and products and equipment containing or relying on controlled substances may be placed on the market for destruction within [^{F22}any part of Great Britain] in accordance with the requirements for destruction referred to in Article 22(1). Controlled substances may also be placed on the market for reclamation within [^{F22}any part of Great Britain].

Textual Amendments

- F22** Words in Art. 9 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, [8](#) (as amended by [S.I. 2020/1616](#), regs. 1(2), [2\(5\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

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Article 10 **U.K.**

Essential laboratory and analytical uses of controlled substances other than hydrochlorofluorocarbons

1 By way of derogation from Articles 4 and 5, controlled substances other than hydrochlorofluorocarbons may be produced, placed on the market and used for essential laboratory and analytical uses, subject to registration and licensing in accordance with this Article.

2 The [^{F23}appropriate authority] shall, if appropriate, ^{F24}... determine any essential laboratory and analytical uses for which the production and import of controlled substances other than hydrochlorofluorocarbons may be permitted in [^{F25}any part of Great Britain], the respective quantities, the period for which the exemption shall be valid and those users which may take advantage of those essential laboratory and analytical uses.

3 Controlled substances produced or placed on the market for essential laboratory and analytical uses may only be used for that purpose. As of 1 July 2010, containers containing such substances shall be labelled with a clear indication that the substance may only be used for laboratory and analytical uses. Where such substances are required to be labelled in accordance with Directive 67/548/EEC, Directive 1999/45/EC or Regulation (EC) No 1272/2008, such indication shall be included in the label referred to in those Directives or in the supplemental information part of the label as referred to in Article 25(3) of that Regulation.

The [^{F26}appropriate authority may, by regulations,] determine the form and content of the label to be used. ^{F27}...

Controlled substances referred to in the first subparagraph shall only be placed on the market and further distributed under the conditions set out in Annex V. The [^{F28}appropriate authority may, by regulations,] amend that Annex. ^{F29}...

4 Any undertaking using controlled substances other than hydrochlorofluorocarbons for essential laboratory and analytical uses shall register with the [^{F30}appropriate regulator], indicating the substances being used, the purpose, the estimated annual consumption and the suppliers of those substances, and shall update that information when changes occur.

5 By the date specified in a notice issued by the [^{F31}appropriate regulator], producers and importers supplying the undertaking referred to in paragraph 4 or using controlled substances for their own account shall declare to the [^{F31}appropriate regulator] the foreseen demand for the period specified in the notice, specifying the nature and quantities of controlled substances needed.

6 The [^{F32}appropriate regulator] shall issue licences to producers and importers of controlled substances, other than hydrochlorofluorocarbons, produced or imported for essential laboratory and analytical uses and shall notify them of the use for which they have authorisation and the substances and quantities thereof that they are authorised to place on the market or to use for their own account. The quantity annually authorised under licences for individual producers and importers shall not exceed 130 % of the annual average of the calculated level of controlled substances licensed for the producer or importer for essential laboratory and analytical uses in the years 2007 to 2009.

The total quantity annually authorised under licences, including licences for hydrochlorofluorocarbons under Article 11(2), shall not exceed [^{F33}13.2 ODP tonnes]. Remaining quantities may be allocated to producers and importers which did not place

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on the market or use controlled substances, for their own account for essential laboratory and analytical uses in the years 2007 to 2009.

The [^{F34}appropriate authority] shall determine a mechanism for the allocation of quotas to producers and importers [^{F35}and publish the determination].^{F36} ...

7 A producer may be authorised by the [^{F37}appropriate authority] to produce the controlled substances referred to in paragraph 1 for the purpose of meeting the requests licensed in accordance with paragraph 6.

^{F38} ...

8 To the extent permitted by the Protocol, the [^{F39}appropriate authority] may authorise that producer to produce or to exceed the calculated levels of production laid down in paragraph 6 in order to satisfy any essential laboratory and analytical uses of Parties at their request.

^{F40} ...

Textual Amendments

- F23** Words in Art. 10(2) 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, **9(2)(a)** (with reg. 32); 2020 c. 1, Sch. 5 para. 1(1)
- F24** Words in Art. 10(2) 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, **9(2)(b)** (with reg. 32); 2020 c. 1, Sch. 5 para. 1(1)
- F25** Words in Art. 10(2) 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, **9(2)(c)** (as amended by [S.I. 2020/1616](#), regs. 1(2), **2(6)(a)**) (with reg. 32); 2020 c. 1, **Sch. 5 para. 1(1)**
- F26** Words in Art. 10(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, **9(3)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F27** Words in Art. 10(3) 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, **9(3)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F28** Words in Art. 10(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, **9(3)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F29** Words in Art. 10(3) 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, **9(3)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F30** Words in Art. 10(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, **9(4)**; 2020 c. 1, Sch. 5 para. 1(1)
- F31** Words in Art. 10(5) 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, **9(5)**; 2020 c. 1, Sch. 5 para. 1(1)
- F32** Words in Art. 10(6) 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, **9(6)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F33** Words in Art. 10(6) 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, **9(6)(b)** (as amended by [S.I. 2020/1616](#), regs. 1(2), **2(6)(b)**) (with reg. 32); 2020 c. 1, **Sch. 5 para. 1(1)**

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- F34** Words in Art. 10(6) 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, **9(6)(c)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F35** Words in Art. 10(6) inserted (31.12.2020) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/583\)](#), regs. 1, **9(6)(c)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F36** Words in Art. 10(6) 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, **9(6)(c)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F37** Words in Art. 10(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, **9(7)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F38** Words in Art. 10(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, **9(7)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F39** Words in Art. 10(8) 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, **9(8)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F40** Words in Art. 10(8) 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, **9(8)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 11 U.K.

Production, placing on the market and use of hydrochlorofluorocarbons and placing on the market of products and equipment containing or relying on hydrochlorofluorocarbons

1 By way of derogation from Article 4, hydrochlorofluorocarbons may be produced provided that each producer ensures the following:

- a the calculated level of its production of hydrochlorofluorocarbons in the period from 1 January 2010 to 31 December 2010 and in each 12-month period thereafter until 31 December 2013 does not exceed 35 % of the calculated level of its production of hydrochlorofluorocarbons in 1997;
- b the calculated level of its production of hydrochlorofluorocarbons in the period from 1 January 2014 to 31 December 2014 and in each 12-month period thereafter until 31 December 2016 does not exceed 14 % of the calculated level of its production of hydrochlorofluorocarbons in 1997;
- c the calculated level of its production of hydrochlorofluorocarbons in the period from 1 January 2017 to 31 December 2017 and in each 12-month period thereafter until 31 December 2019 does not exceed 7 % of the calculated level of its production of hydrochlorofluorocarbons in 1997;
- d it produces no hydrochlorofluorocarbons after 31 December 2019.

2 By way of derogation from Article 4 and Article 5(1), hydrochlorofluorocarbons may be produced, placed on the market and used for laboratory and analytical uses.

Article 10(3) to (7) shall apply mutatis mutandis.

3 By way of derogation from Article 5, until 31 December 2014, reclaimed hydrochlorofluorocarbons may be placed on the market and used for the maintenance or servicing of existing refrigeration, air-conditioning and heat pump equipment, provided that

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the container is labelled with an indication that the substance has been reclaimed and with information on the batch number and name and address of the reclamation facility.

4 Until 31 December 2014, recycled hydrochlorofluorocarbons may be used for the maintenance or servicing of existing refrigeration, air-conditioning and heat pump equipment provided that they have been recovered from such equipment and may only be used by the undertaking which carried out the recovery as part of maintenance or servicing or for which the recovery as part of maintenance or servicing was carried out.

5 By way of derogation from Article 5, until 31 December 2019, hydrochlorofluorocarbons may be placed on the market for repackaging and subsequent export. Any undertaking carrying out the repackaging and subsequent export of hydrochlorofluorocarbons shall register with the [^{F41}appropriate regulator], indicating the controlled substances concerned, their estimated annual demand and the suppliers of those substances, and shall update this information when changes occur.

6 When reclaimed or recycled hydrochlorofluorocarbons are used for maintenance or servicing, the refrigeration, air-conditioning and heat pump equipment concerned shall be labelled with an indication of the type of substance, its quantity contained in the equipment and the label elements set out in Annex I to Regulation (EC) No 1272/2008 for substances or mixtures classified as Hazardous to the Ozone Layer.

7 Undertakings operating the equipment referred to in paragraph 4 containing a fluid charge of 3 kg or more shall keep a record of the quantity and type of substance recovered and added, and of the company or technician which performed the maintenance or servicing.

Undertakings using reclaimed or recycled hydrochlorofluorocarbons for maintenance or servicing shall keep a record of the undertakings that have supplied reclaimed hydrochlorofluorocarbons and of the source of recycled hydrochlorofluorocarbons.

8 By way of derogation from Articles 5 and 6, the [^{F42}appropriate authority] may ^{F43}... authorise a time-limited exemption to allow the use and placing on the market of hydrochlorofluorocarbons and of products and equipment containing or relying on hydrochlorofluorocarbons where it is demonstrated that, for a particular use, technically and economically feasible alternative substances or technologies are not available or cannot be used.

This exemption may not be authorised for a period which extends beyond 31 December 2019.

Textual Amendments

- F41** Words in Art. 11(5) 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, **10(2)**; 2020 c. 1, Sch. 5 para. 1(1)
- F42** Words in Art. 11(8) 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, **10(3)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F43** Words in Art. 11(8) 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, **10(3)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

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Article 12 U.K.

Quarantine and pre-shipment applications and emergency uses of methyl bromide

F⁴⁴₁

F⁴⁴₂

3 In an emergency, where unexpected outbreaks of particular pests or diseases so require, the [F⁴⁵appropriate authority may] authorise the temporary production, placing on the market and use of methyl bromide, provided that the placing on the market and use of methyl bromide are allowed respectively under [F⁴⁶Regulation (EC) 1107/2009 and Regulation (EU) 528/2012].

Such authorisation shall apply for a period not exceeding 120 days and to a quantity not exceeding 20 metric tonnes and shall specify measures to be taken to reduce emissions during use.

Textual Amendments

F44 Art. 12(1)(2) 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, **11(2)**; 2020 c. 1, Sch. 5 para. 1(1)

F45 Words in Art. 12(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, **11(3)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

F46 Words in Art. 12(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, **11(3)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 13 U.K.

Critical uses of halons and decommissioning of equipment containing halons

1 By way of derogation from Article 5(1), halons may be placed on the market and used for critical uses set out in Annex VI. Halons may only be placed on the market by undertakings authorised by the [F⁴⁷appropriate regulator] to store halons for critical uses.

2 The [F⁴⁸appropriate authority shall review Annex 6 and, if appropriate, make regulations to amend Annex 6 and set] time-frames for the phasing out of the critical uses by defining cut-off dates for new applications and end dates for existing applications, taking into account the availability of technically and economically feasible alternatives or technologies that are acceptable from the standpoint of environment and health.

F⁴⁹
...

3 Fire protection systems and fire extinguishers containing halons applied in uses referred to in paragraph 1 shall be decommissioned by the end dates to be specified in Annex VI.

4 The [F⁵⁰appropriate authority may, by regulations] grant derogations from end dates for existing applications or cut-off dates for new applications, provided those dates have been specified in Annex VI in accordance with paragraph 2, for specific cases where it is demonstrated that no technically and economically feasible alternative is available.

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Textual Amendments

- F47** Words in Art. 13(1) 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, **12(2)**; 2020 c. 1, Sch. 5 para. 1(1)
- F48** Words in Art. 13(2) 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, **12(3)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F49** Words in Art. 13(2) 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, **12(3)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F50** Words in Art. 13(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, **12(4)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 14 U.K.

Transfer of rights and industrial rationalisation

1 Any producer or importer entitled to place controlled substances on the market or use them for its own account may transfer that right in respect of all or any quantities of the respective group of substances fixed in accordance with this Article to any other producer or importer of that group of substances within [^{F51}any part of Great Britain]. Any such transfer shall be notified in advance to the [^{F52}appropriate regulator]. The transfer of the right to place on the market or use shall not imply the further right to produce or to import.

2 To the extent permitted by the Protocol, the [^{F53}appropriate authority] may authorise that producer to exceed the calculated levels of production laid down in Article 10 and Article 11(2) for the purpose of industrial rationalisation within [^{F54}Great Britain], provided that the calculated levels of production ^{F55}... do not exceed the sum of the calculated levels of production of ^{F56}... domestic producers as laid down in Article 10 and Article 11(2) for the periods in question. ^{F57}...

^{F58}3

4 To the extent permitted by the Protocol, the [^{F59}Secretary of State may, by regulations,], in agreement with ^{F60}... the government of the third country Party concerned, authorise a producer to combine the calculated levels of production laid down in Article 10 and Article 11(2) with the calculated levels of production allowed to a producer in a third country Party under the Protocol and that producer's national legislation for the purpose of industrial rationalisation with a third country Party, provided that the combined calculated levels of production by the two producers do not exceed the sum of the calculated levels of production allowed to the [^{F61}Great Britain] producer under Article 10 and Article 11(2) and the calculated levels of production allowed to the third country Party producer under the Protocol and any relevant national legislation.

Textual Amendments

- F51** Words in Art. 14(1) 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, **13(2)(a)** (as amended by [S.I. 2020/1616](#), regs. 1(2), **2(7)(a)**); 2020 c. 1, Sch. 5 para. 1(1)

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- F52** Words in Art. 14(1) 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, **13(2)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F53** Words in Art. 14(2) 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, **13(3)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F54** Words in Art. 14(2) 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, **13(3)(a)(ii)** (as substituted by S.I. 2020/1616, regs. 1(2), **2(7)(b)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F55** Words in Art. 14(2) 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, **13(3)(a)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F56** Word in Art. 14(2) 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, **13(3)(a)(iv)**; 2020 c. 1, Sch. 5 para. 1(1)
- F57** Words in Art. 14(2) 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, **13(3)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F58** Art. 14(3) 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, **13(4)**; 2020 c. 1, Sch. 5 para. 1(1)
- F59** Words in Art. 14(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, **13(5)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F60** Words in Art. 14(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, **13(5)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F61** Words in Art. 14(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, **13(5)(c)** (as substituted by S.I. 2020/1616, regs. 1(2), **2(7)(c)**); 2020 c. 1, **Sch. 5 para. 1(1)**

CHAPTER IV **U.K.**

TRADE

Article 15 **U.K.**

Imports of controlled substances or of products and equipment containing or relying on controlled substances

- 1 Imports 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 imports of:
 - a controlled substances to be used for laboratory and analytical uses referred to in Article 10 and Article 11(2);
 - b controlled substances to be used as feedstock;
 - c controlled substances to be used as process agents;
 - d controlled substances for destruction by technologies referred to in Article 22(2);

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- e until 31 December 2019, hydrochlorofluorocarbons to be repackaged and subsequently re-exported no later than 31 December of the following calendar year to a Party where the consumption or import of that hydrochlorofluorocarbon is not prohibited;
 - f methyl bromide for emergency uses referred to in Article 12(3) or, until 31 December 2014, for repackaging and subsequent re-export for quarantine and pre-shipment applications provided that the re-export takes place during the year of import;
 - g recovered, recycled or reclaimed halons, under the condition that they are only imported for critical uses referred to in Article 13(1), by undertakings authorised by the [F62 appropriate regulator] to store halons for critical uses;
 - h products and equipment containing or relying on controlled substances for destruction, where applicable by technologies referred to in Article 22(2);
 - i products and equipment containing or relying on controlled substances to satisfy laboratory and analytical uses referred to in Article 10 and Article 11(2);
 - j products and equipment containing or relying on halon to satisfy critical uses referred to in Article 13(1);
 - k products and equipment containing hydrochlorofluorocarbons for which the placing on the market has been authorised in accordance with Article 11(5).
- 3 Imports referred to in paragraph 2, with the exception of imports for transit through [F63 Great Britain] or imports under the temporary storage, customs warehousing or free zone procedure [F64 under the Taxation (Cross-border Trade) Act 2018], provided that they remain in [F63 Great Britain] no longer than 45 days and that they are not subsequently presented for release for free circulation in [F65 any part of Great Britain], destroyed or processed, shall be subject to the presentation of an import licence. Those licences shall be issued by the [F66 Environment Agency] after verification of compliance with Articles 16 and 20.

Textual Amendments

- F62** Words in Art. 15(2)(g) 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, **14(2)**; 2020 c. 1, Sch. 5 para. 1(1)
- F63** Words in Art. 15(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, **14(3)(a)** (as substituted by S.I. 2020/1616, regs. 1(2), **2(8)(a)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F64** Words in Art. 15(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, **14(3)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F65** Words in Art. 15(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, **14(3)(c)** (as amended by S.I. 2020/1616, regs. 1(2), **2(8)(b)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F66** Words in Art. 15(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, **14(3)(d)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 16 **U.K.**

Release for free circulation in [F67 any part of Great Britain] of imported controlled substances

- 1 The release for free circulation in [F68 any part of Great Britain] of imported controlled substances shall be subject to quantitative limits. The [F69 appropriate regulator] shall determine

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those limits and allocate quotas to undertakings for the period from [F70the day after that on which IP completion day falls to 31 December 2021] and for each 12-month period thereafter F71 ...

The quotas referred to in the first subparagraph shall be allocated only for the following substances:

- a controlled substances if they are used for laboratory and analytical, or critical uses, referred to in Article 10, Article 11(2) and Article 13;
- b controlled substances if they are used as feedstock;
- c controlled substances if they are used as process agents.

2 By the date specified in a notice issued by the [F72appropriate regulator], importers of substances referred to in points (a), (b) and (c) of paragraph 1 shall declare to the [F72appropriate regulator] the anticipated demand, specifying the nature and quantities of controlled substances needed. On the basis of those declarations the [F72appropriate regulator] shall establish quantitative limits to the imports of substances referred to in points (a), (b) and (c) of paragraph 1.

Textual Amendments

- F67** Words in Art. 16 heading 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, **15(2)** (as amended by [S.I. 2020/1616](#), regs. 1(2), **2(9)(a)**); 2020 c. 1, Sch. 5 para. 1(1)
- F68** Words in Art. 16(1) 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, **15(3)(a)** (as amended by [S.I. 2020/1616](#), regs. 1(2), **2(9)(b)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F69** Words in Art. 16(1) 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, **15(3)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F70** Words in Art. 16(1) 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, **15(3)(c)** (as amended by [S.I. 2020/1616](#), regs. 1(2), **2(9)(c)**); 2020 c. 1, Sch. 5 para. 1(1)
- F71** Words in Art. 16(1) 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, **15(3)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F72** Words in Art. 16(2) 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, **15(4)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 17 U.K.

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;

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- 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 [^{F73}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 [^{F74}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 [^{F75}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 [^{F76}non-domestic goods] subsequent to transit through [^{F77}Great Britain], temporary storage, customs-warehousing or free zone procedure, [^{F78}in accordance with the applicable provisions of the Taxation (Cross-border Trade) Act 2018], provided that the [^{F79}export] takes place not later than 45 days after the import. That export licence shall be issued by the [^{F80}Environment Agency] to undertakings after verification of compliance with Article 20.

Textual Amendments

- F73** 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)
- F74** 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)
- F75** 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)
- F76** 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)
- F77** 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)
- F78** 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)
- F79** 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)
- F80** 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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Article 18 **U.K.**

Licensing of imports and exports

- 1 The [^{F81}Environment Agency] shall set up and operate an electronic licensing system and shall decide on applications for licences within 30 days of receipt.
- 2 Applications for licences referred to in Articles 15 and 17 shall be submitted using the system referred to in paragraph 1. Before submitting an application for a licence undertakings shall register in that system.
- 3 An application for a licence shall state the following:
 - a the names and the addresses of the importer and the exporter;
 - b the country of import and export;
 - c in the case of imports or exports of controlled substances, a description of each controlled substance, including:
 - (i) the commercial description;
 - (ii) the description and the Combined Nomenclature code as laid down in Annex IV;
 - (iii) whether the substance is virgin, recovered, recycled or reclaimed;
 - (iv) the quantity of the substance in metric kilograms;
 - (v) in the case of halons, a declaration that they are to be imported or exported to satisfy a critical use referred to in Article 13(1), specifying which use;
 - d in the case of imports or exports of products and equipment containing or relying on controlled substances:
 - (i) the type and nature of the products and equipment;
 - (ii) for countable items the number of units, the description and the quantity per unit in metric kilograms of each controlled substance;
 - (iii) for uncountable items the total quantity of the product, the description and the total net quantity, in metric kilograms, of each controlled substance;
 - (iv) the country/countries of final destination of the products and equipment;
 - (v) whether the controlled substance contained is virgin, recycled, recovered or reclaimed;
 - (vi) in the case of imports or exports of products and equipment containing or relying on halon, a declaration that they are to be imported or exported to satisfy a critical use referred to in Article 13(1), specifying which use;
 - (vii) in the case of products and equipment containing or relying on hydrochlorofluorocarbons, the reference to the Commission authorisation referred to in Article 17(3);
 - (viii) the Combined Nomenclature code of the product or equipment to be imported or exported;

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- e the purpose of the proposed import, including the intended customs treatment and use, specifying where relevant the intended customs procedure;
- f the place and expected date of the proposed import or export;
- g the customs office where the goods will be declared;
- h in the case of imports of controlled substances or products and equipment for destruction, the name and address of the facility where they will be destroyed;
- i any further information deemed necessary by the ^{F82}Environment Agency^{F83};
- ^{F84}] by way of derogation from points (a) to (h), in the case of imports and exports of products and equipment containing or relying on halons for critical uses in aircraft set out in points 4.1 to 4.6 of Annex VI:
 - (1) the purpose and type of the products and equipment to be imported or exported as described in points 4.1 to 4.6 of Annex VI;
 - (2) the types of halons that the products and equipment to be imported or exported contains or relies on;
 - (3) the Combined Nomenclature code of the products and equipment to be imported or exported.]

4 Each importer or exporter shall notify the ^{F85}Environment Agency] of any changes which might occur during the period of validity of the licence in relation to the data notified under paragraph 3.

5 The ^{F85}Environment Agency] may require a certificate attesting the nature or composition of substances to be imported or exported and may request a copy of the licence issued by the country from which the import or to which the export takes place.

6 The ^{F85}Environment Agency] may share the submitted data so far as necessary in specific cases with competent authorities of the Parties concerned and may reject the licence application if any relevant obligations set out in this Regulation are not complied with, or on the following grounds:

- a in the case of an import licence, where it is established based on information from the competent authorities of the country concerned that the exporter is not an undertaking authorised to trade in the respective substance in that country;
- b in the case of an export licence, where the competent authorities of the importing country have informed the ^{F85}Environment Agency] that the import of the controlled substance would constitute a case of illegal trade, or would adversely impact on the implementation of control measures of the importing country in place to comply with its obligations under the Protocol or would lead to an excess of the quantitative limits under the Protocol for that country.

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8 The ^{F87}Environment Agency] shall, as soon as possible, inform the applicant ^{F88}... of any licence application rejected pursuant to paragraph 6, specifying the reason for the rejection.

9 The ^{F89}Secretary of State may, by regulations,] amend the list of items mentioned in paragraph 3 and Annex IV. ^{F90}...

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Textual Amendments

- F81** Words in Art. 18(1) 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, **17(2)**; 2020 c. 1, Sch. 5 para. 1(1)
- F82** Words in Art. 18(3)(i) 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, **17(3)**; 2020 c. 1, Sch. 5 para. 1(1)
- F83** Substituted by [Commission Regulation \(EU\) No 1088/2013 of 4 November 2013 amending Regulation \(EC\) No 1005/2009 of the European Parliament and of the Council with regard to applications for import and export licences of products and equipment containing or relying on halons for critical uses in aircraft](#).
- F84** Inserted by [Commission Regulation \(EU\) No 1088/2013 of 4 November 2013 amending Regulation \(EC\) No 1005/2009 of the European Parliament and of the Council with regard to applications for import and export licences of products and equipment containing or relying on halons for critical uses in aircraft](#).
- F85** Words in Art. 18(4)-(6) 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, **17(4)**; 2020 c. 1, Sch. 5 para. 1(1)
- F86** Art. 18(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, **17(5)**; 2020 c. 1, Sch. 5 para. 1(1)
- F87** Words in Art. 18(8) 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, **17(6)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F88** Words in Art. 18(8) 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, **17(6)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F89** Words in Art. 18(9) 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, **17(7)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F90** Words in Art. 18(9) omitted (31.12.2020) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/583\)](#), regs. 1, **17(7)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 19 **U.K.**

Measures for monitoring of illegal trade

The [^{F91}appropriate authority may, by regulations, provide] additional measures for the monitoring of controlled substances or new substances and of products and equipment containing or relying on controlled substances placed under temporary storage, customs warehousing or free zone procedure or in transit through [^{F92}Great Britain] and subsequently re-exported, on the basis of an evaluation of the potential risks of illegal trade linked to such movements, taking into account the environmental benefits and socioeconomic impacts of such measures.

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Textual Amendments

- F91** Words in Art. 19 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, **18(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F92** Words in Art. 19 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, **18(a)(ii)** (as substituted by [S.I. 2020/1616](#), regs. 1(2), **2(11)**); 2020 c. 1, Sch. 5 para. 1(1)
- F93** Words in Art. 19 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, **18(b)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 20 U.K.

Trade with a State not party to the Protocol and a territory not covered by the Protocol

1 Import and export of controlled substances and of products and equipment containing or relying on controlled substances from and to any State not party to the Protocol shall be prohibited.

2 The [^{F94}appropriate authority may make regulations in relation] to the release for free circulation in [^{F95}any part of Great Britain] of products and equipment imported from any State not party to the Protocol which were produced using controlled substances but do not contain substances which can be positively identified as controlled substances. The identification of such products and equipment shall comply with periodical technical advice given to the Parties.
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...

3 By way of derogation from paragraph 1, trade with any State not party to the Protocol in controlled substances and products and equipment containing or relying on such substances or which are produced by means of one or more such substances may be authorised by the [^{F97}Secretary of State], to the extent that the State not party to the Protocol is determined by a meeting of the Parties pursuant to Article 4(8) of the Protocol to be in full compliance with the Protocol and has submitted data to that effect as specified in Article 7 of the Protocol.
F98
...

4 Subject to any decision taken under the second subparagraph, paragraph 1 shall apply to any territory not covered by the Protocol as they apply to any State not party to the Protocol.

Where the authorities of a territory not covered by the Protocol are in full compliance with the Protocol and have submitted data to that effect as specified in Article 7 of the Protocol, the [^{F99}Secretary of State] may decide that some or all of the provisions of paragraph 1 of this Article shall not apply in respect of that territory.

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Textual Amendments

- F94** Words in Art. 20(2) 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, **19(2)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F95** Words in Art. 20(2) 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, **19(2)(b)** (as amended by [S.I. 2020/1616](#), regs. 1(2), **2(12)**); 2020 c. 1, Sch. 5 para. 1(1)

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- F96** Words in Art. 20(2) 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, **19(2)(c)**; 2020 c. 1, **Sch. 5 para. 1(1)**
- F97** Words in Art. 20(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, **19(3)(a)**; 2020 c. 1, **Sch. 5 para. 1(1)**
- F98** Words in Art. 20(3) 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, **19(3)(b)**; 2020 c. 1, **Sch. 5 para. 1(1)**
- F99** Words in Art. 20(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, **19(4)(a)**; 2020 c. 1, **Sch. 5 para. 1(1)**
- F100** Words in Art. 20(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, **19(4)(b)**; 2020 c. 1, **Sch. 5 para. 1(1)**

^{F101}Article 21 **U.K.**

List of products and equipment containing or relying on controlled substances

Textual Amendments

- F101** Art. 21 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, **20**; 2020 c. 1, **Sch. 5 para. 1(1)**

CHAPTER V **U.K.**

EMISSION CONTROL

Article 22 **U.K.**

Recovery and destruction of used controlled substances

1 Controlled substances contained in refrigeration, air-conditioning and heat pump equipment, equipment containing solvents or fire protection systems and fire extinguishers shall, during the maintenance or servicing of equipment or before the dismantling or disposal of equipment, be recovered for destruction, recycling or reclamation.

2 Controlled substances and products containing such substances shall only be destroyed by approved technologies listed in Annex VII or, in the case of controlled substances not referred to in that Annex, by the most environmentally acceptable destruction technology not entailing excessive costs, provided that the use of those technologies complies with ^{F102}... legislation on waste and that additional requirements under such legislation are met.

3 The [^{F103}appropriate authority may, by regulations,] amend Annex VII in order to take new technological developments into account.

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F104 ...

4 Controlled substances contained in products and equipment other than those mentioned in paragraph 1 shall, if technically and economically feasible, be recovered for destruction, recycling or reclamation, or shall be destroyed without prior recovery, applying the technologies referred to in paragraph 2.

The [F105 appropriate authority shall, by regulations,] establish an Annex to this Regulation with a list of products and equipment for which the recovery of controlled substances or destruction of products and equipment without prior recovery of controlled substances shall be considered technically and economically feasible, specifying, if appropriate, the technologies to be applied. [F106 Such regulations shall] be accompanied and supported by a full economic assessment of costs and benefits F107

F108 ...

5 [F109 The appropriate authority] shall take steps to promote the recovery, recycling, reclamation and destruction of controlled substances and shall define the minimum qualification requirements for the personnel involved.

The [F110 appropriate authority shall evaluate such measures] and may in the light of this evaluation and of technical and other relevant information, as appropriate, [F111 make regulations] regarding those minimum qualification requirements.

F112 ...

Textual Amendments

- F102** Words in Art. 22(2) 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, **21(2)**; 2020 c. 1, Sch. 5 para. 1(1)
- F103** Words in Art. 22(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, **21(3)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F104** Words in Art. 22(3) 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, **21(3)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F105** Words in Art. 22(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, **21(4)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F106** Words in Art. 22(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, **21(4)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F107** Words in Art. 22(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, **21(4)(a)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F108** Words in Art. 22(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, **21(4)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F109** Words in Art. 22(5) 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, **21(5)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F110** Words in Art. 22(5) 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, **21(5)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)

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F111 Words in Art. 22(5) 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, **21(5)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

F112 Words in Art. 22(5) 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, **21(5)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 23 U.K.

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 ^{F113}appropriate regulator].

4 ^{F114}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 ^{F115}... and of technical and other relevant information, the ^{F116}appropriate authority may make regulations] regarding the harmonisation of those minimum qualification requirements.

^{F117} ...

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.

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.

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7 The [^{F118}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.

F119 ...

Textual Amendments

- F113** 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)
- F114** 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)
- F115** 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)
- F116** 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)
- F117** 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)
- F118** 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)
- F119** 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)

CHAPTER VI **U.K.**

NEW SUBSTANCES

Article 24 **U.K.**

New substances

1 The production, import, placing on the market, use and export of new substances in Part A of Annex II are prohibited. This prohibition does not apply to new substances if they are used as feedstock or for laboratory and analytical uses, to imports for transit through [^{F120}Great Britain, to exports subsequent to imports already exempted] or imports under the temporary storage, customs warehousing or free zone procedure [^{F121}in accordance with the applicable provisions of the Taxation (Cross-border Trade) Act 2018, unless such imports have been declared to a customs procedure, including outward processing, or exported under the provisions of the Taxation (Cross-border Trade) Act 2018, destroyed or abandoned to the exchequer.]

2 The [^{F122}appropriate authority shall, by regulations], if appropriate, include in Part A of Annex II substances that are included in Part B of that Annex that are found to be exported, imported, produced or put on the market in significant quantities and that are found by the

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Scientific Assessment Panel under the Protocol to have a significant ozone-depleting potential, and shall, if appropriate, determine possible exemptions from paragraph 1.

F123
...

3 In the light of relevant scientific information, the [F124 appropriate authority shall, by regulations], if appropriate, include in Part B of Annex II any substances that are not controlled substances but that are found by the Scientific Assessment Panel under the Protocol or another recognised authority of equivalent stature to have a significant ozone-depleting potential. F125 ...

Textual Amendments

- F120** Words in Art. 24(1) 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, **23(2)(a)** (as substituted by [S.I. 2020/1616](#), regs. 1(2), **2(13)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F121** Words in Art. 24(1) 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, **23(2)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F122** Words in Art. 24(2) 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, **23(3)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F123** Words in Art. 24(2) 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, **23(3)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F124** Words in Art. 24(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, **23(4)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F125** Words in Art. 24(3) 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, **23(4)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

CHAPTER VII **U.K.**

[F126 **Functions, Regulations, Reporting and Inspection**]

[F127 **Article 25** **U.K.**

Regulations

- 1 A function conferred by or under this Regulation—
 - a on the Scottish Ministers is exercisable only so far as it is exercisable within devolved competence in or as regards Scotland; and
 - b on the Welsh Ministers is exercisable only so far as it is exercisable within devolved competence in or as regards Wales.
- 2 A function conferred under this Regulation—
 - a on a person or body by virtue of a direction of the Scottish Ministers is exercisable only in or as regards Scotland; and
 - b on a person or body by virtue of a direction of the Welsh Ministers is exercisable only in or as regards Wales.

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)

- 3 In this Article and Articles 25A to 25C, “within devolved competence”—
- a in or as regards Scotland, is to be construed in accordance with section 54 of the Scotland Act 1998;
 - b in or as regards Wales, is to be construed in accordance with section 108A of the Government of Wales Act 2006.

Textual Amendments

F127 Arts. 25-25D substituted for Art. 25 (31.12.2020) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/583\)](#), regs. 1, **25** (as amended by [S.I. 2020/1616](#), regs. 1(2), **2(14)**); 2020 c. 1, **Sch. 5 para. 1(1)**

Article 25A **U.K.**

Exercise of functions: Scotland

- 1 Any function by or under this Regulation, including to make provision by regulations, in or as regards Scotland may, so far as it is exercisable within devolved competence, be exercised by the Secretary of State only with the consent of the Scottish Ministers.
- 2 Consent given by the Scottish Ministers under paragraph 1 for the prospective exercise of a function, may be withdrawn at any time.
- 3 The Scottish Ministers may give directions (general or specific) and guidance to the appropriate regulator in or as regards Scotland, as to the exercise of the appropriate regulator's functions under this Regulation so far as they are exercisable within devolved competence.
- 4 The appropriate regulator in or as regards Scotland must comply with any such directions given to it, and have regard to any such guidance.

Textual Amendments

F127 Arts. 25-25D substituted for Art. 25 (31.12.2020) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/583\)](#), regs. 1, **25** (as amended by [S.I. 2020/1616](#), regs. 1(2), **2(14)**); 2020 c. 1, **Sch. 5 para. 1(1)**

Article 25B **U.K.**

Exercise of functions: Wales

- 1 Any function by or under this Regulation, including to make provision by regulations, in or as regards Wales may, so far as it is exercisable within devolved competence, be exercised by the Secretary of State only with the consent of the Welsh Ministers.
- 2 Consent given by the Welsh Ministers under paragraph 1 for the prospective exercise of a function, may be withdrawn at any time.
- 3 The Welsh Ministers may give directions (general or specific) and guidance to the appropriate regulator in or as regards Wales, as to the exercise of the appropriate regulator's functions under this Regulation so far as they are exercisable within devolved competence.

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4 The appropriate regulator in or as regards Wales must comply with any such directions given to it, and have regard to any such guidance.

Textual Amendments

F127 Arts. 25-25D substituted for Art. 25 (31.12.2020) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/583\)](#), regs. 1, **25** (as amended by [S.I. 2020/1616](#), regs. 1(2), **2(14)**); 2020 c. 1, **Sch. 5 para. 1(1)**

Article 25D U.K.

Regulations

1 Regulations made by the Secretary of State or the Welsh Ministers under this Regulation are to be made by statutory instrument.

2 For regulations made under this Regulation by the Scottish Ministers, see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010.

4 A statutory instrument containing regulations made by the Secretary of State under this Regulation is subject to annulment in pursuance of a resolution of either House of Parliament.

5 A statutory instrument containing regulations made by the Welsh Ministers under this Regulation is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

6 Regulations made by the Scottish Ministers under this Regulation are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).

8 Such regulations may—
a contain consequential, incidental, supplementary, transitional or saving provision (including provision amending, repealing or revoking enactments);
b make different provision for different purposes.

9 Before making any regulations under this Regulation, an appropriate authority shall consult—

- a such bodies or persons as appear to the appropriate authority to be representative of the interests likely to be substantially affected by the regulations;
- b such other bodies or persons as the appropriate authority may consider appropriate.]

Textual Amendments

F127 Arts. 25-25D substituted for Art. 25 (31.12.2020) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/583\)](#), regs. 1, **25** (as amended by [S.I. 2020/1616](#), regs. 1(2), **2(14)**); 2020 c. 1, **Sch. 5 para. 1(1)**

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Article 26 **U.K.**

Reporting ^{F128} ...

1 ^{F129}By 30 June 2022, and by 30 June of each year thereafter, the appropriate authority] shall report the following information ^{F130} ..., for the previous calendar year:

- ^{F131}a
- b the quantities of halons installed, used and stored for critical uses, pursuant to Article 13(1), the measures taken to reduce their emissions and an estimate of such emissions, and progress in evaluating and using adequate alternatives;
- c cases of illegal trade, in particular those detected during the inspections carried out pursuant to Article 28.

^{F132} The appropriate authority shall publish a report under paragraph 1 in a manner which the appropriate authority considers appropriate.]

3 The ^{F133}Secretary of State may, by regulations,] amend paragraph 1.

^{F134} ...

Textual Amendments

- F128** Words in Art. 26 heading 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, **26(2)**; 2020 c. 1, Sch. 5 para. 1(1)
- F129** Words in Art. 26(1) 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, **26(3)(a)** (as substituted by [S.I. 2020/1616](#), regs. 1(2), **2(15)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F130** Words in Art. 26(1) 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, **26(3)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F131** Deleted by [Commission Regulation \(EU\) No 1087/2013 of 4 November 2013 amending Regulation \(EC\) No 1005/2009 of the European Parliament and of the Council with regard to reporting on methyl bromide](#).
- F132** Art. 26(2) 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, **26(4)**; 2020 c. 1, Sch. 5 para. 1(1)
- F133** Words in Art. 26(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, **26(5)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F134** Words in Art. 26(3) 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, **26(5)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

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Article 27 **U.K.**

Reporting by undertakings

1 ^[F135]By 31 March 2022, and by 31 March each year thereafter, each undertaking must communicate to the appropriate regulator] the data listed in paragraphs 2 to 6 for each controlled substance and each new substance listed in Annex II for the previous calendar year.

2 Each producer shall communicate the following data:

- a its total production of each substance referred to in paragraph 1;
- b any production placed on the market or used for the producer's own account within ^[F136]any part of Great Britain], separately identifying production for feedstock, process agent and other uses;
- c any production to meet the essential laboratory and analytical uses in ^[F137]any part of Great Britain], licensed in accordance with Article 10(6);
- d any production authorised under Article 10(8) to satisfy essential laboratory and analytical uses of Parties;
- e any increase in production authorised under Article 14(2), (3) and (4) in connection with industrial rationalisation;
- f any quantity recycled, reclaimed or destroyed and the technology used for the destruction, including amounts produced and destroyed as by-product as referred to in Article 3(14);
- g any stocks;
- h any purchases from and sales to other producers in ^[F138]any part of Great Britain].

3 Each importer shall communicate for each substance referred to in paragraph 1 the following data:

- a any quantities released for free circulation in ^[F139]any part of Great Britain], separately identifying imports for feedstock and process agent uses, for essential laboratory and analytical uses licensed in accordance with Article 10(6), for use in quarantine and pre-shipment applications and for destruction. Importers which imported controlled substances for destruction shall also communicate the actual final destination or destinations of each of the substances, providing separately for each destination the quantity of each of the substances and the name and address of destruction facility where the substance was delivered;
- b any quantities imported under other customs procedures, separately identifying the customs procedure and the designated uses;
- c any quantities of used substances referred to in paragraph 1 imported for recycling or reclamation;
- d any stocks;
- e any purchases from and sales to other undertakings in ^[F140]any part of Great Britain];
- f the exporting country.

4 Each exporter shall communicate for each substances referred to in paragraph 1 the following data:

- a any quantities of such substances exported, separately identifying quantities exported to each country of destination and quantities exported for feedstock and process agent uses, essential laboratory and analytical uses, critical uses and for quarantine and pre-shipment applications;
- b any stocks;

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- c any purchases from and sales to other undertakings in [^{F141}any part of Great Britain];
- d the country of destination.

5 Each undertaking destroying controlled substances referred to in paragraph 1 and not covered by paragraph 2 shall communicate the following data:

- a any quantities of such substances destroyed, including quantities contained in products or equipment;
- b any stocks of such substances waiting to be destroyed, including quantities contained in products or equipment;
- c technology used for the destruction.

6 Each undertaking using controlled substances as feedstock or process agents shall communicate the following data:

- a any quantities of such substances used as feedstock or process agents;
- b any stocks of such substances;
- c the processes and emissions involved.

7 [^{F142}By 31 March 2022, and by 31 March each year thereafter, each producer or importer which holds a licence under Article 10(6) must, for each substance for which an authorisation has been received, report to the appropriate regulator] the nature of the use, the quantities used during the previous year, the quantities held in stock, any quantities recycled, reclaimed or destroyed, and the quantity of products and equipment containing or relying on those substances placed on [^{F143}any part of Great Britain] market and/or exported.

8 The [^{F144}appropriate regulator] shall take appropriate steps to protect the confidentiality of the information submitted to it.

[^{F145}9 The Secretary of State may determine the format of the reports referred to in paragraphs 1 to 7 and publish the determination.]

10 The [^{F146}appropriate authority may, by regulations,] amend the reporting requirements laid down in paragraphs 1 to 7.

F147
...

Textual Amendments

F135 Words in Art. 27(1) 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, **27(2)** (as substituted by S.I. 2020/1616, regs. 1(2), **2(16)(a)**); 2020 c. 1, Sch. 5 para. 1(1)

F136 Words in Art. 27(2)(b) 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, **27(3)** (as amended by S.I. 2020/1616, regs. 1(2), **2(16)(b)**); 2020 c. 1, Sch. 5 para. 1(1)

F137 Words in Art. 27(2)(c) 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, **27(3)** (as amended by S.I. 2020/1616, regs. 1(2), **2(16)(b)**); 2020 c. 1, Sch. 5 para. 1(1)

F138 Words in Art. 27(2)(h) 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, **27(3)** (as amended by S.I. 2020/1616, regs. 1(2), **2(16)(b)**); 2020 c. 1, Sch. 5 para. 1(1)

F139 Words in Art. 27(3)(a) 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, **27(4)** (as amended by S.I. 2020/1616, regs. 1(2), **2(16)(b)**); 2020 c. 1, Sch. 5 para. 1(1)

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- F140** Words in Art. 27(3)(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, **27(4)** (as amended by S.I. 2020/1616, regs. 1(2), **2(16)(b)**); 2020 c. 1, Sch. 5 para. 1(1)
- F141** Words in Art. 27(4)(c) 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, **27(5)** (as amended by S.I. 2020/1616, regs. 1(2), **2(16)(b)**); 2020 c. 1, Sch. 5 para. 1(1)
- F142** Words in Art. 27(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, **27(6)(a)** (as substituted by S.I. 2020/1616, regs. 1(2), **2(16)(c)(i)**); 2020 c. 1, Sch. 5 para. 1(1)
- F143** Words in Art. 27(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, **27(6)(b)** (as amended by S.I. 2020/1616, regs. 1(2), **2(16)(c)(ii)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F144** Words in Art. 27(8) 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, **27(7)**; 2020 c. 1, Sch. 5 para. 1(1)
- F145** Art. 27(9) 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, **27(8)**; 2020 c. 1, Sch. 5 para. 1(1)
- F146** Words in Art. 27(10) 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, **27(9)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F147** Words in Art. 27(10) 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, **27(9)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 28 U.K.

Inspection

1 ^{F148} ... Inspections on the compliance of undertakings with this Regulation, [^{F149} shall be undertaken in accordance with the Ozone Depleting Substances Regulations 2015] following a risk-based approach, including inspections on imports and exports of controlled substances as well as of products and equipment containing or relying on those substances. ^{F150} ...

^{F151}2

^{F152}3

4 ^{F153} ...

The [^{F154} appropriate regulator] shall take appropriate steps to protect the confidentiality of information obtained under this Article.

^{F155}5

Textual Amendments

F148 Words in Art. 28(1) 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, **28(2)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)

F149 Words in Art. 28(1) inserted (31.12.2020) by The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/583), regs. 1, **28(2)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

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- F150** Words in Art. 28(1) 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, **28(2)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F151** Art. 28(2) 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, **28(3)**; 2020 c. 1, Sch. 5 para. 1(1)
- F152** Art. 28(3) 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, **28(3)**; 2020 c. 1, Sch. 5 para. 1(1)
- F153** Words in Art. 28(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, **28(4)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F154** Words in Art. 28(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, **28(4)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F155** Art. 28(5) 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, **28(5)**; 2020 c. 1, Sch. 5 para. 1(1)

^{F156}Article 29 **U.K.**

Penalties

Textual Amendments

- F156** Art. 29 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, **29**; 2020 c. 1, Sch. 5 para. 1(1)

Textual Amendments

- F126** Ch. 7 heading 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, **24**; 2020 c. 1, Sch. 5 para. 1(1)

CHAPTER VIII **U.K.**

FINAL PROVISIONS

Article 30 **U.K.**

Repeal

Regulation (EC) No 2037/2000 shall be repealed as from 1 January 2010.

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table set out in Annex VIII.

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Article 31 **U.K.**

Entry into force

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2010.

F157
...

Textual Amendments

F157 Words in Signature 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, **30**; 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation:

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