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STATUTORY INSTRUMENTS

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**2019 No. 583**

The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2019

**PART 2** U.K.

Ozone-depleting substances

*SECTION 1*

*Amendment of subordinate legislation*

**The Ozone-Depleting Substances Regulations 2015** E+W+S

2. In the Ozone-Depleting Substances Regulations 2015<sup>M1</sup> omit regulation 3.

**Commencement Information**

- I1** Reg. 2 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

**Marginal Citations**

- M1** S.I. 2015/168.

*SECTION 2*

*Amendment and saving of retained direct EU legislation*

**Regulation (EC) No 1005/2009** U.K.

3. Regulation (EC) No 1005/2009 of the European Parliament and of the Council on substances that deplete the ozone layer is amended in accordance with regulations 4 to 30.

**Commencement Information**

- I2** Reg. 3 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

**Article 3 (definitions)** U.K.

- 4.—(1) Article 3 is amended as follows.

[<sup>F1</sup>(2) After paragraph 3 insert—

“(3A) ‘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;
- (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;”.]

(3) In paragraph 13, for “the Community” substitute “any part of [<sup>F2</sup>Great Britain]”.

(4) In paragraph 14 omit “and the Community”.

(5) In paragraph 17, for “a Member State” substitute “any part of [<sup>F3</sup>Great Britain]”.

[<sup>F4</sup>(6) In paragraph 18, for the words from “the customs territory of the Community” to the end substitute “Great Britain”.

(7) In paragraph 19, for the words from “the customs territory of the Community” to the end substitute “Great Britain of substances, products and equipment covered by this Regulation;”.]

(8) In paragraph 20—

- (a) for “the Community” in the first and third place it occurs substitute “any part of [<sup>F5</sup>Great Britain]”;
- (b) omit the words from “, and includes the release” to “Regulation (EC) No 450/2008”.

(9) After paragraph 25, insert—

“**25A** ‘third country’ means a country other than the United Kingdom [<sup>F6</sup>and for the purpose of Article 14 of this Regulation includes Northern Ireland];”.

#### Textual Amendments

- F1** Reg. 4(2) substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1616), regs. 1(2), **2(3)(a)**
- F2** Words in reg. 4(3) substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1616), regs. 1(2), **2(3)(b)**
- F3** Words in reg. 4(5) substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1616), regs. 1(2), **2(3)(b)**
- F4** Reg. 4(6)(7) substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1616), regs. 1(2), **2(3)(c)**
- F5** Words in reg. 4(8)(a) substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1616), regs. 1(2), **2(3)(d)**

**F6** Words in reg. 4(9) inserted (31.12.2020 immediately before IP completion day) by The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1616), regs. 1(2), 2(3)(e)

**Commencement Information**

**I3** Reg. 4 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

**Insertion of new Articles 3A and 3B** **U.K.**

5. After Article 3, insert—

*“Article 3A*

*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.

*Article 3B*

*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”.

**Commencement Information**

**I4** Reg. 5 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

**Article 7 (production, placing on the market and use of controlled substances as feedstock) U.K.**

- 6.—(1) Article 7 is amended as follows.
- (2) In paragraph 2, in the second subparagraph—
- (a) in the first sentence, for “Commission may” substitute “ appropriate authority may, by regulations,”;
  - (b) omit the second sentence.

**Commencement Information**

- I5** Reg. 6 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

**Article 8 (production, placing on the market and use of controlled substances as process agents) U.K.**

- 7.—(1) Article 8 is amended as follows.
- (2) In paragraph 3, in the second subparagraph—
- (a) in the first sentence, for “Commission may” substitute “appropriate authority may, by regulations,”;
  - (b) omit the second sentence.
- (3) In paragraph 4, in the first subparagraph—
- (a) for “Commission” substitute “appropriate authority”;
  - (b) omit “in accordance with the management procedure referred to in Article 25(2),”.
- (4) In paragraph 4, in the second subparagraph—
- (a) omit “maximum”;
  - (b) for “the Community shall not exceed 1 083 metric tonnes per year” substitute “any part of [F7Great Britain] shall not, when added to the amounts that may be used as process agents in the other parts of [F7Great Britain], exceed a maximum amount of [F8130.4] metric tonnes per year”;
  - (c) in the third subparagraph—
    - (i) omit “maximum”;
    - (ii) for “the Community shall not exceed 17 metric tonnes per year” substitute “any part of [F9Great Britain] shall not, when added to the amounts that may be used as process agents in the other parts of [F9Great Britain], exceed a maximum amount of [F102.0] metric tonnes per year”.
- (5) In paragraph 5, in the first subparagraph—
- (a) in the words before point (a), for “Commission shall” substitute “Secretary of State shall, by regulations”;
  - (b) omit the second subparagraph.

#### Textual Amendments

- F7** Words in reg. 7(4)(b) substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(4)(a)(i)**
- F8** Word in reg. 7(4)(b) substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(4)(a)(ii)**
- F9** Words in reg. 7(4)(c)(ii) substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(4)(b)(i)**
- F10** Word in reg. 7(4)(c)(ii) substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(4)(b)(ii)**

#### Commencement Information

- I6** Reg. 7 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

### Article 9 (placing on the market of controlled substances for destruction or reclamation and of products and equipment containing or relying on controlled substances for destruction) **U.K.**

8. In Article 9, for “the Community”, in each place it occurs, substitute “any part of [<sup>F11</sup>Great Britain]”.

#### Textual Amendments

- F11** Words in reg. 8 substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(5)**

#### Commencement Information

- I7** Reg. 8 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

### Article 10 (essential laboratory and analytical uses of controlled substances other than hydrochlorofluorocarbons) **U.K.**

9.—(1) Article 10 is amended as follows.

(2) In paragraph 2—

- (a) for “Commission” substitute “appropriate authority”;
- (b) omit “in accordance with the management procedure referred to in Article 25(2),”;
- (c) for “the Community” substitute “any part of [<sup>F12</sup>Great Britain]”.

(3) In paragraph 3—

- (a) in the second subparagraph—
  - (i) in the first sentence, for “Commission may” substitute “appropriate authority may, by regulations,”;

- (ii) omit the second sentence;
- (b) in the third subparagraph—
  - (i) in the second sentence, for “Commission may” substitute “appropriate authority may, by regulations,”;
  - (ii) omit the third sentence.
- (4) In paragraph 4, for “Commission” substitute “appropriate regulator”.
- (5) In paragraph 5, for “Commission”, in each place it occurs, substitute “appropriate regulator”.
- (6) In paragraph 6—
  - (a) in the first subparagraph, for “Commission” substitute “appropriate regulator”;
  - (b) in the second subparagraph, for “110 ODP tonnes” substitute “[F1313.2] ODP tonnes”;
  - (c) in the third subparagraph—
    - (i) in the first sentence, for “Commission” substitute “appropriate authority”;
    - (ii) after “importers” insert “and publish the determination”;
    - (iii) omit the second sentence.
- (7) In paragraph 7—
  - (a) in the first subparagraph, for the words from “competent authority” to “situated” substitute “appropriate authority”;
  - (b) omit the second subparagraph.
- (8) In paragraph 8—
  - (a) in the first subparagraph, for the words from “competent authority” to “situated” substitute “appropriate authority”;
  - (b) omit the second subparagraph.

#### Textual Amendments

- F12** Words in reg. 9(2)(c) substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(6)(a)**
- F13** Word in reg. 9(6)(b) substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(6)(b)**

#### Commencement Information

- I8** Reg. 9 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

### Article 11 (production, placing on the market and use of hydrochlorofluorocarbons and placing on the market of products and equipment containing or relying on hydrochlorofluorocarbons) **U.K.**

- 10.**—(1) Article 11 is amended as follows.
- (2) In paragraph 5, for “Commission” substitute “appropriate regulator”.
  - (3) In paragraph 8, in the first subparagraph—
    - (a) for “Commission” substitute “appropriate authority”;

- (b) omit the words from “, following a request” to “Article 25(2),”.

**Commencement Information**

- I9** Reg. 10 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

**Article 12 (quarantine and pre-shipment applications and emergency uses of methyl bromide) U.K.**

- 11.**—(1) Article 12 is amended as follows.
- (2) Omit paragraphs 1 and 2.
- (3) In paragraph 3—
- (a) from the words “Commission” to “Member State,” substitute “appropriate authority may”;
- (b) for “Directive 91/414/EEC and Directive 98/8/EC” substitute “ Regulation (EC) 1107/2009 and Regulation (EU) 528/2012 ”.

**Commencement Information**

- I10** Reg. 11 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

**Article 13 (critical uses of halons and decommissioning or equipment containing halons) U.K.**

- 12.**—(1) Article 13 is amended as follows.
- (2) In paragraph 1, for “competent authority of the Member State concerned” substitute “ appropriate regulator ”.
- (3) In paragraph 2—
- (a) in the first subparagraph, for the words from “Commission” to “modifications and” substitute “ appropriate authority shall review Annex 6 and, if appropriate, make regulations to amend Annex 6 and set ”;
- (b) omit the second subparagraph.
- (4) In paragraph 4, for the words from “Commission may” to “Article 25(2),” substitute “ appropriate authority may, by regulations ”.

**Commencement Information**

- I11** Reg. 12 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

**Article 14 (transfer of rights and industrial rationalisation) U.K.**

- 13.**—(1) Article 14 is amended as follows.
- (2) In paragraph 1—
- (a) for “the Community” substitute “any part of [F14Great Britain]”;
- (b) for “Commission” substitute “appropriate regulator”.

- (3) In paragraph 2—
- (a) in the first sentence—
- (i) for the words from “competent authority” to “situated” substitute “appropriate authority”;
- [<sup>F15</sup>(ii) for “the Member State concerned” substitute “Great Britain”];
- (iii) omit “of that Member State”;
- (iv) omit “its”;
- (b) omit the final sentence.
- (4) Omit paragraph 3.
- (5) In paragraph 4—
- (a) for “Commission may” substitute “Secretary of State may, by regulations,”;
- (b) omit the words from “both” to “situated and”;
- [<sup>F16</sup>(c) for “Community” substitute “Great Britain”].

#### Textual Amendments

- F14** Words in [reg. 13\(2\)\(a\)](#) substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), [2\(7\)\(a\)](#)
- F15** [Reg. 13\(3\)\(a\)\(ii\)](#) substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), [2\(7\)\(b\)](#)
- F16** [Reg. 13\(5\)\(c\)](#) substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), [2\(7\)\(c\)](#)

#### Commencement Information

- I12** [Reg. 13](#) in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see reg. 1

### Article 15 (imports of controlled substances or of products and equipment containing or relying on controlled substances) **U.K.**

- 14.—(1) Article 15 is amended as follows.
- (2) In paragraph 2(g), for “competent authority of the Member State concerned” substitute “appropriate regulator”.
- (3) In paragraph 3—
- [<sup>F17</sup>(a) for “the customs territory of the Community”, in each place it occurs, substitute “Great Britain”];
- (b) for “as referred to in Regulation [\(EC\) No 450/2008](#)” substitute “under the Taxation (Cross-border Trade) Act 2018 <sup>M2</sup>”;
- (c) for “the Community” substitute “any part of [<sup>F18</sup>Great Britain]”;
- (d) for “Commission” substitute “Environment Agency”.



#### Textual Amendments

- F17** Reg. 14(3)(a) substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(8)(a)**
- F18** Words in reg. 14(3)(c) substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(8)(b)**

#### Commencement Information

- I13** Reg. 14 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

#### Marginal Citations

- M2** [2018 c. 22.](#)

### Article 16 (release for free circulation in the Community of imported controlled substances) **U.K.**

- 15.—(1) Article 16 is amended as follows.
- (2) In the heading, for “the Community” substitute “any part of [<sup>F19</sup>Great Britain]”.
- (3) In paragraph 1, in the first subparagraph—
- (a) for “the Community” substitute “any part of [<sup>F20</sup>Great Britain]”;
- (b) for “Commission” substitute “appropriate regulator”;
- (c) for “1 January 2010 to 31 December 2010” substitute “the day after that on which [<sup>F21</sup>IP completion day] falls to 31 December [<sup>F22</sup>2021]”;
- (d) omit the words from “in accordance” to the end of the sentence.
- (4) In paragraph 2, for “Commission”, in each place it occurs, substitute “appropriate regulator”.

#### Textual Amendments

- F19** Words in [reg. 15\(2\)](#) substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(9)(a)**
- F20** Words in [reg. 15\(3\)\(a\)](#) substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(9)(b)**
- F21** Words in [reg. 15\(3\)\(c\)](#) substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(9)(c)(i)**
- F22** Word in [reg. 15\(3\)\(c\)](#) substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(9)(c)(ii)**

#### Commencement Information

- I14** Reg. 15 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

**Article 17 (export of controlled substances or of products and equipment containing or relying on controlled substances) U.K.**

16.—(1) Article 17 is amended as follows.

(2) In paragraph 2(e), for “competent authority of a Member State” substitute “appropriate regulator”.

(3) In paragraph 3—

(a) for the words from “Commission may” to “Article 25(2)” substitute “Secretary of State may,”;

(b) for “Commission” substitute “Secretary of State”.

(4) In paragraph 4—

(a) for “re-exports” substitute “non-domestic goods”;

[<sup>F23</sup>(b) for “the customs territory of the Community” substitute “Great Britain”];

(c) for “as referred to in Regulation (EC) No 450/2008” substitute “in accordance with the applicable provisions of the Taxation (Cross-border Trade) Act 2018”;

(d) for “re-export” substitute “export”;

(e) for “Commission” substitute “Environment Agency”.

**Textual Amendments**

**F23** Reg. 16(4)(b) substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(10)**

**Commencement Information**

**I15** Reg. 16 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see reg. 1

**Article 18 (licensing of imports and exports) U.K.**

17.—(1) Article 18 is amended as follows.

(2) In paragraph 1, for “Commission” substitute “Environment Agency”.

(3) In paragraph 3(i), for “competent authority of a Member State” substitute “Environment Agency”.

(4) In paragraphs 4 to 6, for “Commission”, in each place it occurs, substitute “Environment Agency”.

(5) Omit paragraph 7.

(6) In paragraph 8—

(a) for “Commission” substitute “Environment Agency”;

(b) omit “and the Member State concerned”.

(7) In paragraph 9—

(a) in the first sentence, for “Commission may” substitute “Secretary of State may, by regulations,”;

(b) omit the second sentence.

#### Commencement Information

**I16** Reg. 17 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1

### Article 19 (measures for monitoring of illegal trade) **U.K.**

**18.** In Article 19—

(a) in the first paragraph—

(i) for “Commission may adopt” substitute “appropriate authority may, by regulations, provide”;

[<sup>F24</sup>(ii) for “the customs territory of the Community” substitute “Great Britain”];

(b) omit the second paragraph.

#### Textual Amendments

**F24** Reg. 18(a)(ii) substituted (31.12.2020 immediately before IP completion day) by *The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1616)*, regs. 1(2), **2(11)**

#### Commencement Information

**I17** Reg. 18 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1

### Article 20 (trade with a State not party to the Protocol and a territory not covered by the Protocol) **U.K.**

**19.**—(1) Article 20 is amended as follows.

(2) In paragraph 2, in the first sentence—

(a) for “Commission may adopt rules applicable” substitute “appropriate authority may make regulations in relation”;

(b) for “the Community” substitute “any part of [<sup>F25</sup>Great Britain]”;

(c) omit the third sentence.

(3) In paragraph 3—

(a) in the first sentence, for “Commission” substitute “Secretary of State”;

(b) omit the second sentence.

(4) In paragraph 4—

(a) in the second subparagraph, for “Commission” substitute “Secretary of State”;

(b) omit the third subparagraph.

#### Textual Amendments

**F25** Words in reg. 19(2)(b) substituted (31.12.2020 immediately before IP completion day) by *The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1616)*, regs. 1(2), **2(12)**

#### Commencement Information

**I18** Reg. 19 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

### Article 21 (list of products and equipment containing or relying on controlled substances) **U.K.**

20. Omit Article 21.

#### Commencement Information

**I19** Reg. 20 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

### Article 22 (recovery and destruction of used controlled substances) **U.K.**

21.—(1) Article 22 is amended as follows.

(2) In paragraph 2, omit “Community and national”.

(3) In paragraph 3—

(a) in the first subparagraph, for “Commission may” substitute “ appropriate authority may, by regulations, ”;

(b) omit the second subparagraph.

(4) In paragraph 4—

(a) in the second subparagraph—

(i) in the first sentence, for “Commission shall” substitute “ appropriate authority shall, by regulations, ”;

(ii) in the second sentence, for “Any draft measure to establish such an Annex shall” substitute “ Such regulations shall ”;

(iii) in the second sentence, omit the words from “taking into account the individual circumstances of Member States”;

(b) omit the third subparagraph.

(5) In paragraph 5—

(a) in the first paragraph, for “Member States” substitute “ The appropriate authority ”;

(b) in the second subparagraph—

(i) for “Commission shall evaluate the measures taken by the Member States” substitute “ appropriate authority shall evaluate such measures ”;

(ii) for “adopt measures” substitute “ make regulations ”;

(c) omit the third subparagraph.

#### Commencement Information

**I20** Reg. 21 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

## Article 23 (leakages and emissions of controlled substances) **U.K.**

22.—(1) Article 23 is amended as follows.

(2) In paragraph 3, for “competent authority of a Member State and to the Commission” substitute “appropriate regulator”.

(3) In paragraph 4, in the first subparagraph—

(a) in the first sentence, for “Member States” substitute “The appropriate authority”;

(b) in the second sentence—

(i) omit “taken by the Member States”;

(ii) for “Commission may adopt measures” substitute “appropriate authority may make regulations”;

(iii) omit the second subparagraph.

(4) In paragraph 7—

(a) in the first subparagraph, for “Commission may” substitute “appropriate authority may, by regulations,”;

(b) omit the second subparagraph.

### Commencement Information

**I21** Reg. 22 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1

## Article 24 (new substances) **U.K.**

23.—(1) Article 24 is amended as follows.

(2) In paragraph 1—

[<sup>F26</sup>(a) for “the customs territory of the Community” substitute “Great Britain, to exports subsequent to imports already exempted”];

(b) for the words from “as referred to in Regulation (EC) No 450/2008” to the end of the sentence substitute “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.”.

(3) In paragraph 2—

(a) in the first subparagraph, for “Commission shall” substitute “appropriate authority shall, by regulations”;

(b) omit the second subparagraph.

(4) In paragraph 3—

(a) in the first sentence, for “Commission shall” substitute “appropriate authority shall, by regulations”;

(b) omit the second sentence.

**Changes to legislation:** There are currently no known outstanding effects for the The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2019, PART 2. (See end of Document for details)

**Textual Amendments**

**F26** Reg. 23(2)(a) substituted (31.12.2020 immediately before IP completion day) by The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1616), regs. 1(2), **2(13)**

**Commencement Information**

**I22** Reg. 23 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1

**Amendment of heading for Chapter 7 U.K.**

**24.** For the heading substitute “ Functions, Regulations, Reporting and Inspection ”.

**Commencement Information**

**I23** Reg. 24 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1

**Article 25 (committee) U.K.**

**25.** For Article 25 substitute—

*“Article 25  
Functions*

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; [<sup>F27</sup>and]
  - (b) on the Welsh Ministers is exercisable only so far as it is exercisable within devolved competence in or as regards Wales[<sup>F28</sup>.]
  - <sup>F29</sup>(c) .....
  
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; [<sup>F27</sup>and]
  - (b) on a person or body by virtue of a direction of the Welsh Ministers is exercisable only in or as regards Wales[<sup>F28</sup>.]
  - <sup>F29</sup>(c) .....
  
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<sup>F30</sup>.]

<sup>F29</sup>(c) .....

*Article 25A*

*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.

*Article 25B*

*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.

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.

*Article 25C*

*Exercise of functions: Northern Ireland*

F31 1. ....

F31 2. ....

F31 3. ....

F31 4. ....

*Article 25D*

*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<sup>M3</sup>.

F32 3. ....

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).

F32 7. ....

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

- F27** Word in reg. 25 inserted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(14)(a)(i)**
- F28** Full stop in reg. 25 substituted for semicolon (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(14)(a)(ii)**
- F29** Words in reg. 25 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(14)(a)(iv)**
- F30** Full stop in reg. 25 substituted for semicolon (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(14)(a)(iii)**
- F31** Words in reg. 25 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(14)(b)**
- F32** Words in reg. 25 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(14)(c)**

#### Commencement Information

- I24** Reg. 25 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

#### Marginal Citations

- M3** [2010 asp 10.](#)

### Article 26 (reporting by the Member States) **U.K.**

26.—(1) Article 26 is amended as follows.

(2) In the heading omit “by the Member States”.

(3) In paragraph 1—

<sup>F33</sup>(a) for “Each year by 30 June Member States” substitute “By 30 June 2022, and by 30 June of each year thereafter, the appropriate authority”];

(b) omit “in an electronic format to the Commission”.

(4) For paragraph 2 substitute—

“2. The appropriate authority shall publish a report under paragraph 1 in a manner which the appropriate authority considers appropriate.”

(5) In paragraph 3—

- (a) in the first subparagraph, for “Commission may” substitute “ Secretary of State may, by regulations,”;
- (b) omit the second subparagraph.

#### Textual Amendments

**F33** Reg. 26(3)(a) substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(15)**

#### Commencement Information

**I25** Reg. 26 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see reg. 1

### Article 27 (reporting by undertakings) **U.K.**

27.—(1) Article 27 is amended as follows.

[<sup>F34</sup>(2) In paragraph 1, for the words from “Each year” to “concerned,” substitute “By 31 March 2022, and by 31 March each year thereafter, each undertaking must communicate to the appropriate regulator”.]

(3) In paragraphs 2(b), (c) and (h), for “the Community” substitute “any part of [<sup>F35</sup>Great Britain]”.

(4) In paragraphs 3(a) and (e), for “the Community” substitute “any part of [<sup>F36</sup>Great Britain]”.

(5) In paragraph 4(c), for “the Community” substitute “any part of [<sup>F37</sup>Great Britain]”.

(6) In paragraph 7—

[<sup>F38</sup>(a) for the words from “Each year” to “concerned,” substitute “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”];

(b) for “the Community” substitute “any part of [<sup>F39</sup>Great Britain]”.

(7) In paragraph 8, for “Commission” substitute “appropriate regulator”.

(8) For paragraph 9 substitute—

“9. The Secretary of State may determine the format of the reports referred to in paragraphs 1 to 7 and publish the determination.”

(9) In paragraph 10—

(a) in the first subparagraph, for “Commission may” substitute “appropriate authority may, by regulations,”;

(b) omit the second subparagraph.

#### Textual Amendments

**F34** Reg. 27(2) substituted (31.12.2020 immediately before IP completion day) by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(16)(a)**

- F35** Words in reg. 27(3) substituted (31.12.2020 immediately before IP completion day) by The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1616), regs. 1(2), **2(16)(b)**
- F36** Words in reg. 27(4) substituted (31.12.2020 immediately before IP completion day) by The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1616), regs. 1(2), **2(16)(b)**
- F37** Words in reg. 27(5) substituted (31.12.2020 immediately before IP completion day) by The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1616), regs. 1(2), **2(16)(b)**
- F38** Reg. 27(6)(a) substituted (31.12.2020 immediately before IP completion day) by The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1616), regs. 1(2), **2(16)(c)(i)**
- F39** Words in reg. 27(6)(b) substituted (31.12.2020 immediately before IP completion day) by The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1616), regs. 1(2), **2(16)(c)(ii)**

#### Commencement Information

- I26** Reg. 27 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1

#### Article 28 (inspection) **U.K.**

- 28.**—(1) Article 28 is amended as follows.
- (2) In paragraph 1—
- (a) in the first sentence—
- (i) omit “Member States shall conduct” and begin the sentence with “Inspections”;
- (ii) between the words “Regulation,” and “following” insert “ shall be undertaken in accordance with the Ozone Depleting Substances Regulations 2015 ”;
- (b) omit the second sentence.
- (3) Omit paragraphs 2 and 3.
- (4) In paragraph 4—
- (a) omit the first subparagraph;
- (b) in the second subparagraph, for “Commission” substitute “ appropriate regulator ”.
- (5) Omit paragraph 5.

#### Commencement Information

- I27** Reg. 28 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1

#### Article 29 (penalties) **U.K.**

- 29.** Omit Article 29.

**Commencement Information**

**I28** Reg. 29 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

**Words after Article 31 (entry into force) U.K.**

**30.** After Article 31, omit the words from “This Regulation” to “Member States”..

**Commencement Information**

**I29** Reg. 30 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

**Commission Decision 2010/372/EU U.K.**

**31.** Commission Decision 2010/372/EU on the use of controlled substances as process agents under Article 8(4) of Regulation [\(EC\) No 1005/2009](#) of the European Parliament and of the Council is revoked.

**Commencement Information**

**I30** Reg. 31 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

**Commission Regulation (EU) No 291/2011 U.K.**

**32.—(1)** Notwithstanding the amendment of Article 10(2) of Regulation 1005/2009, Commission Regulation (EU) No 291/2011 on essential uses of controlled substances other than hydrochlorofluorocarbons for laboratory and analytical purposes in the Union under Regulation [\(EC\) No 1005/2009](#) of the European Parliament and of the Council on substances that deplete the ozone layer continues to apply.

(2) In Commission Regulation 291/2011, after Article 2 omit the words “This Regulation shall be binding in its entirety and directly applicable in all Member States”.

**Commencement Information**

**I31** Reg. 32 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

**Commission Regulation (EU) No 537/2011 U.K.**

**33.** In Commission Regulation (EU) No 537/2011 on the mechanism for the allocation of quantities of controlled substances allowed for laboratory and analytical uses in the Union under Regulation [\(EC\) No 1005/2009](#) of the European Parliament and of the Council on substances that deplete the ozone layer—

- (a) after Article 2 omit the words “This Regulation shall be binding in its entirety and directly applicable in all Member States”;
- (b) in the second subparagraph of paragraph 1 of the Annex, for “110” substitute “ 13.6 ”.

**Commencement Information**

**I32** Reg. 33 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1

**The EEA agreement** **U.K.**

**34.** In Annex 20 to the EEA agreement, omit point 21 aa.

**Commencement Information**

**I33** Reg. 34 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1

**Changes to legislation:**

There are currently no known outstanding effects for the The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2019, PART 2.