

## OZONE-DEPLETING SUBSTANCES REGULATIONS 2015 (SI 2015 NO. 168)

### Introduction

These Regulations create a UK enforcement regime (offences/penalties) as well as specific UK competencies required by **Regulation (EC) 1005/2009**.

The Regulations replace and consolidate the **Environmental Protection (Controls on Ozone-Depleting Substances) Regulations 2011** and the **Ozone-Depleting Substances (Qualifications) Regulations 2009**.

Amongst other things, **Regulation (EC) 1005/2009** implements the Montreal Protocol. The UK enforcement Regulations apply the usual range of sanctions, which will not be described here. Instead, we outline the basic thrust of the EU Regulation which they empower the UK authorities and courts to enforce.

The **Ozone-Depleting Substances Regulations 2015** also describe the competencies required for persons who work on the reclamation or destruction of Ozone-Depleting Substances (ODSs) and the prevention and minimisation of leakage of ODSs. For example, those who carry out service and maintenance of air-conditioning containing ODSs must hold a City and Guilds Certificate in Handling Refrigerants Scheme 2078 or Construction Industry Training Board Safe Handling of Refrigerants (J01) or other listed qualification.

### Main Requirements of Regulation (EC) 1005/2009

The main requirements relate to the phase-out of 'controlled substances' (listed in Annex I of the Regulation). These are the principal ozone-depleting substances such as chlorofluorocarbons, halons, carbon tetrachloride, methyl bromide, hydrochlorofluorocarbons, 1,1,1-trichloroethane and so on. The production, placing on the market, import, export and use of controlled substances is generally prohibited, as is the placing on the market of products or equipment containing such substances. There are, however, some exemptions where continued use is permitted:

- ◆ Substances whose use is specifically authorised by the authorities (under Article 10 or Article 13 procedure). Article 10 relates to essential laboratory and analytical use (excludes hydrochlorofluorocarbons – covered separately). Article 13 relates to critical uses of halons.
- ◆ Controlled substances used as feedstock (i.e. used as a raw material in a chemical process and completely transformed by it and whose emissions are insignificant).
- ◆ Controlled substances used as process agents (but only for certain applications listed in Annex III).
- ◆ Controlled substances/equipment/products placed on the market for the purposes of destruction or reclamation.
- ◆ Hydrochlorofluorocarbons can be produced in limited quantities with annual reductions and final phase-out December 2019.
- ◆ Methyl bromide – for certain critical uses.