

REGULATION
on the Control and Management of Substances that Deplete
the Ozone Layer

Chapter One
GENERAL PROVISIONS

Article 1. The present Regulation shall determine:

1. the terms and conditions for permitting the Import and Export of Ozone Depleting Substances (ODS), hereafter called Substances.
2. the Import and Export of products and appliances operating with, containing or manufactured with the Substances under paragraph. 1.
3. the terms and conditions for the Control on the placement into the market, use, collecting and storage, recycling, recovery and destruction of Ozone Depleting Substances.
4. the terms and conditions for controlling the use of products and appliances operating with, containing or manufactured with Ozone Depleting substances.

Article 2. Import and Export permission of Ozone Depleting Substances shall concern legal entities and single merchants in their role as importers and exporters, hereafter called Applicants.

Article 3.

(1) Substances, contained in refrigerating and air conditioning installations, heat pumps, solvent containing installations, fire safety systems and fire extinguishers shall be collected and stored with the purpose of either being destroyed or recovered/recycled and reused for servicing and maintenance.

(2) Collecting and storage, recovery, recycling and destruction of Ozone Depleting Substances shall be carried out by legal entities and single merchants, hereafter called Processing Entity.

(3) The personnel of the Processing Entity under paragraph. 2 shall have:

1. higher technical education;
2. Certificate for acquired qualification training for the activities under paragraph 1;
3. at least a three-year working experience with the installations under paragraph. 1.

Article 4.

(1) Recovery/ recycling activities under Article 3 shall be done at specific Recovery/recycling Stations.

(2) Stations, carrying out activities under paragraph. 1 must:

1. be enclosed structures of I and II fire safety degree, compliant to Regulation No.2 - 'Costruction and Technical Fire Safety Standards' of May 5th, 1994, SG issn. 58/1987; am. and add. SG issn. 33/1994.
2. meet fire safety requirements, in compliance with Article 773 of the Regulation under paragraph. 1.

Chapter Two Import and Export Permits

Article 5. In order to acquire a permission for Import, the Applicant shall submit to the Ministry of Environment and Water (MOEW) four copies of filled in Import Permit Application Forms – **Annex 1**, signed either by the Applicant, or an authorized representative and sealed (if single merchant).

Article 6. In order to acquire a permission for Export, the Applicant shall submit to the Ministry of Environment and Water (MOEW) four copies of filled in Export Permit Application Forms – **Annex 2**, signed either by the Applicant, or an authorized representative and sealed (if single merchant).

Article 7. (1) The following documents shall accompany the Applications under paragraphs. 5 and 6:

1. Declaration form – **Annex 3/ Annex 4**;
2. Copies of the following documents, accompanied by their translation in Bulgarian shall be submitted: safety certificate (safety precaution lists); or certificate for relevant product safety assessment; and/or a certificate for product quality and an ISO 9000 quality based system certificate;
3. Documents for taxes paid in accordance with Decree of the Council of Ministers No. 132 of 1997, adopting a tax tariff, collectable by the Ministry of Environment and Water (SG issn. 28 of 1997; am. and add. issn. 54 of 1997 and issn. 101 of 1998);
4. A written opinion by the Regional Inspection for Environment and Water (RIEW) on whose territory Applicant company or storehouse is located.
(2) The first signed and sealed copy of the form is submitted to the Applicant.

Article 8. The Applicant shall submit to the Regional Inspection for Environment and Water the following documents:

1. either a copy of the foreign trade contract or pro-forma invoice, or import order confirmation;
2. both a copy of the original product quality certificate and its translation in Bulgarian;
3. a positive outcome of the environmental impact assessment for either using and/or processing industries under Chapter 4 requirements of the Environment Protection Act.

Article 9. (1) Import Permits under Article 5 shall be issued by the Minister of Environment and Water within 15 working days from the date documents under Articles 5 and 7 have been submitted at the Ministry of Environment and Water.

(2) Within 7 days the Applicant shall fill in omissions in submitted under Articles 5 and 7 documents.

(3) The Permit under paragraph. 1 shall be valid till the end of the calendar year in which it has been issued.

Article 10. (1) Export Permits under Article 5 shall be issued by the Minister of Environment and Water within 15 working days from the date documents under Articles 5 and 7 have been submitted at the Ministry of Environment and Water.

(2) The Applicant shall be requested to fill in omissions in submitted under Articles 5 and 7 documents within 7 days.

(3) The Permit under paragraph. 1 shall be valid till the end of the calendar year in which it has been issued.

Article 11. (1) The Applicant must acquire the permit under Article 9 or Article 10 before delivery of the goods in or out of the Republic of Bulgaria.

(2) The Applicant must take all precautionary measures against leakage of Ozone Depleting Substances.

(3) The Applicant must ensure labeling in Bulgarian of each imported or exported package of Substances. The label shall consist of information referring to the Ozone Depleting Substances, such as:

1. Trade name of ODS;
2. Chemical composition of ODS;
3. Customs Code, listed in column 6 of Annex 1 to Article 1 of present Decree and in column 6 of Annex 4 to Article 3 of this Decree;
4. Hazard symbols and signs, in conformity with the International classification;
5. Human health and environmental hazard and safety requirements;
6. Storage conditions;
7. Total mass (volume) of the Substances in the package;
8. Expiry date;
9. Data about the producer, importer or exporter and distributor.

Article 12. (1) The Minister of Environment and Water shall refuse to issue a permit under Article 9 and Article 10 whenever:

1. the Applicant has failed to correct unfilled omissions pursuant to Article 9 paragraph 2 or Article 10 paragraph 2;
2. the request for import/export is in violation with the provisions of Article 2 paragraph 1, Article 3 paragraph 1 and Article 4 paragraph 1 to present Decree.

(2) Justification of the refusal under paragraph 1 is given in writing.

(3) Refusals under paragraph 1 are subject to appeal in accordance with the legal provisions of the Act for Administrative Proceedings.

Article 13. In cases of refusal, the Ministry of Environment and Water shall give the Applicant back the documents and shall archive the refusal, along with a copy of mentioned documents.

Chapter Three **CONTROL**

Article 14. (1) The import and export of Ozone Depleting Substances, as well as of products and appliances operating with, containing or manufactured with such Substances is allowed only through specified in present Regulation Customs houses and Customs Control Stations to the Regional Customs Departments (RCD), having been equipped with special equipment for detecting and identification of Ozone Depleting Substances.

(2) Customs and Customs Control Stations under paragraph 1 are as follows:

1. Bourgas	RCD	Code 1999
• Bourgas	Customs	1000
• Harbour	Customs Control Station	1001
• Malko Tarnovo	Customs Control Station	1003
2. Varna	RCD	Code 2999
• Varna	Customs	2000
• Varna harbour	Customs Control Station	2005
• Iovkovo	Customs Control Station	2104
3. Plovdiv	RCD	Code 3999
• Plovdiv	Customs	3000
• Kapitan Andreevo	Customs Control Station	3103
• Novo Selo	Customs Control Station	3105
4. Rousse	RCD	Code 4999
• Rousse	Customs	4000
• Dunav-most	Customs Control Station	4001
• Bregovo	Customs Control Station	4102
• Ferriboat-Katamarani	Customs Control Station	4105
• Vrashka Chuka	Customs Control Station	4109
• Silistra	Customs	4400
5. Sofia	RCD	Code 5999
• Sofia	Customs	5000
• Kalotina	Customs	5300
• Gueshevo	Customs Control Station	5501
• Kulata	Customs	5400

Article 15. (1) When importing or exporting Substances, a copy of the Permit under Article 9 or Article 10 of this Regulation shall be thereto attached to the customs declaration.

- (2) When importing or exporting either products or appliances operating with, containing or manufactured with Ozone Depleting Substances, only a document specifying the type of Substances per type of goods, including those installed in the transportation vehicle itself, is attached to the customs declaration.

Chapter Four

INFORMATION ABOUT THE OZONE DEPLETING SUBSTANCES

Article 16. The Ministry of Environment and Water shall compile, maintain and annually update an informational data base of the Ozone Depleting Substances, encompassing also the quantities used and contained in both products and appliances, existing on the territory of the Republic of Bulgaria.

Article 17. (1) The Applicant shall make an annual report on the ODS.

(2) The report under paragraph 1 shall contain the following information:

1. Company or name, State commercial register code and address of the legal entity; name and address of the single merchant, personal identification code and the telephone and fax of the head office for all Applicants;
2. ODS type and quantity (virgin, recycled, recovered);
3. The country from which the ODS is imported or exported to;
4. Data regarding ODS recipient, including the name, address, telephone and fax of the head office, and of the subdivisions which are end users;
5. ODS type and stock quantities, remaining in storehouses as of December 30 of current year;
6. The addresses of places under item 5 where these quantities are stored;
7. A draft proposal about the type and quantities of ODS to be imported or exported during the following year.

Article 18. (1) The User shall make an annual report on the ODS.

(2) The report under paragraph 1 shall contain the following information:

1. Company or name, State commercial register code and address of the legal entity; name and address of the single merchant, personal identification code and the telephone and fax of the head office for all Users;
2. ODS type and purchased quantities (virgin, recycled, recovered);
3. Purpose of use (production, maintenance, service);

4. Description of the type of product manufactured with ODS (for production);
5. Kind, type and year of delivery of the equipment or installation for which ODS is procured (for maintenance and service);
6. ODS type and stock quantities, remaining in storehouses as of December 30 of current year, including those contained in the stored ready products;
7. The addresses of places under item 5 and item 6;
8. A draft proposal about the type and quantities of ODS to be used during the following year, the quantities needed for production and for maintenance and service are to be reported separately.

Article 19. (1) The Processing entity shall make an annual report on the ODS.

(2) The report under paragraph 1 shall contain the following information:

1. Company or name, State commercial register code and address of the legal entity; name and address of the single merchant, personal identification code and the telephone and fax of the head office for all Users;
2. Processed ODS type and quantities;
3. Processing method (recycling, recovery);
4. Address of the ODS User, from whom the ODS is taken for cleaning;
5. ODS type and stock quantities, remaining in storehouses as of December 30 of current year (recycled or recovered quantities and contaminated quantities are reported separately);
7. The addresses of places under item 5.

Article 20. All reports under Article 17, 18 and 19 shall be submitted to the relevant Regional Inspection for Environment and Water on whose territory the ODS are located not later than 15th February of the current year and shall refer to the period 1st January till 31st December of the previous year.

Article 21. (1) RIEW shall make summarised reports per Substances for the territories, which are within the range of their authority.

(2) The summarised report under paragraph 1 shall contain the following information:

1. Company or name, State commercial register code and address of the legal entity; name and address of the single merchant, personal identification code and the telephone and fax of the head office for all ODS Importers;

2. Company or name, State commercial register code and address of the legal entity; name and address of the single merchant, personal identification code and the telephone and fax of the head office of all ODS Exporters;
3. Company or name, State commercial register code and address of the legal entity; name and address of the single merchant, personal identification code and the telephone and fax of the head office of all ODS Users, separately of those, that use ODS in production and those, that use ODS for maintenance and service activities;
4. ODS type, quantity and country from which the ODS has been imported to;
5. ODS type, quantity and country to which the ODS has been exported to;
6. Type and quantities of recovered/recycled ODS, reported separately for the different recovery/recycling stations under paragraph 5 of this Regulation;
7. ODS type and stock quantities, remaining in storehouses as of December 30 of current year, including imported quantities, quantities for export or use;
8. ODS type and stock quantities, remaining in storehouses as of December 30 of current year, reported separately for each of the stations under paragraph 5;
9. Addresses of the storehouses where the ODS are stored, reported separately by each of the personae under paragraphs 1, 2, 3 and 6;
10. ODS type and quantities requested for import, export and use throughout current year.

(3) All reports under paragraph 1 shall be submitted to the Ministry of Environment and Water not later than 1st April of the current year and shall refer to the period 1st January till 31st December of the previous year.

Article 22. (1) Customs Headquarters shall prepare information regarding ODS, products and appliances operating with, containing or manufactured with ODS that have crossed country border.

(2) The information under paragraph 1 shall comprise of data referring to the Importer/Exporter, type and quantities of the goods and the country from which/to which the goods has been imported/exported.

(3) The information under paragraph 1 shall be submitted to the Ministry of Environment and Water biannually, but not later than three months after the past half year.

Article 23. (1) The Ministry of Environment and Water shall make a generalized report of the Substances that Deplete the Ozone Layer.

(2) The report under paragraph 1 shall contain the following information:

1. Company or name, State commercial register code and address of the legal entity; name and address of the single merchant, personal identification code and the telephone and fax of the head office for all ODS Importers;

2. Company or name, State commercial register code and address of the legal entity; name and address of the single merchant, personal identification code and the telephone and fax of the head office of all ODS Exporters;
 3. Company or name, State commercial register code and address of the legal entity; name and address of the single merchant, personal identification code and the telephone and fax of the head office of all ODS Users, employing ODS in either the production process, for maintenance or service activities;
 4. ODS type and quantities, that have entered the territory of the country, separately for each country from which the ODS has been imported;
 5. ODS type and quantities, that left the territory of the country, separately for each country to which the ODS has been exported to;
 6. Type and quantities of products and appliances operating with, containing or manufactured with such Substances, that have been taken out of the territory of the country;
 7. Type and quantities of Substances used on the territory of the country;
 8. Type and quantities of ODS processed on the territory of the country, reported separately for the recovered substances and the recycled such;
 9. ODS type and stock quantities available on country territory, remaining in storehouses as of December 30 of reported year, as the address of each location is given separately for the persons under paragraph 1, 2, 3 and 4;
 10. ODS type and quantities, requested for import, export and use throughout the following year, for the entire country in general;
 11. The calculated level of any Substance, available on the territory of the country.
- (3) The report under paragraph 1 shall refer to the period 1st January till 31st December of the previous year.

ADDITIONAL PROVISION

§ 1. The following terms shall have the following meaning under this Regulation:

1. **‘Ozone Depleting Substances’** are such substances and their mixtures that have an indisputably negative effect on the condition of the Ozone Layer and listed in Annex I and 4 to the present Decree.
2. **‘Chlorofluorocarbons – (CFCs)’** are ozone depleting substances and their isomers, listed in Annex 1 Group to the present Decree.
3. **‘Other Fully Halogenated Chlorofluorocarbons’** are ozone depleting substances and their isomers, listed in Annex 1 Group II to the present Decree.

4. **‘Halons’** are ozone depleting substances and their isomers, listed in Annex 1 Group III to Article 2 of the present Decree.
5. **‘Tetrachloromethane’** is an ozone depleting substance, listed in Annex 1 Group IV to the present Decree.
6. **‘1,1,1-trichloroethane (Methyl Chloroform)’** is an ozone depleting substance, listed in Annex 1 Group V to the present Decree.
7. **‘methyl bromide’** is an ozone depleting substance, listed in Annex 4 Group VI to the present Decree.
8. **‘hydrobromofluorocarbons’** are ozone depleting substances and their isomers, listed in Annex 1 Group VII to the present Decree.
- 9 **‘hydrochlorofluorocarbons’** are ozone depleting substances and their isomers, listed in Annex 4 Group VIII to the present Decree.
10. **‘The Ozone Depleting Potential’** of a given substance is the specific value, given in column five of Annexes 1 and 4 to the present Decree, expressing the eventual impact any substance may have on the Ozone Layer.
11. **‘calculated level’** is calculated by multiplying the Ozone Depleting Substance quantity by its Ozone Depleting Potential for each group separately.
12. **‘placement into the market’** is supplying or ensuring access of third parties to either ODS substances against payment or free of charge, or products and appliances operating with, containing or manufactured with such substances.
13. **‘Use’** means using ODS either in production, or for maintenance and service activities, as well as in other processes, but not as a raw material.
14. **‘Recycling’** is filtering and drying of collected and stored ODS for reuse.
15. **‘Recovery’** is secondary processing and cleaning of collected and stored ODS by filtering, drying, distillation and chemical decontamination to a specific quality requirement, ensuring its regular use.
16. **‘Processing Entity’** is any legal entity or a single merchant, who undertakes to recycle or recover the Ozone Depleting Substances, in order to either place them on the market or use the ODS for production or commercial purposes.
17. **‘User’** is any legal entity or a single merchant, using ODS either in the production process, or for maintenance and service activities, as well as in other processes, related to his activity.
18. **‘Montreal Protocol on Substances that Deplete the Ozone Layer’** is the Protocol, signed in 1987 in Montreal to the Vienna Convention for the Protection of the Ozone Layer (Ratified on 17th October 1989, Entered in Force on 18th February 1991) and its Amendments of 1990 and 1992

(Ratified on 13th May 1998, Entered in Force on 27th July 1999) and 1997 (Ratified on 23rd September 1999), published in the State Gazette issn.71/1998.

19. For the purposes of Article 15 paragraph 2, **‘Document’** shall mean any goods accompanying document, in which requested data are specified and issued by either Exporter, the Manufacturer, or by an independent, authorized laboratory a Certificate, Declaration, Confirmation letter or a Catalogue where the imported/exported goods are specified).

MINISTRY OF ENVIRONMENT AND WATER

**PERMISSION FORM FOR IMPORT OF SUBSTANCES THAT DEplete THE OZONE
LAYER**

No.....dated

According to Article 5 of the Regulation of the Control and Management of Substances that delete the Ozone Layer to Decree of the Council of Ministers No. 254 dated December 30th,1999, and strictly following the requirements declare in that form

PERMIT TO:

Name:..... *To be full in only from persons*

(as per passport)

Address:.....

(full address)

Company:..... *To be full in only from companies*

(as per court registration)

Address

(full address)

Tax-registration No.:State comrsial Registration code:

IMPORT IN REPUBLIC OF BULGARIA:

ODS imported:

Chemical formula: Substance:.....

Quantity:

Impordet from country:

Country listed in annex 5 from DCM

YES NO

THIS PERMISSION HAS VALIDITY:

From data:

(day, month, year)

To data:

(day, month, year)

Additional requirements and/or information about the import:

Recipient of the permission:

Ministry of Environment and Water:

Signature:

Signature:

Stamp:

Stamp:

Data:

MINISTRY OF ENVIRONMENT AND WATER

PERMISSION FORM FOR EXPORT OF SUBSTANCES THAT DEplete THE OZONE LAYER

No.....dated.....

<p>According to Article 6 of the Regulation of the Control and Management of Substances that deplete the Ozone Layer to Decree of the Council of Ministers No. 254 dated December 30th, 1999 and strictly following the requirements declare in that for</p>	
<p>PERMIT TO :</p>	
<p><i>To be full in only from persons</i></p>	
<p>Name:..... (as per passport)</p>	
<p>Address:..... (full address)</p>	
<p><i>To be full in only from companies</i></p>	
<p>Company:..... (as per court registration)</p>	
<p>Address (full address)</p>	
<p>Tax-registration No.:State comercial Registration Code:</p>	
<p>EXPORT FROM REPUBLIC OF BULGARIA</p>	
<p>ODS name:</p>	
<p>Chemical Formula:Substance:.....</p>	
<p>Quantity:</p>	
<p>Export to country ::</p>	<p>Country listed in annex 5 from DCM YES NO</p>
<p>PERMISSION VALIDITY :</p>	
<p>From data:</p>	<p>To data:</p>
<p>.....</p>	
<p><i>Recipient of the permission ::</i></p>	<p><i>Ministry of Environment and Water:</i></p>
<p>Signature:</p>	<p>Signature:</p>
<p>Stamp:</p>	
<p>Data:</p>	<p>Stamp:</p>

Annex 3 to Article 7 of the Regulation

MINISTRY OF ENVIRONMENT AND WATER

DECLARATION FORM FOR IMPORT OF SUBSTANCES THAT DEplete THE OZONE LAYER

Imported from country(s):			
Importer:	State comercial registration code:	ODS imported:	
Tax-registration No.		1. Data from annex No. 1 and 4 from Decree:	
Address, telephone, fax:		UN - code:	
		Type (name):	
Pasport No., personal identification code , address:		Chemical formula:	
		Substance:	
		2. Other information:	
		Total net quantity (kg):	
		Package (type):	
		One package net quantity(kg):	
		Recovered/recycled, virgin	
		3. Destination:	
Declaration		Storage point:	Date of validity:
With the following I,		Address:	Quantity:
DECLARE, that in case of emergency, all expences to clean the environmental polution will be reimbursed by me/company.			
		Address:	Package:
Signature:.....		Unload/unship: Quantity:	
Attachments: (according article 7 of the Regulation):		Transportation Scheme: (discription of the countries and relevant costum stations):	
1.			
2.			
3.			
4.			
5.			
		4. Data about the ODS imported last year - quantity (kg):	
		Permission No.dated for import of	
	kg	
		Total quantity ODS imported:	
I am taking all the responsibility, if the information above is not correct.			
Data:		Signature:	
		Stamp:	
Data about persone authorized: Pasport No. and Personal identification code: (full in here, only in case of authorization)			
In case of aithorization, a copy of the authorization letter must be submitted.			
Attention!			

Data about the authorized person: Pasport No. and Personal odentification code: (full in here, only in case of authorization) :

In case of authorization, a copy of the authorisation letter must be submitted:

Attention!

Other attachments: 1) Copy of court registration ; 2) Copy of tax-registration No. 3) Copy of state comersial register code.