

COUNCIL OF MINISTERS

DECREE

No. 224  
1 October 2002

AMENDING COUNCIL OF MINISTERS' DECREE No. 254/1999 ON THE CONTROL  
AND MANAGEMENT OF SUBSTANCES THAT DEplete THE OZONE LAYER  
(promulgated State Gazette No. 96 of 11 October 2002)

THE COUNCIL OF MINISTERS

D E C R E E S :

§ 1. Article 2 shall be amended as follows:

1. The following new Para. 3 shall be added:

“(3) The use of stationary firefighting installations not included in Appendix No. 3 and of portable fire-extinguishers filled with halons shall be prohibited“;

2. Para. 3 shall be renumbered to Para. 4 and shall be amended as follows:

2.1. In item 2 for the word “refrigerating“ there shall be substituted “firefighting“;

2.2. The words “import, placing on the market and” shall be deleted from item 3;

2.3. The following new item 5 shall be added:

“5. Import, placing on the market and use in airtight devices containing hydrochlorofluorocarbons intended for implanting in the human body”.

§ 2. Article 4 shall be amended as follows:

1. In Para. 1 a comma shall be placed after the word “import”, the conjunction “and” shall be deleted, a comma shall be placed after the word “export” and the words “placing on the market and use” shall be added;
2. In Para. 2 a comma shall be placed after the word “production”, the words “import, export, placing on the market” shall be added, and for the words “these substances“ there shall be substituted “hydrochlorofluorocarbons.”

§ 3. The following new Article 4a shall be added:

“Art. 4a. The production, import, export, placing on the market and use of bromochloromethane shall be prohibited”.

§ 4. Article 5 shall be amended as follows:

“Art.5 (1) The production, import, export, placing on the market and use of methyl bromide shall be prohibited.

(2) The provisions of Para. 1 shall not apply to the cases of import, placing on the market and use of methyl bromide for:

1. quarantine and pre-shipment applications;
2. soil decontamination;
3. meeting critical needs.”

§ 5. Article 6 shall be amended as follows:

“Art. 6. The placing on the market of substances that deplete the ozone layer in disposable containers shall be prohibited, unless where they are intended for meeting critical needs.”

§ 6. Article 7 shall be amended as follows:

1. Paragraph 1 shall be amended as follows:

“Art.7 (1) The provisions of Art. 4 shall not apply to the cases of:

1. import, placing on the market and use of recovered/recycled substances for servicing;
2. import for laboratory purposes, including scientific research, in quantities not exceeding 10 kg;
3. export of used substances for the purpose of recovery/recycling or destruction;
4. import, placing on the market and use of hydrochlorofluorocarbons in firefighting installations and devices included in Appendix No. 3 for the purpose of replacing the halons used.”

2. In Para. 2 “item 3” shall be renumbered to “item 4”, the words “on the part of the owner” shall be added at the end of the sentence, and the following new item 3 shall be added:

“3. 70% of the cost of the activities for their destruction shall be covered by the supplier of the hydrochlorofluorocarbons”

§ 7. Art. 9 shall be amended as follows:

1. in all items for the words “Para. 3” there shall be substituted “Para. 4”
2. in item 3 the words “and item 3” shall be added after the words “item 2”
3. the following new item 5 shall be added:

“ 5. the import of methyl bromide under Art. 5, Para. 2”

**§ 8.** The Transitory and Closing Provisions shall be amended as follows:

**1.** Paragraph 1 shall be deleted.

**2.** Paragraph 2 shall be renumbered to Paragraph 1 and shall be amended as follows:

2.1. In Para. 1 the words “and its amendments” shall be added after the word “layer”, a comma and the words “Art. 5 and Art. 7” shall be added after the words “Art. 4.”

2.2. The following new paragraph 3 shall be added:

“(3) The quantities determined pursuant to § 1, Para. 1 for Group 9 from Appendix No. 4 (methyl bromide) may be temporarily increased in an emergency, where unexpected outbreaks of particular pests or diseases so require.”

**3.** Paragraph 3 shall be renumbered to Paragraph 2.

**4.** The following new paragraphs § 3, § 4, § 5, § 6, § 7 and § 8 shall be added:

“§ 3. The provisions of Art. 2, Para. 3 shall be in force after 31 December 2006.

§ 4. The provisions of Art. 2, Para. 4, item 1 shall remain in force until 31 December 2006.

§ 5. The provisions of Art.2, Para. 4, item 2 (without the import, placing on the market and use of halons in firefighting installations and devices included in Appendix No. 3) shall remain in force until 31 December 2006.

§ 6. The provisions of Art. 2, Para. 4, item 3 shall remain in force until 31 December 2006.

§ 7. The provisions of Art. 2, Para. 4, item 5 shall remain in force until 31 December 2006.

§ 8. The provisions of Art. 4 Para. 1 shall become effective after 31 December 2002 for the production of hydrochlorofluorocarbons, and after 31 December 2009 – for all other activities.”

**5.** Paragraph 4 shall be renumbered to Paragraph 9 and shall be amended as follows:

5.1 a comma and the words “Para. 2” shall be added after the words “Art. 4”and “2010” shall be changed to “2006”.

**6.** Paragraph 5 shall be renumbered to Paragraph 10 and shall be amended as follows: the words “Para. 2, item 2”shall be added after the words “Art. 5”, “2005” shall be changed to “2004”, the words “import and” shall be added before the words “placing on the market” and “2004” shall be changed to “2003”.

7. Paragraph 6 shall be deleted and the following new Paragraph 11 shall be added:

§ 11. The provisions of Art. 7, Para.1, item 1 shall remain in force until 31 December 2014.

8. The following new Paragraph 12 shall be added:

“§ 12. The provisions of Art. 7, Para.1, item 4 shall remain in force until 31 December 2004”

9. Paragraph 7 shall be renumbered to Paragraph 13.

§ 9. Appendix No. 2 to Art. 2, Para.2 shall be amended as follows:

Appendix No. 2 to Art.2, Para.2

## L I S T

### **of products and devices using, containing or made of substances that deplete the ozone layer and their corresponding customs code numbers**

#### **1. Automobiles and trucks equipped with air-conditioning units**

8701 20 10 0 — 8701 90 90 0	8704 10 11 0 — 8704 90 00 0
8702 10 11 0 — 8702 90 90 0	8705 10 00 0 — 8705 90 90 0
8703 10 11 0 — 8703 90 90 0	8706 00 11 0 — 8706 00 99 0

#### **2. Domestic and commercial refrigeration and air conditioning/heat pump equipment**

Refrigerators

8418 10 10 0 — 8418 29 00 0  
8418 50 11 0 — 8418 50 99 0  
8418 61 10 0 — 8418 69 99 0

Freezers

8418 10 10 0 — 8418 29 00 0	8418 50 11 0 — 8418 50 99 0
8418 30 10 0 — 8418 30 99 0	8418 61 10 0 — 8418 61 90 0
8418 40 10 0 — 8418 40 99 0	8418 69 10 0 — 8418 69 99 0

Dehumidifiers

8415 10 00 0 — 8415 83 90 0	8479 89 10 0
8479 60 00 0	8479 89 98 0

Water coolers and gas liquefying installations

8419 60 00 0	8419 89 98 0
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Ice machines

8418 10 10 0 — 8418 29 00 0	8418 50 11 0 — 8418 50 99 0
8418 30 10 0 — 8418 30 99 0	8418 61 10 0 — 8418 61 90 0
8418 40 10 0 — 8418 40 99 0	8418 69 10 0 — 8418 69 99 0

Air-conditioning and heat pump units

8415 10 00 0 — 8415 83 90 0	8418 69 10 0 — 8418 69 99 0
8418 61 10 0 — 8418 61 90 0	8418 99 10 1 — 8418 99 90 9

**3. Aerosol products**

Food products

0404 90 21 0 — 0404 90 89 0	2106 90 92 0
1517 90 10 0 — 1517 90 99 0	2106 90 98 0

Paints and varnishes, prepared water pigments and dyes

3208 10 10 0 — 3208 10 90 0	3209 10 00 0 — 3209 90 00 0
3208 20 10 0 — 3208 20 90 0	3210 00 10 0 — 3210 00 90 0
3208 90 11 0 — 3208 90 99 0	3212 90 90 0

Perfumery, cosmetic or toilet preparations

3303 00 10 0 — 3303 00 90 0	3306 10 00 0 — 3306 90 00 0
3304 30 00 0	3307 10 00 0 — 3307 30 00 0
3304 99 00 0	3307 49 00 0
3305 10 00 0 — 3305 90 90 0	3307 90 00 0

Insecticides, rodenticides, fungicides, herbicides, etc.

3808 10 10 0 — 3808 10 90 0	3808 40 10 0 — 3808 40 90 0
3808 20 10 0 — 3808 20 80 0	3808 90 10 0 — 3808 90 90 0
3808 30 11 0 — 3808 30 90 0	

Surface-active preparations

3402 20 20 0 — 3402 20 90 0

Lubricating preparations

2710 19 71 0	3403 19 10 0 — 3403 19 99 0
2710 19 99 1	3403 99 10 0 — 34 99 90 0
2710 99 00 0	
3403 11 00 0	

Household preparations

3405 10 00 0	3405 30 00 0
3405 20 00 0	3405 40 00 0
3405 90 10 0 — 3405 90 90 0	

Articles of combustible materials

3606 10 00 0



1. The following new 15 states shall be added as Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer dated 16 September 1987, ratified with Decree No. 2235 of the Council of State, dated 17 October 1989, promulgated in the State Gazette No. 82/1989, effective for Bulgaria as of 17 February 1991:

1. Albania
2. Angola
3. Armenia
4. Djibouti
5. Cape Verde
6. Cambodia
7. Kyrgyzstan
8. Nauru
9. Oman
10. Palau
11. Rwanda
12. São Tomé and Príncipe
13. Sierra Leone
14. Somalia
15. Haiti

§ 12. Appendix No. 6 to Art. 8 “Regulation on control and management of substances that deplete the ozone layer”, promulgated in the State Gazette, issue No. 3 of 11 January 2000, shall be amended as follows:

1. After Art. 2 the following Chapter Two shall be added:

Chapter Two  
Emission Control

2. Article 3 shall be amended as follows:

1. In Para. 1, the words “when repairing or disassembling installations” shall be added after the words “fire extinguishers”;
2. The following new paragraph 2 shall be added:

“(2) The release into the atmosphere of substances that deplete the ozone layer shall not be permitted.”;

3. Paragraphs 2 and 3 shall be renumbered respectively to Paragraphs 3 and 4.

3. The following new Articles 4a, 4b and 4c shall be added:

“**Art. 4a (1)** The air-tightness of refrigerating and air-conditioning installations containing more than 3 kg of cooling agent shall be checked at least once a year.

**(2)** The air-tightness shall also be checked obligatorily after each repair or servicing

**Art. 4b (1)** Each user of an installation referred to in Art. 4a shall be obliged to keep a log of the condition of the installation.

(2) The following information shall be recorded in the log referred to in Para. 1:

1. activities carried out for installation maintenance and repair;
2. quantity (fresh or recycled) and type of the cooling agent used in the repair or servicing of the installation;
3. cooling agent origins;
4. parts and elements that have been replaced;
5. results from the checks carried out pursuant to Art. 4a.

(3) Each owner or user shall be obliged to ensure unlimited access of the competent authorities referred to in Art. 24, item 1 of the Pure Ambient Air Act to the installations, the log and all other documents related to the installations, and to assist the competent authorities in conducting control measurements for air-tightness of the installation and for the cooling agent type.

**Art. 4c (1)** Users of methyl bromide may be only legal of natural persons licensed pursuant to the requirements of the Plant Protection Act.

(2) Users shall take all precautionary measures practicable to prevent and minimize the evaporation of methyl bromide from the fumigation equipment and from its use.”

4. “Chapter Two” shall be renumbered to “Chapter Three”

5. Article 7, Para. 1, item 3 shall be amended as follows:

“132” shall be changed to “110”, for the word “adoption” there shall be substituted “approval”, “issue No. 28” shall be changed to “issue No. 52”, the text after the word “of” shall be deleted and “2000” shall be added.

6. “Chapter Three” shall be renumbered to “Chapter Four”

7. In Art. 14, Para. 1 for the words “customs and customs bureaus of the regional customs units (RCU)” there shall be substituted “customs offices”; in Para. 2 for the words “customs and customs bureaus” there shall be substituted “customs offices”, everywhere the abbreviation RCU shall be replaced by the abbreviation “RCD” and the word “customs” – by “TCU”, in item 1 for the words “Port Bourgas” there shall be substituted “West – Fishing Port” and in item 4 a new line shall be added after the words “Bregovo, customs bureau 4102”:

“Ferry – railway                      customs bureau                      4104”

8. “Chapter Four” shall be renumbered to “Chapter Five”

9. In Art. 22, Para. 1, after the word “layer” a full stop shall be added and the words “and products and equipment using, containing or made of such substances” shall be deleted.

10. In “Additional provisions” to Paragraph 1 the following new items 20 and 21 shall be added:

“20. **“bromochloromethane”** is a substance that depletes the ozone layer and is included in Group IX in Appendix 4 to the Decree

21. **“critical uses”** shall mean cases where substances that deplete the ozone layer are used in order to protect the public health or ensure safety, for which there are no technically and economically feasible alternatives that are acceptable from an environmental and health care perspective.

#### CLOSING PROVISIONS

§ 13. This Decree shall become effective on 1 January 2003.